LAW Quadrangle
NOTES FROM MICHIGAN LAW

Civil Rights Act at 50

Revealing the Behind-the-Scenes Struggles of the Act and its Aftermath (p.12)

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UNIVERSITY OF MICHIGAN

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STARTUP CENTRAL

Entrepreneurs at the Law School are changing what it means to have your day in court. Alumni are forming their own companies and helping young entrepreneurs get a start in the business world. We highlight new companies, an angel investor, and even the entrepreneurs of a bygone era.

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PUTTING THE CONTRACT BEFORE THE HORSE

How did an adoption agency for horses, donkeys, and goats become a client of a Michigan Law clinic? It's a sweet story, and one that has a happy ending for humans and equines alike.

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FROM A TO Z

Is that a G hiding at the end of the handrail in the Reading Room? An S shrouded in the woodwork? A U in the lamppost? If you look closely, you can find letters—indeed, an entire alphabet's worth of them—cloaked in the architectural details of the Law School.

PHILIP DATTILO PHOTOGRAPHY




[OPENING]

5 Quotes You'll See…

…In This Issue of the *Law Quadrangle*

1. "One of a foster child's greatest allies can be a sibling, but our research showed that some 75 percent of foster children are separated when placed into foster care." (p. 11)

2. "It was clear to me that on an issue like civil rights and affirmative action, the people who were hostile to doing anything to increase the number of black students on our campuses anyway could use *[Bakke]* as a cover." (p. 19)

3. "She made class discussions so fun and interesting that students would often continue talking about cases and issues after class was over." (p. 40)

4. "This isn't only about Tesla. It's a question of allowing innovative, environmentally friendly products to come to market and allowing consumers the option of dealing directly with the manufacturer." (p. 43)

5. "Their leadership helped raise the bar for the inclusion of indigenous people and of tribal government perspectives in major environmental litigation." (p. 58)

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A MESSAGE FROM DEAN WEST

This fall, the Law School welcomed a new group of brilliant and eager 1Ls to the Quad. Like generations of students before them, they will spend their time here studying the law—its scope, its applications, and how to argue effectively within its parameters (or, occasionally, change its parameters). They will learn, like you did, to "think like a lawyer," a phrase that is often used and often misunderstood. That "lawyerthink" sometimes requires us to answer clients' questions with a clear "no." But the ability to truly think like a lawyer often compels us to look instead for the "yes, if"—an answer that requires imagination, creativity, and an ability to assess and embrace risk.

The people featured in this issue of the *Law Quadrangle* understand what it means to think like a lawyer, even if they are not practicing attorneys. They have embraced risk in the halls of Congress, the press, cyberspace, financial markets, and beyond. By daring to be risk takers, they have knocked down seemingly insurmountable barriers and found the "yes, if."

In celebration of the 50th anniversary of the Civil Rights Act, this issue features several alumni who took personal and professional risks in order to alter the social fabric. Male colleagues laughed when female members of Congress spoke on the House floor in 1964 to advocate that the word "sex" be added to the Civil Rights Bill. But Martha Griffiths, '40, rose to make her speech anyway. Mary Frances Berry, '70, is perhaps best known for her work on the U.S. Commission on Civil Rights—from which she was dismissed. She sued to keep her place, won her lawsuit, was reappointed, and later was named chairperson. And Roger Wilkins, '56, exposed injustice and inequality throughout his career.

Risk also is a hallmark of entrepreneurship, a field that flourishes at the University of Michigan. Michigan Law is an integral part of this development, thanks in large part to the Zell Entrepreneurship and Law (ZEAL) Program and the Entrepreneurship Clinic. This issue describes a first-of-its-kind technology created by Professor J.J. Prescott and one of his former students, Ben Gubernick, '11, that allows people who face minor criminal or civil infractions to settle the matters online. We also showcase an Entrepreneurship Clinic alumna, Jamie Loeks Duffield, '12, who left her firm to start her own clothing company. And Geoff Entress, '98, isn't just an entrepreneur; he also is an angel investor—the financial risk here is obvious—who has backed more than 125 companies in the past 15 years.

These stories show that navigating risk requires the sort of skills that Michigan-trained lawyers possess, whether they're a 1L or celebrating their 50th reunion: the ability to spot an issue, analyze it from multiple angles and with fine-tuned vision, and then work hard to find solutions.

Mark D. West
Dean
Nippon Life Professor of Law

New 1L Clinic Represents Unemployed Workers

MLaw is One of Only Two Schools to Offer a 1L Clinic

Steve Gray

By Katie Vloet

Michigan Law has become only the second law school in the country to offer a clinic to first-year students with the introduction this year of the new Unemployment Insurance Clinic (UIC), in which second-semester 1Ls represent clients in their claims for state unemployment insurance benefits.

The clinic began this fall with summer starters and is being taught by Steve Gray, a clinical assistant professor. For several years, Gray supervised Michigan Law student volunteers who helped people who could not afford lawyers with unemployment insurance claims at the Michigan Unemployment Insurance (MiUI) Project. The UIC replaces that project, adding a structured curriculum and classroom component that will aid students in their representation of their clients and, ultimately, in their development as lawyers.

"Our law students from the get-go are really interested in getting their hands dirty, getting involved. Many students had been asking, 'Why can't it start earlier?'" says David Santacroce, clinical professor of law and associate dean for experiential education. "We had been looking at incorporating experiential learning in the first year, and then students asked if we could find a way to bring the type of work MiUI was doing into the curriculum. Educationally it made perfect sense, and we are lucky to have students who saw the educational potential in this work. We were also happy that we were able to put this clinic in place in less than a year after they contacted Dean West about the possibility."

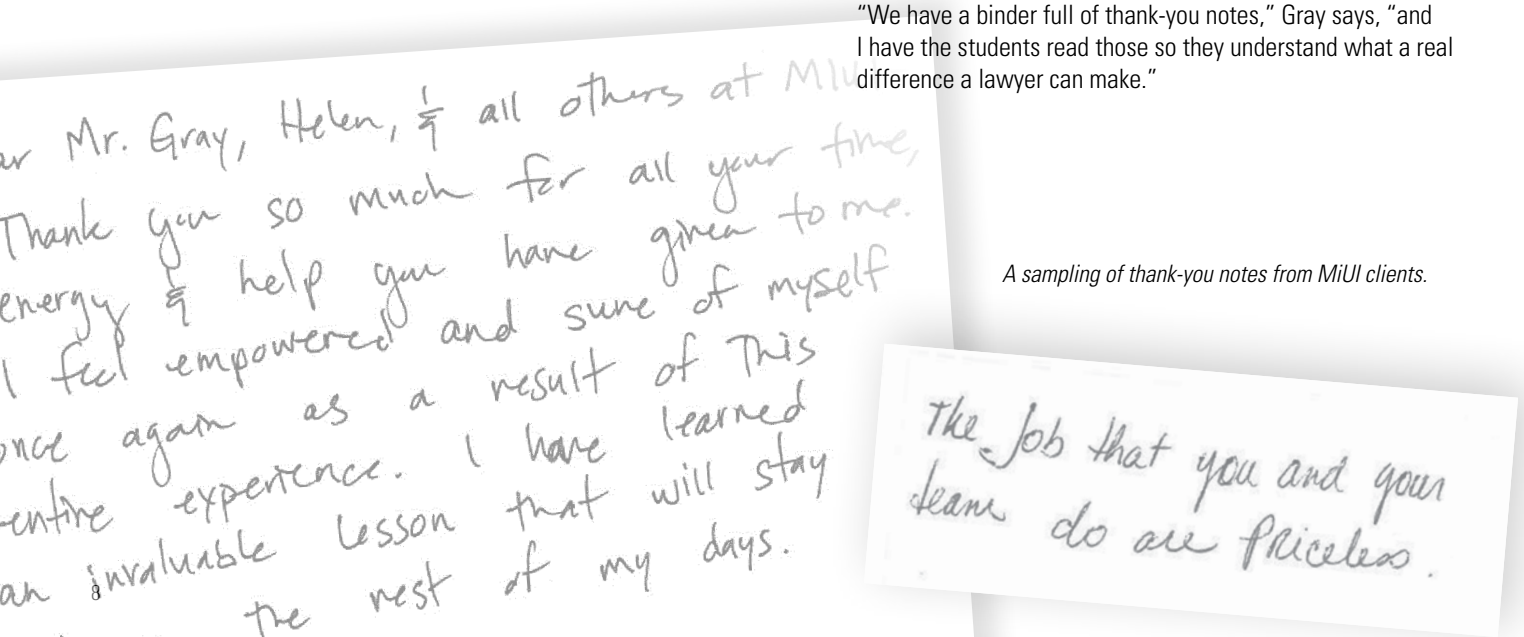
UIC students will interview and counsel clients, conduct fact investigations, write and file briefs, and, in the vast majority of cases, conduct full administrative trials, Santacroce says. And 2Ls and 3Ls who completed the clinic as 1Ls will have the opportunity to move beyond administrative hearings to more complex oral and written advocacy while providing peer support to first-year UIC students. The UIC also will give students first-hand exposure to social-justice issues. "They'll learn a lot more about what it means to be struggling in today's world," Santacroce says. The Law School will gauge the UIC's effectiveness in part by working with the University's Center for Research on Learning and Teaching on a study of learning outcomes.

Those who have been involved with the MiUI volunteer project have high hopes for the UIC. In letters to the dean, students who participated in MiUI lobbied for the UIC. One letter to Santacroce succinctly stated one benefit of the program: The volunteer MiUI project "is the reason I have a job," the student wrote.

Andrew Junker, who is set to graduate in December, says he learned a great deal about how to be a lawyer from the volunteer experience. "The most important part of it is that you have clients you're responsible for, and you want to do everything you can for them," he says. "Our clients have been thrown into a regulatory process that's really hard to navigate. Their former employer may send a lawyer to a hearing, and it can become lopsided pretty quickly. But with one of us there, the playing field is a lot more level."

Gray says that, through their work with clients, the students are exposed in practice to things they learned about in class—the Rules of Evidence, for instance—as well as legal writing and thinking on their feet during a hearing. Just as important, he says, they learn what it means to represent a client.

"We have a binder full of thank-you notes," Gray says, "and I have the students read those so they understand what a real difference a lawyer can make."



A sampling of thank-you notes from MiUI clients.

Trio of MLaw Grads Obtain Prestigious U.S. Supreme Court Clerkships

By Jenny Whalen

Realizing something of a high court hat trick with their consecutive clerkships, three Michigan Law graduates soon will share the distinction of having served three of the foremost members of the nation's judiciary: U.S. Supreme Court Chief Justice John G. Roberts, Jr., Justice Ruth Bader Ginsburg, and retired Justice Sandra Day O'Connor.

With their clerkships, Michael Huston, '11, Eli Savit, '10, and Jake Brege, '12, join a long history of Michigan Law alumni at the Court; more than 30 graduates have held Supreme Court clerkships in the last three decades alone. "A Supreme Court clerkship is one of the highest honors a law student can receive," says Professor Joan Larsen, who coordinates clerkship applications for Michigan Law and who was a clerk herself, for Justice Antonin Scalia. "It is an extremely selective process. Those who are chosen possess a unique combination of talents."

Having recently completed his year with Chief Justice Roberts, Huston is personally acquainted with the caliber of excellence expected in the chambers of a Supreme Court justice. "Clerking for Chief Justice Roberts was an incredible experience," says Huston, who will return to Gibson, Dunn & Crutcher to practice appellate litigation. "It was certainly something I will never forget. He is an absolute pleasure to work with, and I learned so much from him about the practice of law. To have the opportunity to work closely with him and to learn how he thinks about cases, and to some extent how other justices think about cases, was a very valuable experience."

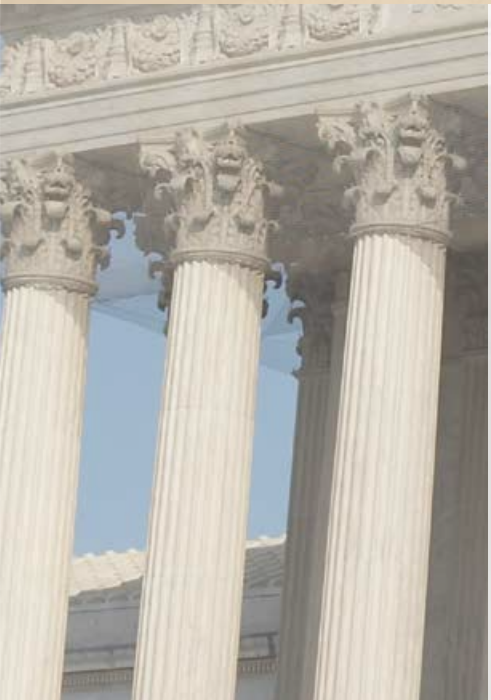
The Michigan Law mantle now passes to Savit, who has been selected to clerk for retired Justice O'Connor. Savit says he is looking forward to the unique set of responsibilities he will have as a clerk for a retired justice—supporting Justice O'Connor's efforts to promote civic education and performing active court work when she is sitting on various courts of appeal—in addition to serving as a fifth clerk for Justice Ginsburg.

"It is certainly a thrill to work for any Supreme Court justice, but the opportunity to work for two of them is very rare and special," Savit says. "I am humbled and honored to have the opportunity to build a relationship with two figures of this magnitude. There is not a single part of this job that I'm not excited about."

This is a sentiment shared by Brege, who will begin his clerkship with Chief Justice Roberts in 2015. "Everyone I'd talked to in law school said clerking is about the best job you can have," says Brege, who clerked last year for Senior Judge David Bryan Sentelle at the U.S. Court of Appeals for the D.C. Circuit. "They were right. I have learned so much already, and a Supreme Court clerkship is an opportunity to gain insight that you just can't get anywhere else. It's truly an honor. I'm not sure where this clerkship will lead, but I know that just about every door is now open."

Larsen advises students that brains, good judgment, social skills, maturity, and excellent writing ability are essential to be competitive for the clerkships. "You need to be at the very top of your class, and it helps to have served on the law review, often in an editorial board position," she says. "You need the support of faculty to obtain recommendations, and to do that you need to make an impression. You need to demonstrate your engagement in the law.

"We are honored that the justices have recognized in our students that rare combination of legal brilliance and social acuity," Larsen says. "A Supreme Court clerkship is an unparalleled experience and an unmatched credential for anything you would want to do in law."



MLaw Surpasses 100 Clerkships for 2nd Straight Year

For the 2014 term, 133 Michigan Law 3Ls and graduates (at press time) have secured clerkships—a total that surpasses the previous record of 117 clerkships that were secured by Michigan Law students and graduates in 2013. This is the third time in a decade that Michigan Law is celebrating the 100-plus mark for clerkships.

Geographically, Michigan Law's clerks are spread out across the country and can be found at every level of the federal and state judiciaries, serving one- or two-year terms.

"We have at least one graduate placed in every U.S. circuit court for 2014," says Greta Trakul, attorney-counselor and judicial clerkship adviser in the Office of Career Planning. "It's a huge strength that we have alums clerking all over; it provides incredible support for our students wherever their clerkship opportunities might take them."—LA

Valerie Bieberich, Ashley Sizemore-Smale, Jillian Rothman, Andrew Bronstein, Justin Hoag, Professor Don Duquette, Devon Holstad, Dorothy Brown, Sean Killeen, and Kimberly Waller of the Legislation Clinic pose at the Capitol in Lansing.

Can I Be My Brother's Keeper?

By Jenny Whalen

Sometimes it is mere sibling curiosity: *How was school? Do you have any new friends? What would you like for your birthday?* Other days, the motivation of an older brother's interest is more profound: *Do they treat you well? Are you happy? Safe?*

Regardless of the intent, questions of this sort have rarely been answered for Justin McElwee. Placed in foster care at age 13, the now 20-year-old McElwee has become little more than a stranger to many of his six siblings—his relationship with them the victim of an overworked and underfunded child welfare system.

"When you're separated from your siblings, you go through an emotional process," says McElwee, who moved through half a dozen foster care facilities as a teen. "You begin by grieving, and eventually you come to the point of reconciling with the situation. That is where I'm at now. I've grown used to not seeing my siblings, and I don't have those relationships."

The separation of siblings is one of many all-too-common foster care themes that students in the Law School's Legislation Clinic set out to rewrite last fall. Led by Professor Don Duquette, '75, the one-year clinic offered students an opportunity to research, draft, and lobby on behalf of a series of proposals intended to improve child welfare law in Michigan.

"I aspired to have students find projects that spoke to them, so that they could go from identifying the issue and researching it in significant depth, to drafting the statutory language needed to implement the policy and shopping it to stakeholders," says Duquette, also the founder of the Child Advocacy Law Clinic. "I'm pleased with how the arc worked out."

Organized in teams of two and three, students pursued eight proposals during the course of the year, four of which were presented to lawmakers and other stakeholders during an April visit to the state Capitol. Three of those proposals—addressing parental visitation, reinstatement of parental rights, and sibling placement and visitation (divided into two bills)—are now on track to becoming Michigan law, after Michigan Senator Rick Jones introduced them to the state Legislature in June.

Jones—a Republican from west Michigan—has witnessed firsthand the challenges facing Michigan's child welfare system, specifically in regard to sibling placement and visitation in foster care.

"There was a case where the husband killed his wife, then himself, leaving behind four children," Jones recalls. "The state called my daughter and said, 'Could you take two?' She said, 'Why would I want to separate brothers and sisters? I'll put up bunk beds and we'll take all of them.' My daughter instinctively knew the importance of keeping siblings together if at all possible."

While the Michigan Department of Human Services's (DHS) current foster care policy outlines basic requirements for sibling placement and visitation, there is no statute requiring that child welfare agencies consider placing siblings together and no law requiring that courts consider sibling visitation or contact.

"One of a foster child's greatest allies can be a sibling, but our research showed that some 75 percent of foster children are separated when placed into foster care," says Andrew Bronstein, '14, who worked on the sibling visitation proposal as a 3L. "We wrote this proposal to increase the likelihood that siblings would be placed together in foster care when it is appropriate and, when that's not possible, that they should have the opportunity to visit one another when it is in the best interest of both children."

Although the four bills introduced propose only modest changes to existing Michigan law, clinic students and stakeholders say a statute would ensure much-needed consistency across foster care and adoption practices and agencies in the state.

"If these bills pass into law, questions of sibling placement, parental visitation, and reinstatement of parental rights will be kept at the forefront," Duquette says. "Judges and case workers will have to consider these questions. They won't be swept away in a moment of emergency."

It is this potential for positive change that made the experience all the more rewarding for clinic student Jillian Rothman, '14.

"The journey has been incredible," Rothman says. "In this case, it was the opportunity to witness how a problem becomes a fix—becomes a bill—becomes a law. We went from talking about the big-picture problems to sitting down with our groups and figuring out how to fix them with the words of law. We've created this momentum now, and I'm excited to watch it play out."

McElwee also will keep a close eye on the progress of the bills. Although their passage will have little effect on him, their introduction has given the international relations major hope for his own policy work, which he intends to pursue following college graduation.

"There are a number of reasons why children end up in child welfare, but the majority of foster youth come from lower-income homes," McElwee says. "What I want to do is work to restructure monetary policy in child welfare to ensure that there is an even playing field for everyone—not just in America, but all over the world."

BRIEFS

Michigan Senator Rick Jones, a Republican from west Michigan, introduced the following proposals, drafted by the Legislation Clinic, to the state Senate in June:

SB 0994

To create a process to allow the reinstatement of terminated parental rights for legal orphans.

SB 0995

To require under certain conditions that siblings be kept together in foster care placements.

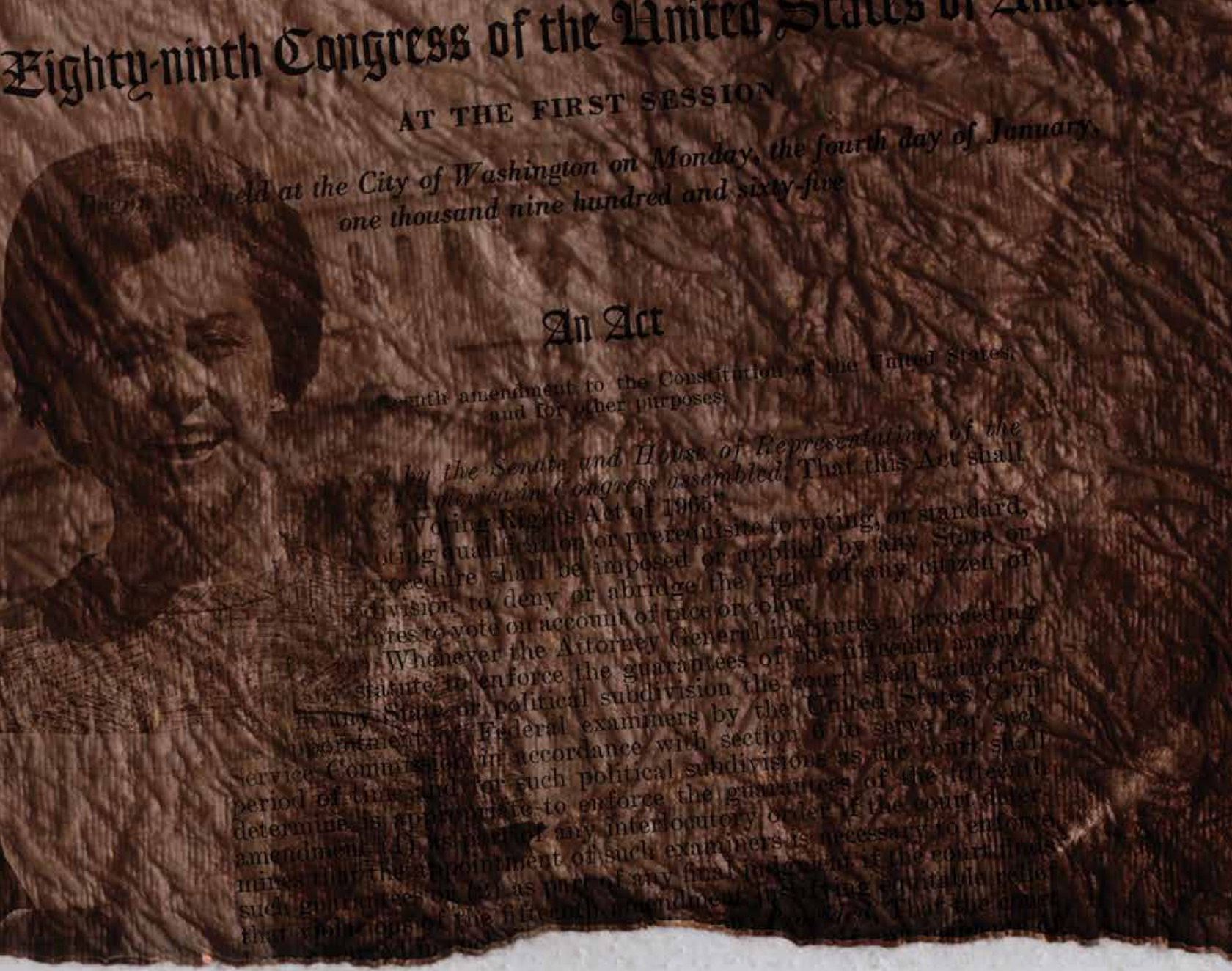
SB 0996

To provide that siblings be placed together in foster care or have sibling visitation or contact.

SB 0997

To provide for regular and frequent parenting time for foster children.

Track the bills at:
www.legislature.mi.gov.



Civil Rights

Revealing the Behind-the-Scenes Struggles of the Act and its Aftermath

Act at 50

"This Civil Rights Act is a challenge to all of us to go to work in our communities and our states, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country." So said President Lyndon Baines Johnson in 1964 when he signed the Act into law. Here, we commemorate the 50th anniversary of the Act by sharing the stories of alumni who fought for its passage and those who worked to preserve its legacy.

By Sheryl James

Civil Rights, Women's Rights

The Original Civil Rights Act Language Did Not Include Protections Based on Sex. Martha Griffiths, '40, Had Something to Say About That.

Just over 50 years ago, in February 1964, a great debate was taking place on the floor of the U.S. House of Representatives. Up for a vote was President Lyndon Johnson's signature legislation, now universally referred to as the "landmark" Civil Rights Act of 1964. All eyes were on one legislator: the woman representative from Detroit, Michigan.

Her name was Martha Griffiths. And she was about to reach what has been recognized ever since as the pinnacle of her long, pioneering, and distinguished political career.

If passed, the sweeping law would prohibit discrimination on the basis of race, ethnicity, or religion in voting; access to public education, employment, and public accommodations; and in federally assisted programs. Passage seemed certain in the chamber, then controlled by Democrats, but a few legislators on both sides of the aisle, Griffiths chief among them, wanted to add an amendment.

They wanted to add the word "sex" to the proposed bill, thus ensuring protection for women. The idea was controversial, and even President Johnson was worried that adding the word would doom the entire bill.

If that weren't bad enough, legislators against the amendment were making fun of it, saying its proposed addition was nothing more than a joke.

Already, opponents of the bill itself had stalled for days, proposing a slew of amendments. "We sat for hours, day after day, while one amendment after another was offered, debated, and defeated," Griffiths, '40, wrote many years later in a never-published autobiography. "…During the debate there had been little if any laughter. No jokes had been uttered." But once the sex amendment was offered by Rep. Howard W. Smith of Virginia, "the House broke into guffaws of laughter.

"Various women arose to speak for the amendment, and with each argument advanced, the men in the House laughed harder. Lee Sullivan of Missouri and Edna Kelly of New York were sitting in front of me. Lee turned around and in a woebegone voice said, 'Martha, if you can't stop them from laughing, you simply do not have a chance.'

"I answered, 'I'll stop them.'

"When I arose, I began by saying, 'I presume that if there had been any necessity to point out that women were a second-class sex, the laughter would have proved it.' There was no further laughter."

That the laughing stopped instantly is no surprise to anyone who knew Griffiths, then in her 10th year as a representative, and anyone who knew her thereafter. You took on Griffiths at your peril. Known for her blunt one-liners and shot-put questions, not to mention her intelligence, practicality, passion, and independence, Griffiths was formidable in any context, and already had made her mark in many ways.

But this day, this speech, was destined to be her crowning achievement. As then-Washington journalist James Robinson later wrote of her remarks that day, "The House sat silent for 20 minutes. Not a single male lawyer arose to challenge the lady's legal brief."

From that moment, it was all Martha. And it was history.

Martha Griffiths, '40, a U.S. representative, in Washington, D.C., in 1970.

LIBRARY OF CONGRESS

"You are going, also"

Technically, it's accurate to say Griffiths's path to that day in the U.S. House of Representatives began in Pierce City, Missouri, where she was born in 1912. But practically speaking, that path began in 1937, at Michigan Law.

That year, Griffiths and her young husband, Hicks, two fresh graduates of the University of Missouri, decided they wanted to become lawyers. Both had been top students, so they applied to Harvard Law School. Hicks was accepted, but Martha was rejected—not because she wasn't qualified, but because she was a woman (women were first accepted at Harvard Law in 1950).

Hicks easily could have gone ahead with the Harvard path, and Martha would have made the best of it. But he refused to accept discrimination against his wife. He told her, "We will find another school," Martha wrote in her autobiography. "You are going, also."

Harvard's loss was U-M's gain, and with it came some records. The Griffithses were the first married couple ever admitted to Michigan Law, and the first such couple to graduate, three years later, in 1940.

As remarkable as all of that was, it was just the beginning of the extraordinary life and career of the Griffithses, especially Martha, whose path was far more public than that of Hicks. He was a mentor and supporter of his wife, and he worked as a lawyer in Detroit. The result was that Martha became the state of Michigan's most famous woman, a national figure in the women's rights movement, and arguably the most famous female legislator in the U.S. House of Representatives at the time.

"Martha Griffiths was in the forefront in the crusade to get equality across the board for women, whether it was economical, political, or social," President Gerald Ford told *Michigan History Magazine* in 2002. He had served with her as a member of Congress. "She was smart, she knew the rules, and she had deep convictions.

"She was highly respected by the Democrats," Ford continued, "and she had many, many good friends on the Republican side, including me. She was very knowledgeable. She was a liberal and favored a liberal agenda. But on things that were not partisan, she was an excellent person to work with."

In Class and On the Job

In her autobiography, Martha did not elaborate a lot on the couple's time in Ann Arbor, but she did share some things about their daily life there. Hicks went ahead of Martha to find a place to live, and "when I arrived in Michigan, Hicks had already found a job at the library, and a small apartment where he could tend the furnace for part of the rent."

Martha, meanwhile, got a job taking care of a small child for a time, and then worked at the Mary Lee Candy Shop. She wrote that she worked 54 hours a week for $9.40. "Believe me," she wrote, "if I had been working there at the time of the Flint sit-down strikes, I would have sat down, too. Every girl working there, but two, had college educations, and we might as well have been paving streets. The work was exhausting…". She also worked at the *Michigan Law Review* during the school term and at the U-M Hospital during summer, she wrote.

Martha and Hicks had been famous at the University of Missouri for their sharp debates against one another in classes (in fact, Hicks later said, the only way to resolve their debates was to get married). In a foreword to the unpublished autobiography, Hicks wrote of Michigan Law: "As law students, we worked to refine our persuasive efforts to help settle our confrontational solutions involving not only our country's problems, but the world's. Occasionally, we'd exchange briefs to support our positions.

"After attending a few law class sessions, we agreed without dissent to stop attending the same classes. We had quickly learned that our professors would invariably call on each of us in succession to interpret, review, and expound on the decisions in the class under consideration.

"The professors were less concerned with the wisdom and legal reasoning of the judges in the cases under review. What they were after primarily was our own personal differences of opinion for their and the students' entertainment."

After earning their degrees, the Griffithses eventually got involved in reforming the Michigan Democratic Party, and opened a law office with a third lawyer by the name of G. Mennen Williams—who would be elected, with the substantial help of the Griffithses, Michigan governor in 1948.

Martha was encouraged in 1946 by a suffragette to run for the Michigan Legislature. A surprised Martha declined—until Hicks told her she was running. She did, lost, ran again, and won in 1948, then served two terms. In 1952, she ran for the U.S. House representing Michigan's 17th District encompassing Detroit; she lost but ran again and won in 1954, becoming just the second Michigan woman to serve in that chamber. She served in the House until 1974 and during that time was the first woman to serve on the powerful Ways and Means Committee. She also was ahead of her time, pushing legislation that advocated recycling, pension reform (to the ire of labor unions), Social Security benefits, and welfare reform.

But none of these accomplishments compared in drama, and historic impact, to that moment Martha stood up to silence her jeering colleagues during that Civil Rights Act amendment debate.

Her description of this scene in her autobiography has never been published. She devoted an entire chapter to the Civil Rights Act, which, she wrote, "was a bill designed primarily to give employment rights to blacks, although it did state that employers could not discriminate on the basis of race, creed, or national origin… . I was for the bill. I had known too many qualified black people who never had a chance to have a decent job simply because they were black.

"But as a woman, this bill presented many problems that apparently no one else saw at all. If the bill applied to black women, it was going to give them rights that no white woman had ever had. There were innumerable jobs that were not open to white women; and their applications would have been ignored or discarded. So that if black women were going to have behind them the power of the courts in seeking such jobs, white women were suddenly going to be the absolute last at the hiring gate in America and the first to be fired. But if the bill did not open jobs to black women, or gave them only the rights of white women, there were going to be some very surprised supporters of the 1964 Civil Rights Act."

When writing the Act, "the Judiciary Committee had, I am sure, believed that they would give black men some rights and that black women would be treated about like white women. I am equally sure that it had never occurred to most of the black organizations supporting the bill that there was any discrimination at all against white women. And I am equally sure they expected black women to gain employment rights from the bill. Under any circumstances, I made up my mind that if such a bill was going to pass, it was going to carry a prohibition against discrimination on the basis of sex, and that both black and white women were going to take one modest step forward together."

"We Are Human"

And so Martha Griffiths, after stopping the guffaws with her initial remarks, went on to show how the Civil Rights Act, for all its noble intentions, would not in fact protect black women, because they were still women. Noting a host of examples, she at one point asked that if the U.S. Constitution supposedly covered women, why was it necessary to pass the 19th amendment to give women the vote, when the 15th amendment said that all citizens could vote? "How could the language of the 15th amendment have given black men the right to vote, but not black women?" she wrote.

Griffiths, gaining steam, told her colleagues that day, "If you do not add 'sex' to this bill, you are going to have white men in one bracket, you are going to try to take colored men and colored women and give them equal employment rights, and down at the bottom of the list is going to be a white woman with no rights at all." She said that their great-grandfathers had been willing "to be prisoners of their own prejudice" by permitting ex-slaves to vote, "but not their own white wives… . A vote against this amendment today by a white man is a vote against his wife, or his widow, or his daughter, or his sister."

She asked three times to extend her time for speaking. "When my argument was complete, the House was abuzz."

Others spoke for or against the measure, but as the Washington journalist Robinson wrote, when she had finished, "the outcome of the vote was never in doubt."

The bill passed 168–133, with the remainder opting out of voting one way or another. "Up in the gallery, a woman's shrill voice cried out, 'We made it! We are human,'" Griffiths later wrote.

Shattering More Barriers

In what is her second most famous achievement in Congress, Griffiths and then-Congressman Gerald Ford worked together in 1970 to get enough votes to crowbar the Equal Rights Amendment out of committee, where it had languished since it was first introduced in 1923. "I could have kissed Jerry, I was so grateful to him," Griffiths remarked in her autobiography. (The ERA was never approved by enough states, and is now back in committee.)

LIBRARY OF CONGRESS

U.S. Rep. Martha Griffiths, '40, shortly after the House added a sexual discrimination amendment to Title VII of the Civil Rights Act of 1964. Pictured from left are Griffiths, journalist May Craig, House Rules Committee Chairman Howard W. Smith (D-Va.), and Katharine St. George (R-N.Y.).

After Griffiths left the House, she kept shattering barriers. She was the first woman to serve on many corporate boards, and, in 1982, she became the first woman elected as Michigan's lieutenant governor. After two terms, Gov. James Blanchard chose another running mate, leaving a sour note on that part of Griffiths's long career.

She remained active for years after that until she died at age 91 in 2003—seven years after Hicks's death. She did not live to see a woman elected president, but she did live to see Michigan's first woman governor, Jennifer Granholm, who was elected in 2000.

"Not only did she break the glass ceiling in Michigan's capitol," Granholm told the *Detroit Free Press* when Martha Griffiths died, "but she modeled the way for all of us—men and women alike—to use the power of leadership to serve one another and improve our world for all of its citizens."

Sheryl James has researched and written extensively about Martha Griffiths. James, a Pulitzer Prize-winning journalist, is the author of Michigan Legends: Folktales and Lore from the Great Lakes State (*University of Michigan Press, 2013*).

By Lara Zielin

And Justice For All

As Mary Frances Berry, '70, walked along a Nashville street in 1954 with her high school history teacher, she passed a newspaper headline that read: "Segregation Must End." The Supreme Court had just ruled in the landmark *Brown v. Board of Education* case.

Berry experienced segregation firsthand: segregated buses, restaurants, drinking fountains, and more. She knew that to watch a first-run movie, she had to go down the alley and climb a seemingly endless number of stairs to reach the cramped top balcony of the local theater—the crow's nest, it was called—while white members of the audience sat on the main floor. When Berry saw the headline, she looked at her teacher and asked if it meant that white and black children would go to school together the next year.

"Not so fast, Mary Frances. Not so fast," the teacher said.

The advice went largely unheeded, as slowing down has never been Berry's strong suit, especially not when it comes to helping end discrimination and foster advancement opportunities for underrepresented populations in the United States. Berry served from 1980 until 2004 on the U.S. Commision on Civil Rights, including as chair. Later, she stood with Nelson Mandela to end apartheid in South Africa and was imprisoned for it.

Here, at the 50th anniversary of the Civil Rights Act, Berry looks back on her productive—and hard-fought—career, her accomplishments, and the long list of items still outstanding in the fight to end discrimination.

A Legacy of Achievements

Berry was a trailblazer at the outset. After graduating from Howard University in 1961, she came to U-M for graduate work and completed a PhD in history in 1966, a JD in 1970, and, by 1976, was chancellor at the University of Colorado, Boulder—the first black woman to head a major research university. Shortly after, she was appointed by President Jimmy Carter as the assistant secretary for education, becoming the first black woman in that position.

President Carter appointed Berry in 1980 to the U.S. Commission on Civil Rights, a bipartisan agency that monitors the enforcement of civil rights laws. It was an important place from which Berry could help inform a dialogue about race in the United States. As she explains in her 2009 book, *And Justice for All* (Knopf): "After conducting fact-finding investigations and studies, the Commission recommended much of the language of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the language minority protections of the Voting Rights Act passed in 1975, [and] the Age Discrimination Act of 1978."

Berry was determined to continue the legacy of achievements. She got to work, but soon President Reagan attempted to dismiss her and to fill the Commission with his own appointees. Berry sued to keep her place, won, and later was made chairperson under President Clinton in 1993. The commission continued its work, helping secure passage of the Disabilities Act of 1990 and the Civil Rights Act of 1991, and investigating fraudulent voting charges in Florida in the 2000 presidential election.

Berry left the Commission in 2004 and says that, after her departure, the group's role changed. "The Commission stopped supporting strong enforcement of longstanding civil rights laws," she writes in *And Justice for All*. She argues that instead of taking action, the group instead criticized remedies for discrimination, such as changes in laws or policies.

"It's not a question of whether discrimination still exists," says Berry, noting the Commission agrees that discrimination is alive and well, "but the Commission has been more interested in undermining the concept that there should be remedies for discrimination. They think that all discrimination is something that happens to an individual, not a group."

For its part, the Commission may be changing more to Berry's liking, though probably not as quickly as she would like. In 2011, President Obama appointed two new commissioners: Roberta Achtenberg; and Martin R. Castro, '88, now the chair. Both received praise from the Leadership Conference on Civil and Human Rights, which just two years prior had issued a blistering report about the Commission's ineffectiveness, as well as a list of recommended reforms.

In July 2014, the Commission released a statement reflecting on the 50th anniversary of the Civil Rights Act, saying "more work remains to be done to assure the purpose of the Act and the purpose of our Union are achieved for all Americans." This, the statement said, includes protecting against not just racial discrimination but also preserving voting rights and the protection of same-sex couples.

Berry's work and advocacy in the years after her time on the Commission has included the writng of numerous books, most recently *Power in Words: The Stories behind Barack Obama's Speeches, from the State House to the White House* with Josh Gottheimer (Beacon Press, 2010). During her career she has received 35 honorary doctoral degrees along with prestigious awards including the NAACP's Roy Wilkins Award, the Rosa Parks Award of the Southern Christian Leadership Conference, and the *Ebony Magazine* Black Achievement Award.

Since 1987, Berry has been the Geraldine R. Segal Professor of American Social Thought and professor of American history at the University of Pennsylvania. She still actively teaches courses such as Law and Social Change in Modern America while also advising undergraduates.

It is perhaps her role as teacher and historian that has her using the long lens of history to explain how civil rights in this country has changed since the Civil Rights Act of 1964. She points, for instance, to the 1978 *Regents of the University of California v. Bakke* case. Berry says she knew right away that *Bakke* would have a "chilling effect" on affirmative action efforts, and that the decision "refused to use the history of slavery and discrimination to uphold targets or goals.

"It was clear to me that on an issue like civil rights and affirmative action, the people who were hostile to doing anything to increase the number of black students on our campuses anyway could use this as a cover," Berry says. "When the U.S. Supreme Court says that you may do something, it also means you may *not* do whatever it is. Leaving it up to people's discretion, I knew, would not be good enough, and in a thousand campuses where those decisions were being made, people could say, 'Well, you know, we'd like to help you, but look at the *Bakke* case.'"

U-M, of course, has been central to the post-*Bakke* debate on this front, with the Supreme Court's 2003 *Grutter v. Bollinger* and *Gratz v. Bollinger* rulings, and the later ballot initiative, Proposition 2, which made race-based admissions illegal in the state of Michigan.

The court's ruling, and the grassroots petitions that later reversed it, highlight an underlying problem, says Berry: the tension between the idea that the United States is a post-racial society, and the reality that it isn't.

Beyond Discrimination?

Berry points out that some people will contend that the country is "post-racial" and no longer needs to uphold laws from 1964, the year the Civil Rights Act was signed into law.

"It is indeed true that when Obama was nominated and elected, many people in the media and in the public talked about how we'd become post-racial and had moved beyond discrimination," Berry says. "But there is sufficient evidence from cases, quotes, and episodes around the country that show that is not the case."

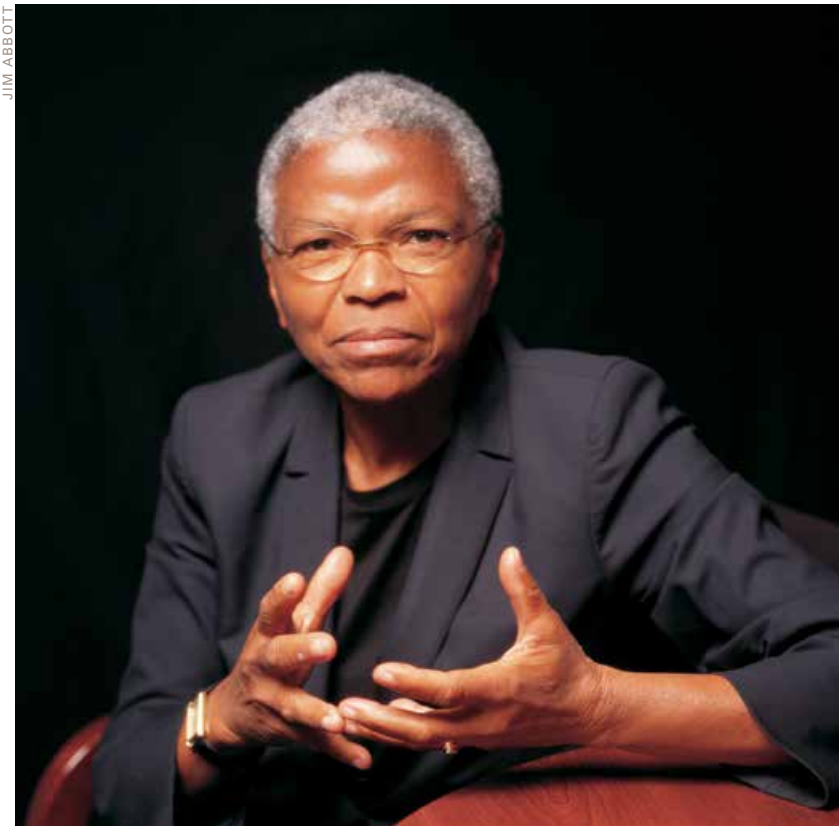
She points to the education disparity in the country as well. "We do know that the dropout rates and push-out rates from middle school to high school and non-graduation rates are disproportionately black and Latino students." There's also the issue of employment. "The percentage of unemployed in this country is higher now than when the Civil Rights Act passed [in 1964]. That has effects on individuals and families—everything from stress to resources. It's something that poor whites face, but it disproportionately affects higher numbers of blacks and Latinos."

In her mind, there are many issues still to be rectified, but she holds out hope that a new generation of leaders—the next Rosa Parks, the next Martin Luther King Jr., the next Cesar Chavez, she says—will rise up.

"There are all kinds of young people who are trying to make change and learn," she says, citing several groups across the country working with women, HIV patients, and, of course, university students fighting the status quo.

"On campuses all across the country, you'll find young leaders who are stepping up and making change," she says. "I've been trying to pass the torch for years, and I'm still trying, but I don't doubt that there will be people who will step up and move."

JIM ABBOTT

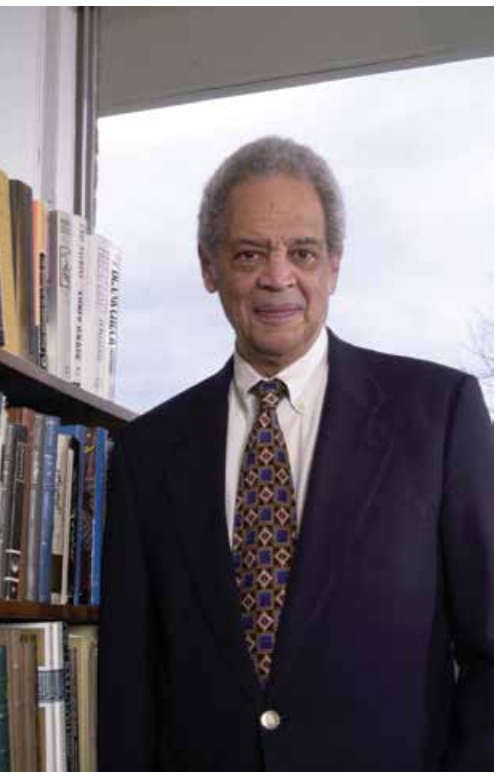


Mary Frances Berry, '70

By Amy Spooner

Roger Wilkins, '56

Honored as Distinguished Alumnus



Roger Wilkins exposed injustice and fought for equality—through the complex lens of being a black man in America—throughout his career as a public servant, educator, and Pulitzer Prize-winning journalist.

"I don't think we're 'Africans in America,'" Wilkins, '56, said in a 1997 speech at U-M. "At least I'm not. What kind of African is born in Kansas City; lives and dies for the University of Michigan football team; loves Toni Morrison, William Faulkner, and the Baltimore Orioles; reveres George Washington and Harriet Tubman; and who, when puzzled by the conundrum of Thomas Jefferson, collects his thoughts while listening to B.B. King?"

In honor of Wilkins's vast and varied accomplishments, the Law School is honoring him as its 2014 Distinguished Alumni Award recipient.

Wilkins came of age intellectually and professionally during a watershed time in American history: The *Brown v. Board of Education* ruling was handed down while he was in law school. "Sixty years later, we all appreciate that *Brown* unleashed a movement that … affected profoundly many aspects of American life," said Wilkins, the Clarence J. Robinson Professor Emeritus at George Mason University.

In his early days at Michigan Law, Wilkins was confronted with the fact that race helped define how others saw him. In his autobiography, *A Man's Life* (Ox Bow Press, 1982), he recalled meeting with a professor who said that although Wilkins had a subpar academic record, the Law School had admitted him because his undergraduate professors had vouched for the quality of his campus involvement. The professor then said the Law School felt strongly that it had a responsibility to help produce strong black leaders. "That doesn't mean you won't have to do the work," Wilkins recalls the professor saying, "but that's why we took a chance [on you]." Wilkins answered the challenge by graduating with a far better academic record than he held as an undergrad.

His first formal work with civil rights was as a rising 3L intern at the NAACP Legal Defense and Educational Fund, under then Director-Counsel Thurgood Marshall. A commitment to social justice ran in Wilkins's family: His uncle, Roy, was executive secretary of the NAACP; his father was a well-respected black journalist; and his mother worked to integrate the YWCA. After graduating from Michigan Law, Wilkins became a caseworker for the Ohio welfare department. He later served as an assistant attorney general in the Lyndon Johnson administration, in charge of the Justice Department's Community Relations Service.

He explained his commitment to the public sector in a 2011 NPR interview: "Can I stand around with my two degrees from the University of Michigan and watch other people do the changes? I couldn't be a bystander."

At that time, Wilkins was one of the highest-ranking black Americans ever to serve in the executive branch, and as head of the Community Relations Service, he was the White House's emissary to peacefully resolve the 1965 Watts riots in Los Angeles. "One of the worst things … was the fact that important Angelenos, who

should have known about the conditions in Watts, were seeking interviews with us about conditions in their own town," Wilkins wrote in a 2005 *Washington Post* op-ed.

He had seen firsthand the power of the press; his father was the only black journalist to interview presidential candidate Franklin D. Roosevelt, and his father and uncle both worked for a prominent black newspaper. So after Johnson left office, Wilkins became a journalist, first at *The Washington Post*, then at *The New York Times* (where he was the first black person on the editorial board), the *Washington Star*, and National Public Radio. In 1972, as a member of the *Post*'s editorial staff, he shared the Pulitzer Prize for coverage of the Watergate scandal with Bob Woodward, Carl Bernstein, and Herbert Block. He also was the publisher of the NAACP's journal, *The Crisis*.

As he reflects on a career that spans from race riots to the election of the first black president, Wilkins notes the fight for racial justice is not over. "Michigan Law gave me the analytical tools and skills I needed to push these struggles forward as a lawyer, journalist, and professor, and I know that it will do the same for many others. I am truly honored to be receiving the Distinguished Alumni Award from the institution that helped me to become the person I sought to be."

A Plane of Equality?

"A half-century ago, many of us, those in the civil rights movement and union supporters alike, shared Martin Luther King Jr.'s 'dream.' The 'dream' was a dream of genuine integration—the existence of all races in our society on a plane of equality. We felt Title VII was our vehicle. Yet 50 years after the passage of Title VII, the median household income of blacks is $33,321 while that of whites is $57,009, or 71 percent more. The unemployment rate of blacks is 12.5 percent, or double that of whites at 6.2 percent. We may have come a long way in certain respects since 1964. But to fulfill that dream, we still have a very long way to go." —Theodore J. St. Antoine

From "Labor Unions and Title VII: A Bit-Player at the Creation Looks Back" by Theodore J. St. Antoine, '54, the James E. & Sarah A. Degan Professor Emeritus of Law, forthcoming in *A Nation of Widening Opportunities? The Civil Rights Act at Fifty,* edited by Professor Samuel R. Bagenstos and Ellen D. Katz, the Ralph W. Aigler Professor of Law, University of Michigan Press, 2014. SSRN 2402258. St. Antoine was the junior partner of the then-general counsel of the AFL-CIO, J. Albert Woll, during the debates over what became Title VII (Equal Employment Opportunity) of the Civil Rights Act of 1964.

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Faculty Views

By Samuel Bagenstos

On Class-Not-Race

Throughout the civil rights era, strong voices have argued that policy interventions should focus on class or socioeconomic status, not race. At times, this position-taking has seemed merely tactical, opportunistic, or in bad faith. Many who have opposed race-based civil rights interventions on this basis have not turned around to support robust efforts to reduce class-based or socio-economic inequality. That sort of opportunism is interesting and important for understanding policy debates in civil rights, but it is not my focus here. I am more interested in the people who clearly mean it. For example, President Lyndon Baines Johnson—who can hardly be accused of failing to support robust race-based or class-based interventions—advised Dr. Martin Luther King Jr. after Congress adopted the Voting Rights Act that the race-neutral, class-based Great Society programs had to be counted on to eliminate race inequality from that point forward. Calls for class-not-race interventions are likely to grow stronger during the next few years. This, then, seems an opportune time to examine the class-not-race position that underlies them.

Many of the reasons offered for the class-not-race position are essentially strategic. These arguments assert not that class-not-race is superior as a matter of principle or first-best policy, but that approaches that target class instead of race are more likely to succeed in the political or legal process than are approaches that focus directly on race. This is most apparent in the context of affirmative action. Many of the advocates of class-based affirmative action—particularly after the Supreme Court decisions making *race*-based affirmative action more difficult to defend—believe that targeting class rather than race will place the practice of affirmative action on stronger *legal* grounds. The legal-doctrinal argument is certainly a key talking point for some of the most prominent advocates of class-based affirmative action.

Other strategic arguments for the class-not-race position are political rather than legal in nature. William Julius Wilson emphasizes many of these points in *The Truly Disadvantaged* (University of Chicago Press, 1987, 2012). Policies that aim overtly at protecting or advancing the interests of particular, disadvantaged racial groups may be especially vulnerable politically. As Wilson makes explicit, these arguments tie rather directly to arguments among social policy experts regarding targeted versus universal social-welfare policies. Many experts argue that social-welfare policies are more politically durable when they are framed in universal terms. Means-tested programs like welfare (or, perhaps now, food stamps) are understood to be more vulnerable than universal social insurance programs like Social Security. Universal programs are more easily understood in solidaristic terms, as a reciprocal covenant among all citizens. As a result, solidaristic and

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reciprocal principles of distribution make sense—one deserves to receive benefits because one is a citizen and has contributed to the system. But the public expects one to prove deserving of targeted benefits more specifically—if an individual is receiving government benefits to which other individuals are not entitled, the public expects the beneficiaries to demonstrate that they really deserve them. As a result, targeted programs are administered in a much more stingy fashion than universal ones. And scandals regarding alleged waste, fraud, and abuse arise far more easily in targeted programs, and are far more likely to delegitimize those programs than they are to delegitimize universal programs of social insurance.

This is a very controversial issue in the social policy world. Professors Peter Schuck and Richard Zeckhauser, authors of *Targeting in Social Programs* (Brookings Institution Press, 2006), make a strong theoretical argument that targeted programs more efficiently achieve their aims and therefore are more likely to draw political support than are less efficient universalist ones. Basic public choice theory also suggests that targeted programs will generate fervent support from their beneficiaries, while the broad spreading of the costs will dampen opposition from those who do not receive the benefits. (This point seems more plausible when the beneficiaries are not as socially and politically disempowered as the beneficiaries of race-based interventions, however.) And the empirical evidence on targeting versus universalism is mixed. Social Security is, to be sure, far more politically stable than was welfare. But when we look at smaller programs for classes of poor people, the targeted ones that focus on people with disabilities or children in poverty have, on occasion, seemed more resilient than the broader universalist ones.

In the race-versus-class context as well, the strategic argument for universalism is not obviously correct. For one thing, class-based interventions (like class-based affirmative action) may readily come to be understood in the public mind as really targeted toward minorities. That's particularly true because in many cases the alternative to race-based interventions is not universal social insurance; it is a policy that really is targeted to disadvantaged people, just a bit more broadly than to minorities. Think about welfare in this regard, and the general axiom that programs for the poor are poor programs. One reason programs for the poor are politically vulnerable is that they are often associated in the public mind with racial minorities. Efforts to target class-based disadvantage as a way of eliminating racial disadvantage often are understood as being *really* about race and provoke political resistance accordingly—a point former U.S. Housing and Urban Development Secretary George Romney learned when his efforts to achieve economic integration in housing provoked fierce resistance from white suburbanites who feared that racial integration would be the result. William Julius Wilson's critique of the Great Society is apt here. Wilson argued that the Great Society's reliance on means-tested anti-poverty programs associated it with minorities and made it politically vulnerable.

Unless efforts to focus on class rather than race take the form Wilson's effort does—by employing truly broad-scale economic development programs—they will likely remain politically vulnerable as targeted programs. And the truly universal proposals urged by Wilson and others have virtually no hope of being achieved in our current political environment, in which austerity sets the terms of economic policy debates.

Class-based policies, then, may not be especially strong politically. And there may be circumstances in which programs targeted at racial minorities are quite strong politically—precisely because they appeal to a shared commitment to equal opportunity. To the extent that race-focused programs are understood as overcoming the particular injustice of discrimination or the legacy of slavery and segregation, many people will see that disadvantage as not being the fault of the beneficiaries (unlike poverty in general). In those circumstances, candid use of race will be politically superior to the use of class as a proxy for race.

Samuel Bagenstos is a professor of law at Michigan. A longer version of this article appears in the forthcoming A Nation of Widening Opportunities? The Civil Rights Act at 50 *(Ellen Katz & Samuel Bagenstos, eds.). The collection grew out of a 2013 conference of the same name, organized by Professors Katz and Bagenstos, which drew professors from a dozen of the nation's top law schools and featured discussions on a range of topics, from affirmative action to the concept of animus.*

STARTUP CENTRAL

If you want to be an entrepreneur, understand that you'll have to be part of a team if you're going to be successful. This, according to Geoff Entress, '98, a Seattle-based investor who has backed more than 125 companies in the past 15 years.

More advice from Entress: Be comfortable with risk. Be visionary. Don't be a jerk. And go to law school.

In the pages that follow, read about Entress and his ventures; a new product that helps people who have been charged with minor offenses interact with courts online, which was created by a Law School professor and one of his former students; and a recent alumna's new line of clothing.

You'll even read about some alumni who knew, more than a century ago, that going to Michigan Law was a wise means of ingress into the world of entrepreneurship.

Oh, and their company remains in business today. How's *that* for visionary?

TRANSFORMING

What if your day in court didn't have to be *in* court?

That's the idea that led Michigan Law Professor J.J. Prescott and Ben Gubernick, '11, his former student, to invent a first-of-its-kind technology that helps people who have been charged with minor offenses interact with courts online, at any time of day, without needing to hire an attorney.

The software provides a way for litigants with issues ranging from unpaid fines to minor criminal or civil infractions, including traffic tickets, to communicate directly with judges and prosecutors to find mutually agreeable ways to resolve their cases.

"When you look at how many cases courts process, you realize online interaction and resolution is the next frontier. Courts have so much potential to influence people's lives for the better," Prescott says. "The challenge is removing barriers to access while making the most of judicial and prosecutorial wisdom and experience. We wanted to make sure the software wouldn't interfere with everything good that courts are already doing."

Many people's jobs don't give them the flexibility to go to court during regular business hours, Prescott points out. And appearing in court for a minor infraction is time-consuming for judges, prosecutors, and the person charged with an infraction. "A typical scenario is that you wait four hours to see someone and you exchange five words," he says.

While the online technology saves time for everyone involved, it conversely gives judges and prosecutors more time to learn about the person before making a ruling. Is the defendant, say, very likely or only somewhat likely to get another speeding ticket in the next year? "In the virtual environment, we can give prosecutors and judges more information than they would normally have within their reach about a person, and it can inform their decision making," Gubernick says.

In-person interaction, of course, remains necessary for a lot of work courts do, Gubernick says. "This technology targets only those cases where online interaction can be faster, fairer, and less costly for everyone involved.

"Our goal is really to increase access to justice."

BY JARED WADLEY AND KATIE VLOET

WHAT IT MEANS TO "GO TO COURT"

"PROOF THAT ENTREPRENEURIAL IDEAS ARE FLOURISHING AT MICHIGAN LAW"

The project is part of the Global Challenges arm of U-M's Third Century Initiative, a $50 million, five-year program that is leveraging the University's interdisciplinary expertise to tackle some of society's most pressing problems—while also creating learning opportunities for students.

www.courtinnovations.com

The technology is being piloted at the 14A District Court in Michigan's Washtenaw County and the 74th District Court in Bay County. Response from the technology's users has been positive. "This system is working so well for our court that I would like to see it expanded to all the other courts," says Thomas Truesdell, magistrate of 14A District Court and a board member of the Michigan Association of District Court Magistrates.

With funding through U-M's Third Century Initiative in place for the next two years, Prescott's team is preparing to scale the technology. However, the team is thinking far beyond the next few years. Prescott already has worked with U-M Technology Transfer to create Court Innovations Inc., a startup that will provide support and maintenance for the software during the project and grow the business opportunities generated going forward.

The developers and U-M believe the technology can go national. "Court Innovations was founded to ensure post-project sustainability," says MJ Cartwright, the company's CEO. "Our job over the next two years is to work with courts and state government groups to lay the foundation for the technology's complete transition from U-M-based research and development into a commercial solution that can continue to scale and grow in Michigan and across the nation."

Ken Nisbet, associate vice president for research at U-M Technology Transfer, says the company has leveraged Tech Transfer's Venture Center, including the Venture Accelerator, to create a compelling value proposition to improve the court system. "This new venture is proof," Nisbet says, "that entrepreneurial ideas are flourishing at Michigan Law."

Prescott is pleased with the support from the Law School and the University as a whole. "At the Law School, we're really expanding in the entrepreneurial arena," Prescott says. "The great thing about being at a major research institution like U-M is that we are able to work closely with top people in all of the fields that matter to the success of the project—the statistics department, the Ross School of Business, the School of Information, the Ford School of Public Policy—about data modeling, increasing court efficiency, improving the user experience, and ensuring that litigants come away from the process understanding it and feeling that they've been fairly treated. It's great to see the University not just supporting the hard sciences but also broadly interdisciplinary efforts like ours that emerge from the social sciences."

Gubernick says the entrepreneurial aspects attracted him to the project. "I liked the idea of finding a solution to a problem in the real world," he says. "And, really, that's what entrepreneurship is all about—recognizing a problem, and finding a solution that no one has thought of."

LEISA THOMPSON PHOTOGRAPHY

Ben Gubernick, '11; CEO MJ Cartwright; and Prof. J.J. Prescott.

BY LARA ZIELIN

GOOD FORTUNE

AN ANGEL INVESTOR HELPS

"The team, the team, the team."

The famous words of legendary U-M football coach Bo Schembechler are inspirational not just in the arena of sports but also in the world of entrepreneurship.

"An entrepreneur can't do everything themselves, so they need a team around them," says Geoff Entress, '98, a Seattle-based investor who has backed more than 125 companies in the last 15 years, including keyboard technology company Swype, casual game developer Big Fish Games, social media manager HootSuite, and many, many more. "If you can show that you've convinced other great people to come with you, you can convince investors."

Entress has been listening to pitches and helping entrepreneurs get a leg up in the business world for most of his life; he started investing at a young age in partnership with his dad, an oral surgeon who, just before he retired, founded his own investment firm. Entress earned his undergraduate degree at Notre Dame, his MBA from the Tepper School of Business at Carnegie Mellon University, and his JD from Michigan before heading to Seattle.

Today, the Pittsburgh native is a venture partner with Voyager Capital, sits on the boards of 11 companies, and is what's called an angel investor—that is, someone who provides personal capital to businesses trying to get off the ground. A recent article by geekwire.com called him "perhaps the best known professional angel in the Northwest."

SUCCESS, FAILURE, AND MAKING THE WORLD BETTER

Entress has made a successful career out of picking which companies have what it takes to succeed. And his work comprises much more than just opening his checkbook.

"The secret to getting into the best deals is to be a value-add investor. Serving on the board, doing introductions to customers or executive team members, going that extra step. Those activities take a lot of time. But that's why you're asked to be included in the best deals."

A team of people must work well together for an investment to work, he says: establishing parameters of the investment, thinking through the pitfalls, and negotiating the details, which can take a while.

JOHN LOK

"When you're meeting with entrepreneurs, you have to consider that you'll be spending a lot of time with this person," Entress says. "It's a long-term relationship. You have to like this person. A main reason I won't do a deal is because someone is a jerk. No way I'll invest if I don't like the person. If you don't like the person, probably others won't either."

A successful entrepreneur has to be more than just likeable, however. "There's always a different adjective about what an entrepreneur should be: courageous, confident, intelligent," Entress says. But a big one on his list is *convincing*.

ENTREPRENEURS SOAR

"They have to be passionate about what they're doing, and they have to be visionary. They have to convince you as an investor that what you're seeing is something that can make the world better, and that they're the person who will go out and execute against that. They have to get you to believe in a quality idea, and that they can attract others to join along into this crazy thing that might not work."

Entress predicts that maybe one out of 10 deals will hit it out of the park. He's had a number of home runs in his life, but he's had many big strikeouts, too—specifically companies he had the opportunity to invest in, but didn't. This includes YouTube (he thought it was just "another video site") and StubHub (a trusted source told him not to sink money into it).

"When you see several hundred or more deals per year, you'll miss some for sure," he admits. He also says there are cases in which the idea is sound, everyone works hard and does what they can, and the business still fails. He cites his own startup company, Urban Earth, a hip-hop music and culture site that sold digital music in the late 1990s. "It could have been big, but it was bad timing. We were caught up in the dotcom collapse, and Napster was out there making it untenable to sell digital music. You're always going to miss some."

ADVICE FOR THE NEXT GENERATION

Entress shares his wealth of experiences and advice with the next generation of entrepreneurs by serving on the advisory boards of the Buerk Center for Entrepreneurship at the University of Washington, the Gigot Center for Entrepreneurship at Notre Dame, and the Donald H. Jones Center for Entrepreneurship at the Tepper School of Business at Carnegie Mellon University. Part of his goal is to encourage universities to take entrepreneurship out of the business school and spread it across disciplines—something the University of Michigan has done with programs at the Law School, the Ross School of Business, and the College of Engineering; start-up accelerators that assist students across campus; and more.

"It's important to get all students exposed to entrepreneurship and to get classes offered to that end."

"IT'S A LONG-TERM RELATIONSHIP. YOU HAVE TO LIKE THIS PERSON. A MAIN REASON I WON'T DO A DEAL IS BECAUSE SOMEONE IS A JERK."

But even for students at a school without access to an established entrepreneurial curriculum, he says there's plenty that they can do. "Reach out to people across schools and meet others. Enter business plan competitions, and get involved. Start finding what appeals to you."

For those interested in dipping their toes into the entrepreneurial waters, crowdfunding sites such as Kickstarter and IndieGogo can provide funding for an idea in the form of online donations. The platforms, Entress says, "work well for pre-sales of products [an entrepreneur] is going to make." For his part, he's not worried that the proliferation of funding sites, and people wanting donations for projects, will have a negative impact on entrepreneurship.

"A lot of our cultural heroes are entrepreneurs. I don't know that we've tarnished the dream yet."

Another piece of advice?

Go to law school.

He's adamant about the importance of the skill set he gained from his time at Michigan Law. "I often get asked, 'Hey, was it worth going to law school?' I think law school is a phenomenal education. It changes the way you look at the world. I use the skills I learned at U-M every day."

BY LORI ATHERTON

LAWYER TURNED ENTREPRENEUR

Jamie Loeks Duffield, '12, has always enjoyed fashion, but she never entertained the idea of starting her own clothing line until a Christmas Eve shopping trip left her empty handed.

Duffield and her mother, Barrie Lawson Loeks, '79, were looking for stylish pajamas to give as gifts to family members, ones that could be worn long after the holidays were over. Instead they were disappointed to find mostly flannel PJs adorned with candy canes or other kitschy motifs.

"My mom and I thought there should be pajamas that are really comfortable and nice, ones that you can wear all the time and aren't embarrassed to be seen in if a neighbor stops by," Duffield says. "People spend so much time relaxing or working from home, why not look as nice and stylish there as you do the rest of the time?"

Wanting to be "on the other side of the table," Duffield left her associate position at the Miami law firm Shutts and Bowen in July 2013 and returned to Grand Rapids, Michigan, to start Duffield Lane, a loungewear/resort wear line that can be worn at home, out to dinner, or at the beach. Launched in January, the collection, which Duffield describes as "classic and timeless," includes pajamas, tunics, and dresses.

Duffield has been involved in all aspects of the business, from sketching the initial designs and working with a freelance designer to refine them, to researching fabrics and manufacturers, to marketing the brand and developing the company's website. She concedes there's a lot to learn about the fashion industry, but credits her education—which, in addition to her JD from Michigan Law, also includes a BS in international business from Georgetown University—with giving her the right tools to succeed.

"It's been really helpful to have a law and business background," says Duffield, who was a student in the Entrepreneurship Clinic at Michigan Law. "I came into the fashion industry with the opposite background as most people. Typically you have a designer who knows how to get his or her line out there, but has no idea what to do with a balance sheet or setting up an LLC, whereas I've had plenty of training on how to organize a business and what capital structure to use. It's made me more confident, especially when signing contracts."

STARTS LUX LOUNGEWEAR LINE

Duffield sells her line on her website and at trunk shows hosted by family and friends. Her collection also is sold at boutiques in Grand Rapids and on Useppa Island, Florida, and soon will be available at boutiques in Connecticut, New Jersey, and New York following her foray into the trade show circuit.

"We went from having three stores in two states, to having 10 stores in five states after I attended trade shows in Atlanta and New York City," says Duffield, whose goal is to sell her collection at major retailers such as Saks Fifth Avenue. "It's really exciting and a nice affirmation that people like what we're doing."

While Duffield never imagined a career in fashion, she knew at a young age that she wanted to start her own business. The entrepreneurial spirit was fostered by her parents, Jim and Barrie Loeks, who founded the movie theater chain Star Theaters. Duffield's parents and her husband, Ryan Duffield, also a 2012 Michigan Law grad, have been extremely supportive of her endeavor and make it possible for her to run the business without outside help.

"Business is going well, or as well as I could hope at this point for a small business," she says, "but I would love to take Duffield Lane as far as it can go."

BY JENNY WHALEN

A PAGE IN MICHIGAN LAW HISTORY

IN THE LATE 1800s THE EDWARDS BROTHERS WROTE THE FIRST CHAPTER ON ENTREPRENEURSHIP.

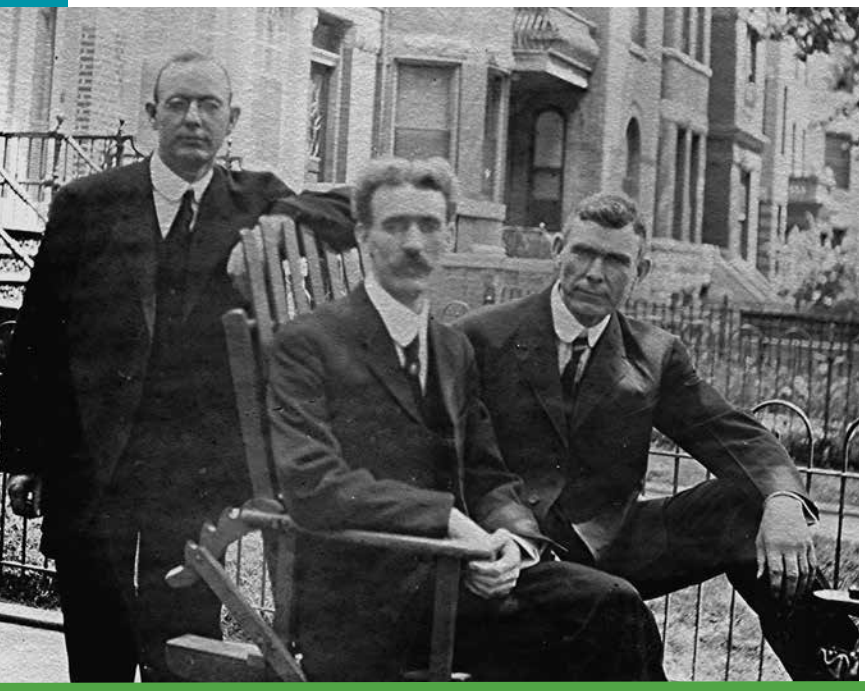
While the Computer Age has produced countless companies whose origins can be traced to their founders' dorm rooms, college-age ingenuity didn't begin with Facebook, Google, or Microsoft. For Ann Arbor-based book printer and manufacturer Edwards Brothers Malloy, it started with the mimeograph. (Readers born after 1970 should think of the mimeograph as the great-grandfather of the photocopier.)

To set the timeline, consider that at the same time Thomas, Daniel, and John J. (J.J.) Edwards were developing their side-business at Michigan Law, Chicago World's Fair visitors were getting their first glimpse of a new observation ride called the "Ferris wheel" and Henry Ford was still a decade away from incorporating his auto company.

The year was 1893 and the Edwards brothers were trying their luck with a business model still common on high school and college campuses today: the sale of lecture notes.

"It's the American story," says John Edwards, BGS '83, the company's fourth-generation president and CEO. "You see a business opportunity and you figure out how to make it work. The brothers started it together, and 120 years later the Edwards family is still in the printing business."

The great-grandson of J.J. Edwards, John Edwards grew up hearing what he calls his "family legend." The story went something like this: Three brothers studying at Michigan Law discovered they could supplement the cost of their education by copying and then selling professors' lecture notes, or course packs, to their fellow students.



Thomas Edwards Jr. (JD 1899), Daniel Edwards (JD 1894, LLB 1896), and John Edwards founded their printing company in 1893, starting with the sale of lecture notes.

"They would take turns running the business. One of them would sit out a term while the others attended law school. My great-grandfather took over the business when Thomas and Daniel went on to become lawyers, or so the story goes," John Edwards says.

Daniel was the first to complete his degree, graduating from Michigan Law with the Class of 1894 and earning his LLB two years later. Thomas followed in the Class of 1899. (Enrollment information for J.J. was unavailable.) Although not much is known about the brothers' time in law school, alumni records show that both Thomas and Daniel went on to practice and serve in a number of public and private posts in Washington, D.C., throughout the first half of the 20th century.

The first Edwards Brothers building was on Main Street.

Meanwhile, in Ann Arbor, the mimeograph business continued to grow under the direction of J.J.'s children and grandchildren, many of whom earned their undergraduate and graduate degrees at the University of Michigan—although Thomas and Daniel remain the only two Michigan Law graduates on the family tree.

In the decades since opening the first Edwards Brothers storefront on Main Street, the family enterprise has remained rooted in Ann Arbor while also making significant expansions, merging with fellow book printer Malloy Incorporated in 2012, adding printing plants across the country, and forming partnerships abroad to accommodate the changing scope of a business that has evolved from mimeographed lecture notes to short- and medium-run books and journals printed with the industry's latest technology.

"The print business has gone from the mimeograph to the letter press to offset, and now we're putting our first inkjet machine in the Ann Arbor plant," says John Edwards. "We print textbooks for major publishers and the latest best seller, but also custom products made-to-order. Custom publishing is the fastest-growing segment of higher education publishing and really where Edwards Brothers started. Those mimeographed notes, like today's short-run print products, were tailored to the class and even the student. In a way, we're going back to our roots."

Editor's note: The University of Michigan has purchased the Edwards Brothers property at 2500 S. State Street. Edwards Brothers Malloy plans to consolidate its Ann Arbor operations at the company's Jackson Road facility.

TODAY

ENTREPRENEURSHIP AT THE LAW SCHOOL CONTINUES

At 121-years-old, Edwards Brothers Malloy is one of Michigan Law's earliest entrepreneurial success stories, but it is far from the last, with an entirely new chapter being written in just the past few years through the launch of the Law School's Entrepreneurship Clinic.

"Since we started the clinic in January 2012, the excitement among students and clients has not diminished," says Director and Clinical Professor Dana Thompson, '99. "It's been remarkable to see how many law students are interested in participating in the clinic and how many of them have caught the entrepreneurship bug as well. Law students are attracted to the idea of working with entrepreneurs developing cutting-edge technology, and every semester we have more applications than spaces in the clinic."

The Entrepreneurship Clinic, which pairs law students with U-M student-led ventures, is a mutually beneficial arrangement, providing law students with real-world experience in representing early-stage ventures while offering valuable legal services to U-M entrepreneurs free of charge. Part of the Zell Entrepreneurship and Law (ZEAL) Program—named for another Michigan Law entrepreneur, Sam Zell, JD '66, HLLD '05—the clinic represents just one of the ways in which Michigan Law has responded to an ever-increasing student demand for programs and classes in the entrepreneurial sphere, Thompson says.

Putting the Contract

KATIE VLOET

Before the Horse

By Jenny Whalen

TYPICALLY, clients approach the Law School's General Clinic for assistance—but every so often, a case comes from within, spurred by an issue close to the heart of a student attorney. It is at this moment when personal interest and practical knowledge meld, enriching the academic experience and broadening the scope of Michigan Law's public service.

Mary Watkins, '14, visits with one of the many horses cared for by Horses' Haven, a nonprofit humane care and adoption agency for horses, ponies, and other animals in Howell, Michigan.

COURTESY OF MARY WATKINS

David Frisof, '14, presents the finished Horses' Haven contract to one of his equine clients. Frisof and Watkins worked together in the General Clinic to rewrite the contract.

In the Law School's General Clinic, the partnership of Mary Watkins, '14, and David Frisof, '14, started with a shared docket of asylum cases and landlord-tenant disputes. Then, on a crisp January day, Watkins went to see a man about a horse.

"The first time I came into the clinic office and said, 'I need to open a file for Horses' Haven,' there was understandably some skepticism," says Watkins, remembering the reaction of staff to the partners' new, and unexpectedly equine, clients. "They said, 'You're working on a contract for horses? Right.'"

But, given Watkins's history with the Howell, Michigan-based adoption agency, her involvement in the project is not altogether surprising. A dedicated Horses' Haven volunteer, she was in the process of adopting her own thoroughbred, Millie, from the nonprofit when she realized the agency's contract was in desperate need of an update.

"Mary approached us about wanting to make sure that our adoption contract was up to snuff and that all parties were protected," says Jill Fredrickson, board president of Horses' Haven. "As a nonprofit, it's sometimes difficult to hire an attorney, especially one who specializes in equine law. Mary and David turned the document inside out, upside down, and worked with us at every step to really fine-tune it."

KATIE VLOET

Millie looks out over Hardy Farms, which became her home after Mary Watkins, '14, adopted her from Horses' Haven. Millie now lives near Watkins outside of Washington, D.C.

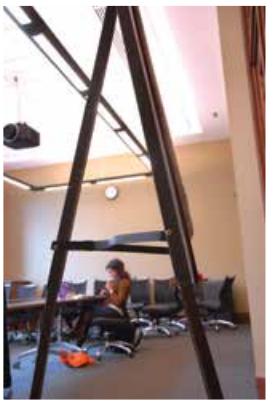
Under the guidance of Professor Nicole Appleberry, '94, the partners added Horses' Haven as a clinic client and began their first foray into contract law.

"Nicole told us that a contract should tell a story," says Frisof of their approach to the project. "There are many ways to structure the same deal, and it can get complicated. With Horses' Haven, the purpose of the contract was very straightforward. The key point was to allow the agency to have the right, in perpetuity, to look in on the adopted animal and take it back if they feel it is being mistreated."

The result of the pair's efforts was an adoption contract of which the Horses' Haven board heartily approved. "In a small way, we helped the people at Horses' Haven continue to do what they love to do, but with the legal protection they need for the future," Frisof says.

"This contract allows Horses' Haven to keep an eye on every animal that goes through its door and make sure that every horse, pony, donkey, and even goat that is adopted receives quality care for its entire life," adds Watkins.

Not your average clinic experience, perhaps, but certainly one that has made a lasting impression—on attorney and client both.



FROM

TO

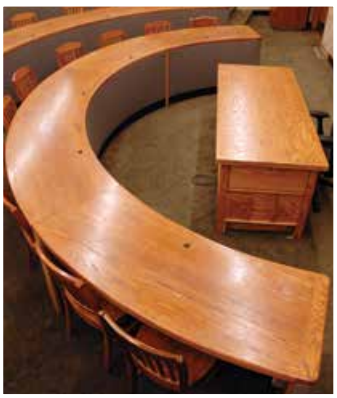
The Law School's Collegiate Gothic buildings are made up of arches and finials, gargoyles and pillars. If you look closely, you'll see that they also comprise vowels and consonants. All of them.

The *Law Quadrangle* asked photographer Philip Dattilo to search high and low, inside and out, for shapes throughout the Law School that suggest each letter of the alphabet. Some are close-ups; others are wide shots. All of them are beautiful and will bring back memories of your time in the classroom (C), laughing at the strange and wonderful window cartoons in Hutchins Hall (O), or staring at the Reading Room ceiling when you should have been studying (Q).

In its most basic form, the alphabet provides the decorating motif for North American elementary school classrooms. Here, we've updated that look for you with a bit of sophistication, a touch of whimsy, and an upper-case R that is so perfect that we smile whenever we see it. Enjoy.—KV

PHOTOS BY PHILIP DATTILO PHOTOGRAPHY

























FACULTY NEWS

Prof. Whitman Receives L. Hart Wright Teaching Award

By Lori Atherton

One of the perks of serving as chair of the Law School Student Senate's (LSSS) Election Committee is that you are allowed some say in how the recipient of the L. Hart Wright Teaching Award is notified. For 3L Tim Ford, it made perfect sense that Professor Christina Whitman—the 2014 winner—should learn of the honor during her Supreme Court Litigation seminar.

"I knew the rest of the class would enjoy congratulating Professor Whitman in person, and the best part is that she looked so genuinely surprised," Ford says. "Everyone knew she deserved the award"—which honors teaching excellence—"but she's so humble. She teaches well, just because she wants to."

"Professor Whitman truly cares about her students on a personal level, and her love for teaching really shines through," says Erika Kaneko, a 3L who also took Supreme Court Litigation. "She made class discussions so fun and interesting that students would often continue talking about cases and issues after class was over. She encouraged us to debate even the most sensitive topics and pushed us to think outside our own perspectives."

Whitman, '74, also teaches Torts and Jurisdiction and Choice of Law. She began teaching at the Law School in 1976 and was one of the first women on the faculty. As a 20-something, she often was younger than her students, many of whom were Vietnam War veterans or older women looking to jumpstart a new career. While her students have gotten younger over the course of her teaching career, Whitman's enthusiasm for helping them understand the law, its ambiguity, and its human consequences has remained constant.

"I try to provide clarity about the law and push students to realize there is ambiguity in any legal position we look at firmly," Whitman says. "I want students to feel comfortable with that ambiguity and to realize that there are strong arguments on both sides of a case."

She praises Michigan Law students, who make her job so enjoyable. "I continue to learn about the law and the world from my students, which has made me a better teacher over the years. The longer I teach, the more I realize how varied our students are in their experiences and talents, and that enriches my teaching."

The L. Hart Wright Award—named after the beloved Michigan Law professor who was renowned in the field of tax law—is presented annually by the LSSS, with the recipient chosen by students.

Prof. Croley Confirmed as GC of Energy Department

Michigan Law Professor Steven P. Croley, who has served in the Obama administration as deputy White House counsel since 2012, was confirmed in May by the U.S. Senate as general counsel of the U.S. Department of Energy. He was nominated for the post by President Barack Obama in August 2013.

"Dr. Croley brings to the department leadership team both extensive experience representing the interests of the United States and wide-ranging interests in energy and environmental issues," said Energy Secretary Ernest Moniz. Of his confirmation, Croley said, "I am honored to serve the president in this new role, and am grateful for having been confirmed by the Senate. I look forward to working with Secretary Moniz and all of my new colleagues in the Energy Department on issues of great importance to our country."

Croley has been on leave from Michigan Law since 2010, when he began serving as special assistant to the president for justice and regulatory policy on the White House Domestic Policy Council. From 2011 to 2012, he was a senior counsel to the president in the Office of the White House Counsel. As deputy White House counsel, he focused on domestic legal issues, including energy issues, and worked closely with the Department of Justice and the Office of Management and Budget.—LA

Prof. Mortenson Files Suit on Behalf of Same-Sex Couples

By John Masson

You couldn't get a divorce this quickly in Vegas.

But it wasn't the more than 300 couples, married in Michigan this spring, who wanted their marriages to end. It was the State of Michigan.

The couples married on March 22, 2014, the day after U.S. District Court Judge Bernard Friedman overturned Michigan's ban on same-sex marriages. But by late that afternoon, after all 300 couples had been legally married, the Sixth Circuit Court of Appeals issued a stay of Friedman's ruling—a stay that didn't address the legal status of the marriages that had already been solemnized.

A few days later, the governor's office said in a prepared statement that, while the marriages were legal, the appellate ruling meant "the rights tied to these marriages are suspended until the stay is lifted or Judge Friedman's decision is upheld."

In the view of the American Civil Liberties Union, the governor's statement contradicted itself. How could the marriages be legal, yet the rights and responsibilities attendant on them be denied, even temporarily? The group approached Michigan Law Professor Julian Davis Mortenson, a longtime litigator for LGBT rights, and he quickly agreed to spearhead a lawsuit. Less than three weeks later, that suit was filed on behalf of eight couples affected by the state's reversal.

"First and foremost, it's important that these clients—these particular human beings, who have relationships that span decades—not be subjected to a mandatory divorce by the state," Mortenson says. "The 16 people in our lawsuit have lost something precious and dear to them, and that's outrageous."

Beyond that loss, of course, lay a thicket of problems created when the couples' marriages were suddenly hurled into legal limbo.

For plaintiffs Clint McCormack and Bryan Reamer, who have been together more than 22 years and have 10 adopted and three foster children, those problems include being unable to include both parents' names on some of their children's birth certificates.

"Some of our children we adopted together, in another state, and some we were unable to adopt together" because Michigan requires couples to produce a marriage certificate, McCormack says. "People think it's just a piece of paper, but that piece of paper has so much weight to it when you're raising children."

McCormack says their family has been spared some of the problems plaguing the other seven families involved in the suit—insurance and pension issues, for example, or the denial of state-level benefits for the partner of a Michigan National Guard member—but that's not to make light of what the state is currently denying him, his spouse, and his children.

"I just wish these people who make the laws could get with reality and realize they're harming the children," McCormack says. "To me, it's legalized child abuse, plain and simple."

Mortenson argued for a preliminary injunction Aug. 21 before U.S. District Judge Mark Goldsmith, maintaining that his clients are legally married, regardless of what happens at the Sixth Circuit or at some future time in the U.S. Supreme Court. The case isn't about getting married, he argued—it's about *staying* married. The state, meanwhile, argued against the injunction and urged Goldsmith to wait and see what the appeals court decides. For now, Mortenson says, that's where the case stands.

"These people have been living under a cloud of legal uncertainty for months," he says. "These are real people, facing real pain, real sorrow, and real-life challenges caused by the state's refusal to recognize their marriages."

At the same time, he adds, it's obvious to anyone who is paying attention that views on marriage equality are evolving—just not rapidly enough for 600 people who felt joy at being married, then bewilderment and disbelief when they were told those marriages were legal but weren't going to be recognized by the state.

"If this case comes out the right way, it will offer these 600 people a security and a respect that will make a big difference to them," Mortenson says. "Having same-sex couples living their lives together in Michigan with the full imprimatur of the state, as something perfectly normal and ordinary and something to be celebrated, is going to reverberate broadly."

Prof. Thomas Appointed to State's New Indigent Defense Commission

Clinical Professor of Law and Juvenile Justice Clinic cofounder Kimberly Thomas has been appointed by Michigan Gov. Rick Snyder, '82, to serve a two-year term on the state's newly created Indigent Defense Commission. Consisting of a 15-member board, the commission was established in July 2013 in an effort to improve legal representation for low-income criminal defendants in Michigan.

"I am honored to be part of this team that will ensure that all indigent citizens have access to well-trained and supported criminal defense counsel," Thomas said. "The Michigan Indigent Defense Commission's work will help improve the fairness and accuracy of our state's criminal justice system."

The Commission has been tasked with collecting and compiling data for the review of indigent defense services in Michigan, creating standards to ensure all systems providing indigent defense meet constitutional obligations for effective assistance of counsel, and developing requirements by which a person may establish a claim of indigence so those truly in need of a public defender will have one. "A key principle of the judicial system is that every citizen has a right to competent legal counsel," Snyder said in a press release.

Michigan Law alumni Frank Eaman, '71, Brandy Robinson, '03, and Gary Walker, '71, also were appointed to the Commission. Like Thomas, Eaman and Robinson will serve two-year terms, while Walker will serve a four-year term initially.

U.S. Supreme Court Delivers Unanimous Ruling for Prof. Pottow in *EBIA v. Arkison*

In a rare unanimous decision in a contentious jurisdictional area, the U.S. Supreme Court in June affirmed bankruptcy court authority by delivering Professor John Pottow a victory in the case of *Executive Benefits Insurance Agency v. Arkison (EBIA v. Arkison).*

The 9-0 opinion by Justice Clarence Thomas serves to clarify the Court's 2011 ruling in *Stern v. Marshall*, which created jurisdictional chaos by invalidating a central provision of the Bankruptcy Code and called into question the power of bankruptcy judges to rule on key issues that arise in bankruptcy cases. "It's unquestionably a victory for common sense and a mitigation of *Stern*'s mischief," says Pottow, who argued in January on behalf of the respondent, bankruptcy trustee Peter H. Arkison.

Stemming from a fraudulent conveyance claim against EBIA, the case ultimately questioned the jurisdiction of the presiding bankruptcy court, which had granted summary judgment in favor of Arkison.

Although summary judgment was affirmed by the district court, EBIA argued on appeal to the U.S. Court of Appeals for the Ninth Circuit that the bankruptcy judge's entry of a final judgment lacked both statutory and constitutional authority because the claim at issue was a "*Stern* claim" (to use Pottow's term), over which bankruptcy courts were now powerless to exercise jurisdiction.

The Court of Appeals found *Stern*'s scope so confusing it solicited amici briefs by *sua sponte* order, which is how Pottow became involved in the case. After a dozen such briefs were filed, the Ninth Circuit affirmed. When the petitioner pressed his statutory and constitutional arguments to the Supreme Court, Pottow took over as counsel.

The Supreme Court also affirmed. It found a statutory basis to treat *Stern* claims as what the Code considers "non-core" claims, meaning bankruptcy judges can enter final judgment with party consent. If the parties do not consent to bankruptcy court final judgment, bankruptcy judges can still hear the case and draft a proposal and recommendation for *de novo* review and entry of judgment by the district court.

The Court declined, however, to address the petitioner's constitutional argument—that even if there is a statutory basis, Article III prevents such consensual adjudication by bankruptcy courts as a constitutional matter. Instead, Justice Thomas's opinion adopted the respondent's position that the unique procedural posture of the case—a *de novo* district court review of a summary judgment order—rendered irrelevant any alleged Article III infirmity with the bankruptcy court judgment preceding it. Effectively, the petitioner got all the Article III consideration of its claim it wanted and needed.

However, as the Court did not address the constitutional question in *EBIA v. Arkison*, Pottow anticipates it will need to revisit the question of bankruptcy court jurisdiction in the near future. "Yes, the Court has answered the statutory question bedeviling the bankruptcy courts since *Stern v. Marshall*, but it has side-stepped the constitutional one," he says. "The opinion is very, very carefully drafted to minimize hand-tipping on the constitutional point, but it is an encouraging tea leaf that the opinion does cite some of the historical material we included, which points to what we believe is the correct constitutional outcome regarding the permissibility of bankruptcy court consensual adjudication."

Kicking the Tires on America's Car Dealer Lobby

Prof. Crane on Supporting Tesla's Charge for Direct Distribution Rights

By Jenny Whalen

Without a drop of gasoline, Tesla's Model S goes from zero to 60 miles per hour in an electrifying 5.4 seconds. It's sleek, state-of-the-art, and—owing to legislative efforts advocated by the car dealers' lobby—noticeably absent from many American showrooms.

To antitrust authority and Michigan Law Associate Dean for Faculty and Research Daniel Crane, these efforts to bar Tesla Motors from directly distributing its vehicles to customers are "protectionist, pure and simple."

It is a view that has roused the ire of the aforementioned lobby just as it has garnered support across the political spectrum from many of the country's leading economists and law professors—71 of whom joined Crane in an open letter (dated March 26) to Gov. Chris Christie voicing opposition to the New Jersey Motor Vehicle Commission's decision earlier this year to prohibit direct distribution of automobiles by manufacturers.

"A number of public figures and academics have entered the fray, arguing in favor of allowing Tesla direct distribution," says Crane, whose own interest was spurred as a casual observer of the automobile industry. "I was fascinated by Tesla and how they would create the infrastructure around this new technology for electric cars. I wasn't at all focused from a regulatory or legal perspective when I started following the news."

But as reports developed of the state-by-state legal battles facing Tesla in its bid to directly distribute to consumers, Crane's curiosity was piqued, and he began examining the car dealers' arguments in detail.

"I had never really followed automobile distribution regulation and thought there might be legitimate arguments for why regulations should exist requiring the sale of cars through franchised dealers," Crane says. "I started kicking the tires and found that the arguments flatly contravened everything that I knew of the economics of distribution. I no longer have any doubt that what we're seeing here is pure protectionism on the part of dealers."

Through a series of Truth on the Market posts, media interviews, and a working paper entitled "Tesla and the Car Dealers' Lobby," Crane has sought to refute four main arguments proffered by the car dealers' lobby: that direct distribution bans are a form of "consumer protection" against monopoly, inferior aftermarket service, and recalls, as well as a safeguard for the philanthropic role independent dealers often play in their communities.

In countering the monopoly claim, Crane calls upon the economic principle that if a manufacturer has market power in its brand, it will extract the full monopoly profit regardless of whether it sells to dealers or end users. The cost of retail distribution will be fully embedded in either the wholesale or resale price.

"If anything, outsourcing the retail distribution function to locally dominant automobile dealers could lead to double marginalization and increased prices," Crane argues.

He also challenges the supposed correlation between dealer distribution and superior aftermarket service, calling it a "question of incentives" and reasoning that "Tesla is investing billions of dollars in its brand, technology, and infrastructure to create demand for its product. It is not going to recoup a huge investment if it doesn't provide service for its cars."

Similarly, he points out that only manufacturers and federal regulators make the decision to issue safety recalls, so "adding a layer of dealer distribution does nothing to create safer automobiles on the road or better recalls."

Weakest of all, in Crane's view, is the argument that independent dealers deserve special protection to preserve their philanthropic abilities.

"By making this argument, car dealers are admitting that this protectionism gives them special levels of profit that they can in turn spend in their communities," Crane says. "What car dealers have to accept is the idea that the model they have relied upon for the last 60 to 70 years is changing and they have to adapt, but not by insisting upon a legally protected position."

While state laws restricting direct distribution by automotive manufacturers remain prevalent, Crane says he has noticed a political shift in the national debate.

"Many of the frontrunners for the 2016 presidential nomination have started coming out in support of legislation that would allow direct distribution, and there is a raised consciousness at the state and regional level," he says. "I'm optimistic of change at the state level but would welcome federal legislation. This isn't only about Tesla. It's a question of allowing innovative, environmentally friendly products to come to market and allowing consumers the option of dealing directly with the manufacturer."

Prof. Logue: Terrorism Risk Insurance Act Set to Expire Unless Congress Acts

By Lori Atherton

Insurance companies were unprepared to deal with the enormous insured property losses, estimated at about $39.5 billion, that resulted from the 9/11 terrorist attacks. Concerned about the possibility of future terrorist incidents and unsure how to pay for them, many insurance companies made terrorism risk coverage unaffordable or opted not to provide it, making it difficult for certain sectors—including the real estate and construction markets—to get loans for their investments.

In an effort to stabilize the insurance industry, Congress in 2002 enacted the Terrorism Risk Insurance Act (TRIA), which required property-casualty insurers to offer terrorism insurance and made the federal government the reinsurer of terrorism-related risks for insurance companies. According to Kyle Logue, the Wade H. and Dores M. McCree Collegiate Professor of Law, the law, as it has been amended through the years, works as follows: In the event of a major terrorism-related catastrophe in the United States, the first $25 to $30 billion of insured property-casualty losses would be covered by private insurance companies; any insured losses in excess of that retention would be covered by the federal government, with the government paying 85 percent and private insurers continuing to pay 15 percent. The government's contributions would be capped at $100 billion. "If losses were to exceed the $100 billion cap," Logue says, "there is no current legal requirement that the federal government or private insurers provide coverage. But it is difficult to imagine that the federal government, through Federal Emergency Management Agency grants and loans, would not step in."

Although TRIA requires insurers to offer terrorism risk coverage, it does not specify what price must be charged. "As a result," says Logue, "terrorism risk insurance is at least partly determined by market forces, subject to state regulatory oversight." Logue also points out that federal terrorism insurance payouts must be preceded by a decision by the secretaries of treasury and state and the U.S. attorney general that there has indeed been "an act of terrorism," as defined under the statute.

While TRIA was not meant to be a permanent law—"it was originally intended to be a temporary backstop to get the insurance industry back on its feet," Logue notes—the law was renewed for two years in 2005 and for another seven years in 2007. TRIA is set to expire on December 31, 2014, unless Congress renews it for a third time.

Logue has been studying TRIA since 2003, when he and Saul Levmore of the University of Chicago coauthored the paper "Insuring Against Terrorism—and Crime" (Law & Economics Working Papers Archive: 2003-2009). An authority on insurance law and policy who has been teaching and researching the topic for 20 years, Logue says he became interested in TRIA because 9/11 "was an extraordinary event from the perspective of an insurance scholar."

Last April, Logue was a panelist at a TRIA policy summit sponsored by *National Journal*, during which the pros and cons of TRIA and its future were debated. While supporters say TRIA helps to lower premium costs and increases terrorism risk policy coverage across the country, critics argue that it unfairly asks taxpayers, especially those living in areas that are less likely to be targeted by terrorists, to subsidize insurance coverage for property owners in more terrorism-prone areas, such as major urban centers.

Since the summit was held, the Insurance Subcommittee of the U.S. House Financial Services Committee proposed the TRIA Reform Act of 2014 in early June, which would extend TRIA for five more years with some changes. Should TRIA not be renewed, Logue predicts two possibilities: There could be a market demand for insurance companies to continue to provide terrorism risk coverage without government backing, or insurance companies could introduce terrorism risk exclusions into their policies.

"If TRIA disappears, there is a possibility that the bigger insurance companies will find a way to provide coverage based on customer demand," Logue says, "but the vast majority of insurers aren't saying this will happen.

"Most insurance companies are behind renewing the federal law, because their claim is that if TRIA doesn't get reenacted, policy exclusions will start to be reintroduced, which will be a major hit to the real estate market in major cities where they think a terrorist attack is more likely to happen again."

Prof. Hines Honored for Public Finance Work with Prestigious Professorship

Professor James Hines Jr. has been named the recipient of the 2014 Richard Musgrave Visiting Professorship, a prestigious award honoring scholars in public finance. Hines, the L. Hart Wright Collegiate Professor of Law and codirector of the Law and Economics Program, delivered the sixth Richard Musgrave Lecture—"International Taxation and National Interests"—in Munich in April.

The visiting professorship was established in 2008 by the International Institute of Public Finance (IIPF) and the CESifo Group (Center for Economic Studies, the Ifo Institute, and the Munich Society for the Promotion of Economic Research) to honor the memory of Richard Musgrave, known for being one of the greatest scholars in the field of public finance. Award winners are chosen through a formal selection process by the president and vice president of IIPF and the president of the CESifo Group.

This is the second year in a row that a U-M professor has received the honor. The 2013 recipient was Joel Slemrod, the Paul W. McCracken Collegiate Professor of Business Economics and Public Policy at the Stephen M. Ross School of Business and chair of the Department of Economics. Other past awardees include professors from Hebrew University in Jerusalem, the London School of Economics and Political Science, the International Monetary Fund, and the University of California, Berkeley.

"I'm really flattered to be in such good company," Hines said. "I know the other recipients and think the world of them. They are all superb."

Aside from his Law School appointments, Hines is the Richard A. Musgrave Collegiate Professor of Economics in U-M's Department of Economics and serves as the research director of the Office of Tax Policy Research in the Ross School of Business. A researcher who focuses on various aspects of taxation, he joined the Michigan faculty in 1997 after teaching at Princeton and Harvard. He has held visiting appointments at Columbia University, the London School of Economics, the University of California, Berkeley, and Harvard Law School. He also is a research associate of the National Bureau of Economic Research, research director of the International Tax Policy Forum, and a former co-editor of the American Economic Association's *Journal of Economic Perspectives*.—LA

Prof. Daugirdas Wins Writing Award

An *American Journal of International Law (AJIL)* article written by Assistant Professor Kristina Daugirdas has been awarded the Francis Deák Prize, which honors outstanding scholarship by younger authors.

The article, "Congress Underestimated: The Case of the World Bank," was published in the *Journal* in 2013 (Vol. 107, No. 3). The annual Deák Prize is sponsored by Oxford University Press and presented at the American Society of International Law's annual meeting in the spring following the volume year in which the article appeared.

Daugirdas joined the Michigan Law faculty in 2010 after serving as an attorney-adviser at the U.S. Department of State Office of the Legal Adviser.

The prize was established in 1973 by Philip Cohen in memory of Francis Deák, former head of the international law program at the Carnegie Endowment for International Peace and editor of *American International Law Cases, 1783–1963*, the first volume of which was published in 1971, the year before his death. The prize is awarded by the *AJIL* board of editors. Christine Chinkin, a William W. Cook Global Law Professor at Michigan Law, and Steve Ratner, the Bruno Simma Collegiate Professor of Law, both received the award in the past.—LA

Failure of Mandated Disclosure Focus of New Book by Prof. Schneider

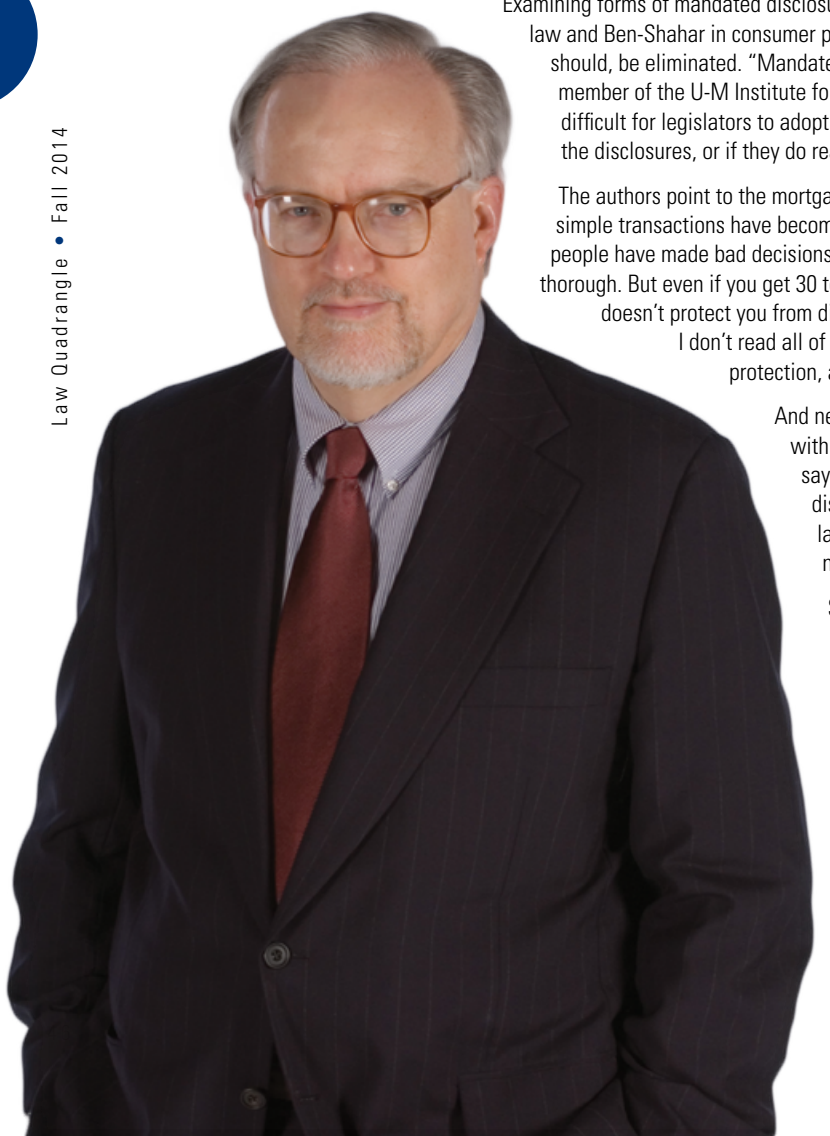
By Jenny Whalen

Mandated disclosure. It's the 15,000 words that stand between an iTunes user and his 99-cent download, the fine print on a doctor's consent form, and the focus of a new book by Michigan Law Professor Carl E. Schneider, '79.

Coauthored with Omri Ben-Shahar, the Leo & Eileen Herzel Professor of Law at the University of Chicago Law School, *More Than You Wanted to Know: The Failure of Mandated Disclosure* (Princeton University Press, 2014) questions the continued use of what its authors contend "may be the most common and least successful regulatory technique in American law."

In theory, mandated disclosure—requiring one party to a transaction to give the other information—should benefit consumers. "It's frustrating because it seems so plausible," says Schneider, the Chauncey Stillman Professor of Law and professor of internal medicine. "You give people more information and they make better decisions."

But, as Schneider and Ben-Shahar's anecdotal and quantitative evidence illustrates, the policy rarely achieves its intended purpose. "We know from personal experience, logic, and the result of studies on the effectiveness of disclosures that mandated disclosure just doesn't work," Schneider says. "We know how long people spend on disclosure pages on websites. Almost no one visits these pages at all, and those who do are probably looking for a way to click off the page."



Examining forms of mandated disclosure in their respective areas of expertise—Schneider in medical law and Ben-Shahar in consumer protection—the authors concluded that most can, and probably should, be eliminated. "Mandated disclosure is a kind of panacea," says Schneider, also a member of the U-M Institute for Healthcare Policy & Innovation. "Real regulation with bite is difficult for legislators to adopt. Everyone will vote for mandating disclosure, but if no one reads the disclosures, or if they do read them and can't understand them, then they are useless."

The authors point to the mortgage industry as one of the most recognizable cases in which even simple transactions have become inundated with over-complicated disclosures. "In some cases, people have made bad decisions and the solution has been to make mortgage disclosures more thorough. But even if you get 30 to 50 disclosures on your simple, 30-year fixed mortgage, that doesn't protect you from disaster," Schneider says. "I teach property, and when I refinance, I don't read all of the documents. Omri is an economist and writes on consumer protection, and he doesn't. If we don't, who does?"

And neither professor accepts the idea that disclosures can be improved with plainer text. "You can't simplify your way out of this," Schneider says. "The Obama administration has said, 'We'll simplify and make disclosures smart.' But we've been working to simplify mortgage laws for decades. After a number of decades we have to say, 'It's not us. It's the problem.'"

So until lawmakers are willing to impose stricter regulations, Schneider maintains that the vast majority of mandated disclosures currently in place should be eliminated. "It's like bleeding for disease," he says. "When it became clear that this treatment was ineffective, the right thing to do wasn't to keep using it because there was no alternative at the time. Lawmakers have to bite the bullet and make real choices about regulation."

Faculty In the News

A sampling of quotes in the news media from Michigan Law faculty.

"Criminal justice policy should be informed by data, but we should never allow the sterile language of science to obscure questions of justice."

—**SONJA B. STARR** in a *New York Times* op-ed about evidence-based sentencing.

"Corporations may be people, per Mitt Romney, but they don't cast ballots—at least not yet."

—**REUVEN AVI-YONAH** in a *Politico* story about Burger King's proposed move to Canada.

"Halliburton did not admit negligence in today's settlement, but the fact that they agreed to pay over $1 billion raises anew questions about why the Justice Department did not charge the company criminally for its role in causing the Gulf oil spill."

—**DAVID UHLMANN** in a *USA Today* story about Deepwater Horizon.

"I cannot recall a judge saying in a class-action case that the amount of settlement is too low and you need to go back and go for broke at trial. This is very striking."

—**DANIEL CRANE** in a *New York Times* story about a class-action antitrust case that accused leading tech companies of agreeing not to poach one another's engineers.

"I think quantity ought to make an agency sit up and take notice ... but historically that hasn't happened very often."

—**NINA MENDELSON** in Gizmodo.com about making net neutrality comments to the Federal Communications Commission.

"The major constraint here is whatever he says has got to be either true or he has to have a good reason for believing it's true. If he believes one thing and is saying another, that's a problem. If he has a good faith belief, then he's in the clear."

—**ADAM PRITCHARD** in a *Business Week* story

Be a Victor for Students

Learn more about
Victors for Michigan:
law.umich.edu/campaign

MICHIGAN LAW brings together the finest students in the country. This was true when you were a student and before you were a student, and it remains true today. By making student support our top priority in the Victors for Michigan campaign, our goal is to ensure that it remains true far into the future.

Receiving a world-class legal education at Michigan is expensive—more expensive, perhaps, than it was when you were a student. Of course, the enduring value of a Michigan Law degree remains unsurpassed. Michigan opens doors for graduates throughout their lives. But changes in the legal profession have caused the cost of a Michigan degree to increase at the same time that state support has diminished significantly. Recalibration in the legal industry has, for example, necessitated—and the ABA has mandated—an increased curricular emphasis on experiential learning. At the same time, top schools like Michigan are competing more heavily than ever for a smaller pool of the best candidates.

At Michigan, we are committed to containing costs and curbing tuition increases as much as possible, and the Law School has taken significant steps in this regard. However, cost-cutting can only accomplish so much without compromising the quality of the education we offer. The gap must be filled through private support.

Private support is vital to students throughout their life cycle at Michigan. Gifts from alumni and friends of Michigan Law provide scholarships to attract the best and brightest students. They fund summer fellowships that enable students to gain valuable experience without worrying about how to pay the rent. And through our income-based debt management program, they assist graduates who work in low-paying jobs with repaying their student loans, regardless of whether that job is in the public or private sector. Each element is an important part of our $70 million student support campaign goal because each helps keep Michigan accessible to the most outstanding students.

In the following pages, you will meet some dedicated alumni who have chosen to be victors for Michigan Law students, as well as some of the extraordinary students who are the beneficiaries of their generosity. We are grateful to these and all alumni for their loyal support of Michigan, whether through an outright gift, a multiyear pledge, or a planned gift through an estate. Gifts in each of these forms help us achieve our goal of continuing to make Michigan Law a place of opportunity for the best of the best.

Please join us in that mission.

Sincerely,

Todd M. Baily
Assistant Dean, Development and Alumni Relations

Student Support

Irving Stenn Jr., '55

As time passes, the birthday gifts children receive from their parents evolve from toys and games to clothes, gift cards, jewelry, and the like. For Irving Stenn Jr., '55, a gift marking his 45th birthday was the beginning of an amazing legacy of philanthropy at the University of Michigan.

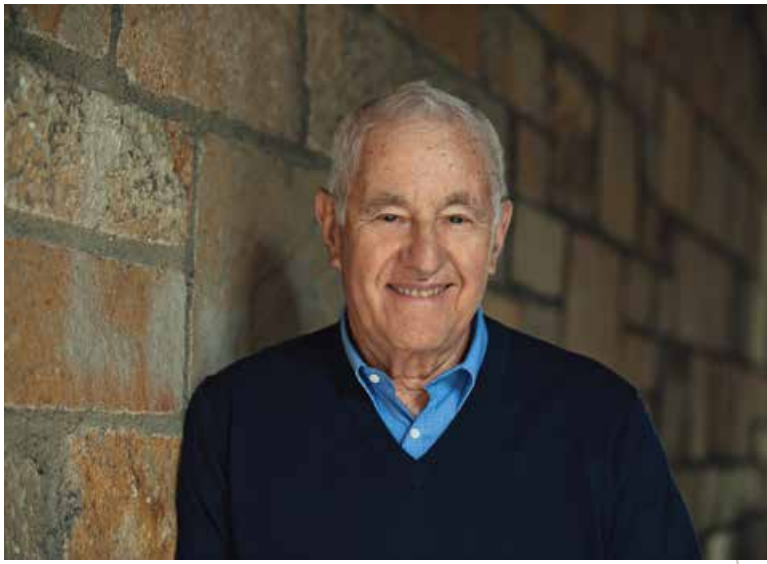
In 1976, Irv's father wrote a letter to then Law School Dean Ted St. Antoine, '54, saying that he wanted to do something meaningful, yet different, to celebrate his son's birthday. Knowing Irv Junior's deep love for U-M, Irv Senior worked with then Associate Dean Roy Proffitt, '48, LLM '56, to establish a fund to provide awards to a law student "who, while making satisfactory progress toward his or her academic goal, is also contributing through extracurricular activities, organized or otherwise, to the well-being and strength of the Law School or University community." Known as the Stenn Award, the fund has grown through contributions from Irv Junior and annually honors standout graduates—more than 80 to date. It is one of the Law School's most prestigious awards.

The criteria for the Stenn Award mirror advice given from father to son long ago. "My father told me to get out and experience all that Michigan had to offer, and I did," says Stenn, who participated in student government as both an undergrad and a law student, and also played freshman tennis and basketball. "It was a place where I thrived, and I feel very fortunate to have had the opportunity to be part of it. Through the award, we recognize students who work hard to make the Law School an enjoyable place to be, and who have a strong likelihood of going on to be leaders in their community after graduation."

But honoring outstanding students upon graduation isn't enough for Stenn; he wants to ensure these future leaders attend Michigan Law in the first place. In 2011, Stenn endowed a scholarship fund geared toward the type of students the Stenn Award honors. Recently, he significantly enhanced the Stenn Scholarship through an additional $1 million gift.

In so doing, Stenn is ensuring that many more future students can embrace all that makes Michigan special. He feels strongly that alumni have an obligation to give back to the Law School, at whatever level they can, because of the way the school influences students' lives and careers. "The Law School provided the basis for my career and all that I'm able to do now," says Stenn, who

LEISA THOMPSON PHOTOGRAPHY



spent the majority of his career in private practice in Chicago. "It gave me endless possibilities." And he says that supporting extraordinary students is the best way to say thank you. "Anyone you talk to who went to Michigan years ago says, 'I could never get into the Law School now.' That's how highly we regard the young people of today."

Stenn—who also is a major donor to the University of Michigan Museum of Art (UMMA), including a recent $1 million bequest—says he has been "blown away" by recent interactions with Michigan Law students. At a spring 2013 UMMA event held in his honor, he was toasted by 3L Kathryn Schoff, a recipient of the Stenn Scholarship. "She encapsulates everything we're trying to accomplish through the award and scholarship," he says. "I am proud to support students like her." Stenn was equally impressed at the spring 2014 honors convocation, where the Stenn Award winners are announced. "Anybody who has an inclination to give should attend one of those ceremonies," he notes. "You'll absolutely be inspired."

While having a gallery named for him at UMMA certainly is an honor, Stenn says supporting students provides a different sense of satisfaction. "I get the most wonderful letters from students saying I've helped change their lives, and that's immensely rewarding. Bricks and mortar don't do much if you don't have good people to fill them."—AS

VICTORS FOR MICHIGAN

UNIVERSITY OF MICHIGAN LAW SCHOOL

The Victors for Michigan campaign at the University of Michigan Law School is a comprehensive effort to raise $200 million in support of everything that makes our School among the world's best.

Why do we need student support?

Less than 3%

The share of the Law School's funding provided by the State of Michigan

5 THINGS **STUDENT SUPPORT** MAKES POSSIBLE

ACCESS

So all admitted students are able to enroll regardless of income

AFFORDABILITY

So that students do not have a heavy loan burden when they graduate

QUALITY

So that Michigan Law can compete for the best students in the world; financial support for these students makes them more likely to attend Michigan

STUDENT EXPERIENCE

So that students, once enrolled, can afford vibrant educational experiences inside and outside the classroom

DIVERSITY

So that the student body reflects the world and students of different backgrounds can learn from one another

$117,000

AVERAGE LAW SCHOOL STUDENT LOAN DEBT UPON GRADUATION

PERCENTAGE OF STUDENTS RECEIVING AID THAT WAS PARTIALLY OR FULLY FUNDED BY PRIVATE DONORS

PERCENTAGE OF MLAW STUDENTS WHO TAKE OUT LOANS

SCHOLARSHIP MATCHING PROGRAM **1:4**

Amount U-M will match endowed student support gifts of **$100,000** to **$1 million**

(U-M invests $1 for every $4 donated)

An endowed gift of **$100,000**

over 20 years

will grow to **$254,847** (Estimated market value)

generating **$130,805** for students in that time

PLUS: it keeps growing in perpetuity

WHAT **YOUR ENDOWED GIFT** CAN DO FOR MICHIGAN LAW

GIVING LEVEL	GENERATES ABOUT	THE POSSIBILITIES		
$1,000,000	**$45,000**/year	Pays 85% of tuition for one of Michigan Law's best and brightest students	OR	Funds summer public service fellowships for 9 2L students
$250,000	**$11,250**/year	Nearly covers the median financial aid award of $15,000 per student	OR	Sponsors 2 MLaw graduates in the Debt Management Program
$100,000	**$4,500**/year	Reduces an MLaw student's loan burden by 10%	OR	Funds travel to job interviews for 6 MLaw students

Student Support

Janet and John, '59, Boyles

Janet and John Boyles with scholarship recipients Joseph Flynn (left) and Marc McKenna (right).

At his lowest point, Michigan Law gave John Boyles, '59, a lifeline. In gratitude, Boyles and his wife, Janet, do the same for today's students.

Through the John DuVall Boyles Scholarship, which John and Janet originally endowed as a discretionary fund in 1986, students can make their dream of attending Michigan Law a reality and can pursue their career aspirations with less worry about repaying loans. The couple believes that alleviating debt creates better lawyers and eases brain drain from smaller markets. "I don't want all of our graduates to head to big firms in big cities in order to pay their loans," says John, who spent his career in Grand Rapids, Michigan. "After five years of working nonstop in big law, many graduates lose their enthusiasm for the profession. I want young lawyers to go wherever they'll be happiest."

For the current Boyles Scholars, 3L Joseph Flynn and 2L Marc McKenna, just being at Michigan Law was a huge dream.

Flynn, from Pawtucket, Rhode Island, is a first-generation college student who fled the drug violence of Colombia when he was nine. He worked full time as an undergrad, taking classes at night, and figured law school would be the same. "I saw Michigan as a school I would love to go to but would never have the chance to attend." Now Flynn is an associate editor of the *Michigan Journal of Race & Law* and president of the Michigan Immigration and Labor Law Association. After graduation, he'll return home to private practice, intent on serving his state's burgeoning Latino population. "When I was a kid, I always jumped in to defend people in trouble," he says. "My mother joked I would be a lawyer someday, but given my background, I don't think she ever really thought it would be possible."

McKenna, from East Lansing, Michigan, was motivated to attend law school by the 2008 financial crisis, and he recently interned at the Consumer Financial Protection Bureau in San Francisco. "Banks and corporations find gaps in our regulatory system; I want to fill those gaps so ordinary people aren't victimized," he says. McKenna grew up below the poverty line; as a seventh grader, he quit school when his parents divorced. He taught himself by reading classic literature at his grandmother's house and tinkering on computers in Michigan State's labs. Eventually, he passed the GED and served in the Coast Guard before graduating from MSU's honors college. "I fell through the cracks," McKenna says, "but thanks to Mr. and Mrs. Boyles, I am realizing an opportunity that's usually not available to people like me."

As a law student, John Boyles endured his own hardship. The first year was so brutal, he almost quit. But as he settled into his 2L year, his father committed suicide—just six weeks after John married Janet. Boyles was stuck between his legal studies, and a sense of obligation to support his family and keep his father's Grand Rapids restaurant operating.

Thanks to Roy Proffitt, '48, LLM '56, then assistant dean, the two paths weren't mutually exclusive. Proffitt helped Boyles schedule classes three days a week (plus two summers) so he could work also. He later joined a small firm that provided flexibility to run his business—which grew into 17 Mr. Fables restaurants around west Michigan. Throughout, Boyles practiced law and returned to doing so full time after selling the franchise in 1988. "A lot of businessmen appreciated that their lawyer knew how to run a business and understood their problems firsthand," he says.

Despite the success, John and Janet never forgot the flexibility that helped make it possible. "We made up our mind that we were going to do what we could to pay back Michigan," John says. "Dean Proffitt changed my life because he enabled me to graduate." The original fund in Proffitt's honor was established with $50,000; the value of the scholarship fund now exceeds $400,000. "We feel extraordinarily lucky to have received a tremendous public education at a low cost, and we want others to have the same opportunity," adds Janet, who, like John, attended Michigan as an undergrad. The couple also has made generous gifts to the School of Nursing, Athletics, and the Law School's building project.

And they delight in getting to know the Boyles Scholars. "They don't just write a check; they really care about their recipients," says Flynn. "They demonstrate the collegiality that defines Michigan because, years after graduation, Mr. Boyles is still the quintessential Michigan Man. I hope I can help someone in the future the way they've helped me."—AS

Student Support

First Victors for Michigan Scholarship Awarded

When the Victors for Michigan campaign launched last November, Diane Hilligoss had a lot of other things on her mind. The dual-degree student in law and business was balancing coursework in one of the world's top law schools and MBA programs while also caring for her daughter, born four months prior.

As the inaugural Victors for Michigan Scholar, however, she's definitely paying full attention now.

In February 2014, an anonymous donor from the Class of 1951 and his wife gave nearly $300,000 to establish the Victors for Michigan Scholarship Fund. The donors wanted to support the Law School's top funding priority and commemorate the newly launched Victors for Michigan campaign. They also wanted to create an opportunity for other alumni and friends of Michigan Law to do the same; gifts of $25,000 or more to the fund are welcomed.

"Since graduate education is so expensive, gifts from alumni who want to support the next generation are incredibly important," says Hilligoss, who was awarded the first Victors for Michigan Scholarship this fall. "Receiving that kind of assistance is a wonderful blessing for my husband and me."

Before enrolling at Michigan, Hilligoss worked at Eli Lilly and Co. in Indianapolis, where her role with the transparency operations team led to close collaboration with in-house counsel. "I realized it was the kind of work I wanted to do long term, and I also realized that doing so without a law degree wasn't sustainable," she says.

At Michigan, Hilligoss has taken advantage of strong health care-related offerings at the Law School and the Ross School of Business, including a weeklong health care policy course in Washington, D.C. "Although it was an MBA class, the heavy legal underpinnings made it a practical experience for my legal career." She put her academics and previous experience to use during the summer as a law clerk in the U-M Health System's legal department. "Because of my work at Lilly, I was the resident expert on the Physician Payment Sunshine Act," she says, "which was an incredible feeling and made me even more confident that I'm on the right path."

Outside of class, Hilligoss is a contributing editor of *Michigan Law Review* and a senior judge for the Legal Writing Program. She also has volunteered for Wolverine Street Law—providing mentorship and teaching mini legal lessons to children at a local community center—and has been involved with several student organizations. "The Law School is committed to helping students get what they want out of their time here—not just the academics, but the totality of the experience," says Hilligoss. "I really appreciate that."

She also appreciates the donors who have helped make it possible. "Creating this scholarship without any means of recognition speaks volumes to their passion for the University and their desire to help students."—AS

To learn more about the Victors for Michigan Scholarship Fund, please call 734.615.4500.

LEISA THOMPSON PHOTOGRAPHY

Diane Hilligoss at the U-M Health System, where she worked during the summer.

Law School Fund/Student Support/Building Support

Eric Oesterle, '73

GLENN CARPENTER

With his training as a scientist, it's only fitting that Eric Oesterle, '73, uses osmosis as a metaphor to describe his time at Michigan Law. "I was like a sponge," says Oesterle, who earned an undergraduate degree in chemistry at Michigan before trading in test tubes and labs for the human interface of law school. "Michigan Law offers the complete package, and I did my best to soak it all in."

Throughout his career, Oesterle's generous support has made various elements of that complete package even stronger. He gave a $250,000 gift to the South Hall building project, for which the Carolyn and Eric Oesterle Room was named in gratitude. Last fall, in honor of his 40th reunion, he gave $150,000 to endow the Eric A. Oesterle Scholarship Fund and to support the Law School Fund. Since graduation, Oesterle has given more than $200,000 to the Law School Fund because he understands the importance of discretionary funds. "I've always felt it was imperative to help the Law School address issues as they arise—issues that might not be on anyone's radar when a new campaign or a new fiscal year begins. That's where the Law School Fund can make a tremendous impact."

Endowing a scholarship had long been a desire of Oesterle's because of the reverence his family held for education. His mother leveraged scholarships and income from part-time jobs to earn a master's degree at the age of 21, while the G.I. Bill enabled his father to earn his degree and become a professor at Purdue University. "When we were being raised, it was understood that my siblings and I weren't just going to college, we were going to get graduate degrees," Oesterle says. "Law school is so expensive these days, and I think it's important to keep Michigan on an equal footing with its peer schools in terms of the scholarships we offer."

To Michigan Law's recent graduates, however, Oesterle stresses that his philanthropy started small. His first gift to the Law School Fund, in 1976, was $20, and he says his gift toward the underground expansion of the library a few years later didn't exactly warrant having a room named after him. "The first time I took my family to see the completed library, I pointed to one leg of one chair and said, 'That's mine.'"

But for Oesterle, the motivation has been to do what he can, no matter the amount. "I always had a sense that regardless of how small my contribution might be, it was important to the Law School." He says that belief was reinforced by the way the Law School stewarded his contribution to the library expansion, sending him brochures and updates about the project. "They treated me like I was a significant donor," Oesterle says, "and I appreciated that."

Oesterle has been equally generous with giving his time on behalf of the Law School. After graduation, he joined the Chicago office of Sonnenschein Nath & Rosenthal LLP and spent many years as the Law School's firm captain there, assisting with the recruiting of Michigan Law graduates and encouraging those at Sonnenschein to give back. He also was a member of the Law School's steering committee for the Michigan Difference campaign and several Class of 1973 reunion committees. Currently, Oesterle is a member of the Law School's Development and Alumni Relations Committee, which serves as the leadership council for the Victors for Michigan campaign. "I do everything I do because I love the Law School," says Oesterle, who now practices commercial, real estate, and construction litigation with Miller Shakman and Beem LLP in Chicago. "It really boils down to that."—AS

Student Support

Timothy Dickinson, '79

Tim Dickinson, '79, knows how global experiences shaped his own education. By creating the Timothy L. Dickinson and Anja Lehmann Global Education Fellowship Fund at Michigan Law, he's helping to make those experiences possible for others. Dickinson and his wife have pledged $200,000 to endow the fund, which will be used to support recent graduates who seek to build upon their Michigan Law education through the pursuit of educational or professional experiences abroad. Through the Michigan Matching Initiative for Student Support, the University is anticipated to match the gift with an additional $50,000. Dickinson and Lehmann previously gave $40,000 to provide global experiences for Michigan Law students, which will become part of their new fund.

From learning U.S. history through European eyes, to being asked for a bribe by a border official, to studying at The Hague Academy of International Law during law school, Dickinson credits his time abroad with instilling the language skills, cross-cultural awareness, and global approaches to the law that laid the foundation for his career. "When I look back at the building blocks of my education, I see that my international experiences were not just informative, but were the distinguishing features of my background that nurtured my practice," says Dickinson, who is a partner in the Washington, D.C., office of Paul Hastings LLP and who teaches Transnational Law at Michigan. He also was a founder of Michigan Law's International Transactions Clinic.

Dickinson hopes the fund will build upon Michigan Law's longstanding excellence in international law—including legendary professors and multiple programs for students—by enhancing overseas opportunities for recent graduates. Whether they want to learn Chinese to prepare for a career in corporate law or want to understand the inner workings of an NGO in order to enter the public sector, Dickinson expects fellowship applicants to have a demonstrated interest in international law and solid grasp of how the fellowship will advance their career preparation, so that the post-graduate experience will have a meaningful impact on their future.

LEISA THOMPSON PHOTOGRAPHY

"You can't be a successful international lawyer if you haven't had experiences abroad," he says. "You might get the job done, but you won't be as effective as you could be." So as Dickinson contemplated his philanthropic legacy at his alma mater, funding such experiences was the perfect choice. "I thought long and hard about a significant way I could contribute to the Law School. The type of fund we're establishing, especially if we can grow it to help more students, is an underserved opportunity that can help make a mark for our student body well into the future."—AS

Recent Gifts

Dale and **Susan Bass**, of Bedford, Ohio, have given $100,000 to endow the Dale and Susan Bass Family Scholarship Fund, which provides financial assistance to Michigan Law students. Preference is given to students who are residents of the state of Ohio, specifically northeastern Ohio. The gift will be matched at 25 percent through the Michigan Matching Initiative for Student Support. Dale is the president and CEO of Bass Security Services Inc., which he founded in 1975. Dale and Susan's son, **Joshua Bass**, is a student in the College of Literature, Science, and the Arts.

Janet and **Theodore Bendall, '64**, of Huntington, Indiana, have given $50,000 to the Law School. Their gift will support both the Law School Fund and the Alumni Scholarship Fund. Ted is of counsel with DeLaney Hartburg Roth & Garrott LLP, where he focuses his practice on trust and estate planning and administration.

David K. Callahan, '91, and his wife, **Terri A. Abruzzo**, have given $100,000 to create the David K. Callahan and Terri A. Abruzzo Fund in Support of Students. Financial assistance to students will be distributed from the fund at the discretion of the dean, and may include merit-based scholarships, need-based financial aid, debt management assistance, or stipends for summer law-related experiences. The gift will be matched at 25 percent through the Michigan Matching Initiative for Student Support. David is a partner with Latham & Watkins in Chicago and is a member of the Law School's Development and Alumni Relations Committee.

Raymond M. Champion Jr., '54, of Lansing, Michigan, gave $143,000 to the Law School Fund through his estate. He died in August 2013 at age 85. Raymond came to Michigan Law through the G.I. Bill, and his 44-year career with the Santa Fe Railroad moved him and his wife, Anne, to six states. Raymond was instrumental in the integration of computer technology into railroad operations and testified before the Interstate Commerce Commission about this issue on numerous occasions.

Michael B. Evanoff, '71, of Singapore, has made a $100,000 bequest to establish the Michael W. Evanoff Memorial Scholarship Fund in honor of his father, a member of the Michigan Law Class of 1936. The elder Evanoff was a Macedonian immigrant who arrived in the United States at age 11, speaking no English. He went on to be valedictorian of his high school, earned two degrees from U-M, and practiced law in Flint, Michigan. His son is retired from Hyatt Corp., where he helped lead the company's global expansion. He now consults within the hotel industry.

Robert E. Hirshon, AB '70, JD '73, of Ann Arbor, has given an additional $100,000 to the Robert E. Hirshon Fund, a discretionary fund for student support. The gift will be matched at 25 percent through the Michigan Matching Initiative for Student Support. Bob is the Frank G. Millard Professor from Practice at Michigan Law and special counsel on developments in the legal profession. He also is counsel to the northeast regional law firm Verrill Dana LLP and a past president of the American Bar Association (2001–02).

Robert A. Johnston, '53, of Blue Ash, Ohio, has made a $125,000 gift to the Law School through a charitable remainder trust. The gift will be used to endow the Robert A. Johnston Family Scholarship Fund. After law school, Bob entered private practice in Dallas before spending the majority of his career as an officer and director at American Financial Corp., a banking and insurance holding company in Cincinnati. During the summer, Bob enjoys spending time on his 200 acres in Montana.

Jerome Kaplan, '50, of Auburndale, Massachusetts, has given $50,000 to the Victors for Michigan Scholarship Fund, which was created by anonymous donors to celebrate the Victors for Michigan campaign and its top fundraising priority (learn more on page 53). Jerry is retired from private practice and moved to the Boston area to be closer to his family. He spent his career as an attorney and certified public accountant in Philadelphia, most recently with Abrahams Loewenstein & Bushman.

The Law School has received a gift of $100,000 from the estate of the **Hon. Cornelia G. Kennedy, AB '45, JD '47, HLLD '12**, which was directed to the Honorable Cornelia G. Kennedy Scholarship Fund. The fund was established by her son, **Charles S. Kennedy III, BGS '85**, in 2005. The gift was matched at 25 percent by the Michigan Matching Initiative for Student Support. Read Judge Kennedy's obituary on page 72.

Nina, AB '75, and **Bernie Kent, '74**, of Franklin, Michigan, made a $50,000 gift to the Zell Entrepreneurship and Law (ZEAL) Program in honor of Bernie's 40-year class reunion. Bernie retired from PricewaterhouseCoopers in 2006, where he was the Midwest regional partner in charge of personal financial services. He currently is the chairman and senior adviser of Schechter Investment Advisors in Birmingham, Michigan.

Stanley Lubin, AB '63, JD '66, has made a $50,000 bequest for the Stanley Lubin Scholarship Fund, in gratitude of the excellent education he received at the Law School and the financial assistance given to him as a student. "I attribute much of my success to the University and hope that my bequest will convince others to see things the same way," says Stanley. He is the founding partner of Lubin & Enoch PC, and he focuses his practice on labor and employment law. He has been listed in *Best Lawyers in America* for more than 35 years. Stanley and his wife, **Barbara**, reside in Phoenix.

Tom Lucchesi, AB '81, JD '84, and his wife, **Mary Lucchesi, BSE '81, MBA '83**, of Cleveland, have made a $100,000 gift to endow the Tom & Mary Lucchesi Family Scholarship Fund. The fund will rotate between the Law School; the College of Engineering; the Organizational Studies program at the College of Literature, Science, and the Arts; and the School of Kinesiology—supporting an out-of-state student for the duration of his or her enrollment in an academic program before rotating to the next school or college. The schools selected for the rotation reflect the family's area of studies, as Tom, Mary, and their three kids (fourth-generation U-M alumni) followed unique paths: Tom (law); Mary and son, Tony (engineering); son, Joe (kinesiology); and daughter, Gina (organizational studies). Tom is a partner in the Cleveland office of Baker & Hostetler LLP, where he represents a wide range of clients in commercial disputes.

Bill Newell, '83, and **Carla Schwartz Newell, '85**, of Piedmont, California, have given $100,000 to endow the Newell Family Scholarship Fund. The gift will be matched at 25 percent through the Michigan Matching Initiative for Student Support. Bill and Carla previously have made significant gifts to the building project and the Law School Fund, among others. Carla is a member of the Law School's Development and Alumni Relations Committee and recently retired from Technology Crossover Ventures, where she was a general partner. Bill is CEO of Sutro Biopharma.

Stefan Tucker, BBA '60, JD '63, and his wife, **Marilyn Tucker, ABEd '62,** have given an additional $100,000 to the Stefan F. and Marilyn Tucker Endowed Scholarship Fund. Stef is a partner at Venable LLP in Washington, D.C., where he focuses his practice on mergers and acquisitions, entity planning, structuring and formation, asset protection and preservation, business transactions, and family business planning and wealth preservation. He is a member of the D.C. Tax Revision Commission and is an adjunct professor at Michigan Law. Marilyn has a master's in counseling from The George Washington University and is a career counselor at Georgetown University Law Center.

Zott, '86, and Zeiger, '01: Solving a Complex Puzzle

By Amy Spooner

Building a lawsuit can be similar to assembling a jigsaw puzzle. A puzzle whose number of pieces is unknown at the beginning; a puzzle without a clear picture of the finished product to follow. And, for David Zott, '86, and Jeff Zeiger, '01, a puzzle that can take five years to construct.

Long-abandoned uranium mines in the Navajo Nation. A one-stoplight town in Mississippi. A mountain community in Pennsylvania. Wall Street. Each was a piece that Zott and Zeiger meticulously, patiently put together to garner the largest bankruptcy award in history related to governmental environmental claims and liabilities.

GLENN CARPENTER

David Zott and Jeff Zeiger

For Zott and Zeiger, both partners in the Chicago office of Kirkland & Ellis LLP, the puzzle began with one piece: Their client, Tronox (a spinoff of Kerr-McGee Corp.), was declaring Chapter 11 bankruptcy. As Tronox faced a sort of corporate death, its birth story became the focal point of what eventually evolved into a $5 billion settlement.

A settlement that affected people like the Navajo, who for decades had watched their land be mined, then used as a dumping ground for the byproduct waste. About 50 former Kerr-McGee abandoned mines are scattered across Navajo land. Uranium waste lies in piles near communities and is carried by rainwater across land frequented by hikers, fishermen, medicine men, and shepherds. "The Navajo were attempting to clean up radioactive waste using shovels and backhoes," says Zott. "It was a situation that seemed largely hopeless."

One billion dollars of the settlement will go toward cleanup of Navajo lands, a sum that won't eradicate all of the damage but will allow for dramatic improvement, says Ben Shelly, president of the Navajo Nation. "The settlement will be a great help in restoring the abandoned uranium mine sites, but we must not forget about the 460 other sites still in need of cleanup funds," Shelly said in a statement. "Any funds resulting from this lawsuit are welcomed and long overdue."

The Usual Suspects

Zott and Zeiger's client, Tronox, originally was Kerr-McGee Corp., an oil and gas company founded in the 1920s in Oklahoma. A 2005 IPO spun off Tronox from Kerr-McGee as a separate chemical company. Zott and Zeiger didn't know for sure but suspected that Kerr-McGee executives deliberately set up Tronox to fail by leaving behind decades upon decades of environmental and tort liabilities with minimal assets to support them. On Zott's and Zeiger's advice, Tronox sued Kerr-McGee (and Anadarko Petroleum Corp., which acquired Kerr-McGee in 2006), claiming that Tronox's creation constituted fraudulent conveyance designed to protect Kerr-McGee's profitable oil and gas assets from the company's legacy environmental and tort liabilities.

Zott and Zeiger were retained to continue prosecuting the claims on behalf of a litigation trust after Tronox emerged from bankruptcy in 2011. The pair previously had represented Solutia Inc. in litigation related to its bankruptcy in the mid-2000s. The chemical business had been spun off from Monsanto, but Zott and Zeiger ultimately concluded that Monsanto had adequately capitalized Solutia and that its failure was not related to the spinoff.

"There's nothing inherently wrong with spinoffs, but they are prone to abuse because there's no counterparty," says Zott. "It's just one company, with their own self-interest, making the decisions."

Zeiger says that early in their investigation into the Tronox case, it was obvious that Tronox was failing from day one. "Tronox only had one quarter during its existence where it turned a profit, and that was the result of a litigation settlement. Any time your legal department is your primary profit center, you know things aren't going well."

While it was obvious to the Kirkland & Ellis team that Tronox had a case, the extent initially wasn't clear. "If Kerr-McGee management already was planning on a spin when they separated their oil and gas assets three years prior to the spinoff, meaning it was a single integrated scheme as opposed to two separate steps, then we would have something that would go from a billion-dollar case to a multibillion-dollar case," Zott says.

On the Road Again

So Zott and Zeiger, along with partner Andrew Kassof, got to work. Zott took on the solvency and damages case, while Zeiger led the environmental damages case and Kassof focused on the accounting-related issues.

Identifying third-party witnesses, and determining whether they are helpful or harmful to your case, can be a challenge to any litigator. But in this case, the close history between Kerr-McGee and Tronox made it extra difficult. "Because Tronox was a spinoff, everyone had been employed by Kerr-McGee at some point," says Zott. "Many had received promotions when they moved to Tronox. They were honest people who acted in good faith and did everything they could to make Tronox work. So when it didn't, it was hard for some of them to recognize it had failed because the company they'd worked for for 25 years set them up for failure."

Zott and Zeiger traversed the country, interviewing potential witnesses who worked—or previously had worked—for Kerr-McGee and/or Tronox. "When you've got a company that went from the diversity and size of Kerr-McGee to a small, failing chemical company, there's going to be a lot of attrition and people moving all over," Zeiger says. "We tracked down and met with anyone who was willing to talk with us, whether they liked our case or not, in order to get a clearer picture of what had happened."

The picture that emerged included widespread environmental damage that had gone on for decades. In the 1950s, the company had mined uranium in the Navajo Nation in the southwestern United States, leaving behind countless piles of radioactive waste. In Henderson, Nevada, perchlorate (a chemical used to produce rocket fuel, fireworks, flares, and explosives) that was leaking from Kerr-McGee's plant had threatened the water supply of Los Angeles. In a Manville, New Jersey, community that had been built on top of an old Kerr-McGee site, creosote (a chemical used to treat railroad ties) had suddenly begun bubbling up into people's homes.

"The damage was so varied, and so far-reaching, that it was an incredible challenge to try to understand it and to present it in a way that was compelling as a major piece, but just one piece, of a very complex case," says Zeiger. All totaled, the Kirkland & Ellis team identified 2,700 sites nationwide that had incurred environmental damage as a result of Kerr-McGee's negligence.

Preparation and a Four-Month Trial

The experts that Zott and Zeiger hired on behalf of Tronox logged 40,000 hours analyzing the sites, and ultimately produced a 2,000-page report homing in on 372 of them for the trial. Kerr-McGee's and Anadarko's expert countered with an 8,000-page report, which left Zeiger with a lot of late nights devoted to not-so-light reading. From 10,000 pages of analysis by the environmental engineers, Zeiger started to develop about 15 themes that he decided to press in trial. "I began to see that they had really cut some corners in their analysis," he says, "so I thought that my approach was going to be sufficient. As it turned out, we had a two-day cross examination of their environmental expert. If we'd attacked all 8,000 pages, we might still be there."

During the long, difficult lead up to and throughout the four-month trial, Zott and Zeiger both say it was the people they'd met—those impacted by Kerr-McGee's actions—who motivated them to keep going, to not leave any literal or figurative stone unturned. Both were especially impacted by the time they spent in the Navajo Nation, where navigating the cultural barriers presented unique challenges. The litigators were seen as outsiders, and many Navajo distrust the legal system. In addition, they don't readily discuss personal suffering. "But as [a Navajo leader] spoke and showed us documents and photos, it really brought home how destitute the area is, and the almost-hopeless situation they were left in. We knew people would be helped at a very fundamental level if we prevailed," Zott says.

"Talking to all these victims reminded us why we take on these types of cases," adds Zeiger.

Cleaning Up

In December 2013, U.S. Bankruptcy Judge Allan Gropper in New York City ruled in favor of the Tronox litigation trust, saying Kerr-McGee's spinoff of Tronox Ltd. was a fraudulent transfer designed to hide billions of dollars' worth of assets from individual claimants, multiple states and municipalities, the Navajo Nation, and the federal government. In May 2014, Judge Gropper approved Anadarko's $5.15 billion settlement offer, which includes a $600 million trust for tort claimants—the largest such settlement in U.S. history. "The Tronox case makes it clear that companies like Kerr-McGee cannot restructure their way out of substantial environmental liabilities and leave taxpayers holding the bills," says David Uhlmann, the Jeffrey F. Liss Professor from Practice at Michigan Law and director of the Environmental Law and Policy Program.

For Zott and Zeiger, the completed puzzle includes gratitude from a diverse group of people affected by the outcome. "There is appreciation unlike anything I've ever seen from so many people across the country," says Zeiger. "Everybody recognizes that this case will have a positive impact for generations to come."

Some of the most appreciative are the Navajo. "I was privileged to work with David and Jeff," says David Taylor, an attorney with the Navajo Nation Department of Justice. "They exhibited the highest standards of professionalism, legal expertise, and civility, and they have the heartfelt gratitude of the Navajo Nation government and the Navajo people."

The Navajo Nation EPA (NNEPA) "is grateful for the opportunity to work with lawyers such as Jeff Zeiger and David Zott in the *Tronox v. Anadarko* case," says Stephen Etsitty, executive director of the NNEPA. "Their leadership helped raise the bar for the inclusion of indigenous people and of tribal government perspectives in major environmental litigation."

CLASS NOTES

1961

John Edward Porter, of Hogan Lovells LLP in Washington, D.C., in the spring celebrated the dedication of The John Edward Porter Neuroscience Research Center at the National Institutes of Health in Bethesda, Maryland. The building houses more than 800 scientists who conduct brain research and is one of the largest neuroscience research centers in the world. Porter was a U.S. Congressman from Illinois from 1980 to 2001.

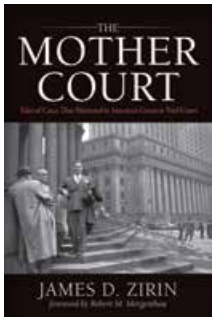
1962

Henry Price, principal member at Price Waicukauski & Riley, has received *Indiana Lawyer*'s Distinguished Barrister Award. The award honors 15 Indiana lawyers for their exceptional leadership in the legal profession and in the community.

1963

Kathryn Wriston has retired from the Board of Trustees of the Practising Law Institute and received trustee emerita status.

1964



James Zirin has authored a book titled *The Mother Court: Tales of Cases that Mattered in America's Greatest Trial Court.* This is the first book to chronicle the history of the U.S. District Court for the Southern District of New York, and it gives first-hand insight into the evolution of our justice system. It also gives the reader a taste of what the storied judges of the period were all about, how they thought, how they judged, and why they were the worthy keepers of our sacred right to justice, as well as the historical traditions of the Court.

1966

Richard E. Rassel, shareholder and chairman of Butzel Long, will chair the Michigan Community Development Corporation, a new organization aimed at attracting foreign investment to Michigan.

1968

Henry S. Gornbein has been named a partner in the law offices of Lippitt O'Keefe PLLC in Birmingham, Michigan, by the firm's founding partners, changing the firm name to Lippitt O'Keefe Gornbein PLLC. He will manage the firm's family law and divorce practices.

1969

Donald E. Shelton, Washtenaw County circuit judge, has been appointed associate professor and director of the Criminal Justice Program at the University of Michigan-Dearborn. He also announced his retirement from the bench after 24 years, effective September 1, 2014.

1970

Richard Erickson was named commander of VFW Post 96 in Montgomery, Alabama.

Eric Schneidewind was named AARP president elect. Schneidewind will serve as president-elect until 2016, when he will assume the role of president. He has practiced energy law in Varnum's Lansing office for the past 28 years, and he serves as counsel to Energy Michigan, the trade group of Michigan businesses and end users advocating competition in the electric sector.

1973

Daniel J. Gallington is the senior policy and program adviser at The George C. Marshall Institute in Arlington, Virginia, where he consults on projects relating to cyber security, intelligence policy, and privacy. He also writes a popular column on national security, foreign policy, and intelligence matters for *U.S. News & World Report*. He formerly served in senior national security policy positions in the Office of the Secretary of Defense, the Department of Justice, and as bipartisan general counsel for the U.S. Senate Select Committee on Intelligence.

Tim Kochis has authored the Kochis Global Blog, where he shares his thoughts about personal finance, investments, economics, politics, travel, art, and current affairs. Having previously served as Aspiriant's CEO and then as chairman of its board, he has more than 40 years of experience in the personal financial and investment-planning profession.

Wendy Lascher, an appellate lawyer with Ferguson Case Orr Paterson LLP and state Bar-certified specialist in appellate law, participated in the panel discussion "Building an Appellate Practice" at a national appellate advocacy seminar presented by the Defense Research Institute.

1974

Jean-François Bellis, Van Bael & Bellis's Managing Partner, was honored by Chambers & Partners for his outstanding contribution to the legal profession. The recognition is one of Chambers's most prestigious and is given to lawyers who have had a significant impact on the European legal market.

Mansour, '98: On the Front Line of the Immigration Debate

By Amy Spooner

First, there was just one children's docket every couple of months or so, then one every month, then one every week. And the shelter with eight beds suddenly had 16, then 32. As legal director for the Human Rights Initiative (HRI) of North Texas, Chris Mansour, '98, knew a crisis was building with regard to children crossing the border before it hit the national headlines.

While HRI has seen a noticeable uptick in children's cases since about 2011, Mansour says spring and summer 2014 brought unprecedented challenges due to the volume of cases and the confusion about what would happen next. "The situation changes daily," she says. "Aside from the controversy about whether or not these kids should be here, the fact is that they *are* here, and my job is to figure out what we can do to help them."

HRI's clients include victims of human rights abuses who seek asylum in the United States; immigrant victims of abuse at the hands of a U.S. citizen or permanent resident; immigrant victims of violent crime; immigrant children who travel to the United States alone; or immigrant children who have been abused, abandoned, or neglected by their parents in the United States. For the past several years, HRI has been the only agency in Dallas representing immigrant children and asylum-seekers free of charge.

Because of the most recent border crisis, Mansour and her staff have been devoted almost exclusively to children's cases. Three years ago, HRI successfully argued that the Dallas immigration court should have a children's docket; now that docket is stretched beyond capacity. At the same time, the speed with which children are processed has been expedited significantly—which Mansour says does not allow time for due process. "Statistics have shown that if children have a lawyer, more than 90 percent of them show up in court." If they don't go to court, they get a deportation order in absentia and "disappear into the ether," and Mansour says their cases will be far more complicated and costly down the line.

Normally, HRI schedules screening appointments a month in advance; during the summer the organization trained 200 volunteer attorneys so that the screening would move faster. "We are trying to talk to these children as quickly as possible and at least have them meet with a lawyer, so that those who do have legal relief aren't just churned through the system and deported," Mansour says.

Another change in recent months has been the declining age of the children. Although the majority are teenagers, Mansour met with four- and six-year-old siblings, who traveled to the United States with an aunt but were placed in a separate facility because the aunt isn't their parent. "A child can't articulate why they're here, and many only can name the state they're trying to reach, not even the city. Professionally, it's challenging, and emotionally, it's heartbreaking."

That Mansour can screen and counsel these children speaks volumes about her growth since her student attorney days in Michigan Law's Child Advocacy Law Clinic. "I was the oldest of five children and had babysat a lot, so I figured it would be easy. But I was too analytical; I couldn't relate." It took a tough sit-down with Clinical Professor Suellyn Scarnecchia, '81, to teach Mansour how to make children comfortable in interviews. "I hadn't realized I lacked that skill, but now it's vital to my work."

In addition to providing direct legal services, Mansour also leads HRI's legal and advocacy groups—from pounding the pavement in favor of national immigration reform to educating future voters—so that systemic change can stem future border crises. In 2008, Mansour helped launch HRI's human rights curriculum for middle schoolers and high-school-aged students. She says bringing clients to classrooms makes the issues come alive. "The students are rapt. They start to understand what freedom of speech and religion mean. They see how good we've got it in the United States, pay more attention to what's going on in the rest of the world, and develop a keener interest in social justice."

Her own desire to right the world's wrongs led Mansour to law school after working in journalism. After law school, she went to Jones Day in Cleveland, then Michael Best & Friedrich LLP in Madison, Wisconsin. "I wanted the solid training that a firm provides," says Mansour, whose practice focused on commercial litigation, intellectual property disputes, and appeals, "so that I could go anywhere feeling like I had been made into a better lawyer."

When her husband's career brought Mansour to Dallas, HRI was attracted to her appellate background. Mansour eagerly jumped into the complexities of immigration and asylum law and says recent developments have only strengthened her resolve. "A bad system is leading to more bad actions and more bad consequences. People are politicizing what's going on with these children, instead of trying to find a solution that would get to the roots of these problems. But at least now, everyone is paying attention."

Nakahara, LLM '00: Not Lost in Translation

By Amy Spooner

When Toru Nakahara, LLM '00, arrived at Michigan Law, he carried a strong legal pedigree: a degree from a top Japanese law school, certification that he had passed the Japanese bar exam (which only about 2.5 percent of applicants achieved at the time), and two years' experience at an international firm in Tokyo. But he felt ill-equipped for his studies in America in one critical way: They required extensive discourse in a foreign language.

"The education I received in Japan was more lecture-oriented than discussion-oriented, so I lacked opportunities to debate in English," says Nakahara, who, under the traditional Japanese model, didn't begin formal English training until junior high. "Because I was planning to practice in the U.S., I needed to gain the ability to explain legal issues to clients, discuss legal matters with colleagues, and negotiate deals with opposing counsel."

Now Nakahara is on a mission to ensure that future generations of Japanese students don't face similar language barriers. As the superintendent of the board of education for Osaka Prefecture, he oversees one of Japan's largest school districts—more than 1,600 schools—and is radically reforming the way those schools teach English.

Under Nakahara's leadership, pilot schools in Osaka will begin teaching English in elementary school. Instead of the traditional concentration on reading only, the new model emphasizes speaking and listening. By high school, the focus for top-tier students is on achieving high scores on the Test of English as a Foreign Language (TOEFL), a requirement for entrance at English-speaking universities. In so doing, he believes the smartest students will possess the confidence to converse, debate, and negotiate abroad that he initially lacked. "The best part of my job is knowing that I am helping kids and helping Japan's future," he says. "Japanese people respect Western culture, but we can't accept everything blindly. We must be able to debate, to stand up for ourselves and our country."

That sense of serving the public good is why Nakahara became an education administrator. After graduating from Michigan Law, Nakahara joined Pillsbury Winthrop Shaw Pittman LLP in Los Angeles. He eventually became a partner and built a solid practice in entertainment, copyright, and trademark law. But by 2010, the father of two began to feel a tug. "I had worked hard to make my dream of being a lawyer come true, but I was starting to feel the need to give something back to my country."

Nakahara had been talking with fellow Waseda University graduate Toru Hashimoto, then the governor of Osaka, about the Japanese education model. The country's young people were being held back, the two of them believed, by what they saw as a propensity in Japan for making decisions based on emotion and tradition, and by the belief among many that Japan could insulate itself from the rest of the world. As part of his controversial plan to shake up the system, Hashimoto was hiring principals without educational backgrounds, and Nakahara decided to forgo his more than 100 clients in Los Angeles and apply.

When Nakahara returned to Japan to become a high school principal, the culture shock was as significant as the pay cut. "So many parents' and teachers' eyes weren't open to globalization," he says. But when students flocked to his voluntary early-morning English class, he knew he was on the right path.

In 2013, Osaka's new governor, Ichiro Matsui, asked Nakahara to become a high-ranking member of his administration, focusing on prefecture-wide reforms to English instruction. Nakahara declined, saying, "If the superintendent above me doesn't have the guts to implement big changes, my work would be for nothing." A few months later, Matsui came calling again, and tapped the 42-year-old Nakahara as the country's youngest superintendent.

Soon after, Nakahara and Matsui traveled to Sacramento to meet with Gov. Jerry Brown about expanding educational partnerships between the sister states of Osaka and California, including student exchange programs. In addition to the curricular reforms, Nakahara has implemented a policy of hiring Super English Teachers—people with exceptional TOEFL scores, including some who are not licensed teachers.

While unions have balked at the move, Nakahara's background as a principal has helped him gain support. "I understand what it's like to work in the schools day in and day out," he says, "but my time at Michigan gave me a global view. I'm combining those experiences to help my country move forward."

Richard J. Gray, of counsel at Jenner & Block LLP, has been named president of the board of directors of the TechLaw Group, one of the oldest international networks of law firms with strong technology-related practices. He has been a director of the organization for more than a decade and has served as its vice president and, for the past year, as president-elect.

Michael C. Haines, member of the law firm of Mika Meyers Beckett & Jones PLC, was named co-chair of the Legal and Legislative Committee of the Michigan Oil and Gas Association.

1975

Jeffrey K. Haynes, shareholder at Beier Howlett PC, has been elected a fellow of the American College of Environmental Lawyers. He has taught environmental law at the University of Michigan-Dearborn since 1987, and he is editor of the *Michigan Environmental Law Deskbook*.

1977

Edward A. Marod, a shareholder in the West Palm Beach, Florida, office of Gunster Yoakley & Stewart P.A., was counsel of record for the respondents and argued *U.S. v. Clarke* at the Supreme Court of the United States in April. The case involved the standards to be applied by lower courts in deciding when a person resisting an IRS summons is entitled to an evidentiary hearing to determine whether the summons was issued or being enforced in bad faith. While the decision vacated the decision he had obtained in favor of his clients based on the lenient standard previously followed by the Eleventh Circuit, the decision also announced new standards that have been touted as making it easier for taxpayers and others across the country summoned by the IRS to obtain relief.

Don Parman was awarded the ABA Business Law Section's National Service Award. While in practice, he was actively involved in working with Philadelphia VIP and chaired GlaxoSmithKline's pro bono engagement committee. After retiring, his pro bono involvement has continued to grow with Philadelphia VIP, as he has utilized his background in business law by assisting low-income micro entrepreneurs with their business startups and staffing a legal clinic where low-income small business owners can obtain free legal advice.

1978

R.H. King Jr., partner in Dentons US LLP, has launched his debut novel, *Why?: A courtroom drama of self-discovery* (Walden Road Publishing, 2014). The novel describes a fictional college professor's journey through a criminal trial and insanity defense as he struggles to understand why he killed 15 of his students.

1979

Steven F. Pflaum, a partner in Neal, Gerber & Eisenberg LLP's general and commercial litigation practice group and the chair of its pro bono committee, has been installed as the 47th president of the Appellate Lawyers Association (ALA), an organization of lawyers who practice in the courts of review, and judges who serve on those courts. Prior to becoming president, he had been elected by the organization's members to serve on the ALA's board of directors and to hold various officer positions, most recently that of vice president.

John S. Vento, Tampa-based shareholder at Trenam Kemker, was appointed to the board of directors for the Florida Defense Contractors Association.

1980

Jack Butler has joined the executive leadership team at Hilco Global. In his role as executive vice president, he will have responsibility for driving overall growth and continued worldwide expansion of the Northbrook, Illinois-based diversified financial services firm.

1981

Bruce G. Arnold, shareholder and member of the board of directors at Whyte Hirschboeck Dudek, has been named co-leader of the firm's health care law team. For more than 30 years, he has counseled clients in all aspects of the health care industry.

1984

Eric J. Sinrod, of the Duane Morris trial practice group in San Francisco, has been chosen to teach a course in international law at Dominican University in San Rafael, California. He will continue to practice law at Duane Morris.

1986

Ronald S. Betman has joined Neal Gerber & Eisenberg in Chicago as a partner in the firm's general and commercial litigation practice group. He focuses his practice on major class action and complex litigation, with an emphasis on securities and shareholder derivative liability and consumer class actions.

CLASS NOTES

1987

Jan Kang has been appointed vice president and general counsel of AOptix, an ultra-high-capacity wireless communications company based in Campbell, California. She will lead all of its corporate legal and contractual initiatives.

Alan Koschik will serve as a judge in U.S. Bankruptcy Court for the Northern District of Ohio.

J. Adam Rothstein, a partner in the real estate department of Honigman Miller Schwartz and Cohn LLP, has been appointed to the board of JVS, a nonprofit organization based in Southfield, Michigan. The mission of JVS is to help people meet life challenges affecting their self-sufficiency through counseling, training, and support services.

1988

Charlotte H. Johnson has been appointed as Scripps College's new vice president for student affairs and dean of students. She comes to Scripps from Dartmouth College, where she was dean of the college since 2011. Previously she was director of academic services and assistant dean for student affairs at Michigan Law.

1989

Earl J. Barnes II has been named senior vice president and general counsel for OhioHealth. He comes to OhioHealth from the Chicago area, where he served as vice president and general counsel at Northwestern Memorial Hospital.

Mary Beth Gustafsson has been appointed general counsel at ITT Corp. She will lead ITT's legal function globally, providing oversight of all legal and litigation matters, corporate governance, compliance, and corporate responsibility.

Lydia Kelley has been named the partner-in-charge of the Chicago office of McDermott Will & Emery. In her new role as office head, she will focus on raising the visibility of the Chicago office, integrating new attorneys, and introducing innovative programming throughout the firm.

Jennifer L. Sherman was named chief operating officer at Federal Signal Corp., a global industrial manufacturing company headquartered in Oak Brook, Illinois. She will be responsible for oversight of operations for the $850 million global manufacturing business with more than 2,500 employees around the world.

1990

Jeff Mann was elected sheriff of Dekalb County, Georgia. Prior to the election, he served as chief deputy and was responsible for the day-to-day operation of the jail, field, court, and administrative divisions.

Kristen Rosati, a shareholder of the national law firm Polsinelli and president of the American Health Lawyers Association, recently received the health care leadership award for legal advocate of the year 2014 from *AZ Business Magazine*. She was recognized for her contribution to the health care industry, particularly in the areas of health care privacy, health information exchange, and clinical research.

Ronald Wheeler has been appointed director of the Law Library & Information Resources at Suffolk University Law School in Boston. He is leaving the University of San Francisco School of Law, where he was director of the Law Library and an associate professor of law.

1991

Ronald D. Puhala joined Goldberg Segalla as a partner in its Princeton, New Jersey, office. He is a member of the firm's global insurance services practice group.

Thomas Stevick has been named vice president of university advancement at Chatham University. Previously, he was the executive director of the Eastern Michigan University Foundation.

1992

Mark A. Randon has been appointed a U.S. bankruptcy judge for the Eastern District of Michigan. Prior to his appointment, he served as a magistrate judge for the U.S. District Court for the Eastern District of Michigan.

THE PRESS-ENTERPRISE/PE.COM

Domaine Javier's legal team included Paul Southwick (top right) and Cliff Davidson (bottom right).

Southwick, '09, and Davidson, '06: A Fight for the Rights of a Transgender Student

By Katie Vloet

When the ruling came down in a high-profile gender identity discrimination case, Paul Southwick, '09, and Cliff Davidson, '06, recognized that it wasn't everything they had hoped for. Still, they considered it a big win for their client, who had been expelled from a Christian college after revealing on a television show that she was assigned the male sex at birth.

Domaine Javier was admitted to study pre-nursing at California Baptist University when college officials learned that she had talked about her gender identity on MTV's *True Life*. The college expelled Javier—who has always considered herself to be female—for fraud because she had identified herself as female on her enrollment application.

A judge from the Superior Court of Riverside County, California, in July found that the school was within its rights to exclude Javier from its undergraduate courses—but also that Cal Baptist discriminated against Javier with regard to the school's "public" facilities. The part of the ruling that favored Javier was heralded as momentous by supporters of LGBT rights.

"It was the first time a court on summary judgment had to say what gender identity discrimination looks like," says Southwick, who handles complex commercial disputes for Davis Wright Tremaine in Portland, Oregon. "This case said you have to accept the gender identity of people who are transgender and not call them a fraud. That was a big win."

Southwick met Javier when he was doing video interviews with LGBT students who had attended conservative Christian colleges and universities—like he had as an undergrad. The interview evolved into Southwick representing Javier, and then asking Davidson, his fellow Michigan Law alumnus, to join him and partner Timothy Volpert on the case. Davidson, a commercial litigator with Sussman Shank in Portland, eagerly signed on.

The team argued that California's Unruh Civil Rights Act prohibits discrimination based on gender identity and gender expression, among other factors. The suit cited breach of contract, breach of implied covenant of good faith and fair dealing, and violation of the Unruh act for Javier's suspension, exclusion, and expulsion.

The school had sought to dismiss the suit, arguing that, as a religious institution, it was not bound by the Unruh Act. But "this is a university that doesn't limit its enrollment to Christians, and that benefits from a government-backed, tax-free bond program," Davidson points out. "It is our contention that they should be bound by the Unruh Act."

In the end, Cal Baptist won on four of five counts. But the count on which Javier's team won is vital to the advancement of LGBT rights, Southwick says.

"The judge said she should have access to all the public spaces—like the library, counseling center, and restaurants—on the campus, even though they are operated by a religiously affiliated organization," he says. "This has implications for a variety of religiously affiliated organizations—not just colleges and universities, but also hospitals and other institutions."

Significantly, online courses were included in the ruling as something that was not protected by a school's religious affiliation. "That's a big win, since online courses are such a cash cow to universities and are becoming more and more common," Davidson says.

As for Javier, she is now studying nursing at another college. And she feels vindicated by the judge's ruling: "With Domaine, what you see is what you get," Southwick says. "And the court recognized her right to be who she is."

Judge Gould, '73: "I Can Adapt and Carry On"

The Hon. Ronald Gould, '73, reminds himself every day: I can adapt and carry on. Like when he lost the use of his right hand and taught himself to write with his left. Or on days when being in court wasn't possible, so he appeared by video.

A judge of the U.S. Court of Appeals for the Ninth Circuit, he has earned praise for his judicial achievements as well as for his dealing with multiple sclerosis (MS). "I try to focus on finding solutions—which may be the most important part of being a judge," he says.

"Having significant disabilities reminds you that everyone has problems. Everyone has to adapt to them. In my case, it's just more visible; lots of people have problems you can't see."

There was a time when Gould wasn't so pragmatic about his condition. When he was diagnosed with MS in 1990, he was practicing at Perkins Coie in Seattle. "I had some anxiety," he recalls. "I thought, *What if my client doesn't like that I'm in a wheelchair?*" A client of the firm reassured him: "They said, 'We didn't hire you to run the 440.'"

Gould began his legal career with a clerkship with Judge Wade H. McCree Jr. on the Sixth Circuit Court of Appeals and then clerked at the U.S. Supreme Court with Associate Justice Potter Stewart. Then, he received a couple of letters from former classmates who were in Seattle, and who enjoyed it, so he aimed for the Northwest. Commercial litigation became his specialty because that was what Perkins Coie needed at the time.

"In those days, that's how a firm assigned you when you were starting out," he says. "They thought I was a fit with my business training from the Wharton School of Finance and Commerce." Many of his intriguing cases pertained to antitrust, including one involving—of all things—potatoes. "I represented one of the biggest potato farmers in the state of Washington, who had a dispute on a venture with one of the biggest potato farmers in Idaho. Colorful characters, to the say the least, and I learned a lot about joint venture law on that one."

One night, he received a fateful call in the middle of a complex antitrust case. "I remember I didn't want to take any calls and interrupt my work," he says. "But then it changed when they told me, 'It's the White House.'"

Appointed by President Clinton and confirmed in 1999, Gould found being an appellate judge in the federal system a dream job for a lawyer. "It's a wonderful opportunity to be able to try to study up on each case and use your talents to help the people involved by bringing it to a resolution," he says.

Gould plans to "continue being a judge as long as I can do it with a high level of skill," he says. "I might even try writing if I ever reduce my case load."

His determination has won him many admirers. Max Hensley, '13, who clerked for Gould, knows the judge's attitude isn't the mark of a brave face but of a determined legal mind. "MS impacts his daily life but not his work," Hensley says. "Yes, we do participate in oral arguments through video rather than traveling, but, other than that, he's the same as any other judge."

Gould also taught him the value of organization. "He has to be more focused and can't waste time, but the end product is in the same place," Hensley says. "It's a good lesson for all of us: Keep your eye on the goal, and you'll be surprised by what you can get done."—Eric Butterman and Katie Vloet

To see a Pathways to the Bench video about Judge Gould from the Administrative Office of the United States Courts, visit www.youtube.com/watch?v=IDHupwtp5KQ

1993

Kristin M. Coleman joins Sears Holdings as senior vice president, general counsel, and corporate secretary. She will be responsible for the oversight and leadership of Sears Holdings' Legal business unit.

1994

Ann-Marie Anderson was elected vice chairman of the State Bar of Arizona Securities Regulatory Board of Directors. She also was presented the outstanding leadership award by the State Bar of Arizona. Additionally, she was elected president of Phi Beta Kappa of Metropolitan Phoenix. She is beginning her fourth term as president of the University of Michigan Club of Greater Phoenix.

Mitzi Hill joins Taylor English Duma's corporate and business practice in Atlanta. Her legal background includes assisting clients with technology and digital content distribution issues, copyright, television and regulatory issues, and coordination of regulatory strategy.

Brian J. Kelly has been elected to chair the labor and employment practice group at Frantz Ward LLP in Cleveland. He will have overall leadership and direction for the group, implement the strategic business plans, and oversee the professional development of attorneys.

1995

John L. Babala has joined national law firm Polsinelli in Los Angeles as a shareholder in the firm's corporate and transactional practice. He has spent nearly 20 years representing individuals and private and public businesses through nearly every strategic phase of the business and economic life cycle.

Michael Carrier was named distinguished professor at Rutgers Law School, where he is a leading authority on antitrust, copyright, and patent law.

Rebecca Guldi Tankersley was ordained in June as a deacon of The Cathedral Church of St. Matthew, an Episcopalian congregation in Dallas.

1996

Hillary J. Moonay presented "How to Handle a Client's Use of Social Media" at the Philadelphia Bar Institute's 2014 Technology Institute.

1997

Sarah Idelson has joined Sherin and Lodgen LLP in Boston as a partner in the firm's corporate department.

1998

Christopher T. Bavitz has been appointed clinical professor of law at Harvard Law School. He has been a clinical instructor and lecturer on law at Harvard and is managing director of the Cyberlaw Clinic at the Berkman Center for Internet & Society.

2000

Jeffrey Lehtman has rejoined Richards Kibbe & Orbe's Washington, D.C., office as a partner. He focuses his practice on advising clients in connection with domestic and cross-border internal investigations and civil, criminal, and regulatory enforcement matters.

Bob Waldner published his first novel, *Peripheral Involvement* (CreateSpace Independent Publishing Platform, 2014).

2001

Mia Butzbaugh was named partner at Miller Nash in Portland, Oregon, where her practice focuses on employee benefits. She was part of an all-female partner class.

Michael J. Riela has joined Vedder Price as a shareholder in the bankruptcy and creditors' rights group in the firm's New York office. He focuses his practice on all aspects of bankruptcies and out-of-court workouts.

▶ ▶ ▶

2002

Ashish S. Joshi has focused his career on building a law firm, Lorandos Joshi, that has a niche practice of trial law litigation and cross-border litigation. The firm is based in Ann Arbor, but its diverse client base is global. Joshi has served in leadership positions with the American Bar Association and the National Association of Criminal Defense Lawyers, and has authored and coauthored books and several law articles.

Brian Neal has been promoted to member (partner) at Stites & Harbison PLLC. He is a litigator in the business litigation service group, based in the Nashville office.

Jeffrey D. Roush published a poetry chapbook, *Declaration* (CreateSpace Independent Publishing Platform, 2014). He is the director of project management for The Gnoesis Group in Columbus, Ohio.

Ellisen Turner was named the 2014 Patent Litigation Lawyer of the Year by the Century City Bar Association. He is a partner at Irell & Manella LLP in Los Angeles.

2003

Ryan Junck was promoted from counsel to partner at Skadden, Arps. He is a member of the firm's government enforcement and white collar defense group, and he currently works in the firm's Palo Alto, California, office.

Matthew S. Mock has been elected partner at Baker & McKenzie. He is in the tax practice, based in Chicago, where he focuses his practice on representing clients at all stages of tax disputes.

Melissa M. (Hinds) Root, partner at Jenner & Block, has been named a 2015 fellow of Leadership Greater Chicago, a 30-year-old nonprofit with a purpose of cultivating a growing and diverse group of business, public, and civic leaders. As a fellow, she will participate in an intensive 10-month program, studying complex urban issues and meeting with the decisionmakers who are working to solve them.

Geoff White, leader of the real estate service team at Frost Brown Todd in Louisville, Kentucky, has been appointed to the American College of Real Estate Lawyers as one of 40 lawyers from around the country elected for membership in 2014.

2004

Ann E. Pille has been promoted to partner at Reed Smith LLP in the firm's Chicago office. She is a member of the financial industry group, and she practices in the areas of commercial restructuring and bankruptcy and commercial litigation.

Jeremy R. Saks has joined Schulte Roth & Zabel as special counsel in the New York office. He focuses his practice on mergers and acquisitions, private equity investments, and corporate governance.

Jakub J. Teply has been elected partner at Baker & McKenzie. He is in the corporate and securities practice, based in Chicago, where he advises clients on transactional and general corporate matters.

2005

Nathaniel Grow recently published *Baseball on Trial: The Origin of Baseball's Antitrust Exemption* (University of Illinois Press, 2014). The book provides the first comprehensive history of the controversial 1922 U.S. Supreme Court case of *Federal Baseball Club of Baltimore v. National League*, the suit that gave rise to baseball's exemption from federal antitrust law.

Michael J. Krautner has joined intellectual property law firm Fitch, Even, Tabin & Flannery LLP as a partner in the Chicago office. His practice encompasses both patent preparation and prosecution and IP litigation.

Courtney Quish, of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC, has been named to the 2014 class of Boston's Future Leaders by the Greater Boston Chamber of Commerce. The yearlong program aims to identify the leaders of tomorrow and engage them in the business and civic life of the community by providing a platform for professional development and significant opportunities for growth and exposure.

Lindsey Stetson was named director of financial aid at Michigan Law after serving as acting director following last fall's retirement of the longtime assistant dean for financial aid. She previously served as Michigan Law's assistant director of admissions. Stetson hopes to provide more education for incoming and current students on the ins and outs of financial aid, from helping them better understand how loans work and what it means to have debt, to budgeting and recognizing how debt can affect their career choices and financial future.

Laster, '83: The PATH Less Taken

By Allison Krieger

Growing up in a blue-collar New Jersey town, Dan Laster, '83, never imagined he'd be part of a movement to eradicate the Meningitis A epidemic in Africa or facilitate China's emergence as a player in the global international vaccine market.

For that matter, when he spent nearly a decade as a corporate lawyer at Microsoft, leading the project to enforce the Windows trademark and developing worldwide digital copyright and intellectual property policy, he didn't know that he'd travel to the slums of Mumbai or to a hospital in Congo to observe and advise on efforts to broaden access to basic vaccines and medical supplies, wellness education, and funding for improvements to in-country health care operations and infrastructure.

But that's the adventure Laster signed up for when he became general counsel at PATH in 2008. Based in Seattle, PATH is a global nonprofit health organization that partners with ministries of health, public health agencies, academia, the pharmaceutical and biotech industries, and major funders like the Bill & Melinda Gates Foundation—all to promote health equity and improve health outcomes in the world's most impoverished countries and communities.

"Until PATH, my career had been value-neutral," says Laster, who is general counsel and a member of the executive team at PATH, as well as an independent consultant and intellectual property law expert. He also is an affiliate professor at the University of Washington, where he helped develop a master's program in IP law. "I hadn't been a public defender or a civil rights lawyer or an environmental lawyer."

What he had been was a successful IP lawyer with 25 years of experience in private practice, and as an attorney and then associate general counsel at one of the world's foremost software innovators. Microsoft's proclivity for being at the cutting edge is what lured Laster away from private practice.

"The early '90s was an exciting time in the software industry," Laster recalls. "We were moving from analog to digital, and there was a lot of interesting law reform and work to do in copyright, trademark, and trade secrets."

It was this same siren song of innovation that later led Laster to PATH. "In 2008, global health was where technology was in 1992—it was really starting to pop," Laster says. "The private sector and public health were coming together and exploring interesting funding and partnership opportunities."

Going from Microsoft to PATH isn't as drastic a shift as you might expect, Laster says, because, at the core, they are both product-development ecosystems. The major differentiating factor is that global health work is more complex and the probability of success much less likely. For Laster, this makes it more exciting and rewarding.

"If all Americans … saw people living without basic health care and sanitation—vaccines, clean syringes, adequate storage refrigeration, and safe water," Laster says, "there'd be a greater appreciation for what we have and for all the work that needs to be done."

CLASS NOTES

2006

Drey A. Cooley, an attorney at Capes, Sokol, Goodman & Sarachan PC, has been elected treasurer of the Federal Bar Association, Missouri Chapter. Cooley focuses his practice in the areas of white-collar criminal defense, complex business litigation, and intellectual property.

Stephanie A. Douglas has been named partner at Bush Seyferth & Paige PLLC, a boutique litigation firm in Troy, Michigan. She leads the firm's appeals, complex briefing, and class action defense team.

Elizabeth Haas has been elected to the partnership at Foley & Lardner. She practices in the Milwaukee office, focusing on complex commercial litigation, in addition to representing corporate clients in all types of business litigation.

Sophia Hudson was elected partner at Davis Polk. She practices in the capital markets group of the firm's corporate department in New York, where she advises U.S. and non-U.S. issuers and underwriters on capital markets transactions.

Daniel Martinez has joined Stroock & Stroock & Lavan as an associate in the tax department of the firm's Miami office.

Maria C. Rivera-Lupu joined the law firm of Whyte Hirschboeck Dudek SC in the litigation practice group of the Madison, Wisconsin, office. She is a member of the business and commercial litigation, corporate compliance and white-collar defense, and health care law teams, and she focuses her practice on white-collar criminal defense, internal investigations, corporate compliance, and complex civil litigation.

2007

Matthew A. Tarrant has been elected into the membership of Braun Kendrick in Saginaw, Michigan. He focuses his practice in the area of commercial litigation.

2008

Neela Badami has been promoted to partner at Samvad in Bangalore, India. She joined the firm in 2009, and specializes in mergers and acquisitions, venture capital, and private equity transactions, as well as banking and finance, technology, media and telecommunications, contracts, and public international law.

Kindra Baer has joined Michigan Law's Office of Career Planning as an attorney-counselor. She primarily will advise students interested in private-sector careers, and her knowledge of the Atlanta and D.C. markets from her experiences as a summer associate and in practice will benefit students interested in those markets. Before joining Michigan Law, she practiced patent litigation at Covington & Burling LLP in Washington, D.C., and First Amendment and media law at Dow Lohnes in Atlanta, while maintaining an active pro bono practice focused on civil rights cases—an interest she hopes to continue in Ann Arbor.

Simone Colgan Dunlap, an associate in Quarles & Brady LLP's health law practice group, has been selected by the editorial board of *LawyerMade* as an author for the first-ever 3-D model on "A Visual Depiction of Risk Evaluation and Mitigation Strategies."

Michelle Erin Nadeau, an attorney at Kwall, Showers & Barack PA in Clearwater, Florida, has earned board certification in the area of labor and employment law. She is one of only five board-certified labor and employment attorneys in Clearwater, and she is one of the youngest attorneys in the state to hold this distinction.

Jacob S. Sherkow has joined the intellectual property faculty at New York Law School as an associate professor. Previously, he was a fellow at Stanford Law School's Center for Law and the Biosciences, concentrating on biotechnology and the law, with an emphasis on patent law and agency regulation.

Susan Bassford Wilson, an associate in Constangy, Brooks & Smith's St. Louis office, has been appointed to its diversity council. The council, comprising a cross-section of partners and associates firm-wide, addresses issues of diversity within the firm and within the communities where its attorneys live and work. She will act as an editor of the firm's *Quarterly Diversity Newsletter*.

2011

Aaron E. Bass, an associate in Honigman Miller Schwartz and Cohn LLP's real estate department, was featured as one of the 2014 top young lawyers in the July-August issue of *DBusiness Magazine*. He talks about his work with Dan Gilbert's Bedrock Real Estate Services, which has acquired approximately 40 buildings in Detroit's central business district.

Sarah L. Baumgartner has joined Honigman Miller Schwartz and Cohn LLP as an attorney in its real estate department and is located in the firm's Detroit office. She will focus her practice on commercial real estate transactions, including acquisitions, sales, financing, and leasing.

Catherine Longkumer was selected as the 2014 recipient of the Chicago Bar Foundation's Kimball R. Anderson & Karen Gatsis Anderson Public Interest Law Fellowship. She has helped launch A.T.L.A.S.S.T., an anti-trafficking initiative that provides holistic pro bono legal services to survivors of human trafficking. In addition, during the last two years, she has served more than 30 clients, trained more than 100 pro bono attorneys, and led awareness efforts reaching hundreds of people.

James M. Schleicher has joined Quarles & Brady's Milwaukee office as an associate in the intellectual property practice group. He is a patent practitioner who has successfully guided numerous U.S. patent applications to allowance and has advised on patent validity, infringement, freedom-to-operate, invention patentability, and technology landscape. He is fluent across a broad spectrum of technologies and is highly specialized in optics and semiconductors.

2012

Aghogho O. Edevbie has joined Butzel Long as an associate based in the firm's Detroit office. He concentrates his practice in the areas of business and commercial litigation.

Julia Wu has joined Gentile, Horoho & Avalli PC, a family law firm, as an associate in its Pittsburgh office.

2013

Elizabeth C. Lamoste, attorney in the litigation department of Honigman Miller Schwartz and Cohn LLP, has been appointed to the Board of Visitors for Wayne State University Press, which publishes high-quality scholarly and general-interest works.

Allyson Terpsma joined Warner Norcross & Judd LLP. She will practice in the firm's Grand Rapids, Michigan, office.

Bill Williams joined the French and Grainey Law Firm in Ronan, Montana.

2014

Hiroshi Oyama was a winner of Tax Analysts' inaugural student paper competition. Papers were between five and 25 pages long and focused on an unsettled question in tax law or tax policy. His paper was published in *Tax Notes International*.

The Hon. Cornelia Groefsema Kennedy, '47

The Hon. Cornelia Groefsema Kennedy, '47, of Grosse Pointe Woods, Michigan, passed away on May 12, 2014. She died peacefully at home surrounded by her family.

Judge Kennedy was born in Detroit on Aug. 4, 1923. She earned a BA from U-M; and, like her father, mother, and older sister, she attended Michigan Law. She subsequently clerked for the Hon. Harold W. Stephens, chief judge of the U.S. Court of Appeals for the District of Columbia Circuit. She was the first woman to clerk for that court. After 20 years in private practice in Detroit, she was elected to the Wayne County (Michigan) Circuit Court.

In 1970, President Richard M. Nixon appointed her to the U.S. District Court for the Eastern District of Michigan. She was the first woman to sit on that court, and in 1977 she became the first female chief judge of a federal district court in the United States.

She was elevated to the U.S. Court of Appeals for the Sixth Circuit by President Jimmy Carter in 1979. She was the second woman to sit on that court, and she held that position until her retirement in 2012. At the time of her appointment, Judge Kennedy was jokingly given the hot plate on which the first female judge of the Sixth Circuit, the Hon. Florence E. Allen, had warmed her lunch. Judge Allen's fellow judges had belonged to an all-male private club that did not admit women, thus precluding their female peers from eating with them. Judge Kennedy eventually was admitted as the first female member of that club, although the maître d' initially refused to seat her because he was unaware of the change in club policy and her subsequent membership.

Judge Kennedy and her sister, the Hon. Margaret G. Schaeffer, '45, were the first sister judges in the United States. Judge Schaeffer sat on the 47th District Court in Farmington Hills, Michigan, from 1974 to 1992.

Judge Kennedy was an avid traveler, visiting all seven continents, more than 80 countries, and 49 states. After her husband died, she enjoyed traveling with her two sisters and their husbands on U-M tours and on weekend getaways with their adult daughters.

The granddaughter of Dutch immigrant farmers in Idaho, Judge Kennedy spent her weekends gardening. She also was a passionate reader, especially enjoying historical nonfiction and British mysteries.

Judge Kennedy was pre-deceased by her husband, Charles S. Kennedy Jr.; her parents, Elmer H. and M. Blanche Gibbons Groefsema; and her sisters, Ann Jean Groefsema and the Hon. Margaret G. Schaeffer. Judge Kennedy is survived by her son and daughter-in-law, Charles S. and Angela Kennedy; her grandchildren, Elizabeth and Matthew; her sister, Dr. Christine G. Gram; and 28 nieces and nephews. Judge Kennedy was devoted to them all, and she will be remembered lovingly.

Memorial contributions may be sent to The Hon. Cornelia G. Kennedy Scholarship, c/o Krissa Rumsey, University of Michigan Law School, 701 S. State St., Suite 4000, Ann Arbor, MI 48109.

IN MEMORIAM

1930s

Daniel J. Gluck, '38	6/1/14

1940s

Ralph N. Shapiro, '40	1/9/14
Howard A. Crawford, '42	4/1/14
Alice P. Griep, '43	6/4/14
James W. Grace, '47	4/28/14
Cornelia G. Kennedy, '47	5/12/14
Richard W. Nicholas, '48	3/19/14
Johnnie M. Walters, '48	6/24/14
Fred Clausen, '49	12/3/13
William O. Dance, '49	1/15/14
Lloyd G. Hammel, '49	3/29/14
Joseph Rosin, '49	7/11/14
George C. Steeh, '49	8/28/14

1950s

William P. Sutter, '50	8/16/13
James W. Draper, '51	3/30/14
Robert L. Jones, '51	6/1/14
Veryl N. Meyers, '51	5/30/14
James E. Townsend, '51	9/8/14
William R. Gump, '52	8/9/14
Richard G. Patrick, '52	6/18/14
Thomas F. Chenot, '53	4/22/14
Robert J. Conley, '53	5/24/14
Clifford J. Murphy, '53	4/11/14
C. Richard Neely, '53	4/16/14
George D. Quillin, '53	3/11/14
Carl H. Smith, '53	9/9/14
William L. Wise, '53	4/23/14
Clyne W. Durst, '54	8/20/14
Norman N. Gottlieb, '54	8/5/14
Gurth C. Hoyer-Millar, LLM '54	3/6/14
Ross L. Foertmeyer, '55	8/23/13
William J. Hartman, '55	6/3/14
William L. Randall, '55	6/23/14
Daniel J. Weinberger, '56	5/1/14
Henry H. Hancock, '57	5/16/14
Robert L. Bluemle, '59	5/8/14
Robert K. Lewis, '59	6/1/14
Robert C. Scott, '59	7/29/14

1960s

Leo J. Carrigan, '60	8/22/14
Richard W. Odgers, '61	9/7/14
Robert A. Pfaff, '61	5/9/14
Robert A. Shupack, '61	9/29/14
Lloyd E. Williams, '61	5/6/14
Walter W. Winget, '61	8/16/14
Joseph P. Koucky, '62	4/29/14
Charles M. Shields, '63	11/25/13
J. Portis Hicks, '64	8/27/14
Peter W. Hyde, '64	7/8/14
Harold G. Maier, LLM '64	8/24/14
Ronald H. Ring, '64	5/22/14
Jon H. Kouba, '65	7/31/14
Larry W. Myers, LLM '65	3/29/13
William T. Wood, '66	5/2/14
Martin Lutz, MCL '67	12/1/13
Harry M. Welsh, LLM '67	7/18/14
Thomas R. Fette, '69	3/29/14

1970s

Stephen M. Goldman, '71	7/10/14
James M. Kraft, '71	5/26/14
Morris H. Goodman, '72	8/1/14
Michael R. Gore, '72	3/10/14
Jeffrey F. Lee, '73	5/10/14
William W. Shultz, '73	8/25/14
Dow M. Spaulding, '75	5/21/14
Jack R. Hendrickson, '77	12/30/13

1980s

Rhoda M. Powsner, '80	8/21/14
Jerry Davanzo, '82	3/12/14
Diane L. Bodenstein, '84	12/9/13

1990s

Carol E. Dixon, '96	6/16/14

2000s

Jordan T. Fowles, '04	7/10/14
Andrew S. Cray, '11	9/2/14

PHILIP DATTILO PHOTOGRAPHY

Un-Stained Glass

The years had not been kind to the majestic stained-glass windows in the Legal Research Building. But now, thanks to a campus restoration project, they look brighter and clearer than they have in many decades. Each of the three large windows was removed carefully and sent to artisans for restoration, then re-installed with just as much care and attention.

UNIVERSITY OF MICHIGAN

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and Alumni Relations
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Ann Arbor, MI 48109-3091
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Fax: 734.615.4539
Email: jteichow@umich.edu

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