

Temple ESQ.

SYLVIA A. LAW NAMED PHYLLIS W. BECK PROFESSOR OF LAW

Health Law Expert Joins Faculty

AUGUST 2005 Sylvia A. Law, the Elizabeth K. Dollard Professor of Law, Medicine and Psychiatry at New York University School of Law, was recently named the Phyllis W. Beck Professor of Law at Temple University Beasley School of Law.

Professor Law will spend the fall 2005 semester visiting at Temple Law School, where she will offer an interdisciplinary colloquium on the intersections of health, medicine, law, and social policy. Throughout the semester, the colloquium will bring together law students, scholars from Temple and other universities, and other professionals who work in these areas to discuss such topics as the history of the organization of health services, tensions between health care financing and access, changing patterns of childbirth, conflicts between science and morality in the context of public school sex education, choice at the end of life, race disparities in health care, and evaluation of existing alternative models of health care delivery.

The Phyllis W. Beck Chair in Law was created in 1997 by The Independence Foundation in honor of Pennsylvania Superior Court Judge Phyllis W. Beck '67. The Philadelphia-based foundation has a strong tradition of supporting health care initiatives, culture and the arts, and legal aid and assistance to the aged, disabled, or impoverished. The inaugural Phyllis W. Beck Professor of Law was Georgetown Law School Professor Carrie Menkel Meadow.

"Professor Law has been one of the nation's leading scholars in the fields of health law, women's rights, poverty, and constitutional law, making her an ideal candidate for the chair," says Dean Robert J. Reinstein. "This is a wonderful opportunity for our faculty and students to work with one of the country's most prominent law professors."

Law has played a major role in dozens of civil rights cases before the U.S. Supreme Court and in lower state and federal courts, and has testified before Congress and state legislatures on a range of issues. She is the author of five books and scores of articles on health law, civil rights, and feminist legal theory. She currently teaches at New York University School of Law, where she co-directs the school's Arthur Garfield Hays Civil Liberties Program.

A New York City resident, Professor Law earned her undergraduate degree from Antioch College in 1964 and her law degree from New York University School of Law in 1968.



DUNCAN HOLLIS *Examines Treaties*

In the fall of 2004, Assistant Professor Duncan B. Hollis brought his years of experience as an international lawyer to Temple to expand the law school's already strong international program. Professor Hollis teaches in the areas of international law, foreign affairs law, and property, specializing in the international law of treaties and the role of treaties in U.S. law. He is co-editor and co-author of a new book, *National Treaty Law and Practice*, which examines how states deal with treaties at the national level—to whom they give the authority to negotiate treaties and how they incorporate treaties, once concluded, into their domestic legal systems.

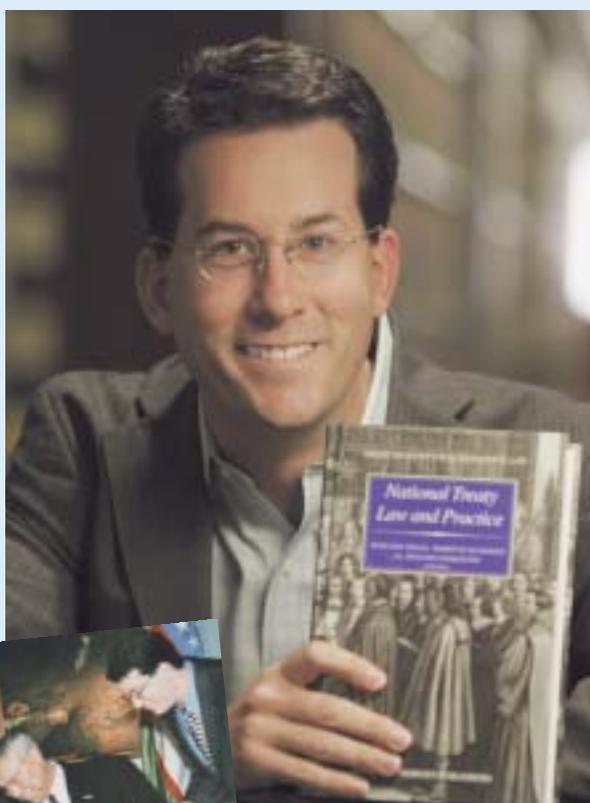
Hollis received his bachelor's degree from Bowdoin College and completed a joint degree program in international law, receiving a master's in international law and diplomacy from the prestigious Fletcher School at Tufts University and a juris doctorate from Boston College, where he graduated first in his class. Prior to joining the faculty at Temple, Professor Hollis spent eight years working as an international lawyer, first at the international department of Steptoe & Johnson LLP and, from 1998 to 2004, at the Office of the Legal Adviser at the U.S. Department of State.

"Unlike a lot of students, I came into law school with a clear focus: international law. Initially, I was interested in U.S.-Japanese relations. I spent my summer after the first year of law school working for two Japanese law firms in Osaka. But, after taking public international law at Fletcher, I found my calling. So, I moved to D.C. and ultimately joined the State Department as an attorney-adviser."

After a year and a half buying and selling U.S. embassies and other State Department property, Hollis moved into the Treaty Office. "It was one of the greatest jobs," he recalls. "At the time, there were only two lawyers in the office, but State Department regulations required that our office clear on all proposed treaty negotiations. As a result, I got to work on everything from arms control to human rights, from the environment to tobacco control."

"My knowledge of treaty law eventually earned me a place as counsel to the United States in a case before the International Court of Justice and as part of the State Department legal team debating whether the Geneva Conventions applied to the Taliban and Al Qaeda in Afghanistan."

It was in the Treaty Office that Hollis realized he wanted not simply to negotiate treaties, but to study them as well. His book, *National Treaty Law and Practice*, analyzes the laws and practices of nineteen countries: Austria, Canada, Chile, China, Colombia, Egypt, France, Germany, India, Israel, Japan, Mexico, the Netherlands, Russia, South Africa, Switzerland, Thailand,



JOSEPH LABOLITO



ON JUNE 5, 2001, PROFESSOR DUNCAN B. HOLLIS ASSISTED SECRETARY OF STATE COLIN POWELL IN SIGNING HIS FIRST TREATY ON BEHALF OF THE UNITED STATES. THE TREATY WAS AN AGREEMENT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION WITH UZBEKISTAN'S FOREIGN MINISTER, ABDULAZIZ KAMILOV.

the United Kingdom, and the United States. By picking states from all over the world with diverse legal, political and economic backgrounds, Hollis and his co-editors sought to provide a basis for generally assessing how states negotiate, conclude and implement their treaty obligations.

Hollis' chapter, *A Comparative Approach to Treaty Law & Practice*, opens the book by analyzing how the surveyed states address common issues that arise in their respective treaty laws and practices. In particular, Professor Hollis focuses on four common themes:

- How do states define treaties as a matter of domestic law and practice?
- What is the scope of the executive's authority over treaty making?
- What role does the legislature play in treaty making?
- How are treaties incorporated into national law?

In examining each area, Hollis highlights patterns and differences among the surveyed states as a means of better understanding state behavior, alternative national approaches, and the current state of treaties under

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DUNCAN HOLLIS

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international law. His chapter finds, for example, that while virtually all of the surveyed states have incorporated the 1969 Vienna Convention's definition of the term "treaty" into their national laws or practices, contrary to the view commonly held by international lawyers, states have not extended that definition to include oral agreements between states. In researching how states handle separation of powers issues in the treaty context, Hollis found that although states uniformly authorize their executives to negotiate treaties, they just as uniformly impose limitations on the exercise of that authority (such as legislative pre-approval) for the most politically, economically or socially significant treaties. From this, Hollis emphasizes the importance of a comparative perspective to studying treaties: "If we only examined the Vienna Convention on the Law of Treaties, we would have an incomplete and, at times, inaccurate account of treaty law and practice. We gain a more complete perspective by also looking at how states themselves define and regulate treaties. Such an approach advances our understanding of state practice, which, in turn, operates as evidence of the rules that make up the customary international law of treaties."

Each of the book's subsequent chapters contains a description of the treaty law and practice of a particular state, authored by the leading treaty expert(s) of that state. The authors' contributions describe each state's formal legal regime on treaties as well as the state's actual practice. The book also collects, in English, constitutional provisions and other primary source materials on treaties as well as bibliographies to assist in further treaty research and analysis.

Hollis views this work as filling a gap in existing scholarship. "I view treaties as the primary source of international law today. There are so many treaties being done on so many subjects," he says, "it's not often that we get to step back and look at things *collectively*, to talk about treaties generally, regardless of their content. My work focuses on getting people to appreciate not only what treaties can do, but also what constraints they operate under, especially when they have to interact with existing national legal systems." In the end, Hollis hopes that *National Treaty Law & Practice* will "serve as a lasting reference work on treaties for scholars, practitioners, and government officials alike."

—Ingrid Thack

CHAPTER ONE: A COMPARATIVE APPROACH TO TREATY LAW AND PRACTICE

Duncan B. Hollis

Treaties have long served as one of the several sources of international law. Increasingly, they have come to serve as the dominant source. The last hundred years have witnessed a dramatic growth in the number of treaties concluded by states and other subjects of international law. From 1946 to 2003, the United Nations received registrations for over 50,000 treaties. The United States alone is presently bound by some 10,000 treaties and international agreements. Japan has a similar number of international legal commitments. France is party to 6,730 international agreements while China has concluded more than 6,000 bilateral agreements and is party to another 273 multilateral agreements. South Africa has roughly 1,800 treaties in force, and Colombia has more than 860 of its own international agreements.

Nor is the growing predominance of treaties among the sources of international law a mere matter of numbers. As international law has expanded its coverage from traditional areas of interstate relations such as commerce and navigation to cover virtually every area of human endeavor, treaties have paved the way. From tobacco to chemical weapons, from the rights of children to desertification, from registration of trademarks to cybercrime, treaties have become the preferred vehicle by which states structure their rights and obligations under international law. Chances are that when a lawyer confronts a question of international law today, whether or not there is a custom or general principle involved, there will in all likelihood be one or more treaty provisions that speak to the issue.

The study of treaties, therefore, is of increasing importance. Traditionally, most scholars and practitioners have viewed the study of treaties primarily through the lens of international law—considering how treaties constitute a source of law or obligation and analyzing the formation, interpretation, and application of such laws/obligations as between the various subjects of international law. At the same time, others have taken a more national approach, examining how a particular state's domestic legal system and practice regards treaty obligations assumed by that state.

The present volume results from a nearly 30-year effort to devise a third, comparative perspective on both treaty law and practice. In developing this perspective, it seeks to further the study of treaties

by way of comparison—by examining the different laws and practices nation states have put in place to deal with treaties. Ultimately, every state must decide for itself how to define what instruments qualify as treaties, who will have authority to negotiate treaties on its behalf, whose approval is required before the state can consent to a treaty, and how to incorporate such treaties into its national law. What the comparative approach suggests, however, is that we can all benefit from comparing the answers different states give to these questions. As treaties proliferate in both numbers and subjects, a comparative view offers alternative insights, experiences, legislative approaches and practices for dealing with treaties. Whether due to their similarity to, or difference from, a single state's own approach, these alternatives may offer that state new avenues for further developing, improving, or even modifying its system of treaty law and practice.

Beyond its inherent value, the comparative approach will also contribute to our understanding of treaties when viewed from either the national or international perspectives. On the national front, the comparative approach by definition incorporates individual studies of how various states make treaties. Although done for comparative purposes, each of these studies provides details, experiences, and documentation as to how a specific state deals with treaties in ways that will improve our understanding of that state's national approach to treaty law and practice.

More importantly, the comparative approach can inform the international law of treaties. By examining similarities and differences among a representative group of states' laws and practices, we can obtain evidence of state practice generally. We can then use this evidence to assess how well state practice conforms to accepted rules of international law such as those in the 1969 Vienna Convention on the Law of Treaties. Thus, on issues such as the definition of treaties or the authority to bind states by treaty, the comparative approach can demonstrate the existence (or absence) of the general and uniform practice of states accepted as law, which can confirm (or undermine) the accepted customary international law on these matters.

EXCERPT FROM

National Treaty Law and Practice

MARTINUS NIJHOFF PUBLISHERS, 2005

CHINESE JUDGES' TRAINING PROGRAM RECEIVES GRANT

JULY 2005 Alcoa Foundation awarded a \$100,000 Alcoa Foundation grant in support of Temple Law's Judicial Education Program that offers short-term educational opportunities to judges in the People's Republic of China. The two-year grant funds the program run jointly by Temple Law and the National Judicial Training College of the Supreme People's Court of China that offers training and support for judges who are actively involved in the development of China's legal system. The program consists of three months of education on the U.S. legal system at the National Judicial Training College in Beijing followed by a concentrated four-week program in the U.S., providing judges in China with a comparative context for their work in the legal system.



DANIEL SCHORR TOOK A LEAVE FROM THE WESTCHESTER COUNTY, NEW YORK DISTRICT ATTORNEY'S OFFICE TO TEACH IN TEMPLE'S SHORT TERM JUDICIAL TRAINING PROGRAM FOR CHINESE JUDGES. SCHORR (FRONT ROW CENTER) IS SHOWN WITH PARTICIPATING JUDGES.

FALL BRINGS NEW ADDITIONS TO FACULTY

AUGUST 2005 Temple University Beasley School of Law has expanded its full-time faculty to a total of 61, hiring three new professors who will teach in the areas of commercial, employment, and tax law beginning this fall. According to Dean Robert J. Reinstein, "The addition of such talented individuals to our faculty is part of our continued development in these and other key areas of the law school's curriculum."

ASSISTANT PROFESSOR N. JEREMI DURU, whose primary areas of interest are employment discrimination, civil procedure, civil rights, race and the law, and sports law, will teach employment law this fall.

Prior to joining the faculty, Duru was an associate with the Washington, D.C., firm of Mehri & Skalet, where he represented plaintiffs in all phases of civil rights actions. While at Mehri & Skalet, Duru was counsel to the Fritz Pollard Alliance (FPA), the alliance of coaches, scouts, and front office personnel of color in the National Football League (NFL). For several years, the FPA has worked with the NFL to increase "off the field" employment opportunity for people of color. While the FPA has spurred change in various respects throughout the League, it has made its most visible impact in the realm of head coaching, the ranks of which have diversified remarkably in recent years. Duru also served as an adviser to a group of former Negro League baseball players seeking supplemental income from Major League Baseball for the discrimination they suffered during their playing days. In August 2005, Duru was recognized for that work when he was named the National Bar Association's entertainment and sports lawyer of the year.

Duru received his undergraduate degree from Brown University in 1995 and a master's degree from Harvard University's John F. Kennedy School of Government in 1999. At Harvard, he was editor of the *Harvard Journal of African American Public Policy*. He also earned his law degree in 1999 from Harvard, later clerking for Judge Damon J. Keith of the U.S. Court of Appeals, Sixth Circuit.

ASSOCIATE PROFESSOR JONATHAN LIPSON, who visited at Temple during the 2004-05 academic year, has become a permanent faculty member. He teaches secured transactions, payment systems, and a commercial transaction workshop, which he created. Formerly an associate professor at the University of Baltimore School of Law, Lipson also served as an adjunct professor at Northeastern University School of Law. He brings to Temple professional practice experience gained at several major law firms, where he focused on corporate and commercial law.

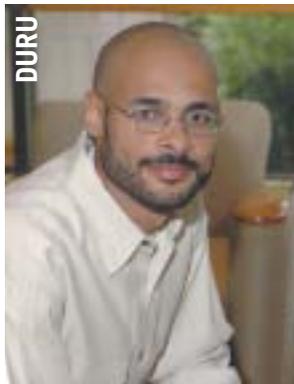
Lipson earned his undergraduate degree from the

University of Wisconsin-Madison in 1986, and his law degree from the University of Wisconsin Law School in 1990, where he was a note editor of the *Wisconsin Law Review*. Lipson is a past chair of the section of commercial and related consumer law of the American Association of Law Schools, and co-chair of the business law education committee of the section of business law of the American Bar Association. He has authored articles for journals including the *UCLA Law Review*, the *Ohio State Law Journal* and the *Washington University Law Quarterly*.

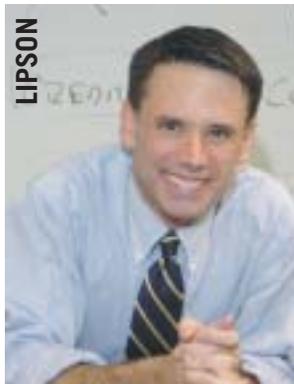
With primary teaching and scholarship interests in federal income taxation, **ASSISTANT PROFESSOR**

ANDREA MONROE will teach tax courses in Temple Law's J.D. and LL.M. programs. Before coming to Temple, Monroe was a visiting assistant professor at Northwestern University School of Law, where she received the Student Bar Association Faculty Appreciation Award in 2004. Monroe also has five years experience in tax law practice at Winston & Strawn's Chicago and New York offices.

Monroe earned her undergraduate degree from the University of Michigan in 1994, her law degree from the University of Michigan Law School in 1997, and her masters of law in taxation from the New York University School of Law in 2000. At NYU, Monroe was graduate editor of *Tax Law Review* and recipient of the Morris G. Geifman Memorial Tax Scholarship.



DURU



LIPSON



MONROE

STUDENTS WIN NATIONAL WRITING AWARDS

STUART SCHANBACHER WINS INTELLECTUAL PROPERTY WRITING AWARD

JULY 2005 Fourth-year evening student Stuart Schanbacher was awarded first prize in the first annual writing competition sponsored by the Pennsylvania Bar Association's intellectual property section. Schanbacher, who studied intellectual property with Professor David Post, received a cash award for his article entitled, "Analysis of the Differences in Patent Rights of Assignees, Exclusive Licensees, and Non-Exclusive Licensees." Written under the supervision of Professor Don Harris, the article was published in the PBA intellectual property section's summer newsletter.

"TRANSEXUALS AND THE LEGAL DETERMINATION OF SEX" IS TOPIC OF PRIZE-WINNING STUDENT ESSAY

An essay by law student Karly Grossman was named first place winner of the American Bar Association's section of family law's Howard C. Schwab Memorial Essay Contest. Grossman will receive \$1500 and her essay, "Transsexuals and the Legal Determination of Sex," will be submitted to the editorial board of the *Family Law Quarterly* for consideration. Grossman was supervised by Associate Professor Kathryn M. Stanchi and sponsored for the contest by Professor Nancy J. Knauer.

PHILADELPHIA BAR HONORS JUDGE PHYLLIS W. BECK '67

Judge Phyllis W. Beck '67, the first woman to serve on the Superior Court of Pennsylvania, will receive the 2005 Sandra Day O'Connor Award. Donna Brazile, a senior political strategist and former campaign manager for the Gore-Lieberman campaign, will be the keynote speaker.

**Philadelphia Bar Association Quarterly Meeting
Tuesday, October 18, 2005
Park Hyatt Philadelphia at the Bellevue
Broad and Walnut Streets, Philadelphia**



JANE BARON IS NEW DEAN FOR RESEARCH

JULY 2005 Professor of Law Jane B. Baron is the law school's inaugural Associate Dean for Research. The position was established, says Dean Robert J. Reinstein, "in order to have a senior, productive member of the faculty concentrate on enhancing scholarship at the law school."

"As the Associate Dean for Research, Professor Baron will seek to improve faculty productivity, to create an exciting intellectual environment appropriate to a major research university, and to increase the visibility of the Temple faculty's scholarship in academic and other circles."

Baron, who teaches primarily in the areas of property and trusts and estates, also publishes widely. In fall 2005, the third in a series of articles about homelessness will be published in the *Houston Law Review*.

LAW SCHOOL NAMES DIRECTOR OF TRIAL ADVOCACY



MCCARTNEY

SUMMER 2005 Maureen McCartney joins Temple Law as the new director of trial advocacy programs and associate professor. Previously an assistant district attorney in Philadelphia, McCartney will supervise and teach in all levels of Temple Law's nationally recognized trial advocacy programs. She will hire, train, and supervise approximately 50 adjunct instructors, develop and design curriculum, and advise students. She will also coordinate teaching and

advocacy workshops and join the coaching team of Temple Law's award-winning mock trial championship program.

Before coming to Philadelphia, McCartney was a staff attorney for the Center for Death Penalty Litigation in Durham, North Carolina, representing capital sentenced defendants in state and federal post-conviction proceedings. McCartney, who earned a B.S. in 1986 from West Chester University and a J.D. in 1990 from Vermont Law School, has also taught criminal law as a clinical instructor at the University of Pennsylvania Law School.

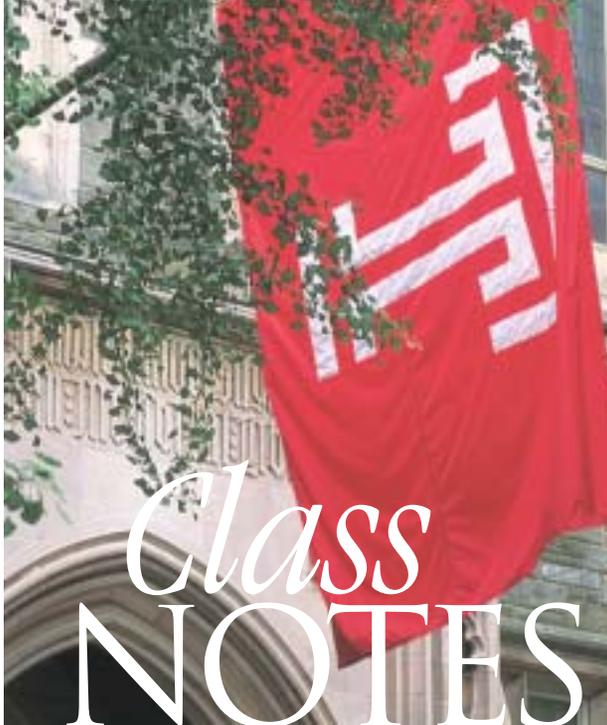
DENISE BOWMAN '98 JOINS CAREER COUNSELING OFFICE



BOWMAN

SPRING 2005 After almost seven years as an associate in the litigation department of Stradley, Ronon, Stevens & Young, Denise Bowman '98 returned to her *alma mater* as a counselor in the Office of Career Planning. As a career counselor, Bowman advises law students in connection with an overall strategy for finding the right job in the legal profession, and assists them with drafting and interviewing skills. Bowman also works with Temple

alumni who seek career counseling advice. Before attending Temple Law School, Bowman earned a B.A. in Political Science from the University of Delaware.



1959

MASON AVRIGIAN, a partner at the Blue Bell, Pennsylvania firm Wisler Pearlstone Talone Craig Garrity & Potash, was named a Pennsylvania Super Lawyer by fellow Pennsylvania lawyers in the June 2005 issue of *Philadelphia Magazine* and the June issue of *Pennsylvania Super Lawyers*. Avrigian has practiced law in Pennsylvania for more than 45 years, focusing on the areas of civil litigation, family law, and arbitration.



1971

STEPHEN H. FRISHBERG has been appointed to the Golden Slipper Club and Charities' board of governors.

1973

MARC ROBERT STEINBERG, a partner at the Lansdale, Pennsylvania firm of Rubin, Glickman, Steinberg and Gifford, has been named a Pennsylvania Super Lawyer for the second consecutive year. Steinberg, a managing partner of his firm, is a former Montgomery County assistant district attorney and the president of Montgomery Child Advocacy Project.

1974

JOSEPH W. ANTHONY was recently inducted as a fellow into the International Academy of Trial Lawyers. The Minneapolis-based attorney is a founder of Anthony, Ostlund & Bear, where his practice focuses on the areas of business litigation, financial fraud, securities, employment, and commercial real estate litigation.



1975

JOHN S. EORY, a shareholder at Stark & Stark and 2005 chairperson of ATLA-NJ's matrimonial section, was voted a New Jersey Super Lawyer according to a poll of 35,000 attorneys.

1976

B. CHRISTOPHER LEE, of Jacoby Donner, has been named a Pennsylvania Super Lawyer. Lee's practice focuses on construction law and dispute resolution.

1979

TODD JOHNSTON LL.M. has joined Drinker Biddle & Reath as a partner in the health law group in its Princeton, New Jersey office. Johnston focuses his practice on business and transactional matters for healthcare clients.

1980

STEWART J. EISENBERG, a shareholder in Eisenberg, Rothweiler, Schleifer, Weinstein & Winkler, was named the 2005 Milton D. Rosenberg Award honoree by the Pennsylvania Trial Lawyers Association for his devotion to injured victims, qualities of leadership, and service to the organization at the PaTLA convention in July 2005. Eisenberg's practice is focused on medical negligence, auto crashworthiness, mass torts, and bad faith claims.



ANNA MARIA FARIAS has been promoted to deputy assistant secretary for grants programs in HUD's Office of Community Planning and Development. Before joining HUD in 2001, Farias was executive director of the Crystal City Housing Authority.

MAUREEN H. MCCULLOUGH is the new regional director of Northeast U.S. Catholic Relief Services, the official international relief and development agency of the U.S. Catholic community. McCullough previously chaired the health care practice group of Stradley, Ronon, Stevens and Young, where she represented several Catholic healthcare systems. Prior to that, she was vice president of policy and advocacy for the Catholic Health Association of the United States.

1983

LEONARD A. BERNSTEIN, a partner in the Philadelphia office of Reed Smith, was re-elected to the board of the Support Center for Child Advocates in Philadelphia in June 2005. Bernstein returns to the non-profit's board after a two-year absence, during which time he served as president of Adath Israel synagogue.

PETER BRAMPTON KOELLE organized and participated in a conference at Bryn Mawr College entitled, "Guantanamo: The Law and Politics of a United States Prisoner in Cuba," which included the participation of Temple Law Professor Burton Caine.

ALUMNI ASSOCIATION HOSTS "SUPER REUNION"

MAY 21, 2005 The Temple Law Alumni Association celebrated its 90th anniversary with a gala event-packed reunion that raised over \$35,000 in scholarships for the law school.

Attendees could choose between two CLE courses in the morning. The luncheon that followed featured the presentation of the inaugural Murray H. Shusterman Faculty Award to Professor Laura E. Little. The evening dinner-dance at the Warwick Hotel attracted over 300 people, including law graduates, guests and friends of the law school. The Barrack '68 Alumni Achievement Award was given to one representative of each decade: Hon. William H. Stafford Jr. '56, Robert J. Coleman '64, Daniel J. Whelan '74, Maureen Kearney Rowley '80, Danielle Banks Williams '93. Jennifer L. Safford '01, chair of the recent graduates division of the alumni association, received the TLAA Service Award.



DEAN ROBERT J. REINSTEIN AND
DANIELLE BANKS '93



HON. WILLIAM H. STAFFORD JR. '56 AND
NANCY STAFFORD

1984

SAMUEL H. POND, a Martin, Banks, Pond, Lehocky & Wilson attorney, has been elected president of the Philadelphia Trial Lawyers Association and assumed office in June 2005 at the annual meeting of the group. A partner of his firm, Pond has been practicing in the area of workers' compensation since 1986.



1985

MARYANNE T. DONAGHY has joined the Wilmington, Delaware office of Stradley Ronon Stevens & Young as a member of the firm's litigation department, where she represents corporations and individuals in complex litigation matters. Donaghy was previously legal counsel for the Nemours Foundation, an organization dedicated to health services for children, including the Alfred I. duPont Hospital for Children.



Cozen O'Connor announced that **CECILIA O'CONNOR**, a former member of the firm, will rejoin the Philadelphia office as director of professional development. O'Connor will create and implement firm wide educational and developmental programs for attorneys and paralegals, manage the firm's mentoring program, assist the professional responsibility committee and coordinate *pro bono* activities at the firm.

1986

JOSEPH R. ARMENTI was recently interviewed with his clients in a high-profile murder case by Diane Sawyer on *Good Morning America* and Greta Van Susteren on *On the Record*. Armenti's clients are the college girlfriend and daughter of Brian Nicholas, who is accused of killing an Atlanta, Georgia judge, a court stenographer, and two other people.

JOANNE D. KAY, a partner in the Wildwood, New Jersey firm of Kay & Kay, was installed as a trustee of the New Jersey bar at its May 2005 meeting. In September 2005, Kay becomes president-elect of the New Jersey Association of County Welfare Attorneys.

CHRISTOPHER I. McCABE has joined Jacoby Donner, focusing his practice on government contracting and procurement matters. McCabe previously served in the City of Philadelphia's Solicitor's Office.

1987

BRENDA FRAZIER-CLEMONS has completed General Jurisdiction at the National Judicial College in Reno, Nevada. Frazier-Clemons has been a judge in the family division of the Court of Common Pleas of the First Judicial District in Philadelphia since 2004.

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MAUREEN K. ROWLEY '80

Named Temple Law Grad of the '80s

MAY 2005 Maureen Kearney Rowley '80, Chief Federal Defender for the Eastern District of Pennsylvania, was awarded the Barrack '68 Alumni Achievement Award at the Temple Law Alumni Association's 90th anniversary celebration. The Alumni Association selected a graduate from each decade to honor; Rowley "represented" the 1980s.



For the past 16 years, Rowley has headed up the Federal Defender Office for the Eastern District of Pennsylvania. Under her leadership, the office has become one of the largest and most respected federal defender offices in the country. Rowley was the first female head of any of the federal Eastern District courthouse agencies when she became Chief Federal Defender in 1989; and she remains so today.

A lifelong Philadelphia resident, Rowley majored in English literature at LaSalle University and then began work settling insurance claims. "There was a glut of English literature graduates when I finished college," she remembers. "I interviewed for a paralegal position where I was told I would be making coffee, keeping the lawyer's calendar, and doing legal research and writing. For what they were paying, I thought 'I'd rather go to law school.'" She began law school in Temple's evening division and worked for the insurance company during the day.

Rowley chooses public interest career path

Rowley took to the law immediately. She remembers sitting in class on her first day thinking that she loved law school already. Although she enjoyed the fascinating students she met in the evening division, she decided after her first year to quit her job, take out loans, and really immerse herself in the law school environment. During her third year, she became certified to represent clients in court for three organizations. Her clients included tenants in landlord-tenant disputes, defendants in state criminal cases, and victims of domestic violence. By the time Rowley graduated in 1980, she had "found her niche" in public interest law, representing the underdog and trying to level the playing field.

Her first job out of law school was as the sole staff attorney for Women Against Abuse, a position that took her to courts all over the city. Later she was hired as a staff attorney by the Defender Association of Philadelphia. At that time, the Association had a small federal division that represented criminal defendants in the federal courts. She was selected for a temporary appointment that later became a permanent position.

What drew Rowley to working in the federal system was the opportunity to represent clients from the beginning of

the case all the way through the appeals. "I enjoyed being able to develop a rapport with the client, to be imaginative and creative, and to hire appropriate experts. The level of practice in the federal courts is very high and our adversaries in the U.S. Attorney's office are known for their integrity and skill."

In 1989, when she became the Chief Federal Defender, the federal division consisted of eight lawyers, no paralegals, no mail clerk, and no computers. The lawyers themselves would drop off the office mail at judges' chambers when they went to court in the afternoon. Under Rowley's leadership, the office was computerized and has grown

to over 40 attorneys and over 100 employees, including paralegals, support staff, and summer interns. In 1990, Rowley created an appellate unit, which has since grown from one attorney to five.

Capital habeas unit is established in 1996

Over the years, mandatory minimum sentencing laws, changes in prosecutorial initiatives, and an increase in the number of prosecutions, especially for drugs and firearms violations, have greatly increased the federal defender's workload. One trend has been an increased number of death penalty cases in the Commonwealth, which has resulted in more federal capital habeas corpus petitions seeking review of federal constitutional issues. The "very challenging, critical, and time-consuming nature" of capital habeas practice led Rowley to create a special capital habeas unit in 1996. Capital habeas work "is a different practice altogether. With the creation of the capital habeas unit, it was as if I was running two offices."

There are over 230 inmates on death row in Pennsylvania, the fourth highest number of any state. Rowley believes that the average Pennsylvanian is unaware of the huge number of prisoners on death row because the state has only executed three individuals since 1976, all of who were "volunteers" (inmates who decided to forego their appeals and other legal recourse). In addition, Pennsylvania juries are not instructed that a life sentence means life without possibility of parole, unless the prosecutor puts the issue of future dangerousness before the jury. Thus jurors are often unaware that a defendant who is not given the death penalty will nonetheless be ineligible for release.

Many of Pennsylvania's death row inmates are represented by the Federal Defender's capital habeas unit, which also provides substantial support and coordination services to private attorneys handling death row cases. The Federal Defender's trial unit is also available to be appointed

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JEFFREY P. SCARPELLO '88 AND PEGGY SCARPELLO



JENNIFER L. SAFFORD '01 AND ALAN A. BENJAMINI '89



ROBERT J. COLEMAN '64 AND PATRICIA COLEMAN



MAUREEN ROWLEY

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in "direct death" cases (cases in which the defendant is subject to the death penalty under federal law). Rowley and her office handled the first such case in the Eastern District of Pennsylvania, in which the defendant eventually received a life sentence.

Rompilla v. Beard was "career highlight"

Rowley's office recently won a significant victory in the U.S. Supreme Court in the case of *Rompilla v. Beard*, Secretary, Pennsylvania Department of Corrections. In that case, Rompilla's trial counsel failed to examine a readily available prior conviction file that was, according to Rowley, a "treasure trove of mitigating evidence." That file also provided leads to other records that showed that Rompilla suffered from organic brain damage, possible fetal alcohol syndrome, mental illness and retardation, alcoholism, and an extremely abusive upbringing. The U.S. Supreme Court ruled 5-4 that Rompilla received ineffective assistance of counsel and granted Rompilla a new sentencing hearing. For Rowley, being part of the team preparing Rompilla's Supreme Court argument was a career highlight, and she says it was "awe-inspiring to be at counsel table in that august and historic chamber."

Rowley has served on the Federal Defender Advisory Group and continues to serve on other national committees, such as the Death Penalty Working Group and Federal Defender Funding Oversight Committee. Since Rowley's organization is one of the best established and most highly regarded federal defenders, she sees participation in national advisory committees and mentoring less experienced offices and attorneys as an important part of the Federal Defender Office's mission.

Rowley's office also provides support to attorneys appointed by courts under the Criminal Justice Act (CJA); courts select these attorneys from an eligible CJA panel. Rowley has developed an orientation, training, and mentoring program for attorneys who are eligible for court appointment. "Pro bono service is an important part of Philadelphia lawyering," she says. "Many private firm lawyers in Philadelphia give freely of their time. Experienced private criminal attorneys volunteer to mentor new CJA attorneys. This is especially important because the sentencing guidelines are very complex." CJA attorneys are compensated at an hourly rate that is lower than what most firms need to charge to cover overhead. "We've been able to attract good attorneys on the CJA panel through the support we provide. That's part of our mission and our responsibility. It helps keep the level of practice high."

Rowley is an adjunct law professor at Temple and at the University of Pennsylvania, where she was selected as the Thomas A. O'Boyle Lecturer-in-Law. She is also a faculty member for the National Institute of Trial Advocacy.

—Christina M. Valente

1988

PHYLLIS E. BROSS has left the New Jersey Attorney General's office to join Parker McCay, a firm in Marlton, New Jersey. Bross specializes in brownfields and development matters.

WILLIAM S. MAILANDER was recently appointed the general counsel of the Paralyzed Veterans of America. He also serves as corporate secretary for the Pro Bono Consortium and is a member of its board of directors.

THOMAS D. PARADISE has been appointed general counsel of Fox Rothschild. Before his assignment as general counsel, Paradise's practice was focused primarily on legal malpractice defense and commercial litigation. In 1996, he was appointed partner with the firm and began his tenure as chair of the professional liability defense group.

1989

STEVEN A. HANN, of Hamburg, Rubin, Mullin, Maxwell & Lupin, was a featured presenter at a one-day seminar on storm water regulation in Pennsylvania in August 2005.

DAVID J. STEERMAN, a partner in Obermayer Rebmann Maxwell & Hippel's litigation department's family law practice group, appeared on the CN8 program, "Money Matters Today," in June 2005. Steerman's practice is dedicated exclusively to family law, and the show featured an updated program on pre-nuptial agreements.



1991

DEBORAH WEINSTEIN presented "Blogs@Work: The Legal, Regulatory, and Practical Implications of Blogging on the American Workforce" to the cyberspace and e-commerce committee of the Philadelphia Bar Association's business law section in June 2005. Weinstein is the president and founder of the Weinstein Firm, which specializes in workplace issues.

1992

TAMARA L. TRAYNOR, a shareholder in the Philadelphia firm of Miller, Alfano & Raspanti, has joined the board of directors of the Philadelphia Committee to End Homelessness. Traynor focuses her practice on commercial disputes.



1993

ROXANNE ARENA is associate general counsel at Wawa, Inc., and recently joined the faculty of Neumann College as an adjunct professor in the liberal studies accelerated degree program, offering courses in business law, judicial process and human resources law.

V. KELLY MULHOLLAND is an associate at Weltman, Weinberg & Reis, a creditors' rights firm, where he concentrates his practice in bankruptcy matters in the firm's Philadelphia office.

1994

JACQUELINE A. (HATOFF) SIEGEL has opened the firm of Jacqueline A. Siegel in Hamden, Connecticut. She focuses her practice on residential real estate.

1995

A partner at the personal injury firm of Eaton & McClellan, **EMMANUEL O. IHEUKWUMERE**, has been named a 2005 Pennsylvania Super Lawyer.



1998

ELIZABETH MORGAN and **KATHRYN A. LEE** wrote the article, "Legal Fictions and the Moral Imagination: Female Fictional Lawyers Encounter Professional Responsibility," published in the spring 2004 issue of the *William and Mary Journal of Women and the Law*.

DANIEL M. SCHAFFZIN, an associate with Pepper Hamilton, received a pro bono award from the Pennsylvania Bar Association at its annual meeting in May. The award recognized Schaffzin for his work in *Commonwealth of Pennsylvania v. André Thompson*, in which a team of Pepper lawyers won the reversal of a homicide conviction and death sentence. Schaffzin, a member of Pepper's health effects litigation practice group, was featured in the *Young Lawyers* section of the August 11, 2005 *Legal Intelligence*.



KEVIN M. TOTH has been appointed senior vice president of claims at Harleysville Insurance and is responsible for all claims activities for the Harleysville organization, including oversight of Harleysville's home office central claims processing center and four regional claims service centers in Massachusetts, Minnesota, New Jersey and Tennessee. Before joining Harleysville, Toth was an attorney in the litigation department of the firm of Reed Smith.

2001

Cozen O'Connor associate **JENNIFER L. SAFFORD**, winner of the 2005 Temple Law Alumni Service Award, will serve as TLAA treasurer for the upcoming year. Safford is an associate in Cozen's Philadelphia office, where she practices in the trusts and estates planning group.

SCOTT P. SIGMAN, a member of the Temple Law Alumni Association's executive board and vice chair of the Philadelphia Bar Association's young lawyers' division, has joined the firm of Bochetto and Lentz, founded by **GEORGE BOCCHETTO '78**. Sigman concentrates his practice in litigation.

MICHAEL P. FLOWERS '98 WILL HELP PROSECUTE SADDAM HUSSEIN

SUMMER 2005 **Michael P. Flowers '98** left his job as a white-collar criminal defense attorney at a Washington, D.C. law firm to join the investigative team working to send Saddam Hussein to the gallows. In Iraq, Flowers works as an attorney adviser with the U.S. Justice Department's Regime Crimes Liaison Office, assisting the Iraqi Special Tribunal in prosecuting Hussein.

In mid-July 2005, tribunal officials announced the first formal charges against Hussein. The charges stemmed from the dictator's role in the massacre of 150 Shiites in the Iraqi town of Dujail in 1982. If convicted, Hussein could face the death penalty. Flowers is stationed in the International Zone in central Baghdad where U.S. occupation authorities live and work. Flowers will remain in Iraq at least through April 2006.

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ROBERT J. REINSTEIN, DEAN

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ANTHONY J. THOMSON, a staff attorney at Dechert has been appointed by Mayor John Street to the Philadelphia Police Advisory Commission.

STEVEN WITTENBERG is working as an associate at the Philadelphia offices of Drucker & Scaccetti /Shaiman, Drucker, Beckman, Sobel & Stutman.

2003

DARA LOVITZ has been appointed to serve as the legal chair for the Pennsylvania chapter of the Sierra Club. Lovitz is an associate with Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, and concentrates her practice in toxic tort litigation, medical malpractice, products and pharmaceutical liability, premises liability, and other personal injury matters.



2005

CHRISTOPHER ROBINETTE LL.M. has joined Widener University Law School's faculty, where he will teach courses on torts.

BYRON G. STIER LL.M. has joined the faculty of Southwestern Law School in Los Angeles. Stier, an expert in mass tort litigation, will lecture on torts and is pursuing research on systemic reforms of the mass tort system.

IN MEMORIAM

Meyer S. Glasberg Class of 1979
Tahani Salama Class of 1994

JUVENILE LAW CENTER CELEBRATES 30TH ANNIVERSARY

1975 grads wanted Center to be a "resounding voice for children."

Thirty years ago, Marsha Levick and Robert Schwartz, newly-minted attorneys in the law school's class of '75, shared a vision that was almost unprecedented at the time: make the law work on behalf of children. With classmates Judy Chomsky and Phil Margolis, they founded Juvenile Law Center (JLC). This year, JLC, the oldest multi-disciplinary public interest law firm for children in the U.S., celebrates its 30th anniversary, having grown from a local walk-in facility to a national center.

Levick and Schwartz, who say they were inspired as students by the idealism of their Temple Law professors at the time—including Dean Reinstein—have maintained a close relationship with the law school. JLC recruits summer interns from Temple Law, and Levick and other JLC attorneys have taught courses in juvenile justice and child welfare at the law school.

"We're doing precisely what we set out to do from the beginning," says JLC co-founder and executive director Schwartz. "The Center has worked tirelessly since 1975..."



ROBERT SCHWARTZ, JLC CO-FOUNDER AND EXECUTIVE DIRECTOR WITH MARSHA LEVICK, CO-FOUNDER AND LEGAL DIRECTOR

evolving from a Philadelphia-based direct service to an office that works to improve policy not only in Philadelphia, but Pennsylvania and elsewhere throughout the country."

JLC's philosophy has been to employ multiple legal strategies to advance children's rights, including individual casework, law reform litigation, appellate advocacy and amicus work in state and

federal appellate courts, as well as producing publications and offering training opportunities to the field. In the late '70's, JLC's earliest legal victories led to statewide changes in Pennsylvania's juvenile detention practices. In the '80's, JLC teamed with advocates around the country to improve conditions of confinement for delinquent youth, and to reduce unnecessary placement of abused and neglected children in out-of-home placements in the child welfare system. In 1990, when Philadelphia and other counties around the state wanted to address limited funding for Pennsylvania child welfare services, city officials asked JLC to help. JLC represented a class of the state's dependent and delinquent children in a suit that created a unique funding scheme for children's services.

In the mid '90s, with Pennsylvania part of a national trend to prosecute more youth in adult criminal court, JLC and Education Law Center-PA successfully sued the Pennsylvania Department of Education to ensure youth's special education needs were met even when confined in adult jails. In the late '90's, JLC and the Pennsylvania ACLU brought litigation to secure foster care payments for kinship caregivers, thereby enabling more foster children to be cared for by relatives. In 2003, the John D. and Catherine T. MacArthur Foundation named JLC to manage its juvenile justice reform initiative in Pennsylvania. Also in 2003, JLC organized the efforts to write amicus briefs opposing the death penalty for juvenile offenders.

Today, co-founder and legal director Levick says, "We wanted to turn up the volume, to be a resounding voice for kids. Because of what we've been able to accomplish, the legal landscape for children and youth looks significantly better than when we started."

PRO BONO AWARD TO DON CARLEY '95

FEBRUARY 2005 Donald M. Carley '95, a litigation partner in the San Francisco office of Sonnenschein Nath & Rosenthal was the 2005 recipient of the firm's Rothschild Award, given in honor of outstanding *pro bono* contributions. Carley leads a team representing eight first-generation Chinese immigrants who live in a recently-purchased apartment building. The clients have been harassed by the new owner as part of a strategy to drive them out and charge a higher rent to the next tenant in violation of the local rent control ordinance. According to the firm's *pro bono* committee, the resulting "extremely contentious" litigation has entailed nearly 1,000 hours of work.

The Sonnenschein Award includes a \$5,000 contribution to a charity designated by the recipient. Carley, who has named Temple Law as recipient, says, "I had my first opportunity to represent a 'real' client while enrolled in Temple's clinical program ... with the assistance of a partner at White & Williams. It was a great experience."



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DATE _____ CLASS OF _____ DEGREE _____



LEGACY PHOTOS

GRADUATION 2005

MAY 19, 2005 The Honorable Barbara S. Jones '73 spoke to the graduating class of 2005. Judge Jones, a United States District Court judge in Manhattan who was appointed to the bench by President Clinton in 1995, presided over the trial of WorldCom's chief executive Bernard J. Ebbers.

CALENDAR OF EVENTS

Monday, September 26, 2005

INST. FOR INTERNATIONAL LAW AND PUBLIC POLICY

LECTURE BY ALEXANDER BORAINÉ

4 pm Duane Morris LLP Moot Courtroom

Thursday, September 29, 2005

POLSKY MOOT COURT COMPETITION

4 pm Duane Morris LLP Moot Courtroom

Tuesday, October 11, 2005

THE HONORABLE PHYLLIS W. BECK

CHAIR LECTURE:

PROFESSOR SYLVIA LAW

Duane Morris LLP Moot Courtroom 4 pm

Reception to follow

Wednesday, October 19, 2005

PENNSYLVANIA SUPERIOR COURT ARGUMENTS

Duane Morris LLP Moot Courtroom

Saturday, October 22, 2005

TEMPLE POLITICAL & CIVIL RIGHTS LAW REVIEW SYMPOSIUM

Shusterman Hall 9am-5 pm

Thursday, October 27, 2005

INST. FOR INTERNATIONAL LAW AND PUBLIC POLICY

LECTURE BY THOMAS FRANCK

4 pm Duane Morris LLP Moot Courtroom

Saturday, October 29, 2005

DELAWARE VALLEY INT'L LAW DAY KEYNOTE SPEAKER: THOMAS FRANCK

Shusterman Hall 9am-5 pm

PETER H. HUANG

Named First Harold E. Kohn Professor of Law

JULY 2005 Peter H. Huang, a nationally-recognized scholar in the fields of securities law and behavioral law and economics, joins the faculty as the first Harold E. Kohn Professor of Law. The chair was created in 2004 by the Barrack and Arronson foundations in honor of the Philadelphia trial lawyer who was widely considered the architect of the modern-day class action.

A pioneer in applying real options analysis to examine civil procedure, class actions, federal civil rights, and litigation, Huang's primary teaching interests include securities regulation and business associations, law and economics, and law and psychology of happiness, with a thematic focus on psychology and economics.

Awarded a fellowship at the Institute for Advanced Study in Princeton, he will serve as a visiting member in its School of Social Science during the upcoming academic year.

Huang's research in the emerging field of law and emotion integrates theories in decision-making and behavior from both cognitive and social psychology, as well as the neurosciences, and applies them to the study and practice of law. He believes that by teaching law students



about human psyche, judgment, and motivation, they will become better agents for their clients, the legal system, and society as a whole.

"We are proud to welcome such an accomplished scholar and superb educator to the law school," says Dean Robert J. Reinstein. "His depth and scope of knowledge, as well as his ability to analyze human behavior, are reminiscent of that of Harold Kohn's and will be a tremendous asset to our curriculum and faculty." Kohn died in 1999 after a long career as a consumer advocate. Kohn also devoted considerable time to cases involving the First Amendment, privacy, public transit, zoning, and commercial transactions.

Prior to joining Temple Law, Huang taught at the University of Minnesota Law School and the University of Pennsylvania Law School. He received an undergraduate degree in mathematics and economics from Princeton University, a master's and doctorate in applied mathematics from Harvard University, and a law degree from Stanford Law School.

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