‘LawCrossing's Spotlight on Academic Attorneys’
LawCrossing's
Spotlight on
Academic Attorneys
LawCrossing’s Spotlight on Academic Attorneys
by LawCrossing

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At a time when lawyer jokes abound and images of attorneys and other legal professionals are at all-time lows, *LawCrossing's Spotlight on Academic Attorneys* is an excellent reference book for young law students considering careers in academia and anyone else interested in the lives of legal professionals who teach.

*LawCrossing's Spotlight on Academic Attorneys* presents a look at attorneys in academia who are educating America's future legal minds. The professors profiled are inspirations to all those who assume that being a lawyer involves only billable hours and endless paperwork. Nothing could be further from the truth.

*LawCrossing's Spotlight on Academic Attorneys* brings to life the stories of a wide variety of law school professors and deans who have distinguished themselves by teaching at law schools around the country. Come and take a look inside their world.
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University of Wisconsin law professor caused quite a stir on the school’s campus as a result of some remarks he made in class. After the class, Professor Leonard Kaplan’s students wrote a letter claiming that he had made racist remarks about Hmong culture during his lecture. However, Kaplan denies making the comments and defended himself and his lesson plan in a letter to the law school’s dean.

Kaplan’s letter to the dean can be read in full here: http://www.news.wisc.edu/images/kaplan_davis_letter.pdf.

Kaplan made an appearance at a faculty meeting thereafter to clear up the misunderstanding. Ann Althouse, another law professor at the school, was at the meeting.

“He said he didn’t say them [the comments] but understands why he was misunderstood and that he is preparing a response that is both compassionate and appropriate for a law professor,” Althouse said in an interview with The Badger Herald. “Mostly he talked about how he cared about the law school—he emphasized the support he’s heard from colleagues.”

The law school held a forum after Kaplan made the comments to hear what law students had to say about the situation. However, Kaplan did not attend the forum, which angered many students who wished the discussion would have been more balanced. After this, Kaplan proposed having a debate in his class about the situation in order to use it as an educational tool. Many students were not in support of this idea either.

Mai Der Yang, one of Kaplan’s students, told The Badger Herald, “He encouraged us to come to class with a statement to where we could engage in a public forum to discuss and debate whether his comments where true. He expected citations where we got this information.”
The school’s Academic Freedom Committee released a statement saying:

“There is a distinct possibility that the emotion and pressures surrounding this case...will have a chilling effect on honest and good faith discussion of racial and cultural issues in class and on campus.”
Becoming a Law Professor, Part 1

By Anayat Durrani

In the first of a two-part series on becoming a law professor, LawCrossing investigates the traditional academic route to this career. Next week’s installment will examine how those who do not fit the classic mold may still pursue a career in teaching law.

The love for the law is what sent Darian Ibrahim on a path toward a career in academia. As one who enjoys thinking and talking about the law and working to make the law better and more equitable, he was a law professor in the making.

His interest in becoming a law professor began while working as a research assistant for one of his professors at Cornell Law School. The experience would ultimately lead him to land a teaching position at the University of Arizona James E. Rogers College of Law—his first choice—where he will begin teaching this fall.

“For law students who may want to join academia, working for a professor is something I wholeheartedly suggest. It will allow you to step inside that world for a short time and see whether it’s right for you,” explained Mr. Ibrahim. “The professor can also serve as a good source of information down the road and, perhaps more important, as a reference.”

Mr. Ibrahim, who earned his J.D. from Cornell in 1999, attributes part of his success to the advice of Associate Professor W. Bradley Wendel, who joined the faculty at Cornell in 1998 and has served as his mentor. Mr. Wendel, who has a J.D. from Columbia University and his J.S.D. and LL.M. from Duke, is a self-described “survivor of the teaching market.” In his online FAQ, “The Big Rock Candy Mountain: How to Get a Job in Law Teaching,” he lays out the most important steps to securing a future law teaching position. These include obtaining a J.D. from one of the top-15 or so law schools; high class-standing; law review service; judicial clerkship; a few years of practice experience; at least one post-law school publication published in an academic law review; and recommendations from faculty members.
“Law review is part of the resume of most candidates who are competitive on the teaching market, but it’s more of a proxy for good grades than for having learned anything about writing,” said Mr. Wendel. “As for writing, many people would remark on the trend over the past 10 years or so toward post-law school publications as a requirement for getting an entry-level job. My strongest advice to teaching candidates is publish, publish, publish substantial articles in law reviews after you’ve graduated from law school.”

Where in practice Mr. Wendel said there is little pressure to publish since the main focus is on the needs of clients and meeting the demands of court schedules or timing of the deal, for a law professor, writing is a major feature of the job. “As I say on the website, prospective law teachers shouldn’t think of this as a teaching job. It’s really a writing job. If you don’t like researching and writing a 50-70 page article, this is definitely not the job for you because you’ll be expected to do that several times over in order to get tenure.”

Mr. Wendel also stressed that clerkship is part of the standard resume and is a proxy for high academic standing. “Court of appeals clerkships are generally more competitive, so their credential value would be higher than district courts. But either kind of clerkship is an invaluable experience,” he said.

Mr. Ibrahim who was in the top 10% of his class at Cornell, an Articles Editor on the Cornell Law Review, and published two law review articles post-graduation, said the traditional advice given by Mr. Wendel has proven accurate.

“Perhaps the best advice he gave me was that interviewing for law faculty positions is a fluky process, and your self-worth cannot be affected by which schools do or don’t take an interest in you. I found his advice to be dead on,” said Mr. Ibrahim. “It’s unlike applying to law schools as a student. In that process, you figure that if you’re admitted to a top school, the lower-ranked schools will likely follow suit. But law faculty hiring is a bit more of a mystery. You may be a top-tier school’s first choice and a bottom-tier school’s tenth choice.”

Lawrence Solum is a professor at the University of San Diego School of Law and tracks the hiring trends at top law schools in the country. Mr. Solum, who holds a J.D. from Harvard Law School, said that most entry-level law professors hail from a small number of elite law schools, and about half are from Yale, Harvard, and Stanford.

Mr. Solum also notes that in the law school teaching profession, pay varies widely.

“Pay varies enormously, from under $50,000 for some non-tenured positions to salaries that are competitive with large-firm salaries for first-year associates at the entry level,” said Mr. Solum.
“Senior, tenured, and very accomplished law professors at the best-resourced law schools earn salaries as much as $300,000 or more. Even entry level salaries vary enormously from school to school.”

Eric Goldman is an Assistant Professor at Marquette University Law School and received a J.D. and an M.B.A. from UCLA. Mr. Goldman said that oftentimes a student’s choice of law schools can keep him/her from securing a law professor job.

“A student at a top-5 law school meets the initial criterion. A student at a top-20 law school can have a chance. A student at other law schools faces long odds,” said Mr. Goldman.

However, like Mr. Wendel, he said that despite what school a student attends, adding as many “prestigious” things as possible—law review, Order of the Coif, judicial clerkships, a job with big-name law firm, lots of writing—can bolster one’s odds of success. Above, all, he said that students should have realistic expectations and those really interested in becoming law professors may want to develop and implement a multi-year plan to reach their goal.

“The more prestige on your resume, the more likely that your resume will catch the eye of someone reading through this enormous stack,” Mr. Goldman said, referring to the Association of American Law Schools (AALS) law professor hiring process.

Most teaching jobs are secured through participation in the AALS’s annual hiring conference and directories. Those interested in entering law teaching can be listed in the coming academic year’s job registry. Applicants fill out a one-page resume which is mailed out in binders by the AALS to all member law schools at intervals during the year. Jane M. La Barbera, Associate Director of the AALS, said that typically 1,000 people fill out registration forms each year. Law school hiring committees then comb through binders, identifying candidates they are interested in interviewing at the annual hiring convention, also known as the “Meat Market,” which is typically held in October or November.

“I applied for teaching jobs last fall, undergoing the AALS hiring process in all of its harrowing fullness,” said Timothy K. Kuhner, who graduated from Duke University School of Law in 2004. “In actuality, it’s a great experience. You get to meet and talk shop with many interesting people and, through these interviews and campus visits, get a sense of the great variety of law schools and law professorships in this country.”

It was Mr. Wendel who encouraged him to register with AALS to see where he stood in the law teaching job market, advice Mr. Kuhner now says was “the most important career advice that I’ve received as a lawyer.” Mr. Kuhner has since accepted a tenure-track position teaching torts, public international law, and human rights at Roger Williams University School of Law.
While many begin law school with the goal of becoming a law professor, for others, the path to a career in academia is not always a straight line. For Mike Madison, an Associate Professor of Law at the University of Pittsburgh School of Law, an interest in teaching came years after he graduated from law school.

“I never gave teaching a thought until I was seven or eight years into practice,” said Mr. Madison. “Even then, it wasn't teaching that interested me. It was writing.”

Mr. Madison said the things he enjoyed most about law practice were writing research memos and writing long briefs, two things lawyers tend to dislike. As he got more senior in practice, he did a lot less writing and was instead supervising other lawyers and working directly with clients. He said he pursued a teaching career to devote his professional time to doing what he enjoyed most.

“It was a long road to getting a tenure-stream position. I left my law firm in early 1996, made the commitment to find a permanent academic job shortly after that, and spent three-and-a-half years in fellowships and visiting appointments before securing a tenure-stream job beginning in the fall of 2000,” said Mr. Madison.

Along the way, Mr. Madison published two law review articles, went through the “meat market” AALS hiring conference three times, and moved his family twice. He said the most difficult decision of all that was the initial decision to give up practice and try to find the academic appointment.

Indeed, the transition from practitioner to teaching can be difficult.

“The major challenge is moving from the problem-solving mind-set of practice to the more theoretical, policy-oriented focus of legal scholarship,” explained Gabriel “Jack” Chin, Chester H. Smith Professor of Law, Professor of Public Administration and Policy & Co-Director, Law, Criminal Justice, and Security Program at the University of Arizona James E. Rogers College of
Law. “The focus in practice is clear: help your client, whether your client is right or wrong. In legal scholarship, you are trying to come up with the best possible information about your subject or the best possible solution to the problem. They are different skills.”

The best preparation for a lawyer who wants to be a professor, Mr. Chin said, is to write a law review article. By doing so, a practitioner will know whether he/she enjoys writing and whether becoming a law professor is the right choice, and it will also help get him/her the job. “Most strong applicants, even coming from demanding practice settings, have published law review articles,” Mr. Chin said.

Denise C. Morgan, Professor of Law at New York Law School, agrees and stressed the need for heavily focusing on writing as a way to break into the teaching field. “It really helps to have some published academic writing when you go onto the teaching job market in order to prove that you are really committed to the academic life and are not just trying to escape practice.”

But what are the chances of getting hired as a law professor when making that switch from practitioner to professor of law?

D. Gordon Smith is a professor of law who also serves as the appointments committee chair at the University of Wisconsin Law School. He said that almost every person it hires is an entry-level candidate, and the criteria for becoming a law professor is the same whether the candidate has no practice or 20 years of practice.

“My experience in interviewing has been that people with substantial practice experience often are drawn more to the teaching side of the job than the scholarship side. Of course, this is not always true, but I think it is a fair generalization,” said Mr. Smith. “Such people often are better directed toward clinical work than regular tenure-track positions. If they want to pursue the tenure-track position, they are in the same category as everyone else.”

Another route sometimes less traveled is the adjunct teaching path.

Eric Goldman began as an adjunct professor before eventually getting a full-time appointment as Assistant Professor at Marquette University Law School. Mr. Goldman—who was an adjunct professor at the University of San Francisco, Santa Clara, and UC Berkeley law schools—said that adjunct teaching can be a great experience and is one he enthusiastically recommends. However, he said it is not the way to go to achieve a full-time, tenure-track position.

“As a bridge towards getting a full-time, tenure-track job, I don't think it's heavily weighted in the hiring process,” Mr. Goldman explained. “A candidate is principally evaluated on their academic pedigree, other prestigious accomplishments, and track record of publishing law review articles; prior experience as an adjunct is an insignificant factor compared to those criteria.”
Mr. Goldman said experience as an adjunct might help a candidate at the margins by convincing schools that a candidate is serious about becoming a professor and shows proof that the candidate can teach. He cited his adjunct experience at Boalt Hall (UC Berkeley) as having added some weight to his resume.

While an adjunct professor, Mr. Goldman worked as general counsel and assistant secretary at Epinions, Inc., and an associate at Cooley Godward, LLP. Mr. Goldman said for experienced lawyers, it can be difficult to start their careers over in entry-level positions.

“I left [Epinions] to become an assistant professor—the junior guy on the totem pole—with no credit for my past experience. This meant that I had to learn the ropes, build new skills, build my reputation within the school, and stress about tenure.”

Mr. Goldman admits he could have devoted some of the time he spent adjuncting instead to writing one or more law review articles, which might have been a better investment of time for preparing a law-teaching candidacy. Still, Mr. Goldman said he would not have done things any other way and considers his adjuncting experience as the “best professional experience of my life.”

Can working as an adjunct be a barrier to being hired by that school, but a boon to teaching elsewhere?

“It depends,” said Mr. Smith, who is involved in the law school hiring process. “Some schools may be reluctant to hire their own adjuncts on the theory that such candidates may receive ‘friendship’ votes that advantage them over outside candidates without regard to quality. On the other hand, a person may make themselves known to the faculty by being a good adjunct.”

Still, Mr. Smith believes that adjunct teaching can serve as a useful experience. However, he said it is unlikely to lead to a tenure-track position at most law schools. “In evaluating candidates, law schools give adjunct teaching relatively little weight, although excellent evaluations from adjunct teaching are a definite plus.”

Whether making the switch from longtime practitioner or transitioning after years of adjunct teaching, there is one factor that stands out as the most significant criterion for becoming a law professor.

“The bottom line is that you cannot talk about law school hiring without discussing scholarly potential,” said Mr. Smith. “That is far and away the most important factor in the hiring decisions of most law schools, and everything else lags by comparison.”
From Law School to High School—Washington College of Law’s Marshall-Brennan Program Teaches the Constitution One Classroom at a Time

By Erica Winter

In an effort to educate high school students on the Constitution and simultaneously broaden the horizons of law students, Professor Jamin Raskin joined with the widows of former Supreme Court Justices Thurgood Marshall and William Brennan in 1999 to form a course that runs both at the Washington College of Law (WCL), Washington, DC, and area high schools—albeit on different levels. Naming the program after Justices Marshall and Brennan is “a tribute to those two great justices,” says Raskin.

Students from WCL (now joined by students from Howard University Law School as well) apply to become Marshall-Brennan fellows in the spring semester—usually of their first year. Approximately 40 law students are admitted to the program. The law students are assigned to teach a regular elective class on Constitutional Law in one of 18 participating area high schools. Many of the fellows teach in pairs.

There is “always an extraordinary interest” in the program among WCL students, says Professor Stephen Wermiel, who is the biographer of Justice Marshall and runs the program with Professor Raskin.

In the high school class, Washington College of Law students teach from We the Students: Supreme Court Cases For and About Students, written by Raskin. The book is designed as any law school casebook would be, with case examples and analysis. The difference is that the explanations are geared towards high school students, and the cases address Constitutional issues and cases involving schools, such as Fourth Amendment issues in locker searches and prayer in schools conflicting with the separation of church and state.

As the law students teach the high school students Constitutional Law, they themselves are learning it in a concurrent advanced law school course (all the law students complete basic Con Law in their first years at WCL). Half of each law school class session is spent discussing the finer points of the cases taught to the high school students; the other half is spent discussing teaching methods and sharing strategies.
The high school class is an approved course in the D.C. school system, and all Marshall-Brennan fellows are licensed as substitutes, says Wermiel. Fellows act as teachers, doing grading, planning lessons, going to back-to-school nights, doing parent conferences, and giving tests and grades. “That’s a wake-up-call experience for a lot of them,” says Wermiel.

Back at law school, the fellows “write splendid papers, because they are informed by their practical experiences in public schools,” says Raskin. The law students are learning from the high school students, as well as the other way around. This is “not an ivory tower exercise,” Raskin adds. The program works to “break down the barriers between the two Washingtons,” says Raskin, referring to the wide gap between the federal government, its related institutions, and universities in the city, and the city’s own residents and schools.

The program also empowers the district’s students by teaching them their rights and how the court system works. Knowing the Constitution puts these students in a “stronger position just to be citizens and participants in our civic democracy,” says Wermiel.

For the law students, in addition to the fact that the best way to learn something is to teach it, they are able to give back to the community, Wermiel adds.

While some WCL students attended the high schools in which they now teach, there have not yet been any Marshall-Brennan program high school alumni who have come to WCL for law school. As the program is only six years old, however, it is still early. “We’re eagerly awaiting our first one,” says Raskin.

The high school students not only learn how to analyze cases and how they relate to specific Constitutional Amendments, but also participate in a program-wide moot court competition. The students have one competition in the fall and one in the spring on one topic (this year, it’s the juvenile death penalty). The moot panels are made up of lawyers, law professors, and even some district court judges.

Some students make arguments that are very similar to those made before the actual Supreme Court, says Marshall-Brennan fellow Fernando Amarillas. His students, like all those in the program, practiced their oral arguments in class and prepared cases based on the Eighth Amendment’s prohibition against cruel and unusual punishment.

After the program competition, the local winners go to a national moot court competition. One of Amarillas’ students will go to nationals. He is very proud of that student, adding, “I don’t think I could have done it that well.”
Even if these high school students do not decide to go to law school some day, the program gives them tremendous training. Being able to give an argument with concise supporting points and knowing their rights and the Constitution are all “wonderful benefits,” says Amarillas, “It’s information not many adults have.”

Sometimes, just having a Marshall-Brennan fellow in a school can change the tone of conflicts that come up in the high schools themselves, says Raskin. In one participating high school, administrators planned to exclude an otherwise-qualified girl from honor society membership because she was pregnant. The Marshall-Brennan fellow there, able to participate in the school as much as other teachers would, was able to talk to administrators and helped work out a solution so the girl was not excluded.

In another school, a girl wanted to bring her girlfriend to the prom, and was getting some heat from other students. “The fellow was able to change the discussion,” says Raskin, to educate the students in the school on the girl’s right to bring whom she chose as her date. Although it is not their main function, the fellows can inject some thought about Constitutional rights into everyday school life.

The Marshall-Brennan program is spreading to other law schools. In addition to the partnership with Howard University, the curriculum has been adopted at Rutgers University, Camden, NJ, and by Arizona State Law School. This March, there will be a meeting of current participating schools and other law schools considering adding the program.
He is at the top of his game and the head of the class. This week, Yale’s unstoppable Professor Koh picks up his Law Star and talks with LawCrossing about world affairs and legal academia as he unpacks his bags in his new office as Dean of the planet’s greatest law school.

Even before his latest round of sterling professional accomplishments and conquests, Professor Harold Hongju Koh of Yale Law School was a sure bet for the Law Stars Hall of Fame.

From the beginning, Professor Koh’s record appeared destined to be etched in the annals of legal stardom. And now, chalk up a few more wins for the former Assistant Secretary of State, diplomat, clerk to one of history’s most notable Supreme Court justices, litigator, Yale law professor and international legal scholar, who, at 48, has been on a huge roll since, well, all his life.

Last month, the Library of Congress released Professor Koh’s ground-breaking oral history videotapes of Justice Harry A. Blackmun, for whom our Law Star clerked in 1981. This unique multi-media record of interviews Professor Koh conducted with Justice Blackman collect the thoughts and reflections of the remarkable Justice who wrote the majority opinion in the ever-topical and increasingly debated Roe v. Wade, among other major cases.

And in July 2004, perhaps his crowning achievement: Professor Koh will take the helm as Dean of the top-ranked law school in the country.

No surprise. Professor Koh has been a favorite in the classrooms of Yale Law School since 1985, where he is now the Gerard C. and Bernice Latrobe Smith Professor of International Law. And if the name Koh sounds extraordinarily familiar in the hallowed halls, it may be because both of Professor Koh’s parents as well as his sister also taught at Yale Law School.

Professor Koh attended Harvard College and Oxford, earning his J.D. not at Yale, but at Harvard. Go figure. He clerked for Judge Malcolm Wilkey of the D.C. Circuit, and, of course Justice Harry Blackmun of the U.S. Supreme Court.
He picked up experience in private practice at Covington and Burling in Washington, D.C., and got his first insider’s view of the workings of the executive branch in the Office of Legal Counsel at the U.S. Department of Justice.

A recognized expert in international law and human rights, our Law Star served in the Clinton Administration as the Assistant Secretary of State for Democracy, Human Rights and Labor from 1998 to 2001.

We haven’t read them all, but according to Yale, Professor Koh has written more than 80 articles. Some of the books he wrote or co-edited include, *Different But Equal: The Human Rights of Persons with Intellectual Disabilities*, *Transnational Business Problems*, *Deliberative Democracy and Human Rights*, *Transnational Legal Problems* and *The National Security Constitution*.

He has collected an auditorium full of fellowships, honorary doctorates, memberships, editorships, law school medals and awards, and has been called “one of the 100 most influential Asian-Americans of the 1990s.”

Professor Koh and his wife, Mary-Christy Fisher, who is also a lawyer, are the parents of two.

From his home turf in New Haven, Professor Koh accepted his Law Star and shared some of his inimitable insights, including a few thoughts on one of the worldly topics about which he does not typically pontificate: himself. One interesting question Professor Koh did not address was why the name of the great institution our Law Star will now shepherd through the early 21st century has not changed to “Koh Law School.”

**Q:** Professor Koh, first, our congratulations and an automatic Law Star go to you on your appointment as the next Dean of Yale Law School, effective this summer. Your record of accomplishments has already ensured your place in the Law Star Hall of Fame, and now you top it off by taking on what is perhaps the most prestigious academic post in legal education. Of course, given your popularity on campus, the announcement came as no surprise. And teaching at Yale Law School seems to be a Koh family tradition – your father and sister have also taught law at Yale, is that correct?

**A:** My father, the late Dr. Kwang Lim Koh, was Minister from the Republic of Korea to the United States in the first democratic government of South Korea. My mother, Dr. Hesung Chun Koh, is a sociologist. When my father’s government was overthrown in 1961, he went to see the Deputy National Security Adviser Walt W. Rostow, with whom he had had diplomatic dealings. Rostow called his brother Eugene Rostow, then Dean of Yale Law School, who invited my parents to come to Yale to teach the first course on East Asian Law & Society.
offered in this country. We have been here ever since. My sister, Jean Koh Peters, is a Clinical Professor of Law here, teaching children and the law, immigration law, and aid to parents and children. Her mother-in-law, Ellen Peters (later Chief Justice of Connecticut) was the first tenured woman professor at Yale Law School, which gives our family extraordinarily close ties to the institution. Yale Law School literally feels like home to me.

**Q:** Did you always want to be the Dean? And to what extent will serving as Dean curtail your classroom activities?

**A:** That’s a bit like asking whether I always “wanted to be Pope.” I thought it would be incredible, but there is only a certain time of your life when it makes sense, and then of course, you have to be asked. At Yale, the Dean is the symbol of the institution, and I have tremendously admired the Deans I had known, from Gene Rostow, to Judge Lou Pollak of the U.S. District Court for the Eastern District of Pennsylvania, to Abe Goldstein, to Harry Wellington, to Guido Calabresi of the Second Circuit, to my friend and immediate predecessor, Tony Kronman. Only 15 people have had the privilege of serving in the school’s history. That’s pretty daunting.

I love to teach, and I would not be Dean if I had to stop teaching. I expect to teach Procedure every fall (as I have done since 1985) and a course in international law (starting with International Human Rights) every spring. I think it is so important that our students think of their Dean as one of their teachers, not just the guy who fixes the plumbing.

**Q:** According to the *U.S. News & World Report 2004 rankings of law schools*, of the 185 American Bar Association-accredited law schools, Yale is number one. Harvard, the law school you attended, we notice, is ranked at number three, with Stanford coming in second. Is Yale the best law school in the nation? What makes Yale so excellent? And what is your view of these types of rankings in general?

**A:** I don’t know that we need these rankings. They flatten wonderful and complex institutions into digits, and often based on misleading information, which may end up having too great an influence on applicant choices.

At the same time, if they are going to insist on having such rankings, it is nice to have your intuitions confirmed. Yale is certainly the most special law school in the country. What makes Yale special is that it is a unique community of commitment to world-class scholarship, professional excellence, and service for the greater good. Yale Law School has always been, and under my Deanship must always be, a place that values humanity and excellence, theory and practice, both talent and passion.
Q: As incoming Dean, can you tell us a bit about your vision for the future of Yale Law School? Do you plan to implement any major changes or initiatives, or is your philosophy more along the lines of, “if it ain't broke, don't fix it?”

A: I believe fervently that “if it ain't broke, don't fix it.” But making sure that the greatest American law school of the 20th century becomes an even greater law school in the 21st century does not mean standing still. It means staying true to our values and traditions, but meeting four challenges:

First, globalization. At this point, a great many law schools have waved the “globalization” banner, but no law school has really addressed this challenge in a compelling, substantive way. What does it mean to have a truly global curriculum, faculty, student body and programs in the 21st Century? American law schools, and ours in particular, must seriously address these questions. I see Yale Law School as being in a position analogous to the one law schools faced in the mid-19th century: how much should we shift from thinking of ourselves as primarily devoted to the study and teaching of national or local law, to considering ourselves part of a school that is explicitly global in focus?

Second, speaking to the profession: Our graduates undeniably rank among the leaders of the academic, judicial, and private practice professions, but Yale remains known primarily as a school of theory. Are we adequately training our students to meet the modern demands of global private practice? Do we adequately train our students in the professional responsibilities and regulatory frameworks of a transnational legal profession? How should we bring the academic and clinical sides of our faculty closer together to do so?

Third, calling our students to public service. Yale Law School is widely known both as a school that has uniquely served the public interest and that has created lawyers who have most shaped the public interest. But how do we ensure that we do not end up training the most privileged lawyers to serve the most privileged clientele? Don’t we, the most privileged in our educational fortunes, have some duty to serve the least privileged? And how can we ensure that each of our students devote some significant life energy toward serving some conception of the public interest as he or she sees it?

Fourth, renewal: making sure the YLS faculty of ten years from now is every bit as good as the one that we currently have. That means not just making the faculty younger, but also more diverse in all ways --gender, race, methodology, in the blend of theoretical/practical--and addressing the personal needs characteristic of our age: two-career families, mature faculty, and so on. In the last two decades, we have grown from being a relatively small institution to a larger and more complicated one, and we will need to develop all of these resources for our grasp to continue to meet our reach.
Q: Legal education has drawn criticism for being too academic and not practical enough. Some critics suggest doing away with the third year of law school altogether and sending grads out to learn law practice from hands-on experience. To what extent do law students spend too many hours reading appellate decisions and learning to argue and “think like lawyers” without learning how to actually practice law and deliver quality legal services?

A: One of my late father’s favorite expressions was “Theory without practice is as lifeless as practice without theory is thoughtless.” I am a strong proponent of clinical education and summer practice as ways of exposing young law students to the real world. That having been said, I think it would be unwise to dispense with the third year of law school. Law school is a rare time to reflect, research, write, and to think about what is right, not just what is right for your client.

Q: As an educator, do you have an opinion about online law education, for example, such as that provided by Concord Law School, which awards JDs and conducts classes entirely on the Internet? Does this type of offering degrade the profession, or do you approve of using the net and mobile communications to open new outlets of legal education to folks who would otherwise lack means or opportunity to study law?

A: I have participated in some enjoyable distance learning exercises. I find them a useful complement, but not a substitute for live education. I don't think it degrades the profession, and when people have no other kinds of educational opportunities, I am delighted that distance learning options may be able to give them new outlets. But there is no substitute for a teacher and a student sitting together over the course of a semester and having a genuinely human interaction, face to face, in real time. I don't think law schools should be trying to find ways to eliminate the real thing.

Q: The diverse, ambitious and ever-growing Asian-American community continues to make great strides across the country. How does the appointment of a Korean-American in the top post at Yale Law signal a new era of inclusion and opportunity that may otherwise currently be lacking in legal education and academia?

A: Times have really changed. When I was a first year law student in the late 70s, there were only a handful of Asian Americans in my class, and even fewer Korean Americans (at Harvard Law School, basically me and my sister Jean!). Their numbers were matched by a tiny number of African-Americans, Latinos, South Asians, and openly gay and lesbian students. The law school classes of today are markedly more diverse, though not nearly diverse enough. I am deeply moved by the thought that the greatest law school in America has chosen to entrust its future to a minority Dean. Surely my task is to be worthy of that honor, and to press for even more inclusion, not simply business as usual.
Q: The legal world, educators and historians received a great gift this month in the form of the release by the Library of Congress of your oral history videotapes of Justice Harry Blackmun. Congratulations! Of course, most Supreme Court justices are notoriously media adverse and camera-shy, to say the least. Why did Justice Blackmun choose to talk with you as his former clerk, on-camera, about the Court and his 24-year term, including Roe v. Wade? Is there any downside to interviewing justices and making public a behind-the-scenes view of the Court, rather than letting the opinions speak for themselves? How would you summarize the lasting impact of the work of this exceptional judicial mind on American jurisprudence?

A: I clerked for Justice Blackmun in 1981-82 and we remained close thereafter. He was often asked to authorize an official biography. In the early 90s, we spoke about that prospect, and someone suggested that I consider writing his official biography, as some other law clerks have done for their former bosses. I felt awkward agreeing, since law clerks are caught in an impossible dilemma: if they praise their boss in a biography, they sound partial; if they criticize him, they seem ungrateful. I proposed instead that we do an oral history, which could provide resources for later biographers. The big decision was to do videotapes, as the Supreme Court Historical Society and the Federal Judicial Center had previously done only audiotapes. In 1994, when the Justice retired, he had to move chambers to another building. In order to get his old office on videotape, we started filming just days after he retired. We proceeded to record 38 hours of videotape, capturing his entire life and career on tape, for posterity. Justice Blackmun then made a careful decision to release all of his papers five years after his death, which turned out to be about ten years after he retired.

I will let viewers judge whether the opinions are enriched by having the human face of Justice Blackmun put them into personal and historical context. But my own view is that these tapes—and Justice Blackmun’s massive and meticulously maintained collection of papers over his 34 years on the federal bench—will be an authoritative archive of the work of the Supreme Court in the last quarter of the twentieth century. What is the lasting impact of his work? I have written about his judicial career in the Yale Law Journal in 1994. But in a nutshell, I think he was the conscience of our Supreme Court in the late 20th century. He spoke for the outsider. He gave real meaning to the idea of “justice with a human face,” and that is what the oral history shows.

Q: As Assistant Secretary of State in 2000, you traveled with Madeleine Albright to North Korea to meet with Kim Jong-II. You found the dictator of the country President Bush has since deemed part of the Axis of Evil, “strange” but “not crazy.” What must happen in the international arena for the dream of a unified Korea to become reality?

A: I think we need to create a new, enforceable Agreed Framework: negotiating directly in a multilateral setting with the North Koreans (a setting that should include South Korea and Japan) without rewarding North Korea’s bad behavior. The United States should suggest
a standstill on nuclear building and a phaseout of existing North Korean “loose nukes” in exchange for a tougher inspections regime, even while putting more incentives on the table for the North in the form of a U.S. nonaggression pact, sanctions phasedown, food aid, resumed construction of light-water reactors, foreign aid and investment, cultural exchange, and the long-term possibility of political federation.

When I said Kim Jong-Il is “strange but not crazy,” I meant that he is a horrible human rights violator, but plainly rational enough to see his own self-interest. We should play on his desire to participate in the international system by engaging him, with the goal of bringing more openness to North Korea, and more human rights and humanitarian assistance to his people. Only after North Korea is engaged in a diplomatic process can reunification talks with the South become even remotely a possibility.

Q: At Covington and Burling, and then early on at Yale, you worked on international business and trade matters. What made you shift gears away from business and begin taking on rights cases involving countries such as Haiti, Bosnia and others? And as this administration seeks to do things like repeal the Alien Tort Claims Act to curtail litigation in the U.S. that may jeopardize foreign policy interests, why do you think American courts may be the correct venue for some disputes involving grievances against foreign governments?

A: Much of my focus early in my career was on international commercial litigation. That work involved Foreign Sovereign Immunities, the Act of State Doctrine, and similar issues. After a while, I began to wonder, why should foreign states and officials be sued in a U.S. court for contracts violations, but not genocide? Increasingly, U.S. courts are part of a global judicial system. The U.S. courts are not always the correct venue for disputes involving grievances with foreign states, but neither are they inappropriate for such cases. American courts necessarily heard many international cases at the beginning of the republic, when we were a small country trying to win favor with the international community. As time moved on, and the U.S. became a superpower, we suffered a kind of amnesia: we forgot our transnational heritage. What is happening now, in the new age of globalization, is a revival of an old tradition, not an entirely new phenomenon.

Q: Working as both an international lawyer and a federal official, you have come in contact with just about every human rights issue in the world, including those involving women, racial, ethnic, political and religious minority groups, children, poor people, workers and others. And you have said, “I think discrimination against gays and lesbians is the issue of our time.” Why is this topic suddenly so critical a test of our values and commitment to human rights? And what is the status of the suit filed last October by you and dozens of law professors against the Department of Defense challenging the military’s “don’t ask, don’t tell” policy?
A: I really cannot see the rationale of punishing people for whom they choose to love. These are private and intimate choices, which, when made by consenting adults, should be respected. Perhaps the greatest right is the right to be left alone. In the case filed by my colleagues and me, Yale Law School had, in the late 70s, adopted a policy saying that we would not help employers who discriminate based on race, religion, gender, or sexual orientation to recruit at the Law School. We did not say they could not recruit, we just said we would not help them to do so. Citing a law called the Solomon Amendment, the Department of Defense said we were required to give them access to our placement facilities to recruit, even though the Department intended to discriminate among our students in hiring. If we did not give them that access, the Department said, it would cut off more than $300 million in federal funding to Yale University.

Not only is this heavy-handed, it seems to me flatly illegal. First of all, we have granted the Department access to recruit, we have refused only to actively assist them in doing so, because to assist them would be to support the Department’s discrimination. In my view, the government has unlawfully invaded our academic freedom and sought to enlist us in the delivery of its discriminatory message. It would be like the Defense Department forcing Yale Law School in the 1960s to put up an Employment Bulletin Board in the main hallway saying: “Employment Opportunities here, but Blacks, Women, Asians, Jews and Hispanics Need Not Apply.”

In the end, I think we had no choice but to file suit. How can I preach nondiscrimination in the classroom, then support discrimination against my own students by actions that are forced on me by the Defense Department? Yale Law School has a proud tradition of fighting discrimination, not aiding and abetting it. More than 40 Yale professors, including myself, have filed suit in our individual capacities in the the District of Connecticut federal court. Neither the Law School nor the University is a party. The Defense Department has moved to dismiss our suit, and we have opposed. The motion to dismiss will be heard in a few weeks by Judge Hall.

Q: You have said that after 9/11, as a nation “we made a lot of the wrong choices.” Based on your valuable experience as Assistant Secretary of State for Democracy during a different but also challenging time, how, generally, would you advise this administration -- or the next one - in terms of the best ways to leverage U.S. global power and goodwill to protect civil liberties and security at home while combating global terror?

A: Our country can fight terrorism effectively without violating civil liberties at home or abroad. After 9/11, many of our government’s responses were needlessly overbroad: massive detention of immigrants, labeling American citizens as enemy combatants who are given no due process, moving to create military commissions rather than trusting our own courts, the intemperate creation of an offshore prison camp on Guantanamo. Many of these decisions are now being
challenged in our courts. We lead internationally not just because of our power, but because of our perceived commitment to principle, in particular, human rights principle. As a nation conceived in liberty and dedicated to rights, we have a strong impulse to lead with power coupled with principle. I think our job as patriotic Americans is to press the country we love to follow the better angels of our national nature.

Q: Honorees in the Law Stars Hall of Fame represent the best of the legal profession. But many folks who view lawyers as greedy and self-serving are not so enamored of what some of us do for a living. What advice do you have for students trying not to be lured solely by money who seek professional and personal fulfillment after law school? And based on your great range of work experience as a private lawyer, an academic and a public servant, which role is hardest? Most satisfying?

A: What I would say to students is: work for the people who need you the most. If you feel privileged, as you should, work for the least privileged.

As for my various roles, all have been hard in their own way, but all have been tremendously satisfying. Being an academic is a great life: I have been able to be a teacher, a scholar, an administrator, a human rights advocate, a litigator -- all without ever changing jobs. Not a day passes that I don't feel excited that I chose law as a career, because it provides for so many forms of self-expression, and so many avenues of service over the course of a lifetime. And I like to feel like my life is just beginning!

Q: Finally, in addition to people like Justice Blackmun, and, of course, your admirable father who was an international law professor, ambassador, and the first Korean to have studied law in America, who are your other gurus and Law Stars?

A: My greatest models were my parents, my mom Dr. Hesung Chun Koh and my late Dad, Dr. Kwang Lim Koh. They were my first and best teachers. My wife of two decades, Mary-Christy Fisher, a legal services attorney since 1985, is my dearest friend and a continuing inspiration.

In addition to Justice Blackmun, Judge Malcolm Wilkey, late of the DC Circuit (and former U.S. Ambassador to Uruguay) was my first boss and a priceless friend and mentor. Madeleine Albright was a friend and inspiration during my time at the State Department.

I am a very lucky person to have had more friends and loved ones than I deserve, and so many lawyers and colleagues who have taught me unforgettable life lessons.
Dr. Azizah al-Hibri, KARAMAH

By Jesse Londin

Meet the proud Muslim American law professor, corporate lawyer and scholar who is as comfortable lecturing across the globe on Islamic jurisprudence as she is teaching business law to future attorneys here in the U.S. Known around the world as the founder of KARAMAH: Muslim Women Lawyers for Human Rights, she is a welcome guest at the White House, and this week, we are delighted to induct her into the Law Stars Hall of Fame.

Standing up for freedom, human rights and dignity in the face of adversity and against global odds is the job of a Law Star. Meet Dr. Azizah al-Hibri, Islamic scholar, doctor of philosophy, law professor, international lecturer and good old American corporate lawyer who is known at the White House and around the world for her work as a feminist Muslim spokesperson and the founder and executive director of KARAMAH: Muslim Women Lawyers for Human Rights, in Washington, D.C.

Our Law Star is a proud believer in Islam who has lived the American dream. She is also a lawyer who understands and appreciates Western democracy from the unique perspective of a Lebanese Muslim woman. After September 11, the group of American Muslim leaders called to Washington to meet with President Bush included Professor al-Hibri. Bill Moyers has labeled her “a Renaissance woman.” Condoleezza Rice said she is “remarkable.”

As a professor at the University of Richmond School of Law, Dr. al-Hibri is an expert in the laws of both the U.S. and Islam. With rare versatility, she teaches classes in corporate law as naturally and easily as she lectures on Islamic jurisprudence.

Dr. al-Hibri began her scholarly career at the American University of Beirut, where she earned her BA in philosophy in 1966. Her doctorate, also in philosophy, is from the University of Pennsylvania. And in 1985, she earned her JD at the University of Pennsylvania Law School.
Before moving into academia, Dr. al-Hibri completed a stint as a summer associate at Davis Polk & Wardwell, then worked in the trenches as a corporate associate at top New York firms, Debevoise & Plimpton and Sullivan & Cromwell.

Skillfully and carefully combining the not-necessarily-harmonious principles of her two loves: law and religion, with her strong convictions on issues concerning women's rights, Dr. al-Hibri thinks globally and acts globally. She has lectured on democracy, Islam and feminism all around the world, including in Qatar, the United Arab Emirates, Oman, Bangladesh, Pakistan, Bahrain, Yemen, Kuwait, Jordan, Indonesia, the Netherlands and China. She has also added her sought-after voice to the mix on international media outlets such as CNN, PBS, the BBC and the Arab world’s Al-Jazeera TV. Her articles and other writings appear in dozens of law reviews, legal journals and books.

And while the good professor recognizes that certain Westerners, as well as some of her fellow Muslims, misunderstand her religion, including when it comes to the place of women in Islam, her life and career serve to demonstrate the proposition that a Muslim woman has no obligation to remain silent. Taking time out from teaching, writing and lecturing, our scholarly Law Star talked with LawCrossing about her life and career in these turbulent times.

Q: Professor Azizah al-Hibri, congratulations on earning your Law Star -- you are perhaps the most well-known and successful Muslim woman lawyer in America, and also a respected professor, spokesperson and educator internationally. Can you briefly tell us about your organization, KARAMAH, and why it was needed? How many Muslim women lawyers are there in the U.S.? How about in the Islamic world generally?

A: I founded KARAMAH with two other Muslim women lawyers in 1993 because we wanted to give Muslim women an authentic voice in the international arena. It was common at that time for non-Muslim Western women to speak on behalf of Muslim women in international forums, defining for them their problems and offering secular solutions. Coming out from the American feminist movement, I found that situation unacceptable.

We at KARAMAH felt that the only way to advance Muslim women’s rights was by taking seriously the faith of these women and exposing patriarchal interpretations that have been masquerading as mere expressions of divine truth. To do that, I focused in the early years on jurisprudential writings and lecturing around the Muslim world. My writings, which were quite serious from a religious point of view, allowed KARAMAH to gain credibility and respect in various Muslim countries. In the meantime, however, we discovered that American Muslim women have problems, too. Recently, we have been focusing on these problems and issues as well.

I am not good at numbers, but I can say that since I started lecturing a decade ago to various Muslim communities in the U.S. about the need to send their children to law school, the
numbers have increased drastically. Women make up a significant part of these law students, and they end up in good positions. The best information about these numbers can be obtained from NAML (National Association of Muslim Lawyers), an offshoot of KARAMAH.

**Q:** Why did you choose to become a lawyer in America, rather than in your home country, Lebanon? As a Muslim woman, what do you love about America? And as an American Muslim, what do you miss about living in an Islamic country?

**A:** When I chose to become a lawyer, America was already my country. I came to the United States in the sixties to obtain a doctorate degree in philosophy, and ended up becoming the founding editor of the first journal of feminist philosophy, *Hypatia*. I then taught at Texas A & M for a number of years. Ultimately, I decided that quick social change is hard to bring about through philosophy. So, I went to law school to help other women. Like the Lebanon I left behind then, America was a place where I could voice my opinions and be free to act. I had planned to return to Lebanon originally, but was prevented by the break-out of the civil war. After that I settled in the United States, especially since I increasingly felt that I had a special role to play as a feminist Muslim woman.

I do miss being in Lebanon. I miss the large family, the closely knit neighborhoods, the Qur’anic readings on the radio and the call to prayer from the mosques. I miss the social visits. It just seems that there is a lot more time over there to be with each other, to have leisurely lunches by the seaside. Here, time simply flies.

**Q:** You also practiced corporate law at a number of big New York law firms. You chose a career in academia rather than one making the big bucks as a corporate lawyer. Do you find teaching more rewarding than practicing law? Why? Are you ever tempted to go back into practice?

**A:** I have never been tempted to go back to practice. I remember how I felt after drafting documents and then sending them to the file room, never to see the light of day again. I missed being a writer whose work is read and enjoyed by many others. At one point, I even wondered whether I still had the gift of writing and conceptual thinking that I carefully honed as a professor of philosophy. I never had enough time to enjoy the money, and remembered that I had a pretty good life in College Station on a lesser salary. The minute I left the practice, I went out and bought several very colorful and flowery dresses. I walked in the sun and enjoyed the light. I even enjoyed being home in the morning. But I was not relieved until I tried to write an article and found out that I still could!

Teaching is fun. It is about being with others, talking, arguing. But as enjoyable as teaching is, I feel sad every year at losing my students. Many, however, have written back after graduation and told me how my teaching helped them in their careers. That makes me really happy.
Q: As war continues in Afghanistan and Iraq, many people wonder whether Islam is consistent with sustained American-style democracy. Some believe Islamic practice and custom are more compatible with theocratic government as opposed to democracy, with its cornerstone, separation of church and state. Do you think the concept of separation of mosque and state is antithetical to Islamic faith and its law, Shari’a?

A: I addressed that issue in 1992. I believe I was the first to address it in the English language in the US. The crux of my argument was that Islam was, at heart, about democratic governance, and that this fact emanates from the values directly articulated by the Qur’an itself. I later also discovered that Islam’s views on freedom of belief anticipated our American views on separation of church and state. As with the early American anti-establishment discourse, Muslim jurists in medieval times also refused to allow the Muslim state to establish a sect (this position is similar to the historical position of the Baptists in the US). Unfortunately, the worldly leaders of the various Islamic states were ultimately able to overcome the objections of the religious leaders and establish official sects in their countries. Thus the history of internal conflict in the Muslim world was not about restraining the power of religious leaders, but rather protecting religious leaders from secular powers using religion for their worldly ends.

Q: There are intolerant fundamentalists in all religions, of course. Do you think Wahabism, the extreme form of Islam practiced in Saudi Arabia, as well as anti-American rhetoric taught at “madrasas” and Islamic religious schools in many Muslim nations, contributes to global terrorism? What can America do to remedy the ill effects of negative images exported around the globe by Islamic radicals, or is continued terrorism along the lines of the attacks of Sept. 11 inevitable?

A: There is nothing inevitable in this world. But to solve our problems properly we should take the time to analyze them. Painting with a broad brush is not helpful. While some Wahabis have been extremists, others are simply ascetic. The difference between the two is not Wahabism, but patriarchy and authoritarianism, i.e., the readiness of one person to impose his views on others. Even the best of all philosophies sours when it is imposed on others; and that includes democratic philosophies.

“Madrasa” simply means “school.” I went in Lebanon to an American “madrasa.” It was called the American School for Girls or “al-Madrasa al-Amerikiyyah.” Different schools have different curricula. Too much control by the state of educational institutions has led in the past to suppression of freedom of thought. This suppression explodes into violent behavior when healthy outlets are not available. We need to emphasize the need for a free and active market of ideas, instead of narrowing the scope of what may be taught in schools/madrasas. We need to encourage freedom of expression, even if we do not like some of the expressions. An approach true to our American democratic values would go a long way towards easing the tensions.
Anti-American rhetoric has been around for a long time in Third World countries. Some Hollywood movies attest to that. But until recently, the majority of Muslims admired Americans and liked them. To understand the recent wave of terror, we need to understand what events could have pushed certain individuals into crossing the line and taking their own lives and those of others. To argue that their religion is violent is to express pure bias. Bias is not helpful because it stands between us and a proper and clear analysis. The proper discussion or analysis is not about a religion or a race being essentially and irredeemably violent. Rather, it is about geopolitics, something beyond the scope of this discussion.

Q: As you know, France is currently embroiled in controversy over the ban on head scarves and other religious attire in state schools. We have read that a large majority of French citizens favor the ban. One French official specifically said the head scarf represents “diminished status for girls” and should be eliminated from French life. And in secular Islamic countries like Turkey, the head scarf issue has also been very divisive. We also heard about the tragic deaths of 15 girls in a Mecca school fire after male rescuers were prevented from entering the building because the girls were not wearing their abayas, or proper clothing. Is the wearing of veils, head scarves or other covering a religious obligation or a matter of culture? What is your view on this matter, generally, as well as on the French government’s position?

A: I have refrained from providing a jurisprudential view of the veil because of the emotional climate surrounding the issue. This issue is an internal Muslim issue about what is required by our religion. The discussion should be scholarly and free of all political pressures. This is not the case now. This well has been poisoned.

Regardless of our position on the veil, Islam guarantees to each Muslim the right to freedom of belief. So does the American Constitution. Therefore, those who believe that wearing the veil is required by the Qur’an are entitled to their beliefs, and no government should interfere with the free exercise of their religion. The French government is imposing a secular view on all its citizens, thus engaging in secular authoritarianism by denying its citizens basic religious freedoms.

The events of the fire in Makkah are shocking. They exhibit the extent of twisted patriarchal thinking that must be combated. They are reminiscent of female infanticide in ancient Arabia that the Qur’an and the Prophet flatly prohibited.

Q: In a speech at a KARAMAH event in Washington, D.C. last year, National Security Advisor Condoleezza Rice reflected that, as a Black woman in America, her ancestors were “three-fifths of a man,” and, even after slavery was abolished, “women were not given the right to vote until the 20th century.” Similarly, Time magazine recently quoted Dr.
Riffat Hassan, religious studies scholar, as saying, “The way Islam has been practiced in most Muslim societies for centuries has left millions of Muslim women with battered bodies, minds and souls.” Do you see parallels between the experience of blacks in America and women in Islam as far as the struggle for civil and human rights? Are you optimistic about the future?

A: The Qur’an recognizes the equality of women when it states that all humans were created of the same soul. In fact, Islam came to liberate women of ancient Arabia, who were described by the Prophet as “captives” (awán) in their own homes. The Prophet himself drew several parallels between women and slaves in ancient Arabia, since both were vulnerable constituencies. He called on men to modify their behavior towards both, and laid the foundations of a just society where there would be no slaves, or oppressed women.

For this reason, in early Islam Muslim women became quite active and an important part of the Muslim community. They became scholars, teachers, business women, leaders, and even queens. The demise of the status of the Muslim woman went hand-in-hand with the slow demise of democratic institutions established during the life of the Prophet. Today, with slavery abolished and women’s right on the rise, patriarchal influence is being curtailed. But the path to full liberation, in accordance with the Islamic ideal, is neither easy nor short. Layers of patriarchal thinking must be peeled away. This is a slow and painful process which may lead to conflict and some periodic set backs. But in the end, I am optimistic that the Qur’anic ideal will emerge.

Q: In connection with the charges against pop star Michael Jackson, media reports appeared regarding some involvement of the Nation of Islam. What is the Nation of Islam and what role does the group play in the American Muslim community?

A: The Nation of Islam has identified itself with the heritage of Elijah Muhammad. Warith Deen Muhammad (Elijah’s son), however, has identified himself with orthodox Islam. His following is quite large. Nation of Islam has garnered some attention because of its efforts against drug use in African American communities. But, as reported in American papers, it has also been involved in controversies. I have no further information on this group, especially with respect to its beliefs. As far as I know, it does not represent a large segment of the Muslim community.

Q: As we love to ask all our Law Stars, what are your hobbies and what do you do for leisure and relaxation?

A: I have not had much leisure time recently, but I like to listen to music, especially pieces composed by my husband. I also enjoy looking at paintings, shopping for antiques, and decorating my home.
Q: Finally, professor, who were the biggest influences, so far, in your life and career -- who are your personal Law Stars?

A: My grandfather and my brother. They both had trust in my abilities from the very beginning.
Trial lawyer, professor, law firm chairman, supreme court judge, big city mayor, first African-American president of the American Bar Association. This week we profile Dennis Archer, a man who’s done most everything the legal profession has to offer.

Some Law Stars do it all. If there is one super-sized, all-around, world-class Law Star, it would have to be Dennis Archer: Trial lawyer, professor, law firm chairman, supreme court judge, big city mayor. Did we leave anything out?

Oh, yes, just to top it all off, in August 2003 the former two-term mayor of Detroit and chairman of Dickinson Wright became the first African American president of the American Bar Association, a mere 60 years after the nation’s top professional association for lawyers reluctantly began to admit blacks at all. Indeed, some Law Stars make history.

Naturally, few arbiters of law fame and acclaim have overlooked Dennis Archer. His name has been a fixture on a seemingly endless parade of “best of” compilations, including lists of the “most influential blacks,” “most powerful businessmen,” “most powerful attorneys,” “most dynamic mayors,” “most respected judges,” “public official of the year,” and more, in countless publications including Newsweek, Governing magazine, Ebony and the National Law Journal. We did not mind standing in line patiently to award him a Law Star.

A quick look at the trajectory to date. Born in Detroit in 1942 and raised in Cassopolis, Michigan, Archer worked his way through Western Michigan University and then Detroit College of Law.

Over the years Archer practiced as a trial attorney in Detroit, taught learning disabled children in his city’s public schools, and served as associate professor of the Detroit College of Law as well as adjunct professor at Wayne State University Law School.

In 1985 Governor James Blanchard appointed Archer Associate Justice of Michigan State Supreme Court in 1986, where he served until 1990. Thereafter, the citizens of Detroit elected him mayor, twice, during which time he also served one year as president of the National League of Cities.
Upon leaving the mayor’s office, Archer became chairman of Dickinson Wright, a renowned Detroit-based law firm with offices throughout Michigan, as well as in Washington, D.C.

And before taking the helm at the ABA, Archer served as president of other notable law associations including the National Bar Association and the State Bar of Michigan.

Archer’s wife, Trudy DunCombe Archer, serves as a judge of Michigan’s 36th District Court and they are the proud parents of two.

Naturally, I was out of breath when Dennis Archer took a moment to chat with me about law, life, the ABA and more. (But he was raring to go.)

**Q:** Mr. Archer, congratulations on your election to the ABA’s top position, a step forward not just for the profession but for the nation. And I’m delighted to talk with you as a newly-named LawCrossing Law Star who has been breaking barriers and leading the charge of African American political, social and professional achievement for years. Of all the positions you’ve held, starting with caddying at a golf course at the age of eight, and including lawyer, professor, judge, mayor and law firm partner, all the way to your current role at the ABA, can you tell us: which job or position has been the most rewarding?

**A:** Each job has been outstanding and has provided me with different experiences and helped me grow as a person. I loved teaching the learning disabled. I worked hard to prepare a lesson plan; I learned to be flexible, but to always stay focused on the end result, which was to help students learn. This paved the way for the jobs that I later enjoyed and continue to enjoy which is that of being a leader. Being mayor of the city of Detroit made me mindful of always balancing the budget and making sure we stayed within budget, at the same time trying to improve the quality of life for our citizens. And that applies to members of the American Bar Association, too, and to our sections, our divisions, leaders of state, local and international bars, and our affiliate organizations.

**Q:** Compared to being mayor of a big city, which we can safely assume was a job filled with great challenges and rewards, how are you enjoying serving as head of the nations’ lawyers? Any surprises so far?

**A:** This is one of the most satisfying positions I’ve held. I enjoy traveling around the country and internationally meeting with outstanding bar leaders and lawyers who are committed and share the goals of the ABA. The one surprise was just how much travel is involved and that there is so much to be accomplished in so little time. It is truly a wonderful full time job.
Q: Still youthful at 62, if you could get any job you have not yet tried, assuming there is any job you have not tried -- or achieve anything that has yet eluded you, what would it be?
A: I have been blessed as every goal I have set, I have been able to meet. I now await the mission He has set for me as I am now content to return to the full-time practice of law and to successfully contribute to the corporate boards on which I am privileged to serve.

Q: You have said, “Our bar association, like the Supreme Court of the United States, does not have a proud history as [it] relates to race relations.” Much has changed since the ABA’s application form included questions about race so that membership could be limited to whites only, and the association was so intent upon excluding black lawyers that it sent members out to confirm that a would-be applicant was indeed white. Of course, in response, in 1925 black lawyers founded their own organization -- the National Bar Association, a group you headed prior to taking the helm at the ABA. Will your term at the ABA signal to black lawyers that it’s time to join the formerly all-white bar group, or do you think minority bar organizations are still needed?
A: Minority bars are absolutely still needed. They are the foundation, the history of where we African American lawyers have heretofore contributed to our profession and the base from which we have promoted the rule of law. But, those who belong to minority bars must also join the ABA, otherwise their voices will not always be heard. Lawyers of color are the members who will help the ABA move from its past to where we need to go in the future.

The American Bar Association is taking its rightful leadership role and saying we need to embrace diversity. I think the fact that Robert Grey--who is also African American--and I have been given an opportunity to be placed in leadership positions will encourage others to earn the right to be considered for election to high office within the ABA as well. You’re seeing “firsts” all over the country, too -- in the bar associations of Alabama, Maryland, New Jersey and Pennsylvania, for example.

Q: According to the ABA, of the 38,576 total Juris Doctor degrees earned in 2002 (including 18,639 by women), minority law students took home only 7,780 J.D’s. As you have said, the lack of minority representation in the profession means “when people of color walk into courtrooms, the chances are small that the judges who hear their cases will look like they do, or will have shared experiences where color is a factor.” How can the profession diversify if legal education disproportionally attracts non-minority students? Is past injustice and discrimination at least partly responsible for turning blacks off from careers as lawyers?
A: Yes, past injustices are the reason people of color and women, both of whom have historically been discriminated against in one form or another, did not seek to become lawyers.
However, today each of us can support elementary school programs in minority or underserved communities that encourage students of color to consider the legal profession. Young people need to know that there is a positive opportunity awaiting them in our profession. They need to know that in America, each one of us can make a difference and can succeed. The student you encourage today can have an impact on society. I need only cite an example who had enormous impact on me -- Mr. Justice Thurgood Marshall.

Q: As chairman of Dickinson Wright in Detroit, how do you manage your time and energy juggling duties as head of the ABA and head of a big city law firm? What kind of law do you specialize in these days and how much time are you able to devote to practice?

A: Because of my added responsibilities as ABA President which, as I mentioned, requires extensive domestic and international travel, the amount of time I have to actually practice law is limited. However, I have managed to help keep our firm’s clients happy and bring in several new clients. When I’m on the road, I make a point to be as accessible as possible to my clients through the magic of technology.

Q: What are your priorities for the ABA and the profession and are you optimistic about the future?

A: My priorities have been set by leaders who came before me as I felt their agenda was worthy of another year’s focus. I continue an emphasis on law student loan forgiveness that Bob Hirshon [2001-2002] set in place. I continue to focus on racial and ethnic diversity in the profession, which Bill Paul [1999-2000] emphasized, and continue Martha Barnett’s [2000-2001] work toward a death penalty moratorium. I also continue to address the need for greater judicial independence, a cause A.P. Carlton [2002-2003] championed.

My active agenda calls for a diversity conference in October in Washington, D.C., on Opening the Pipeline. This conference was about bringing more people of color into legal practice, into the judiciary, into the offices of corporate general counsels, and into the halls of leadership in the legal profession.

In May, we’ll hold a summit to look at the advancement of women, and women of color, into the top ranks of organizations and law firms. We’ll discuss how to get beyond the glass ceiling, and the work that needs to continue so that women reach the highest levels of the legal and other professions.

Another initiative of my tenure as ABA President is an ABA Commission to focus on the 50th anniversary of this landmark decision [Brown v. Board of Education, May 17, 2004]. The Commission is reviewing the current state of Brown’s goals and its effect on civil rights; it will also honor the heroes of this historic decision. Our Public Education Division will be working.
with high schools across the country, to create dialogues on Brown v. Board so that young people can learn about what the decision meant, and how it is at work today.

Finally, I am working to improve the quality of life of those who serve as military personnel. I am working to waive the residency requirement for them to be able to benefit from in-state college tuition, and allow licensed JAG officers to represent military personnel in routine legal cases (legal service equivalent) even though they may not be licensed in the state to which they are assigned. I am also seeking a loan forgiveness program for JAG officers.

**Q:** The legal profession seems to suffer from a public relations problem: many laypeople feel lawyers can be greedy and unscrupulous. Politicians call for tort reform alleging that civil litigation, big settlements and jury verdicts enrich lawyers while harming business and the economy. How might tort lawyers help address these concerns? Are critics right: is it time to make changes in the civil justice system?

**A:** The image issue does represent a problem. The practice of law is by nature adversarial. But if you talk to people who have used the services of a lawyer, they will invariably say that they love their lawyer. Everyone wants someone who will represent and defend them in their hour of need.

As far as tort reform, we must remember that our country is blessed with a tradition of seeking justice in the courtroom, and not in the street. This is a hallmark of civilized society. It allows people to seek redress of grievances in an orderly way. The ABA most recently has made substantive recommendations regarding class action law suits and asbestos litigation reform.

The overwhelming majority of cases filed each year represent genuine issues of harm and suffering. Courts have ways of weeding out frivolous lawsuits. Overly punitive judgments may be appealed. There are multiple remedies for corporations, government agencies, individuals, doctors, hospitals, and the like who believe they are sued unfairly.

I don't think anyone would want to give up their right to be heard in a court of law. It's our principal safeguard that makes our country safer, our products better, our services more attuned to the needs of individuals.

**Q:** Are you going to run for office again? May we envision Governor Archer of Michigan?

**A:** I have no plans to run for governor.

**Q:** On a lighter note, if I may ask, what does a guy like you do to relax?

**A:** I spend time with my family, go for daily runs, get out on the golf course whenever I get a chance, watch action movies and read good books.
**Q:** Good books, action movies - can you give one or two examples?

**A:** *Supreme Justice* by J. Clay Smith, former Dean and now a Professor at Howard’s Law School based in part on his own writing and using speeches and writings of Mr. Justice Thurgood Marshall. And *Matrix Reloaded*.

**Q:** Perfect! Lastly, who are your personal legal gurus, role models and Law Stars?

**A:** As I mentioned earlier, Justice Thurgood Marshall was an inspiration and there are so many others: Charles Hamilton Houston, Judge Constance Baker Motley, Judge Damon Keith, Judge/Solicitor Wade McCree, Otis Smith, Congressman George Crockett, Jr., and those who mentored me through the ABA, like Harry Hathaway, John Krsul, and Former ABA Presidents Chesterfield Smith and William Reese Smith. I must also mention my wife, Trudy, who serves as Judge of Michigan’s 36th district, as she was the person who convinced me to go to law school. The rest, as they say, is history.
As an entertainment attorney, guitarist and law professor, Jay Dougherty has performed in the classroom, the boardroom and in legendary New York punk rock club CBGB alongside bands like the Ramones and Talking Heads. LawCrossing talks with Mr. Dougherty about his colorful career as an attorney and rocker.

Law was a second career for Jay Dougherty. After graduating magna cum laude from Yale, he decided to pursue his love of music and formed a rock band. Although his band, Tricks, had gigs at some of the hottest clubs in the country, they never did get a national record deal. And Mr. Dougherty was always broke. He decided to pursue another interest - law.

After receiving his J.D. with honors from Columbia University School of Law at age 31, Mr. Dougherty joined the entertainment department of Paul, Weiss, Rifkind, Wharton & Garrison in New York, where he represented Broadway composers and authors.

During law school, Mr. Dougherty worked as a legal assistant at Arista Records and considered focusing his legal practice on rock and roll, representing fellow rock musicians.

“But I took it too personally,” he said. “If I saw contracts for bands I didn't like I'd get angry saying 'I hate this band, how did they get this deal?'”

After several years in New York, Mr. Dougherty decided to focus on film and moved to the heart of beast - Los Angeles. He eventually moved from law firms to in-house counsel at several studios. Mr. Dougherty was part of the legal departments at United Artists Pictures and Metro-Goldwyn-Mayer Pictures. He also worked in the business affairs department of Morgan Creek Productions.

After the corporate takeover of MGM, Mr. Dougherty moved to the legal department of Twentieth Century Fox, where he became senior vice president of production/worldwide acquisition legal affairs. Before joining Loyola in 1997, Mr. Dougherty served as assistant general counsel for Turner Broadcasting System, responsible for Turner Pictures.
Throughout much of his career in Los Angeles, Mr. Dougherty taught as an adjunct professor at the University of Southern California. There he discovered his love of teaching. He started at Loyola as a visiting professor for one year and eventually made tenure.

“I’d been teaching on the side and I liked the intellectual part of teaching, you have time to read cases and keep up with developments and really learn areas of the law that you don’t have time for if you’re practicing,” he said. “In order to become a professional teacher you have to write. You have to teach, but really you have to write and publish.”

Mr. Dougherty wrote several law review articles. He published an article on copyright protection and the authorship of films in the U.C.L.A Law Review. He also published an article in the Columbia Journal of Arts & the Law about the conflict between freedom of speech and people’s right to control how their likeness is used.

“When you’re practicing, it’s hard to have time to write the kind of fat, scholarly type of writing that counts in academia,” he said, adding that attorneys interested in academia should start publishing as soon as possible.

“I was a little bit older because I’d been out playing in a rock band all that time and I was kind of in a hurry to get in the workforce,” he said. “It didn’t dawn on me that I would enjoy that (teaching), so I didn’t do the normal career path. In retrospect, I should have thought about it. I love to teach.”

But Mr. Dougherty didn’t ditch his guitar. He still performs with various bands. Lately, he’s been jamming with a few lawyers since his last band lost its lead singer - Mr. Dougherty’s daughter Jenna, who is also an entertainment attorney and now the lead singer of the all girl glam metal band, Vixen. Mr. Dougherty also put together a rock band at Loyola for a talent show.

“We called ourselves the Tort Feezers,” he said. “We spelled it Feezers - sort of the hard version, but that’s not the correct spelling. There are some really talented students, some of them are former pros.”

For attorneys interested in entertainment careers, Mr. Dougherty urges them to move to Los Angeles, New York or Nashville. But he cautions students who think entertainment law will be purely fun.

“The fact of the matter is it’s law and you have to work hard to succeed,” he said. “There’s a certain amount of schmoozing and charm ability in this kind of an industry and practice, but ultimately people want somebody who is going to do good, careful work.”
Mr. Dougherty, who was president of the Los Angeles Copyright Society in 1996-97 and a Trustee of the Copyright Society of the U.S.A. from 1997-2000, is a member of the Editorial Board of the Journal of the Copyright Society of the U.S.A.

Mr. Dougherty still practices law occasionally as special counsel to the New York based law firm Kaye Scholer and as a consultant to other firms. And he also teaches a week-long comparative law seminar with a German professor in Munich, Germany at the Munich Intellectual Property Law Center.

Any regrets about not following through with the rock and roll full time? No. Mr. Dougherty said he enjoys the balance of teaching full time and playing music on the side. While traveling he often sits in and jams with other musicians. Travel is another passion of Mr. Dougherty’s. His father was in the Air Force and Mr. Dougherty moved frequently, attending 13 different schools in the United States, Japan and Hawaii, before it was a state.

“I actually went to college thinking I was going to become a scientist,” he said. “But the sciences weren’t really taught that well at Yale at the time and I became more of a social scientist. I had been a debater and done sort of school politics and the law seemed like a good back up plan.”

He was so serious about making it as an attorney he said he was the only student to wear a suit on his first day of law school.

Musicians, even good ones, are often broke. So Mr. Dougherty said he made the right choice following his interest in the law. Before attending law school, he considered becoming a psychologist.

“But my hair was too long,” he said. “I tried to get a job at one of the local psychiatric institutes but my hair was too long. They didn't want a hippie doing that. These days it doesn't matter.”
Ask any attorney or paralegal on the West Coast where the best place is to learn the paralegal trade, and the overwhelming answer will be the University of West Los Angeles School of Paralegal Studies (UWLA). LawCrossing speaks with attorney M. Amera Alhandy, the dean of UWLA’s paralegal program, about her passion for teaching and the law.

Two older brothers inspired M. Amera Alhandy to become a law professor. One brother was an attorney; the other, a teacher; and Ms. Alhandy knew from an early age that she wanted to follow in their footsteps—particularly the attorney.

She said she knew from age 11 that she would go to law school. But after two years of law school, she wasn’t so sure. She earned her paralegal certificate and worked as a paralegal for almost two years before deciding to finish law school. Her experience as a paralegal has served her well: she is now dean of the University of West Los Angeles School of Paralegal Studies.

Although Alhandy worked briefly a sole practitioner, mainly in real estate law, her heart was in academia; and she soon pursued teaching positions.

“I knew that I enjoyed the academics, and I knew that I enjoyed the theory of law,” she told LawCrossing. “I wasn’t sold on the practice of law. I had a small practice in estate planning and real estate negotiations” in Los Angeles.

Alhandy, who is from Orange County, CA, has taught both attorneys and paralegals at various universities. The history and theory of law both inspire Alhandy.

“I love the process; I love the theory of law,” she said. “I like seeing the lights go on with the students when they finally understand a concept. I think there’s beauty in the law. It’s just I can’t really explain it, but it’s a real wonder to think some of the laws are the same laws that we’ve had since William the Conqueror in 1066.”
Alhandy said she finds it thrilling to teach students about English Common Law and Napoleonic law, especially when students can relate the history to modern laws.

Since becoming dean of UWLA, Alhandy has been too busy to teach full time in the classroom, but she still works with students every day. She had been teaching as an adjunct professor at UWLA since 1996. When her predecessor left the job, the Paralegal Studies program asked her to be interim dean while it conducted a formal search for a replacement. Alhandy jumped at the chance and clearly did a good job. She was named full-time dean more than two years ago.

Alhandy said no two days as dean are the same and she is so passionate about legal education that she urges all professionals, not just attorneys and paralegals, to take courses in the law.

“The theory of law is very exciting and it relates—it affects every aspect of your life,” she said. “As a layperson, or any other professional, you still need some legal background in anything you do. And I think if you work at a corporation and you need some background in contract law, take in a contracts class.”

Doctors should take law courses in torts or medical malpractice. People involved in an everyday fender bender would be better off if they had a class in insurance law or tort law liability under their belts, she said.

“Everything you do, everything that we hear on the media, we hear about celebrity cases—all that becomes a little bit more understandable when you’ve taken a class or two,” she said.

Alhandy said her background as a paralegal, an attorney, a businesswoman running her own firm, and as a law professor all combined to make her uniquely qualified to become UWLA dean. She said being dean is similar to running a business—"I put out a lot of fires”—and that she acts as a liaison between the faculty and administration.

“You have to understand the academics as well as the business portion, and it’s a balancing act,” she said. “Without the business experience, you really wouldn't understand the budget and those types of things.”

While Alhandy said she always wanted to work in law at the university level, becoming dean was not her ultimate goal.

“It was an opportunity,” she said. “I can’t say that I said, ‘Gee, I want to be dean someday.’ But I always liked academics and academia, and I had hoped to aspire to some type of position within” a university.
For attorneys interested in a career in academics, Alhandy implores them to get into a classroom. Full-time university positions are difficult to find, but it’s easier to get started as an adjunct professor or lecturer, she said.

Although law schools are changing, Alhandy said teaching attorneys and paralegals is very different because law schools are almost all theory and paralegal programs, like UWLA’s, are about 60 percent theory and 40 percent practical knowledge. She urges graduating paralegals to be patient with new attorneys because the attorneys may not know what certain forms mean and their practical knowledge generally comes on the job.

Alhandy, who studied law at Western Sierra Law School and San Diego Western State University College of Law, said most of the UWLA faculty is attorneys.

“Some of them only want to teach paralegals because they feel that’s a very worthwhile market right now and they want to teach paralegals what they need to know in a law office,” she said.

When she hires professors, Alhandy said she focuses on experience more than academic track record.

“If they’re a real estate attorney and I need a real estate law class to be taught, usually I interview them and experience—that’s the quality I look for—because what happened before they took the bar is really not relevant,” she said. “In paralegal school, they learn how to fill out the documents; they learn timelines, deadlines—all of the things that make a law office run. It’s a good marriage between a paralegal and an attorney, and I think that’s what excites people.”
Arthur Gross-Schaefer, the Rabbi-attorney

By Teresa Talerico

A lawyer, rabbi and ethics professor, Arthur Gross-Schaefer is using his JD for higher purposes. That includes challenging his students to develop a strong sense of their core values and to apply those values in the workplace.

Dr. Gross-Schaefer teaches ethics, spirituality and other classes as co-chair of the Department of Marketing and Business Law at Loyola Marymount University in Los Angeles.

A 1976 graduate of Boston University School of Law, Dr. Gross-Schaefer has had various irons in the fire. After graduation, he briefly worked for a CPA, practiced as a litigation attorney, ran his brother’s congressional campaign and worked for a member of the Israeli Parliament. In 1984, he was ordained as a rabbi after completing his studies at Hebrew Union College.

Q: What inspired you to become a rabbi?
A: My goal at a very young age was to make the world a better place. I was about 8 years old and saw John F. Kennedy and saw politicians and politics as the best way to make the world a better place. There were three skills I needed to master: one was money, so therefore accounting; one was law; and one was how to work with people, and that was social work. I did all three of those things. The problem is when I started to practice law, my goal was to make sure I won. When I ran my brother’s campaign…again, you started to get where you wanted to win. I started to find myself losing my moral compass. Rabbinic school was a way for me to retool who I wanted to be.

Q: How does your JD continue to help you today?
A: What I often do with my articles and so forth is to have a situation - take terminating an employee as an example. I want to know what the legal avenues are, the legal rules. I want to know what the ethical considerations are and the spiritual dimension. My goal is to (consider) all three together.
Q: Do most law schools have ethics classes?
A: The answer is yes and no. On the bar exam, to become a lawyer, you have to pass an ethics test. That’s a very different type of ethics than what I’m talking about. The ethics they do is how not to be sued for malpractice. What I’m talking about is bringing your core values of honesty and integrity, or whatever your core values are, into how you practice law. What I focus on is a very different type than your typical ethics classes in law school. In many schools, it’s more philosophical ethics. In other words, they teach you about Hume or teach you about Mill. Very beautiful theories, but you have no idea how to bring that into your day-to-day life.

Q: When you were in law school, what did you envision doing with your law degree?
A: Probably it was to go into politics.

Q: What’s your advice for those looking to do something different or unconventional with their JDs? How can they avoid simply following their peers who are applying to big firms?
A: You know how corporations have mission statements? I want them to have their own personal mission statement, who they want to be. So when the demands come howling down on them, they have a foundation of who they are and they have a sense of their own values. And then they (examine) what the values are of where they are working. Because wherever you’re working, those values of the work environment will tend to, over time, erode your own values if there’s a conflict.

I want them to have their own mission statement, their own core values and a very good sense of the real values - not the articulated values - the real values of where they'll be working and see if there’s a connection.

Law is an amazing background. And that background gives you entry points into all sorts of personal endeavors, all sorts of possibilities. I have even used it in my work as a rabbi, in my work with school boards and with public education.

Q: Who inspired you to go into law?
A: The people who inspired me the most were the lawyers who were able to take unpopular kinds of situations and defend those people or at least give voice to those people who did not have others speaking for them. Brandeis is one who comes to mind very, very quickly…I believe that the law needs to mirror our values, not the other way around.
In the second of a two-part series on Lawyers, Faith, and Social Justice, LawCrossing profiles Thomas L. Shaffer, the Notre Dame Law School professor and prolific legal author. Professor Shaffer’s comments are excerpted from a public lecture to law students at Pepperdine Law School on Law, Faith, and Social Justice.

Thomas L. Shaffer, 70, is known throughout law schools for his scholarly writing on the law and legal ethics. He has written nearly 300 scholarly works on ethics, law and religion, business law, and estate planning.

During aforementioned lecture, Shaffer cracked jokes while urging students to take their religious faith into their legal practices. A professor emeritus of law at Notre Dame—the Catholic University in South Bend, IN—Shaffer got plenty of laughs when he described Notre Dame as “the world’s greatest Catholic university.”

Shaffer graduated first in class from Notre Dame Law School *cum laude* in 1961. He then joined the corporate firm Barnes, Hickman, Pantzer & Boyd. In 1963, he moved into academia and taught estate planning at his *alma mater*. He said his life in a corporate firm was very different from what students should expect today.

“I’m so old that when I practiced in a business-oriented law firm, the lawyers—most of the lawyers—did most of what the firm did,” he said. “There were a few specialties, like tax and labor law, but basic corporate practice” was as broad as corporate business.

Shaffer quickly moved through the ranks of Notre Dame to become assistant dean of the law school in 1969 and dean in 1975. He joined the faculty in 1988 and acts as the supervising attorney in the Notre Dame Legal Aid Clinic, guiding the law students who serve the poor of South Bend.

Shaffer said many law students and lawyers are ashamed or feel it’s unprofessional to mention faith in their practices and that he fears corporate lawyers no longer lead their clients to moral courses of action. During the panel, the students peppered Shaffer with questions about recent corporate
scandals at Enron and other companies. Shaffer said he’s “always a little slow to comment on current cases” because he does not know all the details and that too often people pass judgment without knowing all the facts.

“When a business goes through failures like that and the business people in law look like they were in violation of the law or dishonest, it’s easy” to pass judgment, he said. “And, heaven knows, popular sentiment tends to turn to the lawyers and say they’re crooks too. I’d be reluctant to do that, not because I’m a lawyer, but because you ought to be reluctant to make that judgment about anybody. But it certainly looks like the same old story.”

During the panel with Pepperdine Law School Dean Kenneth Starr (see last week’s profile), Shaffer agreed with Starr that attorneys can and should lead their corporate clients to moral courses of action, which does not mean compromising the shareholder. Both Starr and Shaffer cited Johnson & Johnson’s handling of the Tylenol scare in 1982, when seven people died from Extra Strength Tylenol which had been laced with cyanide.

They said Johnson & Johnson’s chief priority was the public and the doctors who administered their product. Attorneys advised J&J to use their code of conduct, which placed the shareholder at the bottom of a list of priority. The fact that people still take Tylenol today and J&J is still a profitable corporation is proof that public trust will benefit the shareholder, they say. In other words, cooking the books to boost shareholder profit will ultimately destroy public trust and share prices.

Shaffer said corporate attorneys used to guide their clients to protect public interest first.

“And certainly they had as much concern for their clients being profitable and successful as any other lawyers in town,” he said. “I hate to think that that kind of corporate law practice has disappeared.”

Shaffer’s groundbreaking book On Being a Christian and a Lawyer was published in 1981. He works with both Christian and Jewish groups to encourage faith-based law practice and said his wife, Nancy, “taught me everything I know about helping poor people.” Nancy Shaffer volunteers for various organizations.

When asked by law students when they will have time to do faith-based pro bono work when they are trying to build a specialized practice in a firm, Shaffer told a story of how Nancy was once fighting to help a little girl who had to walk a mile to get to her school bus. Nancy came home one day and put a handwritten note on their fireplace reading: “I’d like to help you, but it’s not part of my job description.”

Someone from the local sheriff’s office had said that to her that day, and Shaffer said it could be a lesson to everybody to make sure to keep your job descriptions open.
He said young lawyers should ask firms if they are open to faith-based work during job interviews. But he said he understood the reluctance among young lawyers. He could not convince the law students at Notre Dame to hang a crucifix in the Legal Aid Clinic.

“The lawyers there, who are all Catholics, are very reluctant even to say to a client, ‘You know, the help you’re getting, for which you don’t pay anything, is being given to you by the church,’” he said. “Notre Dame’s a church institution. It’s hard enough to get the young attorneys even to say that.”

He said he finally convinced them to hang a religious picture in the clinic, but there is still no crucifix.

Shaffer taught at Washington & Lee University Law School from 1980 to 1988 and has been a visiting scholar and professor at law schools around the country. He said he believed American lawyers would be better off if they earned less money.

“I was inspired by the Holy Spirit to save money,” he said, amid laughter, of his days teaching at Washington & Lee. “I think the expectation that American lawyers have regarding income is a huge problem for American lawyers, and interestingly enough, it’s not a problem for their counterparts in other Western societies. Lawyers in France and Britain don’t make this much money. Lawyers in Canada don’t make this much money. They live more modest lives. We’d probably be better off if we did. But finally, you reach the point when you’re a full-time academic when you say to yourself, ‘You know, you probably ought to quit talking about that.’”
Lawghter with Sean Carter

By Amy E. Wong

Sean Carter is the innovator of a hot new trend called “comedic legal education.” This is Carter’s play on the acronym, CLE, that usually signifies continuing legal education, courses/seminars that attorneys are required to take in order to remain in good standing with their local bar associations.

It’s a tough gig to impress a crowd of lawyers, but Carter is handling the challenge quite successfully. Associations and law firms are increasingly opting out of boring and dry legal education classes and turning to Carter to satisfy their required legal education classes. As 40 states require their licensed attorneys to take an annual legal education class, Carter has a wide and growing audience.

Although Carter’s early lectures had his audience roaring with laughter, CLE organizers were more skeptical, worrying that the program would be more entertaining than informative. However, Bill Corbett, Executive Director of the Louisiana Association of Defense Counsel, seems to think that humor enhances the learning process. In a recent press release, Corbett said, “Carter’s review of the Supreme Court term was one of the most entertaining, and yet informative, CLE presentations I have heard.”

The response to Carter’s Comedic Legal Education program has been so positive that clients across the country are booking him for his famous speeches. This year alone, Carter will conduct more than 100 seminars. In the past, he has spoken to law firms such as Akin Gump and Fisher & Phillips and corporations such as Xerox and Taco Bell.

The path to success has been a long, winding, and—to say the least—wacky road for Carter. When Carter was growing up, his parents offered him three career options: Be a lawyer, a doctor, or the black sheep of the family. He chose to be a lawyer and was unwavering in his focus.

He graduated from Harvard Law School; was hired at a firm in Boston; and then secured a position at a major law firm in Los Angeles, Heller Ehrman, for more than two years. His experience at Heller Ehrman changed his life.
Carter joined the Lawyers Basketball League and played on Heller Ehrman’s team, the Heller Hornets. He composed emails for his firm, apprising everybody of the games’ outcomes. Carter recollected, “The first email had a couple of jokes; and as they progressed, these emails became more elaborate, with pictures and everything.”

Heller Ehrman’s partners—who were also recipients of these emails—approached Carter, pulled him aside, and asked him to seriously reconsider being a lawyer.

Carter recalled fondly, “They came up to me and said, ‘You are so much better at this [comedic writing] than you are at being a lawyer. It’s clear that you have another talent other than law.’” He continued with a sudden laugh, “They were very supportive. They even bought me books on how to start a career as a writer.”

In 2000, Carter started working as an in-house attorney at New Century Financial Corporation in Irvine. During his free time in 2001, he began moonlighting as a comic, frequently performing at local clubs in the Los Angeles area. He soon found that the pay, which was miniscule, was not enough to support his wife and two kids.

Concurrently, Carter became a prolific and dedicated writer, churning out an article a day during the start of his new writing career. He tried writing funny columns, but was rejected.

Carter said, “I had to figure out another way to do this.”

In September 2002, Carter published his first book, the critically acclaimed If It Does Not Fit, Must You Acquit? Your Humorous Guide to the Law.

His major break came when he wrote an article about a Supreme Court case and added in the byline that he was a lawyer. Suddenly, his weekly humor columns started getting published in papers across the country, making their way to publications such as The National Law Journal and websites such as Findlaw.com. Although Carter struggled in his new profession, he gradually earned a reputation as a frank and funny legal commentator.

Carter was persistent in pursuing a career as a stand-up comedian. One gig thoroughly surprised him. Carter was offered $1,500—an amount far greater than what he was usually paid—to entertain law students.

Carter recalled thinking, “If [law students] were willing to pay $1,500, what would law firms and legal departments pay?” Carter continued, “From then on, it was simple. I’ll start working at bar associations. I would be the only one; there’s money in the market; no one else was doing it.”
At first glance, it seems unconventional for law firms to hire comedians; but Carter’s programs are informative, perceptive, and relevant to the legal world. Along with his extensive legal background and wicked wit, Sean’s new career as a “comedic legal educator” has catapulted him forward. *Radio–TV Interview Report* has already anointed Carter as “America’s Funniest Lawyer.”

One of Carter’s personal goals is reaching out to a broader audience. By 2007, Carter wants to speak in all 50 states. In fact, Carter dreams of it. This became blatantly clear when Carter said, “At two in the morning, I thought, ‘I got to get to Alaska.’” For Carter, being a humorous lawyer is more than a tactical career shift; it is an adventure.

In addition to being a comedic legal speaker, Carter is a frequent guest on local television programs and talk-radio shows. He was previously the special legal commentator for the nationally syndicated radio shows *Trip N Tyme* and *The Ric Bratton Show*. He is also the weekly legal columnist for the ABA e-report.

It will be very interesting to see what other surprises this adventurous Renaissance man has in store for the legal world. Carter’s next venture? Look for a novel that he terms a fictional comedic legal thriller. Anyone who explains the First Amendment as “the freedom to pray, bitch, and moan” should be able to deliver a truly riotous novel.
A noted professor says JAG opponents can’t handle the truth.

The JAG Corps has gained unprecedented popularity with millions of television viewers, but it has few friends among law professors. Throughout the 1990s, law schools barred their doors to JAG recruiters in opposition to the military’s “don’t ask, don’t tell” policy regarding homosexuality. The schools only gave access to the JAGs after Congress passed the Solomon Amendment, which allows the government to take away a university’s federal funding if its law school bars military recruiters.

Unable to abide JAG recruiting yet unwilling to give up federal money, several law schools and a group of left-wing law professors swung back with—what else?—lawsuits contending that the Solomon Amendment violates their First Amendment rights to free association.

But the law does not compel schools or professors to associate with anyone. The only “association” involved takes place between the recruiter and the interviewee, and is purely voluntary and consensual. If students are not interested in the military’s pitch, they don’t need to listen to it. If the JAG recruiter’s interview room is empty all day, or filled with protesting students, it would look like a clear repudiation of the military’s hiring policies—and would not be prohibited by the Solomon Amendment.

Moreover, the First Amendment only protects “expressive association”—affiliations between people for the purpose of conveying a message. The classic violation of the freedom to associate is a law requiring a Catholic parade organizer to allow gays to march in the parade. The Supreme Court held in Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston that a parade is expressive, that each individual component is a note in a “concert” that is the arrangement of the entire procession.

It seems a stretch to say that the selection of employers to participate in on-campus recruitment constitutes a “concert” or even a “parade” with a discernible message to the onlooker. No one tries to glean a message from reading the long list of law firms, government agencies, and public interest groups that participate in a school’s recruitment season—because it contains none. No one could assume that a school endorses the policies of organizations that recruit on campus: the ethical rules of the legal
profession make it clear that providing representation for a client does not constitute an endorsement of the client’s views. On-campus recruiting is about providing a market where clients can be matched with lawyers, which is even further removed from endorsement than actual representation.

Moreover, the lawsuits are bad from a pedagogic perspective. As Professor Dershowitz wrote in these pages last year, “Engendering in students a willingness to take on unpopular causes . . . is a central component of legal education.” Indeed, it is a central principle of legal ethics: The ABA’s Model Rules of Professional Conduct state that “legal representation should not be denied” to those “whose cause is controversial or the subject of popular disapproval.” That is why schools allow recruiting by district attorneys’ and public defenders’ offices, even though many people find the death penalty and murder at least as odious as discrimination against homosexuals. Yet the law schools aim to block the JAG Corps from an important avenue of obtaining representation precisely because they “disapprove” of the military’s policies. It is the schools’ approach, not the Solomon Amendment, that undercuts one of the major messages of legal education.

The professors insist that they are not taking a stand against the military; they merely want to “evenhandedly” apply their generally-applicable anti-discrimination policies, which bar cooperation with employers that discriminate. Ironically, the schools’ anti-discrimination policies undercut rather than strengthen their case.

The very same sentence of the policies that bars the schools from dealing with employers who discriminate on the basis of “sexual orientation” also applies to discrimination on the basis of “age, handicap or disability”—all grounds on which the JAG Corps overtly discriminates. The schools are not insisting that the military accept wheelchair-bound servicemen or 50-year-old lieutenants—though one presumes that students of such description feel as excluded by JAG recruiting as the schools claim homosexual students do. The schools’ silence about JAG Corps violations of other parts of the non-discrimination policies shows the schools are not compelled by their internal rules to resist military recruiting. It also shows a recognition that broad policies that make sense with respect to employment by private law firms may be inapplicable to the special case of the armed forces.
The Peacemaker

Over nearly five decades, Eric Stein has taught the law to some 2,000 students. He helped write the rules of procedure governing the UN. He forecasted the creation of the European Union 50 years ago. He is the oldest active law professor in the country. You could learn a lot from him.

He is 26 years old. The Nazis are coming, and he's trying to get his parents and sisters the hell out of Prague. He's thinking logically, like a lawyer, covering every angle. He figures if he can get to Italy, he'll stay one step ahead of Hitler's advancing army. From Italy he can get to America, and from there he can send for his family.

But his family doesn't want to leave Prague. France will save us, they say. Or England. So they stay. He goes, banking on the likelihood that he'll be able to use the degree he's earned at Prague's prestigious Charles University to make his way in America. In time, he'll earn a second law degree from the University of Michigan, he'll write books—11 of them—and around a hundred articles, he'll help draft rules for the United Nations Security Council, he'll be part of the team that writes the charter establishing the International Atomic Energy Agency, whose inspectors will one day trawl Iraq and Libya for weapons of mass destruction. What's more, Eric Stein will become one of the most important scholars on the subject of unity in Europe, the scrambled continent he is currently trying to escape. But first, long before he does any of that, he has to get to Italy.

And so he goes. It’s August. Hot. He waves to his girlfriend through the window of the train as it lumbers out of Prague’s Woodrow Wilson Station in the middle of the night. He crumples into an empty compartment and finds himself next to a Dominican monk. They chat a bit and doze through the early morning hours, until suddenly there is a man in uniform glowering down at them. Maybe police, maybe Gestapo. Collecting Jews. The three men—Stein, the monk, the Nazi0—are silent for God knows how many long, sweaty seconds. Most likely, the officer decides Stein must be with the monk, and he keeps moving, plucking other Jews from their seats and sending them off the train. When the train finally rolls to a stop in Milan, Stein, the young lawyer headed for America, steps into the station piazza, and a boy rides past on a bicycle, its basket stuffed with fresh bread. The boy is singing an Italian aria, falsetto, off-key, beautiful.
Stein has put some space between him and the Nazis, but he still isn’t safe. The rumblings are that Mussolini will soon cave and give up Italy’s Jews. He leaves Milan, a fascist hotbed, and heads for a fishing village near Genoa. There he receives a letter from his sister informing him that the Gestapo came looking for him shortly after he had boarded the train. He meets an American expatriate. The man says getting a visa to the United States is an all but impossible task. His best chance is to try the Naples consulate. There Stein encounters a young, conscientious vice consul. “I said exactly the wrong thing,” Stein recalls today. “I told him I was already a lawyer and that if I went to America I would never return.” The kid gives Stein an illegal student visa to get to America.

According to research by the Association of American Law Schools and *Jungle Law*, Eric Stein, who turns 91 on July 8, is the oldest active law professor in the country. He’s an emeritus member of the faculty at the University of Michigan Law School, his American alma mater. He still advises about a dozen SJD and LLM candidates a year, writes articles—he wrote two in a month’s vacation in Arizona this winter—and speaks to international law groups such as the American Society of Comparative Law. “He’s not active,” says Brian Simpson, a Michigan colleague. “He’s hyperactive.”

To international law scholars, Stein is something of a European prophet. He was the first American professor to study the European Union in the 1950s, and many consider him the first man to foretell its course—that what started as an agreement on coal and steel would grow into a grand experiment in multinational, constitutional government. It made sense, of course, that unity in Europe became his life’s work. France and England didn’t save his family, after all, and his parents died at Auschwitz, a sister at Terezin. “His drive is emotional,” says Matthias Reimann, who teaches international and comparative law at Michigan. “The EU was for Eric a camouflage peace project. Many of his generation felt it: You had to do something to make Europe cooperate. You had to prevent World War III.”

At Charles University’s law school, Stein became enchanted with the clarity of legal thinking. “I loved Roman law because it was a closed system,” he says. “I liked the precision. In one course, the professor gave me a deed from ancient Alexandria, written in Greek. It was partly damaged and my assignment was to reconstruct it.”

His experience at Michigan Law in the early ‘40s was in some ways similar—strict, challenging, all-business—but different in others. He liked analyzing cases, which wasn’t done in Prague. “They were like stories,” Stein says, sitting at his office desk in Ann Arbor. As he’s talking, he is, remarkably and a little dangerously, tilting his chair all the way back, like a college kid. “But at the beginning of my first year, the dean spoke to my class and said, ‘Look to the person on your left and the person on your right. One of you is not going to be here in a year.’ The whole attitude towards the student has changed from very patronizing and severe to friendly and understanding.
From the point of view of human decency, it’s a good thing, so long as professors don’t coddle students so much that they stop working.”

Coddling doesn’t impress Stein. He has a big heart, but he’s wise enough to understand that smart people are better off figuring things out by themselves. When he arrived at Ellis Island aboard an ocean liner in 1940, there was no kid riding a bike singing opera. There were squinty-eyed paper-checkers, and they saw right through Stein’s illegal visa. He was detained for 10 days in a room along with an Indian carrying a snake in a basket. Once more, Stein found whatever luck it was that had seated the monk next to him on the train. This time it was in the form of some relatives in Highland Park, the posh Chicago suburb. He got in touch with them, and it turned out they knew someone who knew someone who knew FDR’s secretary of labor, Frances Perkins. To this day Stein believes he may have been freed from Ellis Island with the help of a cabinet member.

On his winter break in 1940, as a young 1L with a thick accent, Stein holed up in a room in Highland Park and transcribed his entire first-semester notes, many of which he had taken in Czech, into English. He learned the language and he learned the law, and he received his JD in 1942. Stein promptly enlisted in the U.S. Army and returned to Europe to fight the forces that had pushed him out of Czechoslovakia and then Italy, the forces that were murdering his countrymen. “I felt morally bound that I should contribute to the defeat of this evil regime,” he says. “If I don’t help, who should?”

When he got to Italy, the Red Cross told him only one sister and one of her sons had survived the war.

After his discharge, Stein joined the State Department’s new Office of United Nations Affairs and worked under Dean Rusk, who would become JFK’s secretary of state. Stein saw the UN as having a simple mission: Prevent future wars. “The UN was a formidable vision for development and progress,” Stein says. It would, everybody hoped, help push colonized countries toward independence and promote human rights in corners of the world where they did not exist. One of Stein’s early projects was to help write the UN resolution condemning apartheid.

He was 42 when, almost 10 years into his work at the UN, Stein’s diligent, methodical work ethic became frustrated by political troubles both inside and outside the organization, notably the cold war that was developing between the United States and the Soviet Union. The increasing messiness of the UN’s attempt at postwar harmony didn’t jibe with Stein’s predilection for rationality, for precision. He liked problems with solutions: You take the deed from ancient Alexandria, you figure out how to fill in the holes. You want to fight the Nazis, you join the Army. He wasn’t sure where to turn. Academia didn’t seem to be an option, since most law schools didn’t hire Jews. “My first years in Washington after the war were very lonely,” he says. “I had some despair.”
Then he met Virginia Rhine. She was from Arkansas and had come to work in Washington as an intern in the Forest Service when the men were fighting the war. Returning to work at the State Department after graduate school at Columbia University’s Russian Institute, she was introduced to Stein through a mutual acquaintance. They had an on-again, off-again relationship until they decided they’d commit for life five years later. On their working honeymoon in Geneva in 1955, Stein attended a conference and ran into Blythe Stason, then the dean of Michigan Law School. As luck would have it—and luck always seemed to have it for Eric Stein—Stason became Stein’s next monk, his next vice consul, his next labor secretary. He offered Stein a job, and Stein accepted. “I became one of the first Jews on the faculty,” he says with pride.

Stein’s UN expertise was part of what drew Stason to him, but Stein had no interest in studying the organization he’d worked nearly 10 years to build. “One of the very few times I have ever seen Eric cry was when he felt the UN was not living up to his hopes and dreams of it,” Virginia says. Stein had invested so much thought, so much logical, lawyerly thinking, so much hope in the UN that he couldn't bear the thought that it might not work. “I should have written a book on the UN, but I was so disappointed,” he says.

Stason was also intrigued by Stein’s work as an advisor to Dwight Eisenhower’s atomic energy representative. Stein, for his part, was thinking about Europe. At the State Department he had seen cables about an experimental agreement that was taking shape among France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg, whereby the countries would conjoin one another’s coal and steel industries. To Stein, it was remarkable: former enemies cooperating in essential industries. This camouflage peace project was less ambitious than the unwieldy UN, but that was the very reason it might work.

In 1960, Stein coauthored, with Thomas L. Nicholson, the first book on what is now the European Union, *American Enterprise in the European Common Market: A Legal Profile*. “That book was prophetic,” says Whitmore Gray, an emeritus professor of law at Michigan who took Stein’s international business class in 1956. “He saw that the EU would be something bigger than an economic cooperation. Eric really started the whole field of European Union studies. Many of the architects of the EU were regular visitors in Ann Arbor, taking advice from him here because it was not taught over there. He had great enthusiasm for it, and that was contagious.”

Matthias Reimann points to an article Stein wrote in 1981 in the *American Journal of International Law*, “Lawyers, Judges, and the Making of a Transnational Constitution”—probably Stein’s most-cited work. “That paper brought it all together. It crystallized for people that the EU was headed towards a constitution, and he was proved right 11 years later by the Treaty of Maastricht,” says Reimann.
Tim Dickinson, an expert in international business transaction and an adjunct Michigan professor, is another Stein disciple and former student. “I may not owe everything in my career to Eric Stein, but I certainly owe a lot,” he says. “It’s a sense of service he gave me—that I have to take my talents and give back. There’s a preoccupation with greed in the law school environment. It’s easy to have money rule your life, but if you sit down with Eric Stein, you’ll find there’s a lot more to life than money.”

Both Reimann and Dickinson have emulated their mentor and now teach courses in transnational law. In 2001 Michigan became the first school in the country to require a course on the subject. “That reflects Eric Stein’s influence on this school,” says Reimann.

He’s almost 91 now. The number of his former students who are already retired could staff a large law firm. Reimann, like many of Stein’s friends, colleagues, and former students, is German. In their more than 20 years of friendship, discussions of Stein’s murdered family and Reimann’s ancestry have never been tense. Not even close. “It was a matter of accepting,” Reimann says. “I suppose Eric saw what happened as part of the larger human drama, as part of human history.” Which, really, is Stein’s most profound wisdom, the thing you expect to find out near the end of an article about America’s oldest law professor: From a past charred by the Holocaust, Eric Stein chose to build a career dedicated to preventing future holocausts by fostering international legal institutions, and by inspiring his students to do the same.

But what about the UN’s status today? What about Iraq? And more important, what about the people who make laws and draft resolutions and create new constitutions? Can a lawyer’s work make humanity’s future better than its past? I ask Stein these questions in his office one morning as the radiator clanks. He tips back in his chair. I expect a hearty answer in the affirmative. But he looks at me squarely through his thick-framed glasses, and I become horrifyingly aware of the 60 years of living he has on me. “I have my doubts,” he says. “I would like, by instinct, to be optimistic. But by my experience, I have constantly the feeling to control that instinct.” Later, he adds: “There has been progress in human rights. I was in the chamber of the UN in ’48 when they adopted universal human rights. Just think of the recognition that ‘human being’ included women. This was wonderful. But no one knows how long it will last. No one knows how deep the trend is. People learn from history only so well.”

No one knows how long it will last. Human rights may be only a trend. I ask Stein how he has mustered such effort for so long on a project—that’s what cooperative government is, really: a project—that is so intrinsically experimental, so uncertain. “It is perfectly plausible that the Earth will be destroyed,” he says. “The question is, What to do now? This is what I think of.” He brings up a poem by Wallace Stevens, The Man with the Blue Guitar, from which he quotes in his book Thoughts from a Bridge. A line from the poem reads, “I cannot bring a world quite round / Although I patch it as I can.”
Samuel “Sam” Estreicher is well known as a scholar of U.S. employment and labor law. LawCrossing speaks with Mr. Estreicher about his busy career as an attorney, law school professor, writer, and volunteer.

Estreicher is an expert at juggling tasks. As the head of New York University’s Center for Labor and Employment Law, Estreicher teaches several courses while maintaining a caseload through Jones Day, where he is Of Counsel in the firm's Issues & Appeals and Labor & Employment practice groups.

A prolific writer, Estreicher says the blend of academia and private practice is a perfect fit for his interests. Estreicher’s interest in labor preceded his interest in law. The son of a factory worker, Estreicher knew he wanted a career in labor relations, but he wasn’t sure in what capacity. After college, he attended the Cornell School of Labor and Industrial Relations and took his first law course. After earning his master’s degree, he enrolled in law school.

“What turns me on about the law to this day is that you work with ideas, but you’re also very practical,” he said from his office at NYU. “You solve problems working in litigation and negotiation. It’s the combination of ideas and practical stuff making things happen, which is very exciting.”

Labor unions in the United States are in serious trouble with decreasing membership and power, and the organizations need to create a new role for themselves, Estreicher said.

“We have to do something about the litigation system. There’s been this movement on the company side for arbitration; so there might be opportunities for lawyers in arbitration,” he said. “We’re using the ordinary courts for employment disputes, which is done nowhere else in the world. It’s very expensive. And what that means is that claimants cannot get lawyers. Claimants cannot get lawyers, and most claimants feel separated from the process. Historically, this is what unions did.”
Estreicher, who also co-directs NYU’s Institute of Judicial Administration and is secretary of the Labor and Employment Law Section of the American Bar Association, said labor unions need to find a way to become more relevant.

“I think it’s a big challenge to figure out a new role for unions. I think it’s still a case that workers need representation,” he said. “What we’ve done now—because of the decline in unions in part—we rely more on lawsuits. And the problem with lawsuits is because they’re done after the fact, they can’t do anything to fix the relationship.”

Estreicher, who is also on the boards of two theater groups in New York and hopes to find time to write plays one day, said young attorneys need to become better writers. He recommends that all attorneys and law students buy and study a copy of *The Elements of Style* by William Strunk, Jr., and E.B. White.

“I work a lot with young lawyers, and they need to work on their writing,” he said, adding that he learned a lot about writing while working on his master’s thesis and editing the *Columbia Law Review*.

“Writing is extremely important; so that’s one thing. And two, I tell my students [to] never park their common sense at the door. They’ve got to start believing in themselves, and they’ve got to start believing in their instincts because, ultimately, they’re going to be paid for their instincts,” he said.

Too many young lawyers doubt their instincts and act like “automatons,” he said. Estreicher calls his common sense theory Holmes 101, in honor of Oliver Wendell Holmes, Jr., the oft-quoted former associate Supreme Court Justice.

Estreicher’s third bit of advice for young attorneys is not to focus too much on the race to make partner in a firm, but to build a solid and dependable reputation for excellence.

“They shouldn’t just be saying to themselves, ‘I’m just here for two years; I’ll put in the number of hours that people want me to put in, and then that’s the end of it,’” he said. “They should be saying to themselves, ‘This is my name; this is my product. I’m going to take pride in it.’ They should try to befriend everyone. I tell my students, and I tell all the young lawyers at Jones Day every person they meet—I don’t care if it’s the janitor—it could be a future client. Treat people as future clients.”

Estreicher clerked for a judge on the DC Circuit for a year after law school and then spent a year in private practice before clerking for Lewis F. Powell, Jr., on the Supreme Court. When Judge John Roberts was nominated for the Supreme Court, Estreicher wrote an article for the website beliefnet.
org, predicting Roberts would likely mark a shift to the right for the court, but not a seismic shift. When asked who he thought would be the next judge nominated to the court, Estreicher predicted U.S. Attorney General Alberto Gonzalez. (Estreicher teaches a course in Supreme Court practice and has an appellate practice through Jones Day.)

Writing is a passion for Estreicher, not a professional obligation. He's been a tenured professor since 1984 and has already lived the publish-or-perish years. He has published several books, including leading casebooks in labor law and employment discrimination.

“I could get away with doing the absolute minimum, but I don’t do the minimum. I’m trying to add value to myself,” he said. “That’s one of the reasons I love teaching, I get to write a lot. Plus, I like to shoot my mouth off; so I’m in the right job. If you write, you make it a habit, and it gets easier for you.”

Estreicher is keen on “adding value” and said the key to success is to always find a way to make a relationship more valuable, professional, and personal. And the best way to add value is to choose what interests you and develop an expertise, he said.

“Develop an area of specialty—whatever it is, whatever turns [you] on—and really become known in that area,” he said, “because it’s very important to have portable value in any relationship, even in a marriage.”
Joanna Grossman is a woman, a wife, a mother, and a lawyer, among other things, and she’s proud of it. As a professor and expert in sex discrimination law, Grossman is thankful for women like Stanford professor Barbara Babcock, who understand the need for a balance between work and family.

“Professor Barbara Babcock encouraged my work in women's legal history and, perhaps more importantly, taught me that it was okay to take personal reasons like family into account when making career decisions,” she said.

Grossman doesn’t agree with the tendency of the legal profession to discriminate against attorneys who attempt to have a life outside of the law.

“The structure of the legal profession is a significant issue facing the legal community, especially those members of it who are trying to practice law while raising children,” she said. “It is so difficult to lead a balanced life as a lawyer, given the increasing number of hours lawyers work in every setting, but particularly so in private firms. The profession’s all-or-nothing structure means that while women are graduating in equal numbers from law school, the upper echelon of legal jobs is still occupied primarily by men. The profession ought to be structured in a way that both men and women could have a meaningful professional and personal life.”

Grossman, who went into the legal field because she thought it would suit her argumentative personality, said she’d wanted to be a lawyer ever since she was young.

“I pretended to be a lawyer when I was a child, always signing my letters ‘Joanna Grossman, Esquire,’” she said.

After graduating from Stanford Law School, she no longer had to pretend. Upon graduation, Grossman clerked for the Honorable William A. Norris of the U.S. Court of Appeals for the Ninth Circuit, an experience she urges all law school graduates to pursue.
“Clerking is a wonderful job. It’s one of the few times in a legal career that you get to sit back and figure out the ‘right answer,’ rather than advocate for a particular position,” she said. “It’s also interesting to see how little discretion appellate judges have in most cases. The outcome is dictated by the procedural posture and precedent most of the time.”

In addition to clerking, she has also worked as a staff attorney for the National Women’s Law Center in Washington, DC, and practiced law at the firm of Williams & Connolly.

“These three experiences were quite different from one another, but each has turned out to be important to my academic career,” she said. “There is no better way to learn about and appreciate the common law process than by clerking. Reading briefs, hearing lawyers argue cases, and drafting opinions all contribute to a more nuanced ability to read and understand judicial opinions. My work at the National Women’s Law Center has been integral to the development of my interest and expertise in sex discrimination law. I first worked on sexual harassment issues at the center and have researched and written about the subject ever since. My time in private practice was very rewarding and enables me to give practical context and examples to the material I teach.”

Having learned valuable skills in each of her positions, Grossman encourages law students to strive to gain a wide foundation of experience.

“I…encourage students to get legal experience any way they can—as a government lawyer, in a nonprofit organization, or with a private firm,” she said. “Lawyers change jobs frequently, so students should not feel like the first job they take will be the last. Trial and error is often the way to end up in a job that suits you.”

In her current position as Associate Dean for Faculty Development at Hofstra University School of Law, Grossman deals with research issues regarding the school and its faculty.

“I focus on developing and promoting the intellectual and research interests of our law school faculty,” she said. “This includes one-on-one mentoring of junior faculty, planning and organizing academic conferences, and promoting the scholarly work of our entire faculty to the broader academic community.”

Grossman’s father is a political science professor, and growing up in an “academic house” gave her an appreciation for the profession. She said even throughout her previous positions, her heart was in teaching and research.

“Law teaching is a wonderful profession,” she said. “It is interesting and intellectually satisfying, but it also affords the time and flexibility to have a life outside of work.”
When it comes to teaching, there isn't much about it that Grossman doesn't enjoy.

“In big classes, there is a performance aspect of it that is both challenging and exhilarating. In smaller classes, the thrill is in getting to know and really reach students on a more personal level,” she said. “It is always satisfying to see students really grasp the material you are teaching, and they, in turn, challenge me to think in new ways about the subject matter.”

In addition to teaching, Grossman spent the past three years serving on the editorial board of Perspectives—a position that recently ended. Perspectives, the magazine of the American Bar Association’s Commission on Women, deals with issues pertaining to female attorneys, which Grossman is extremely passionate about. She also writes articles dealing with sexual discrimination for FindLaw.com. A collection of her columns can be found at http://writ.news.findlaw.com/grossman.
What do you call 600 lawyers at the bottom of the ocean?

A good start.

This week, LawCrossing speaks with law professor Marc Galanter, the author of a new book dealing with the increasingly popular and hostile lawyer jokes, about his career as a professor, writer, and expert in Indian law.

In *Lowering the Bar: Lawyer Jokes & Legal Culture*, law professor Marc Galanter documents and analyzes legal jokes, which he says have become more prevalent and biting since the mid 1980s. With the rise of technology and increasing numbers of lawyers, Galanter said there is often a public perception about lawyers being greedy or too powerful. He said that attorneys should try not to take the jokes personally.

Because some people would give more regard to a snake than to an attorney, he said that people in the legal profession should work to change the negative perception.

So why exactly have lawyer jokes become so popular?

“I’ve always liked jokes. These jokes are a part of our world, but we really don’t quite understand why,” he said.

“Figuring this out is very, very gratifying. It was a fun project to do—to take a piece of the world that you’ve never really questioned or focused on very much, to figure out a pattern.”

Galanter, a professor at the University of Wisconsin-Madison, has been collecting legal jokes for about 15 years, and *Lowering the Bar* is just one of the many books he has written.

Considered one of the leading American experts on Indian law, Galanter went to India on a Fulbright scholarship after graduating from the University of Chicago Law School in 1956.
“I was always interested in India; and back then, there was [former Indian Prime Minister Jawaharlal] Nehru. It was an exciting time,” he said.

“Going to India is like shifting from black and white to Technicolor. It’s the incredible vividness of everything, and what the Indians have accomplished by creating constitutional liberty and rule of law is one of the greatest legal accomplishments of our time.”

Galanter said he became the leading American expert on Indian law because “no one else was interested at the time.” Still, he thinks that the increasing interest in India will create much closer ties between India and the United States. He also served as a legal adviser to the Indian government for litigation surrounding the Bhopal gas disaster in 1984.

Galanter’s expertise goes beyond India and joke books. He is a prolific writer and teaches various courses in civil procedure, contracts, dispute settlement, and the sociology of law. He is a passionate student of litigation, lawyers, and legal culture.

Originally from Philadelphia, Galanter studied philosophy as an undergraduate student at the University of Chicago and only decided to go to law school once he realized he did not want to become a philosopher.

Galanter’s published studies include “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change,” an oft-cited article in legal literature. Along with Thomas Palay, he co-authored Tournament of Lawyers, which chronicles and explains the growth and transformation of large law firms in the United States.

His books on India include Competing Equalities: Law and the Backward Classes in India and Law and Society in Modern India. Galanter is also an honorary professor of the National Law School of India, and he served as advisor to the Ford Foundation on legal services and human rights programs in India.

For attorneys interested in a career in academia, Galanter advises that they not wait too long to start publishing articles.

“I write a lot, and that’s what I love to do,” he said.

“When practitioners come to a law school the question is, ‘Are they going to be able to produce academic writing?’
“Even though they’ve written a lot of briefs and so forth, it’s still a question. I would say faculties hate not giving tenure; they hate to turn someone down for tenure.”

Galanter noted that faculties will want assurance that new hires will be able to produce quality writing; hence, writing is the best way to get a professorial position.

Galanter has been with the University of Wisconsin since 1975, and he also teaches at the London School of Economics and Political Science. He has also taught at the University at Buffalo Law School, the University of Chicago Law School, Columbia University School of Law, and Stanford Law School.

“People want to hire people they think will succeed, so you’ve got to show them you can do this,” he said.

“I will say one thing though: Being a law professor is a really good deal. It’s a tremendous job with lots of intellectual stimulation.”

Galanter said that the only downside to teaching law is the exams. Unlike professors in other postgraduate fields, law professors grade their own students’ exams and are not allowed to hire graduate students to do the work for them.

“When you’re teaching a big class, reading a three-hour exam for 120 people can kill your winter vacation,” he said.

He also said that another perk of being a law professor is that you are often asked to comment on events in the media.

“Society sort of tolerates law professors mouthing off as experts on anything. People expect them to be able to. Law professors really get a free pass to talk about all kinds of issues as if they were experts,” he said.

“No, they’re not experts; they’re kind of generalists. I’m sure they’re experts about some things, but they get to talk about all kinds of things.”

Galanter said that although he is often asked to comment on the litigation explosion or general topics about the legal profession, he is rarely asked about India.
Jayashri Srikantiah; Director of the Immigrants’ Rights Clinic and Associate Professor of Law, Stanford Law School

By Regan Morris

The Immigrants’ Rights Clinic at Stanford Law School has been helping both student attorneys and immigrant clients since it started in 2004. LawCrossing speaks with the clinic’s director, Jayashri Srikantiah, about her career and how she went about building the program.

Srikantiah says starting the Immigrants Rights Clinic at Stanford Law School was like starting her own little law firm. The former ACLU attorney canvassed the San Francisco Bay Area for ideas and organizations to work with.

“I had to be entrepreneurial about setting up projects and setting up cases and getting clients and setting up relationships with groups in the Bay Area, who would then send us cases and projects,” she said.

“But I also had to be entrepreneurial within the law school—promoting the clinic, telling the students that this is something fun that they should try, and creating a buzz around the clinic. That entrepreneurial feeling was there in the beginning, and it’s still there to an extent, because this is only the third semester,” she said.

Srikantiah, an engineer with computer chip maker Intel before becoming an attorney, said she spoke with immigrants’ rights attorneys in the area before deciding on the focus of the clinic: the direct representation of immigrants in deportation proceedings and cases involving immigrant survivors of domestic violence. The clinic works on individual cases and bigger advocacy issues and policy on behalf of groups of immigrants.

“It’s a time when immigration always seems to be in the newspapers, with Congress taking up the idea of comprehensive immigration reform and President Bush mentioning it in his State of the Union address,” she said. “This is something on people’s minds. So it is also a time when students really want to interact with those issues as part of their law school experience as well.”
Srikantiah immigrated to the United States from India when she was four and grew up in an immigrant neighborhood in San Jose. She said her personal experiences influenced her decision to pursue a career in immigrants’ rights, as well as the fact she viewed the group as especially marginalized and in need of legal help.

“In our legal system, immigrants have very few rights; and they’re not entitled to lawyers, to free attorneys, the way that criminal defendants are,” she said. “And as a consequence, many, many people are unrepresented; and as a community, because they don’t vote, they don’t have as much of a voice.”

The clinic also provides outreach educational programs for immigrants. Students involved in the clinic work on all aspects of a case: interviewing clients and witnesses, investigating facts, writing pleadings, developing case strategy, conducting legal research, and presenting cases.

Srikantiah said it was incredibly gratifying to see the students argue in court for the first time and said that most students find it very exciting. She said they spend months preparing for a courtroom appearance so the student attorneys are prepared to handle the case.

As an engineer, Srikantiah worked on Intel’s first Pentium team from 1991-1993. She says she enjoyed engineering but wanted more.

“After being an engineer for a couple of years, I realized that I wasn’t doing as much writing and wasn’t interacting as much in public policy as I would like in my career. So I went to law school, and it ended up being a good choice for me,” she said. “Engineering wasn’t a perfect fit for me. Although I obviously was intellectually and analytically very much challenged as an engineer, they don’t do that much writing, and you definitely don’t interact that much with overall public policy in terms of what you read in the news, what is going on in the world, how do you want to influence social change. It doesn’t happen as easily as part of your career.”

Srikantiah initially thought she would practice intellectual property law to work with her engineering background, and she did briefly work in the field. But the pull to work in public interest and have a voice in social change was strong. She started working in immigrants’ rights as a staff attorney with the ACLU, where she worked from 1998 to 2004. Srikantiah graduated from New York University Law School, magna cum laude, in 1996 and clerked for The Honorable David Thompson of the U.S. Court of Appeals for the Ninth Circuit in San Diego. She then spent a year as a litigation associate with Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco.

As a teacher, Srikantiah says there are often priceless moments when she sees her students understanding a concept for the first time. She said there was a rapid learning curve involved in teaching and she urges her students to try new things and experiment while they are in law school.
“The advice I give most frequently is that students should experiment in law school to see what kind of things they like and not focus on classes that they think they should take or internships that they think they should take or things they think they should do,” she said. “But also look into classes in new fields in new areas that they might be interested in, because you never really know where your career might take you and being exposed to different options and opportunities in law school is one way to open a lot of doors for yourself later on.”

Srikantiah says she takes her own advice while running the clinic, because each semester is different and she has to quickly adapt to new challenges. She was approached by Stanford over lunch one day to help create the clinic, which proves that dream jobs can come knocking on your door—if you’ve built up an expertise in the area.

“In doing all of this, one of the things I’ve learned is that you have to constantly change your approach and way of doing things because different students are different and different semesters are different and different cases are different, so things are constantly changing,” she said. “And it’s that ability to be flexible that really makes you have a chance of succeeding.”
One of the more popular reasons why people go to law school is so that they can help others. Some of those people go on to fulfill that desire, but the majority of them get sidetracked by large law school debts or other legal specialties. Esther Lardent is one of the few who has gone on to make a successful career out of helping the less fortunate. She went from being an ideological law student to a powerful voice for pro bono work across the United States and beyond.

As President and CEO of the Pro Bono Institute (PBI), housed at Georgetown University, Lardent is in a unique position to encourage pro bono work in the legal profession. “We work with people at the highest levels of firms—managing partners and chairs, general counsels, unbelievably busy people with high-pressure lives who have a lot of demands on their time,” Lardent says from her office in Washington, DC. “And yet they’ve made the decision that this is something that is very important to them. Very bright, very committed people. And they find time for this in their lives.”

The Institute’s banner project is the Law Firm Pro Bono Project. Its sister project, the Law Firm Challenge, just celebrated its 10th anniversary. The Project’s main goal is to encourage larger law firms to make pro bono a part of their business models and firm cultures. The Challenge requires, among other things, that firms donate 3–5% of their total billable hours annually to pro bono work.

“We know we have firms we’ve worked with that were wonderful firms doing pro bono, but not focusing on it,” Lardent says, “And we’ve seen them triple, in some cases, the amount of pro bono work and taking advantage of skills and resources and partnering them with these little pro bono organizations. You bring together these experts who live and breathe their advocacy work and these firms, with skills and offices everywhere…the impact of that can be extraordinary.”

The work is not limited to lobbying firms to participate in pro bono. Lardent and her staff spend a great deal of time understanding what makes corporations and law firms tick in order to better integrate pro bono into those establishments. “I love working with the corporate community,”
Lardent explains. “Seeing how they manage, evaluate effectiveness, and seeing how principles like corporate and social responsibility is [sic] not measured only by the bottom line.”

Lardent is pleased that pro bono has become more prolific in the legal world and gives credit for that to multiple sources. “I hope our work helping firms to do a better job has contributed to it,” Lardent comments. “There also has been much more pressure from the legal media and law schools about pro bono at law firms.” She supports the growing trend among law schools to make pro bono work mandatory for law students. “That makes a lot of sense. Law schools mandate a lot of other things too, and from my perspective, it wouldn't make sense if part of what we're going to require isn't to introduce you to part of your ethical obligations as a lawyer.”

Lardent also credits the participation and enthusiasm of legal heavyweights such as Supreme Court Justice Ruth Bader Ginsburg, Supreme Court Justice Stephen Breyer, former Attorney General Janet Reno, prominent lawyers John Pickering and Chesterfield Smith, and former Georgetown Law Center Dean Judith Areen with lending visibility and importance to pro bono work. Of their “shared commitment to pro bono,” and PBI, Lardent says, “We're very lucky.”

Lardent didn't grow up wanting to be a lawyer. “I actually didn't know any lawyers growing up. It was never something I wanted to do,” Lardent explains. But the turbulence of the Vietnam era made its mark on her. “I'm a classic child of the ‘60s,” Lardent says. “That was a time of tremendous upheaval and tremendous promise.” She attended Brown University, graduating with a degree in literature and a strong interest in theater. “I was a movie and theater critic, and I planned to teach, to go to grad school, and wait for someone to die or retire at the New York Times or the Village Voice,” Lardent says.

However, after working with the Vista program on segregation and busing in Boston schools during the summer of 1967, Lardent became frustrated by the lack of action on behalf of those in need. “I decided that while I love literature and theater, and they are very important to me, it would be incredibly selfish to continue, and I needed to figure out how to make change. Law school and lawyers had the ability to do that.”

Lardent enrolled at the University of Chicago Law School and earned her J.D., although she admits, “I did not love my law school experience. In fact, women in my class filed a suit against the law school because they allowed law firms who discriminated against women to use their facilities.” Lardent spent a lot of time working in the school’s legal clinic, and when she graduated, she went straight into public interest work, taking a job at the U.S. Department of Health and Human Services’ Civil Rights division.
From there, she moved to the Individual Rights department at the American Bar Association (ABA). “We dealt with a lot of policy issues. That’s what really sparked my interest in volunteer activities. I got to hear people doing reports and doing programs. I was really struck by how much energy and effectiveness they had.” Lardent went on to establish a pro bono project for the Boston Bar Association and to become the head consultant for the death penalty project at the ABA. A subsequent position with the Ford Foundation led her to create the Pro Bono Institute.

“For me, this is the perfect position,” Lardent explains. “When I was doing legal services directly, I always felt incredibly frustrated. I couldn't help enough people, no matter how hard I worked. I didn't love litigating, and what I really like about what I do now is that it gives me the ability, although indirectly, to assist so many more people.”

While Lardent is pleased with the increase in pro bono work done every year in the U.S., the Law Firm Pro Bono Project firms have provided 20 million hours of pro bono work in the last 10 years, she notes that there is a long way to go. “It is still the case that lots and lots of people don’t have access to the help that they need,” Lardent laments. “Pro bono is going to have to increase simply because we’re not doing any better in public funding, and yet the needs get more and more complex.”

Lardent is also quick to emphasize that more hours of pro bono is just part of the solution. “Transactional pro bono is going to increase. It’s a very important area with tremendous potential to create systemic improvements,” she notes. “Micro-lending is needed so that low-income people can start small businesses and get help with regulations. It is a big area with a lot of development.”

She also feels that utilizing people from all areas of the legal profession is necessary. “There are interested lawyers in larger law firms, but a lot of the lawyers are not litigators and don't want to be litigators, but they do have skills,” Lardent says. “I was just at a firm event yesterday, and it’s a firm that instituted a pro bono project with real estate lawyers, creating houses for the homeless. They’ve created over a thousand units of housing. It is still important for someone to be representing those people when they get evicted, but the ability to create long-term solutions is key.”

When it comes to the political ramifications of, and impact on, pro bono, Lardent makes it clear that PBI stays out of the fray. “We don't get involved in the politics because we’re not a lobbying policy shop. The ABA has been working really hard on that for years,” Lardent says. “What happens often is people who do pro bono begin to appreciate how intense the need is, so to some extent pro bono can be a force for making the argument itself.” However, Lardent does have an opinion on whether or not pro bono should be politicized. “The Federalist Society has published a piece that essentially says pro bono really focuses on the left wing as opposed to being non-ideological. That’s a matter of some discussion,” Lardent states. “My take on that is the legal services for low-income people is [sic]
neither left or right—it’s non-ideological. The custody of a child or someone being abused or evicted is not a political act.”

“But beyond that, to a certain extent, pro bono does focus more on progressive causes,” Lardent goes on to explain. “But the reason for that is that is where the need is. If someone wants to challenge the implementation of the Clean Air Act, if a corporation wants to do that, they can pay for that. The people lacking the funds may be people who have a more ideological cause, but again the reason they need pro bono assistance is that they don’t have the resources to get the legal help to vindicate themselves.”

Lardent does acknowledge that there are times when pro bono interests and politics can knock heads. “Right now, there are a number of large law firms representing people who are being detained in Guantanamo Bay. My feeling is there is a group of people it is in the best interests of, in this country in general, that we’re not holding people incommunicado, that it is, in fact, incredibly important that they get assistance. What firms should be doing is helping their lawyers find pro bono engagements whatever their interests and political values.”

Although Lardent moved around a lot early in her career, she says she is content to stay where she is. “Intellectually, and in terms of colleagues, this job keeps growing and changing and is endlessly fascinating,” she says. When she started the Law Firm Challenge, “People said, ‘That’s crazy. You can’t ask firms to do that, and your definition of pro bono is much too narrow,’ and now it’s really become the industry standard.” Lardent finds that running the Pro Bono Institute is a perfect fit. “For me, it’s the best job I can imagine.”
How I Got a Job

This week, LawCrossing talks with legal research and writing professor Naomi Harlin Goodno about how she got her teaching job at Pepperdine University School of Law.

Before she started teaching at Pepperdine, Goodno worked for four years as an associate at litigation boutique Quinn, Emanuel, Urquhart, Oliver & Hedges in its Los Angeles office.

Goodno said she ended up teaching accidentally and originally had no plans to make a career out of it. She had planned to work for the U.S. Attorney’s Office after leaving Quinn Emanuel but got sidetracked.

“Initially, it was kind of by accident,” she said. “I heard about a position open at Pepperdine, and I was thinking about doing it for a year. And that was the same year I was getting married, and I thought it would be a nice job to have while I was planning my wedding. And then I just loved it. I never thought in my life that I would want to teach law students.”
Professor Naomi Harlin Goodno was in the eighth grade when she decided that she wanted a career in law, and the environment in which she grew up played a part in that decision.

“I felt like it was a profession where it gave you the skills to really make a change or to make a difference,” she said. “I was one of those idealistic first-year law students that really thought the skills I would learn would help make a change. And also, I grew up in a really bad neighborhood, and so I saw criminal justice issues firsthand, so to speak.”

Since she began practicing law seven years ago, Goodno has gained a broad view of the legal profession, as she has seen it from two very different perspectives: a litigator’s and a law professor’s. Before joining the faculty at Pepperdine University School of Law in 2003, she worked as an associate for four years at litigation boutique Quinn, Emanuel, Urquhart, Oliver & Hedges in its Los Angeles office. There, she worked on a number of civil and criminal cases, including white-collar crime, bankruptcy, class action, breach of contract, fraud, trademark, criminal embezzlement, and property and employment disputes.

Goodno said that she got a significant amount of courtroom experience at Quinn Emanuel.

“I think for an associate at my level, I spent a lot of time in court,” she said. “The last year I was at the firm, they let me run some smaller cases. Obviously, I had a partner over me. But they were all mine, so I could pretty much manage them how I wanted to manage them. That was such a great experience.”

Goodno also helped with two trials while at the firm. The first one was a wiretapping case, for which she assisted with trial preparation. The second was a bench trial, in which the firm’s client was being sued by his former attorney for breach of contract. The firm countersued for breach of fiduciary duty.
“As the only associate on the case, I worked it up for trial and also drafted the appellate brief,” she said. “We won the bench trial, which was appealed to the California Appellate Court; we also won the appeal.”

Goodno explained why she joined Quinn Emanuel:

“The reason why I went to that firm was because it’s hard to get trial experience or even in-court experience, depositions, or anything like that with your larger firms,” she said. “I had a wonderful time at the firm, and I learned so much. All of what I teach I picked up from there.”

Goodno said she got into teaching accidentally and originally had no plans to make a career of it. She had planned to work for the U.S. Attorney’s Office after leaving Quinn Emanuel but got sidetracked.

“Initially, it was kind of by accident,” she said. “I heard about a position open at Pepperdine, and I was thinking of just doing it for a year. And that was the same year I was getting married, and I thought it would be a nice job to have while I was planning my wedding. And then I just loved it. I never thought in my life that I would want to teach law students.”

Goodno said two of the main factors in her decision to continue teaching were the students’ enthusiasm and the freedom she had to research subjects that interested her.

“[The students] were just so intelligent and energetic, and the first-years, in particular, are so excited about being in law school,” she remarked. “And it was exciting to me, so I loved that. And as far as the research side goes, it’s just terrific. Whatever I’m interested in I can decide, on my own, to research. And I’ve just gotten interested in a bunch of human rights issues, and my job allowed me to do it, and I went to Africa over the summer to work with some attorneys in Kenya.”

Goodno teaches legal research and writing to first-year law students. She also teaches an academic support class in the spring called “Supplemental Property.”

“It is a class designated not really to teach properties but more to help students learn how to outline and prepare for exams,” she explained. “So it’s usually targeted for students who apply because they think they need the extra help maybe in getting outlines together...those types of things.”

Additionally, Goodno started the Academic Success Program at Pepperdine this year. She said the program is designed to help first-year law students make the “transition between college and law school.”
“[For] students who come right out of college and go to law school, the first semester is sort of a shock because it’s a lot more like a job,” she said. “I mean, you really do have to work eight hours a day and go to class. So we try to get them to treat it like a job right off the bat.”

She added that she and her colleagues present lectures on how to take tests, and they give students practice exams. They also provide students with tips on how to study for finals.

Goodno said that in the first semester of her legal research and writing class, she teaches objective writing, and in the second semester, she teaches persuasive writing. During the objective writing portion of the course, Goodno gives her students three memos to write.

“They’re hypothetical, but they’re usually fun,” she said. “Like this year, we did a false imprisonment claim, and it was hypothetical. I had a law professor tell students that they couldn't leave the classroom, and we were wondering if they felt [...] that was false imprisonment or not, and so they [had to] write out a memo.”

Goodno said that during the persuasive writing portion of her course, she has each student write a motion for summary judgment and then an appellate brief that usually involves a constitutional issue on which the student actually presents an oral argument in front of mock judges.

In addition, Goodno co-coaches Pepperdine’s trial advocacy teams. The school sends out three teams every semester to different trial competitions against other schools.

“I’ve done it for three years, and we managed to win regionals a couple of times and win a couple of other awards,” she said. “So that’s a lot of fun.”

Goodno said that one of the things that she emphasizes in her classes is concise writing.

“There seems to be a real movement to write very simple, straightforward [...] writing, which is hard for first-year law students,” she said. “One reason is they’re coming out of college usually, so they’ve actually never been critiqued sentence by sentence, so they tend to write [in a] long, flowery type of language. And they also read these cases in their first semester of law school that are usually really old, and they’re written in long sentences, and they’re hard to get through. And then, what we’re teaching them is to write in plain English. I really wish that when I was in law school, somebody had taught me some tricks on how to just write simple, plain, concise writing because, again, I think more than ever, and even more so when they graduate, it’s going to all be about the arguments made on paper [...]. I really think to be a successful attorney, you have to be able to write really well, not just to the judges but also to your clients. Nowadays, so many judges decide things on paper without really entertaining oral arguments.”
Goodno also explained what she teaches her students with regard to research to help them achieve better and faster results:

“We try to teach them just to really have a plan and methodically approach it,” she said. “And eventually they’ll get there, and if they have a plan, we try to emphasize that they’ll get there a lot faster than just doing a random search. But I think even more than when I was in law school, you know, because of the Internet, they feel that they can type in one term and get what they need. And they can, but it just takes three times longer and three reams of paper.”

Goodno said she often invites her former colleagues from Quinn Emanuel to come down and speak to her students. She said that name partner Eric Emanuel has visited her class every year since she began teaching.

“The students love him!” Goodno exclaimed. “He’s very charismatic, and, of course, he’s a partner at a huge law firm. They’re very excited to hear what he has to say, and he backs me up on everything, which is really nice.”

Goodno said that this will be her last year teaching at Pepperdine, as she plans to clerk next year for the Ninth Circuit Court of Appeals.

“I tell my students how important it is to do your clerkship,” she said. “And I feel somewhat of a hypocrite because I never did it myself, and I thought it would be a good opportunity for me.”

Although Goodno plans to go back to teaching after she finishes her clerkship, she said it probably won’t be at Pepperdine because she and her husband are thinking about moving. She’s also not sure if she’ll continue to teach legal writing and research, since she’d like to have more time to do her own research.

“Legal research and writing takes a lot of time in the semester to grade papers because you’re giving so much feedback,” she explained. “And the only way you can really have your students learn is by giving good feedback. I’d like to just spend more time doing some research, so I’m hoping to teach substantive courses, which would allow me time to do research on my own. But certainly, as a law school, I can’t speak highly enough about my colleagues at Pepperdine—a really good group of people who really care about their students.”

Goodno recently completed an article on cyberstalking, which is scheduled to be published next spring in the Missouri Law Review. And she has another article about California’s Three Strikes Law that is scheduled to be published in the Golden Gate University Law Review next spring, as well. Furthermore, she is currently working on an article about how “international law is intercepting with criminal law and human rights issues.”
Goodno completed her undergraduate work at Princeton University, graduating with an A.B. in History in 1995. Following graduation, she taught for a year at King’s Kids Inner-City High School Academy in Phoenix, AZ. Goodno said the school was for troubled kids who had been involved in gang-related crimes and were expelled from public schools. She had about 32 students in her class, and their ages ranged from 14 to 20. Goodno taught her students history, English, math, and Spanish.

“It was such a great experience for me,” she said. “But it was tough—tougher than any law student could ever be.”

One of Goodno’s high school students went on to college and is now a social worker.

“She was the first in her family to ever graduate high school,” Goodno said. “I mean, we lost a couple back to the streets. But if you can see one success story, it’s worth it.”

After her teaching assignment was up, Goodno began attending UC Berkeley’s Boalt Hall School of Law in August of 1996 and graduated in May of 1998. She spent her last year of law school studying at Harvard Law School through the Harvard Law Exchange Program. Goodno was also involved in the Harvard Mediation Program and worked as an advocate in the domestic violence unit of the Cambridge Police Department. She joined Quinn Emanuel in September of 1999.

Goodno had the following advice for recent law school graduates:

“I would just say that they should not feel as if the only track for them is to be in a firm,” she said. “You know, certainly it’s a great experience to have, and I would encourage every law student after law school to maybe do some kind of work in the private industry or at a firm. But I think they have to keep in mind [that] that certainly does not have to be the end of their career. It can just be a stepping stone to many other things. So I would say, ‘Keep your options open,’ because I never in my wildest dreams thought I would want to be a law professor or that I would be able to be a law professor, but I’m doing it, and it’s gratifying.”

Goodno was born in Albuquerque, NM. She was an only child and was raised by her mother.

“She deserves a lot of credit for being a great mother,” Goodno said. “She was really a big part of encouraging me to pursue a career in law.”

Goodno and her husband, who is an aerospace physicist, just celebrated their third anniversary. They don’t have any kids yet, but they have what she calls a “Rottweiler cross-mutt that’s 80 pounds of love.”
Rennard Strickland hated law school so much that he decided to become a law professor. He realized that, as a teacher, he could make the experience better for future students.

“When I was in law school, I think it would be safe to say there was no one who hated law school any more than I did. The thought that I would spend my entire life in an institution like law school was something that really didn't occur to me,” said Strickland, who is now the Philip H. Knight Professor of Law at the University of Oregon School of Law.

It wasn’t the subject that Strickland disliked; it was the way courses were taught. Law school in the 1960s, according to Strickland, was a “very sadistic system that was designed to humiliate or, if not humiliate, at least expose the weaknesses [of students] in a very public manner.”

However, Strickland did not become disgruntled because of his experience. Instead, he saw an opportunity to make a difference in legal education. Today, he is considered a pioneer in introducing Indian law into the university curriculum, and he is the only person to have received both the Society of American Law Teachers (SALT) Award (1979) and the American Bar Association's Spirit of Excellence Award (1997).

**Advice to Young Lawyers**

“Remember that your first job is not your last job,” Strickland said. There are many opportunities to work with tribes, state agencies, and universities. “If you are really interested in working with Indian people and Indian law, the more kinds of experiences and the broader range of experiences you have, the more you will ultimately contribute to the development of Indian law and the advancement of the Indian people,” he added.

Strickland’s interest in Native American culture and history comes as no surprise, considering his heritage. His parents were Osage and Cherokee Native Americans, and he grew up in “Indian Country” (Muskogee, OK).
Strickland was also exposed to Native American culture throughout his years in college. He earned his B.A. at Northeastern State University, which was founded by the Cherokee tribe in the 19th century. The school currently has the largest enrollment of Native American students of any public institution of higher education.

Strickland went on to earn his J.D. from the University of Virginia, his M.A. from the University of Arkansas, and his S.J.D. from the University of Virginia.

Immediately after law school, Strickland began his career as a graduate teaching fellow at the University of Arkansas School of Law. He has also taught at the University of West Florida, St. Mary's University, the University of Tulsa (where he also served as acting dean for one year), the University of Washington, and the University of Wisconsin. In 1985, Strickland served as a professor and dean at the Southern Illinois University School of Law. From 1990 to 1995, he was the director of the Center for the Study of American Indian Law and Policy and a professor at the University of Oklahoma. From 1995 to 1997, he served as Dean of the Oklahoma City University College of Law, and from 1997 to 2002, he served as Dean of the University of Oregon School of Law.

Strickland said working with young people is one of the highlights of his job. “I think at this moment, at the beginning of the 21st century, we have better law students that we have had any time in the previous 40 years that I have been teaching,” he said, adding that it is rewarding knowing that he has helped shape their views of the profession.

Indian law presents unique challenges. For example, Strickland said he believes that many Americans have misconceptions about Native Americans. Just because a few tribes have opened successful and prosperous casinos, many people believe that every Native American is making millions of dollars, which simply is not true, he said.

In order to help inform the public, Strickland has written and edited more than 35 books about Native American history and culture. He is often cited for his work as Editor-in-Chief of The Handbook of Federal Indian Law, which was written by Felix S. Cohen. The book is highly regarded and considered by many to be the “Bible of Indian law.”

He is currently working on a book called Spirit Red. The book, expected to hit bookstores in three years, includes biographies of 50 key Native American leaders.

Strickland’s work with Indian law goes far beyond the classroom. He has helped resolve many significant Indian law cases. For instance, he served as the Chair and Arbitrator of the Osage Constitutional Commission. During that time, he drafted the Osage National Constitution, which was approved by the votes of more than 65% of the tribal electorate.
In addition, the U.S. Senate Select Committee on Indian Affairs appointed Strickland to chair a team of three Indian law experts from the University of Wisconsin Law School. The team drafted a report on a fishing rights controversy that led to a peaceful resolution.

Strickland has helped many tribes and museums resolve legal conflicts regarding skeletal remains and sacred objects. He has also served as an expert witness in several federal court cases, including the Creek Nation gaming case.

Strickland has been an active member of the American Bar Association since 1974, and he was President of the Association of American Law Schools in 1994. He is the first person to have served as both President of the Association of American Law Schools and Chair of the Law School Admission Council.
How I Got a Job

Rennard Strickland, who is considered a pioneer in introducing Native American law studies into university curriculum, began his career as a graduate teaching fellow at the University of Arkansas School of Law. Now, 40 years later, he is a Philip H. Knight Professor of Law at the University of Oregon School of Law.

When Strickland was a student at the University of Virginia School of Law, he took advantage of the university’s job placement office, and he was also involved with the Association of American Law Schools’ Faculty Recruitment Services. Strickland, a legal historian of Osage and Cherokee heritage, said, “I think the crucial thing in finding a job is visualizing all of the possible venues that are there, and I did that.”
Adrienne Meddock, a former member of two alternative bands and at one time an aspiring architect, is now the Assistant Dean for the Evening Program at North Carolina Central University (NCCU) School of Law.

Meddock toured with an 80s punk band, “The Beef People,” and she was a vocalist for “Bloom” from 1990 to 1992. But she knew right away that playing music and booking bands wouldn’t pay the bills. “Booking was self-supporting, but the band was always another hungry mouth,” she said.

As she began considering different professions, law originally wasn’t of much interest to her, although she always knew she would make a successful lawyer. “I had felt that the law was sort of an obvious field for me, since my writing and speaking skills favored that career, but I definitely ran from it,” Meddock said.

Meddock decided to pursue a career that would make use of her creative ambitions, and she enrolled in an architecture graduate program. However, after one semester of school, she realized the field of architecture was not a match for her. She found that her desire to create far surpassed her talent. She also wasn’t as serious and passionate about the program as most of her peers were.

**Advice to Young Lawyers**

“Students should think about teaching at all levels as a good preparation for becoming professors,” said Meddock, who tutored students while she attended law school.

“While there will always be a need for the theoretician who churns out thoughtful publications, teachers who teach members of the community, fellow attorneys, undergraduates, and even community college students are invaluable. Teach where you can and who you can to see if you have the gift of being able to help students learn,” she said.
“I was the youngest and probably the most dilettantish of the group. By the end of the semester, I vowed I wouldn't return to school until I felt about a subject the way my fellow architecture program students felt about that subject. Several folks had given up on careers and made real sacrifices to join that program,” she said.

Meddock eventually started to take an interest in the law, as she continued booking bands and playing music. “I knew that when trademark infringement and copyright issues that came up for the band became more intriguing than learning new songs, it was time to stop fighting it and accept my calling,” she said.

Meddock earned her J.D. degree at NCCU and accepted a full-time position at the school just days after she passed the bar exam in 1991. “I had originally thought I'd work here for a few years while building my entertainment law practice, but I fell in love with working with students and gradually stopped practicing,” she said.

Meddock is also a visiting assistant professor at the school, teaching global intellectual property, intellectual property (IP), relational injuries, legal writing, and entertainment law to students enrolled in the Evening Program. “I teach in the evening and late afternoons, in what we call 'the swing hour,' a time when students from the full- and part-time programs take electives,” she said.

The school's Evening Program is designed for people who want to earn law degrees while working full-time. Evening students come from many professional fields, including academia, medicine, scientific research, law enforcement, and government.

The Evening Program presents unique challenges to professors. “One of the most frustrating things about working with the Evening Program is the outside influences on the students and program over which none of us has much control,” she said. Many of Meddock's students have had to drop out of the program because of major life changes. “It is always a challenge to accept that there are some things beyond your control,” she said.

Many of the techniques that practicing lawyers use are applicable to the teaching profession, Meddock said. Lawyers need to be able to see problems from the client’s point of view, in the same way that professors need to be able to see problems from the student’s point of view. Both lawyers and professors need to be able to explain complex information clearly and concisely in order to effectively engage their audiences.

Meddock's favorite course to teach is relational injuries because “the torts tend to fill the gaps between traditional first-year areas of law and provide remedies for harms to a[n] […] unusual range
of interests,” she said. “You have to love a class whose subject matter spans the very different topics of defamation, alienation of affections, and unfair competition,” she added.

Meddock said it is rewarding to see her students develop into critical thinkers. “Plus, working with the non-traditional population in the Evening Program, you see folks make drastic changes in their lives,” she added. For instance, one of Meddock’s students started off as a paralegal in a small law firm. Now she is a partner at one of the largest firms in North Carolina. “It is rewarding to see a student grasp concepts in class and then put those ideas into practice as a lawyer,” Meddock said.

Meddock is also the advisor for the Trademark Moot Court, Intellectual Property Law Society, and Sports and Entertainment Law Society at NCCU.

Meddock is a member of the North Carolina State Bar and the South Carolina State Bar. She is on the board of directors of the Triangle Intellectual Property Law Association. She is also a former Volunteer Lawyers for the Arts board member and the former co-chair of the North Carolina Bar Association’s Art and the Law Committee.
Michael Dorf, the Michael I. Sovern Professor of Law at Columbia University School of Law, said his mentors played a vital role in shaping his career path; and he encourages students to establish relationships with their professors as well. As a student, Dorf fully intended to become a lawyer, but his teachers at Harvard Law School helped him realize that becoming a professor was a more suitable position for him.

Students should actively seek out mentors, Dorf said, because it is easy to go through law school having minimal contact with teachers. “My experience is even at schools where faculty have a reputation for being inaccessible, faculty are always very happy to work with students who are highly motivated. It’s just [that] the student may have to go knock on a few doors.”

Dorf began teaching immediately after serving as a law clerk to U.S. Supreme Court Justice Anthony M. Kennedy and the Hon. Stephen Reinhardt of U.S. Court of Appeals for the Ninth Circuit.

Dorf—who teaches courses in civil procedure, constitutional law, and federal courts—said he enjoys his work because he is constantly learning from his students. He said that because they are at an earlier stage in their careers, students have different experiences and viewpoints to share. “Students always have their own perspective that is not mine. So, it’s a constant source of ideas for me.”

Surprisingly, teaching gets more difficult for Dorf as time goes on because he is further away from being a student himself. “I find it’s harder and harder to see the material the way someone coming to it for the first time would see it,” he said. Therefore, Dorf tries to remind himself what it was like to be a student by taking classes in other subjects.

He most recently took an acting class, but he found that his mind wandered and he had a difficult time absorbing what his teacher was saying. “And so as a result, the insight I took away from that was you have to repeat things, you have to pause, you have to do a lot of things to make sure people are coming along with you,” he said.
Even professors with as much experience as Dorf encounter troubling legal and political issues. But he does not shy away from difficult questions, because they often spark important dialogue. “My view is that the most interesting ideas grow out of confusions,” he said.

Dorf’s biweekly column for Findlaw.com focuses on current controversial legal and political issues. “The columns themselves have grown out of my own frustration with public debate about the law,” he said. He argues that the conventional criticisms of legal reasoning from conservatives and liberals are wrong. According to Dorf, “Law is a methodology; and so that even where cases have no clear right or wrong answers, we can discern better and worse answers and good and bad forms of legal reasoning.”

Dorf’s new book, No Litmus Test: Law versus Politics in the Twenty-First Century, is a compilation of his columns written over the past five years. “My main method in this book is to go through lots of very public controversies over roughly the last half decade.” A constant theme is the dividing line between law and politics in the U.S. court system.

Currently, Dorf is working in collaboration with several colleagues on a book tentatively titled Learning Government. The central idea of the book is “democratic experimentalism,” he said. The authors are looking at ways the government can work more effectively and democratically. In order for laws to be realistic and pertinent, the government should develop laws based on people’s actions rather than deciding what one ought to do in the abstract, he said.

In addition to teaching, Dorf continues to practice law pro bono and does paid consulting work. “I’m primarily a scholar and a teacher, but working on actual concrete cases is, I think, extremely important because it keeps me in touch with the legal profession and how problems are perceived by practicing lawyers and also with the lives of young lawyers,” he said.

He has authored three books and dozens of law articles that have appeared in leading journals. He is also a regular contributor to The American Prospect.
James S. Heller: Director of the Law Library and Professor of Law at the William and Mary Marshall-Wythe School of Law

By Devon Pryor

In a September interview with LawCrossing, James S. Heller, Director of the Marshall-Wythe Law Library at the College of William and Mary School of Law, discussed the importance of paying attention to relevance when conducting legal research, as well as the ways in which technology affects that research. “Research,” said Heller, “is about the search for authority.” Heller explained that “[a] law library helps attorney[s] practice law” by providing the legal materials that constitute this authority and by providing access to digital information databases that assist attorneys in finding the legal authority that is relevant to their cases. Legal information, whether it comes from print materials in libraries or digital information in online sources, and issues regarding public access to such information continue to be subjects of passionate debate for James Heller.

In our interview with Heller, he shed light on the three basic categories of legal materials which constitute legal authority. These are “primary authority,” “secondary authority,” and “finding aids.” “Simply put,” said Heller, “primary authority is the law,” which includes constitutions, legislations, court decisions, and administrative rules and regulations. Secondary authority is “literature about the law,” such as treatises and articles in journals or encyclopedias that “explain, analyze, criticize, or otherwise comment on the law.” Finding aids like Lexis, Westlaw, and Google, explained Heller, help one to locate the primary and secondary authorities relevant to the case at hand. Since the law—and, therefore, legal authority—is so dynamic, Heller expects that the digital information found via the aforementioned search engines will eventually “completely supplant the print materials” found in law libraries.

Heller compared law to a chemistry experiment, wherein the chemicals are the facts of the case at hand and the primary and secondary authorities found in law libraries. The hypothesis of the experiment is legal theory. The theory one applies must be relevant in the context of the case, but as Heller attests, “whether that theory holds will depend on the results of [one’s] research.” This is why relevancy is so important in legal research. If the components of the experiment are not relevant,
the attorney is simply mixing random chemicals. Of course, the accessibility of digital information through technological research aids makes the search for relevant laws, cases, and facts much easier than it would be if someone were sifting through myriad random sources of information.

Heller earned law degrees from the University of Michigan (B.A.), University of San Diego School of Law (J.D., *cum laude*), and University of California, Berkeley (M.L.S.). After holding career positions as Director of the Law Library at the University of Idaho, Head of Reader Services at the George Washington University Law Library, and Director of the Civil Division Library of the U.S. Department of Justice, he became the Director of the Marshall-Wythe Law Library in August of 1988. According to the law library’s website, in 1991, Heller petitioned the college’s computer services office to pay equal attention to the resource needs of the law library. The office responded by doubling the number of computers in the law library and implementing new work stations, thereby expanding the availability of Lexis and Westlaw to library patrons.

From 1999 to 2000, Heller served as President of the Executive Board of the American Association of Law Libraries (AALL), according to the group’s magazine, the *AALL Spectrum*. As President, Heller upheld the mission of the AALL, which echoed his high standards regarding information quality and availability. The AALL’s mission, in short, is to promote and enhance the value of law libraries in recognition of the fact that unhindered access to legal information ensures a just, democratic society.

In the fall of 2000, in accord with his unerring attention to justice via information and the implications technology has for law, Heller wrote an analytical essay for *The Richmond Journal of Law & Technology* called “The Uniform Computer Information Transactions Act (UCITA): Still Not Ready for Prime Time.” Therein, Heller enumerates his oppositions to UCITA, a commercial contract code addressing the licensing of rights to digital information, on the basis of its lack of regard for the rights that the Copyright Act affords to consumers. Heller feels that UCITA threatens “the free sharing of information in the public domain.” He points out that UCITA would allow licensors to bind licensees to volatile contracts, which licensors could change without licensees’ acknowledgment. Heller suggests that, since the consumer has no bargaining power, this kind of contract is not truly negotiated. By extension, Heller’s objection to UCITA calls into question the very concept of the ownership of information. Should the legal right of possession extend to information at all, and if so, by whom will the scope of that possession be determined?
Cristina Velez: Freelance Legal Researcher; Adjunct Professor, Florida State University; Tallahassee, FL

By Megan Rellahan

Cristina Velez broke all boundaries and became a lawyer. Leaving New York City behind, she discovered a perfect balance between her artistic life and her legal career in Tallahassee, FL.

After finishing her undergraduate program at Wellesley College, Velez, whose pen name is Nina Parrilla, viewed the world as a place filled with unlimited opportunities. Having an adventurous spirit, she spent the bulk of that summer in Boston Common reading, writing, and contemplating her next chapter. As a woman who values her free time to write poetry and live life to the fullest, Velez followed in the footsteps of her favorite poet, Martin Espada, whose work as an attorney showed her that she could lead, as she puts it, a bifurcated life.

“There were several factors that made me want to pursue a J.D.,” said Velez. “First off, I love reading, researching, and writing. Several people who knew me well thought that law school would be a good fit for me. Also, I knew that with a J.D., I could do many things; and I wasn’t just restricted to practicing law. And I knew that as an attorney, I could work part time and support myself. I really value my free time and knew I wanted to do many things. Being a lawyer fit my goals.”

Velez took the LSAT and applied to Columbia University, where she was accepted.

“Columbia was a good fit for me for many reasons. I knew I wanted to do work in the human rights/international law field and Columbia has an amazing program. I also wanted access to [the School of International and Public Affairs].”

“And I wanted to live in Manhattan. Just as much as I wanted to learn about law, I wanted to be exposed to more poetry and to the vibrant community New York offers,” explained Velez.

When Velez’ boyfriend graduated from Columbia University and moved to Tallahassee, she often visited him. While there, Velez spent most of her time outdoors biking or hiking. She missed that in Manhattan, along with the more relaxed lifestyle Floridians seemed to live.
Throughout Velez’ second and third years at Columbia, she worked at a small plaintiff-side employment discrimination/personal injury practice and loved every minute of it.

“I got my hands dirty, and it just let me know that I couldn't do big-firm work,” stated Velez. “I liked interacting with clients too much to let myself be swamped in paperwork. I also liked knowing that I was directly helping someone.”

Having spent time working at a big firm in D.C. as well, within two weeks, Velez said that she knew big firms were not for her. After exploring all of her options during school, when graduation neared, Velez made the decision to leave the big city behind and join her boyfriend in Tallahassee.

“The cost of living is cheaper, the lawyers work fewer hours, and, in general, they seem to have more control of their time,” explained Velez.

“I didn't want the hectic life. I didn't want the commute. I wanted to be able to lie on grass and have a flexible work schedule. New York didn't seem to offer that. Big firms certainly didn't offer that.”

In Tallahassee, FL, Velez landed a job working three days a week for an employment discrimination practice, where she assists people such as the elderly, women, and religious groups. At Florida State University, Velez also teaches a course entitled Genocide and International Law.

“I love my students because they make me look at the topic from 40 different ways and also because a good chunk of them feel compelled the way I do,” said Velez.

Velez’s poetry reminds her of why she is practicing law. According to Velez, “I cannot disconnect the artist I am from the law I practice. I cannot try to make the world beautiful through art and then undermine it by working for a law firm that defends companies that harm the environment or people.”

“You are what you do,” said Velez. “If you do worthy work—work that contributes to the world in a positive way—everything else falls into place. The present is fleeting, so enjoy it to the fullest. Eat good food, drink good wine, and spend time with good friends. However, make sure that whatever you do, you are creating something lasting.”
Everyone has heard of Roe vs. Wade; but who exactly was Roe, and who was Wade? Sarah Weddington knows. In fact, as the attorney who represented and won the case on behalf of Roe, Weddington probably knows more about the case than anyone does.

“Roe was an unmarried pregnant woman who filed as a class action on behalf of all women who were or might become pregnant and want the option of abortion. Wade was the district attorney of Dallas, TX, and the person responsible for enforcing the anti-abortion statute,” Weddington explained.

When asked to describe that historic day in front of the U.S. Supreme Court, Weddington—who had only handled uncontested divorces, wills, and one adoption before she got the Roe vs. Wade case—remembers every detail.

The heavy, red velvet curtains you walk through to come into the courtroom. The three-minute tourist section. The gold railing that separates lawyers from laymen. The press section. The goose quill pen. You name it; Weddington remembers it. And the picture she paints is one of awe and grandeur.

Weddington was working for a professor at the University of Texas School of Law when she was approached by a group of women who were graduate students at the university. The graduate students also ran a counseling service that advised women on how and where to get birth control.

“At the University of Texas in 1969, a woman could not get birth control unless she certified that she was within six weeks of marriage,” Weddington said. “So, there were a lot of women who needed and wanted birth control who didn’t meet that criteria. These women [the graduate students] were trying to tell them how to have access to prevent pregnancy; and some women said, ‘I’m already pregnant. Where could I go for an abortion?’”

The graduate students wanted to know if they could give out advice on birth control without being arrested, and they came to Weddington with their concerns. She took their questions to the law library and found Griswold vs. Connecticut, a case involving two people who were part of Planned
Parenthood and were arrested, prosecuted, and convicted for giving a contraceptive device to a married couple. In this case, the Supreme Court ruled that married couples had the right to privacy in regard to having children or not having children.

Weddington also found *Eisenstadt vs. Baird*, a case in which Bill Baird was arrested for giving a tube of contraceptive salt to an unmarried woman. In this case, the Supreme Court ruled that every individual had a right to privacy in regard to birth control.

Armed with these two cases, Weddington told the graduate students she believed they could challenge Texas’ anti-abortion statute, which allowed abortion only in situations where the woman’s life was jeopardized.

Weddington then brought the case before a three-judge federal court and had the anti-abortion statue declared unconstitutional. However, the panel would not give her an injunction to keep Henry Wade from prosecuting.

“The next day, Henry Wade had a press conference and announced he didn’t care what any federal court said, he would continue to prosecute,” she said. “I don’t think he was trying to help us, but he did; because there was a parliamentary procedural standard that said if a state law was declared unconstitutional by a federal court but it is continuing to be enforced, there is a direct appeal to the us supreme court.”

Weddington and the women she was representing feared that some other case on the subject of abortion would make it to the Supreme Court before theirs; so they were elated when they got the telegram saying the court was accepting *Roe vs. Wade*.

It wasn’t until early January 1973 that Weddington found out the verdict of the case. She had just been elected to the Texas Legislature in November of 1972 and was at the state capital getting prepared to go into session.

“The phone rang, and a reporter said, ‘Does Ms. Weddington have a comment today about *Roe vs. Wade*?’ And my assistant said, ‘Should she?’ The reporter said, ‘It was decided today.’ And my assistant said, ‘How was it decided?’ And the words came back, ‘She won it, 7 to 2,’” Weddington said.

When asked how she handled such a momentous case at such a young age, (she was only 26 at the time that she argued the case) Weddington responded with encouraging advice for young lawyers.

“You will feel in awe of the court process, and you will doubt your abilities. That’s just natural,” she said. “There were certainly times when I was worried about how I was going to do and what they
were going to ask me, and I wanted to win. So, I was extremely nervous, but that sense of nerves also meant that it became the priority for my life; and I spent endless hours working on the case, researching the case, talking to other lawyers.”

“So, I almost think being nervous about something like that causes you to prepare so thoroughly and often more than the lawyers on the other side, who may have more experience but who sometimes try to ride on the experience and who don't prepare as well,” she said.

Weddington compared the feeling she had on that day to the Biblical scene of David and Goliath, but a blunder by her opposing counsel at the onset of the arguments made her feel a little bit better.

“The person who was arguing for the state started out by saying, ‘Your Honors, when you're here arguing against two beautiful women, you're in a difficult position.’ Now, in Texas, the judges might have laughed a little—not in the U.S. Supreme Court,” she said. “They did not crack a smile. And I think it really threw him, first, because he got a reaction he didn't expect and, second, I don't think he put nearly as much time into preparing as I had. For one thing, I only had one big case at the time, so I really could put endless hours into preparation; and I was nervous enough about it that I just kept working at preparing. Whereas, he just assumed that he had argued so many cases that he could do this without nearly as much effort, and he was wrong.”

Years after the case, Weddington compiled her experiences with the case and interviews with the people who were involved into a book titled *A Question of Choice*, which was published in 1992. At the time that the book was published, she felt it was crucial to appeal to people on behalf of pro-choice candidates that were running for office, including Bill Clinton.

While conducting interviews for the book, Weddington asked the women who originally came to her with the case why they had picked her and why they had not chosen someone with more experience.

“They said, ‘Well, first, we wanted a woman lawyer, and you were the only one we'd ever heard of; and second, we needed somebody who'd do it for free,’” Weddington said. “And that’s how I got the case—because I was willing to do it for free.”

Looking back on those days, Weddington is glad she got the chance to be involved in societal change.

“It was such a fabulous time in the early ‘70s of looking at all kinds of issues that related to women and trying to say, ‘This isn't right. We need to change it,’” she said. “It was a time when we weren't just questioning the issue of reproduction, but all kinds of issues.”
Over the course of her life, Weddington has been a practicing attorney, a member of the Texas Legislature, General Counsel of the U.S. Department of Agriculture, assistant to former President Jimmy Carter, an author, and a professor, among other things. Currently, she teaches courses on gender-based discrimination and leadership at the University of Texas at Austin and travels the globe speaking on issues concerning women and leadership. She’s also working on a new book tentatively titled *Memoirs of a Leader*.

“I’ve been very lucky,” she said. “I often say to young people thinking of law or law students: You should think of your life as a series of course corrections, because even what I thought I would do when I was in law school hasn’t turned out to be at all what my life has been.”

“I call law the wind beneath my wings because it has given me the skills and information that have allowed me to do so many different things,” she said.