

Temple ESQ.

JAYA RAMJI-NOGALES

Asylum adjudication: Too human an endeavor?

The law is a human endeavor, and so variation in its application is not surprising. After all, its practitioners and adjudicators, including attorneys, judges, and administrative officials, approach the law with different worldviews, different cultural backgrounds, and different experiences.

But when two judges in the same courthouse hearing similar cases with the same type of claimant vary in their decisions by nearly 2,000%, it is time to take notice.

In a comprehensive and unprecedented statistical review of the United States asylum system, Assistant Professor Jaya Ramji-Nogales and a pair of colleagues unearth some startling findings. Their research, to be published in the *Stanford Law Review* this fall, reveals vast disparities in the adjudication of asylum cases. An applicant's success in winning relief from the system, they find, depends heavily on who is making the decision, instead of on the merits of the case. The results of this ground-breaking study were featured on the front page of the *New York Times* in May 2007.

In their paper, Ramji-Nogales and Georgetown University's Andrew Schoenholtz and Philip Schrag crunch a wealth of numbers from all four levels of the asylum adjudication process: 133,000 decisions involving nationals from 11 key countries rendered by 884 asylum officers over a seven-year period; 140,000 decisions of 225 immigration judges over a four-and-a-half-year period; 76,000 decisions of the Board of Immigration Appeals over six years; and 4,215 decisions of the U.S. Courts of Appeals during 2004 and 2005. Their analysis turns up wild inconsistencies in grant rates—even in cases from the same countries heard during the same time frame by asylum officers in a single office or by judges in the same courthouse. To cite just one example, from January 2000 to August 2004 in the New York Immigration Court, one judge granted 5 percent of the Albanian asylum cases he heard, while another granted 96 percent.

Given the very serious circumstances that asylum seekers face in their countries of origin, such disparity in decision-making in the asylum process is seriously troubling. As the authors explain in their paper:

[I]n the very large volume of adjudications involving foreign nationals' applications for protection from persecution and torture in their home countries, we see a great deal of statistical variation in the outcomes pronounced by decision-makers ... [T]here is remarkable variation in decision-making from one official to the next, from one office to the next, from one region to the next, from one judicial circuit to the next, and from one year to the next, even during



PROFESSOR JAYA RAMJI-NOGALES

periods when there has been no intervening change in the law. The variation is particularly striking when one controls for both the nationality and current area of residence of applicants and examines the asylum grant rates of the different asylum officers who work in the same regional building, or immigration judges who sit in adjacent court rooms of the same immigration court. ... The arguably arbitrary factors of place and time are particularly discomfiting in asylum cases, because the result of an erroneous decision that is unfavorable to the bona fide applicant is an order of deportation to a nation where she is in grave danger.

The authors acknowledge that law's human element cannot be scrubbed from the system—nor should it be. But what is happening now, they argue, is beyond the pale.

"Our claim is not that there should be zero disparity," says Ramji-Nogales, who is in her second year on Temple Law's faculty after teaching for two years at Georgetown. "We don't recommend quotas or guidelines—we saw severe problems with sentencing guidelines, and judges have to have some discretion. But there does have to be some effort

continued on page three

THREE NEW PROFS JOIN FACULTY

AUGUST 2007 The law school welcomes three new faculty members with extensive legal knowledge in the areas of international finance, civil rights, intellectual property and the environment. "We are delighted to have these exceptionally qualified professors join our Temple Law faculty. Their experience and their reputations will further solidify our profile within the academic and legal communities, enabling us to enrich and broaden key areas of our curriculum," says Dean Robert J. Reinstein.

PROFESSOR WILLIAM M. CARTER JR. will teach in the areas of constitutional law, civil rights, and civil procedure. Previously, he was a professor of law at Case Western Reserve University School of Law, where he received multiple awards for teaching excellence.

Before Case Western, Carter held consecutive positions as a litigation associate with the Washington, D.C. offices of Ropes & Gray and Squire, Sanders & Dempsey. Professor Carter was also a law clerk for the U.S. Department of Justice's INS division. He has written several notable articles on constitutional law and human rights for publications such as the *Harvard Civil Rights-Civil Liberties Law Review*, the *University of California-Davis Law Review*, and the *Berkeley Journal of International Law*. He is widely regarded as one of the leading scholars on the Thirteenth Amendment.

Carter earned a B.S. in 1994 from Bowling Green State University, and a J.D. in 1998 from Case Western Reserve University School of Law, where he graduated *magna cum laude*, Order of the Coif.

PROFESSOR GREGORY MANDEL, a noted patent law scholar, was previously associate dean for research and scholarship and professor of law at Albany Law School of Union University. He taught courses in patents and trade secrets; property; technology, science and the law; and natural resources. Mandel serves on the ABA's nanotechnology taskforce, briefing the EPA on arising nanotechnology issues. He also has been consulted by members of Congress on diverse matters concerning technology, pharmaceutical and immigration legislation.

The author of numerous law review articles and book chapters, Mandel's recent empirical



WILLIAM CARTER JR.



GREGORY MANDEL



SOPHIE SMYTH

Abreu, Shellenberger, and Baron AWARDED FACULTY CHAIRS



ALICE ABREU



JAMES SHELLENBERGER



JANE BARON

Abreu and Shellenberger named Beasley Professors of Law

ALICE G. ABREU, JAMES E. BEASLEY PROFESSOR OF LAW, was recognized for her classroom skills with the 2007 Lindback Award for Distinguished Teaching at Temple University. Abreu teaches a variety of tax courses, including taxation, corporate taxation, international tax, and tax policy, as well as contracts.

Abreu's expertise in teaching tax law has attracted the interest of other law schools, and in spring 2004, Abreu was the William K. Jacobs, Jr. Visiting Professor of Law at the Harvard Law School. She has also taught corporate tax at Yale; she taught as a visiting professor at the University of Pennsylvania in fall 1998; and she was the Howard H. Rolapp Distinguished Visiting Scholar at the University of Utah in 1999.

Abreu has served as chair of the tax section of the Association of American Law Schools, is a fellow of the American College of Tax Counsel, and a member of the American Law Institute. She has written numerous scholarly articles and, with McDaniel, McMahon and Simmons, worked on *Federal Income Taxation Cases and Materials*. Abreu is also the supervising editor of the ABA tax section's *NewsQuarterly*.

Before joining the Temple faculty in 1985, Abreu practiced law with Dechert Price & Rhoads in Philadelphia and clerked for Judge Chan in the Eastern District of Pennsylvania. Abreu graduated *magna cum laude* from Cornell University in 1973, and from its law school in 1978.

JAMES A. SHELLENBERGER, JAMES E. BEASLEY PROFESSOR OF LAW, joined the Temple faculty in fall 1983. Since then, graduating classes have four times selected him as the recipient of the Williams Award for the Outstanding Professor of the Year—in 1986, 1995, 2004, and 2006. In 1996, he received the Lindback Award for Distinguished Teaching at Temple University.

Shellenberger's teaching and scholarship focus on criminal law and criminal procedure, including international criminal law and comparative criminal procedure. He also teaches litigation basics, torts, and has taught civil

procedure. Shellenberger directed the law school's program in Rome, Italy in summer 2004 and 2006, and has also taught in the Temple Law Japan program. In addition to teaching, Shellenberger served two years as assistant dean for student affairs and three years as director of the writing program. During the 2007-08 academic year, he will be directing a new academic core enrichment program for first year students.

Shellenberger is currently co-reporter for the model criminal jury instruction committee of the US Court of Appeals for the Third Circuit, which will soon complete a comprehensive set of model jury instructions for criminal cases in the third circuit courts. His most recent law review publication, "The Lesser Included Offense Doctrine and the Constitution," (written with Professor James Strazzella) was published in *Marquette Law Review* in 1995.

Before joining the faculty in 1983, Shellenberger prosecuted criminal cases as an assistant district attorney in Philadelphia from 1972 to 1977. He then practiced in the litigation department of Schnader, Harrison, Segal & Lewis for three years before becoming chief staff counsel

for the Pennsylvania Supreme Court's criminal procedural rules committee. Shellenberger graduated from Lafayette College in 1969, and Villanova University School of Law, *magna cum laude*, in 1972.

Baron named to chair for excellence in research

JANE B. BARON, THE I. HERMAN STERN PROFESSOR OF LAW, has taught at Temple since 1984 and also serves as the law school's associate dean for research. Baron's administrative position was created in 2005 in order, says Dean Robert J. Reinstein, "to have a senior, productive member of the faculty concentrate on enhancing scholarship at the law school." In that capacity, Baron is charged with promoting faculty productivity and increasing the visibility of the faculty's scholarship in the greater academic and legal community.

Baron, who from 1993 to 1995 was the inaugural holder of the Peter J. Liacouras Chair of Law, teaches primarily in the areas of property and trusts and estates. Baron publishes widely and, in 2006, she was the recipient of the Friel/Scanlan award for a series of three papers on homelessness, appearing in the *Michigan Law Review*, the *Urban Lawyer*, and the *Houston Law Review*. She is currently researching a paper exploring the boundaries between the legal concepts of property and privacy.

Baron graduated *magna cum laude* from Radcliffe College in 1975 and *cum laude* from Harvard Law School in 1978. Immediately following law school, she practiced for three years as a litigator at the New York law firm of Sullivan & Cromwell.

NEW PROFS JOIN FACULTY

...continued from page one

scholarship on the hindsight bias in patent law was cited in briefs submitted to the US Supreme Court in the recent case of *KSR v. Teleflex* (2007), and one of his articles was selected by Thomson West as a top intellectual property article of 2006. He has presented his work internationally at many law schools and other institutions, including for the UN. He teaches intellectual property, technology and law, and property.

Mandel earned a B.A. in 1991 from Wesleyan University, and a J.D. in 1996 from Stanford Law School, where he was editor-in-chief of the *Stanford Environmental Law Journal* and a founding member of the Stanford Environmental Law Clinic.

ASSOCIATE PROFESSOR SOPHIE E. SMYTH adds breadth to Temple Law's international law and business faculty from her 16 years at The World Bank, where most recently she served as senior counsel for co-financing and project finance. She focused on the legal and policy issues presented by the creation of major international trust funds, public/private partnerships and innovative financing

mechanisms designed to address global problems (such as HIV Aids and global warming) and other needs in the developing world. In prior years, she specialized in derivatives, emerging markets and global offerings. Beginning in 2005, Smyth was a visiting professor at American University, Washington College of Law, where she taught contracts, international business transactions, international financial law and international development law and policy.

Before joining The World Bank, Smyth held several positions within the U.S. Department of Justice's civil division honors program. She was a trial attorney on the banking litigation defense team, a lecturer and instructor for the Trial Advocacy Institute, and a member of the White House's "Thousand Points of Light Initiative" taskforce.

A frequent lecturer, Smyth has written articles and chapters in the field of private international law for publications including *Rutgers Law Review*, *Sustainable Development Law & Policy* and *The Conveyancer and Property Lawyer*, *Multilateral Concessional Financing: Organization, Decision-Making, Modalities* (published by the Asian Development Bank).

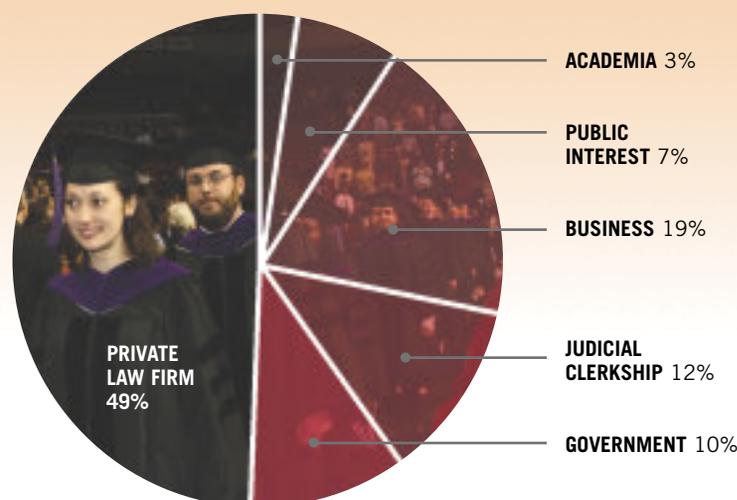
Smyth earned a B.A. in 1980 from Trinity College, Dublin, Ireland, and law degrees from Oxford University (B.C.L., 1982), and Georgetown University Law School (L.L.M., 1984).

CLASS OF 2006—WHERE ARE THEY NOW?

Temple University Beasley School of Law continues to have great placement success: 94% of the Class of 2006 was employed within 9 months after graduation in a wide variety of settings:

- Members of the class of 2006 are working in at least 24 states: California, Connecticut, Colorado, D.C., Delaware, Florida, Georgia, Hawaii, Indiana, Massachusetts, Maryland, Montana, New Jersey, New Mexico, Nevada, New York, Oklahoma, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Washington and Wyoming.
- Average salary is \$73,151; average for private practice is \$89,579.
- 8% (22) of the class of 2006 are prosecutors.
- Of the members of the class of 2006 serving as clerks, 49% (18) are clerking in federal court and 51% (19) are clerking in various state trial and appellate courts.
- Of the 20 students in the class of 2006 in public interest jobs, 55% (11) are public defenders and 45% (9) are providing direct legal services for indigent clients or for non-profit organizations.

EMPLOYMENT BY SECTOR, CLASS OF 2006



RAMJI-NOGALES

...continued from page one

to decide fairly and to put your personal predilections aside as much as possible in order to judge the case based on the law and the facts presented to you. Most people looking at our study would agree that what's happening now is beyond an acceptable level of difference."

Her status as a daughter of immigrants led Ramji-Nogales to her interest in immigration law, an area she found to be understudied when she first took it up.

"No one was interested in it," she recalls. "But it's really become the field of the future. In the wake of 9/11, people have become much more interested, and we're going to see continued immigration to the United States. Now there is a big tension between national security and fair process, and that's going to continue in the foreseeable future."

Ramji-Nogales and her colleagues do offer recommendations at the end of their paper to improve the current system: greater communication among the various players at all levels in the process; better training of judges and asylum officers in asylum law and cultural competence; more rigorous hiring standards focused on judicial integrity and the ability of judges to make fair decisions; more resources for the immigration courts and the Board of Immigration Appeals; the appointment of government-paid counsel for indigent asylum seekers; and a shift of the immigration courts and the Board of Immigration Appeals from the Department of Justice to an independent agency.

"The obvious thing that appeals to me is we're a country of immigrants," she says. "We don't seem to learn from history about the way we treat the various immigrants, starting with Irish and Italians, Chinese, South Asians, Latinos. I also teach civil procedures and evidence, so I'm really interested in procedural due process, or fair proceedings. This study illustrates that immigration proceedings are currently not fair."

Ramji-Nogales's other scholarly interests include international human rights law as well as transitional justice, a field that investigates questions of accountability in the wake of mass violence. She is currently working on a paper that examines, from an international human rights perspective, the use of secret evidence in immigration proceedings. She is also researching "hybrid courts," in which local and international judges work together to try mass-violence cases; the phenomenon is fairly new and has been seen in East Timor, Sierra Leone and, most recently, Cambodia. Additionally, she and her coauthors of the *Stanford Law Review* paper are discussing follow-up research using more recent data.

"We've gotten a lot of e-mails from people giving us comments and thoughts on our paper," she says. "That's been really wonderful. There's been a lot of criticism of legal scholarship as being irrelevant to the real world, so it's been gratifying to see that this piece of scholarship is having an impact and that people feel really able to engage with it."

—Thomas W. Durso

EXCERPT FROM

"Refugee Roulette: Disparities in Asylum Adjudication"

BY JAYA RAMJI-NOGALES
WITH ANDREW SCHOENHOLTZ
AND PHILIP SCHRAG

We Americans love the idea of "equal justice under law," the words inscribed above the main entrance to the Supreme Court building. We want like cases to come out alike. We publish tens of thousands of judicial decisions and have enshrined the concept of *stare decisis* in order to reduce the likelihood that Jane's case, adjudicated in December, 2006, will

come out very differently from Joe's very similar case adjudicated in January, 2007. We have adopted sentencing guidelines so that the punishment meted out to offenders depends on their offenses and prior records rather than on the whims, personalities, or ideologies of the sentencing judge. We use pattern jury instructions in both civil and criminal cases to guide lay adjudicators to apply the same law to similar disputes. . . .

We also like the predictability that *stare decisis* offers. Most disputes can be settled without all-out litigation when the results of formal adjudication can be predicted in advance with reasonable certainty. In addition, and perhaps most pertinent, we don't like the idea that litigants' lives, liberty, or property could be determined by the predilections or personal preferences of the individual men and women who happen to judge their cases. . . .

In recent years, however, the public and the press have become skeptical about the extent to which American judging reflects only the law and not the predilections of the adjudicators. Judges (and entire courts) are commonly referred to in the press as liberal or conservative, and many lawyers believe that although they can not predict the outcome of a trial-level case on the day before it is filed, or the outcome of an appeal on the day before it is docketed, they can do so once they know what judge or judges have been assigned to decide it. . . .

But [H]ow about a situation in which one judge is 1820% more likely to grant an application for important relief than another judge in the same court house? Or where one U.S. Court of Appeals is 1148% more likely to rule in favor of a petitioner than another U.S. Court of Appeals considering similar cases?

Welcome to the world of asylum law.

Collectively, asylum officers, immigration judges, members of the Board of Immigration Appeals, and judges of U.S. Courts of Appeals render about 77,000 asylum decisions annually. Almost all of them involve claims that an applicant for asylum reasonably fears imprisonment, torture, or death if forced to return to her home country. Given our national desire for equal treatment in adjudication, one would expect to find in this system for the mass production of justice many indicators demonstrating a strong degree of uniformity of decision-making over place and time. Yet in the very large volume of adjudications involving foreign nationals' applications for protection from persecution and torture in their home countries, we see a great deal of statistical variation in the outcomes pronounced by decision-makers. The statistics that we have collected and analyzed in this article suggest that in the world of asylum adjudication, there is remarkable variation in decision-making from one official to the next, from one office to the next, from one region to the next, from one judicial circuit to the next, and from one year to the next, even during periods when there has been no intervening change in the law. . . . When an asylum seeker stands before an official or court who will decide whether she will be deported or can remain in the United States, the result may be determined as much or more by who that official is, or where the court is located, as it is by the facts and law of the case. . . .

We can not prove that the variations in outcomes based on the locations or personalities of the adjudicators are greater in asylum cases than in criminal, civil, or other administrative adjudications. Only a few scholars . . . have attempted to analyze similarities or differences in adjudication in a large database of cases that involve particular subject matters and were governed by a single body of law. In this article, however, we report and analyze new statistical data that suggest to us that very significant differences from one decision-maker to the next in the adjudication of asylum cases should be a matter of serious concern to federal policy-makers. . . .

Human judgment can never be eliminated from any system of justice. But we believe that the outcome of a refugee's quest for safety in America should be influenced more by law and less by a spin of the wheel of fate that assigns her case to a particular government official.

STUDENTS GET FIRST-HAND EXPERIENCE IN IMMIGRATION LAW

SUMMER 2007 Summer interns Liz Yaeger (left) and Katie Morris (center) spent the summer following the first year of law school at the Nationalities Services Center, under the supervision of NSC legal director and adjunct professor Dennis Mulligan. Mulligan also directs a yearlong immigration clinical course, during which students ideally are able to handle a matter from the initial client meeting through resolution. Students working at the NSC routinely handle applications for permanent residence based on family relationship, asylum applications, applications for permanent residence for victims of domestic abuse, citizenship applications, and general deportation cases.

"During my third-year clinic at the NSC, I was able to place into action all the legal analytical tools I developed at Temple Law," says Inez McGowan '07, who participated in the immigration clinical and is now at Blank Rome. "Moreover, for the first time in my legal career I was afforded the opportunity to interact with and develop relationships with clients."



1957

E. HARRIS BAUM accepted a \$1.2 million grant from **MAYOR JOHN F. STREET '75** on behalf of the Civil War and Underground Railroad Museum of Philadelphia. Baum is the chair of the museum's board of governors. The grant will support the redevelopment of the museum's proposed new home at the First Bank of the United States building in Independence Hall Park.

1968

ROBERT A. ROVNER, a member of Temple University's board of trustees, has been honored as the 2007 recipient of the "Spirit of Life" award by the City of Hope, an organization that works with doctors on a cure for cancer, and which also helps provide treatment for those in need.



1971

EDWARD L. BAXTER has been appointed to the first ever board of directors at Cozen O'Connor. Resident in the Philadelphia office, Baxter is a past chair of its business law department.

STEPHEN H. FRISHBERG, J.D. '71, LL.M. '96 of Frey, Petrakis, Deeb, Blum & Briggs, spoke at the National Business Institute in April 2007 at a seminar on limited liability companies use as a framework for success. Frishberg also spoke on drafting effective wills and trusts.

1972

THOMAS MCKAY III has been appointed to the first ever board of directors at Cozen O'Connor. Baxter is the office managing partner in the Cherry Hill office, where he practices with the insurance department.

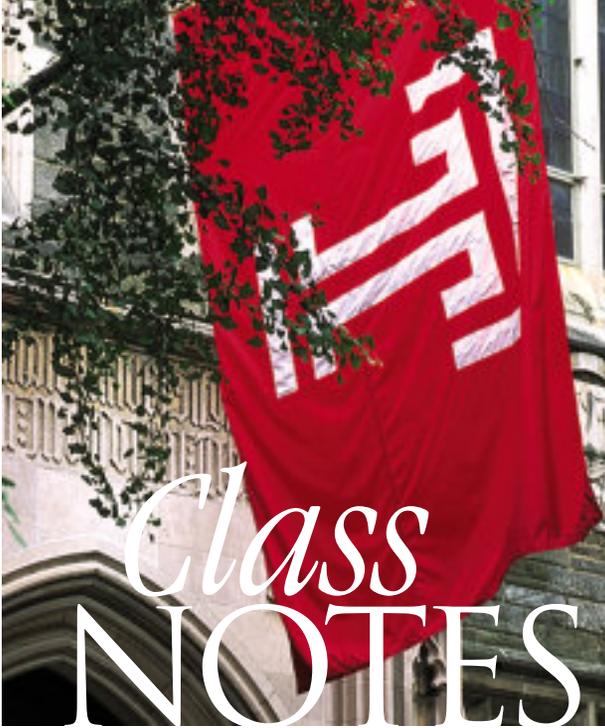
1973

THOMAS R. BOND, a director and shareholder at Marshall, Dennehey, Warner, Coleman & Goggin, has been elected secretary of the Arizona Captive Insurance Association (AzCIA) board of directors for 2007.



1974

In July 2007 Governor Edward G. Rendell announced the appointment of **MARY DIGIACOMO COLINS, J.D. '74, LL.M. '80** as chair of the Pennsylvania Gaming Control Board (PGCB). Colins, a former Philadelphia Court of Common Pleas judge, has been a member of the PGCB board since 2004.



1980

STEWART J. EISENBERG was a course planner and presenter at the Pennsylvania Trial Lawyers Association seminar entitled "Strategies to Overcome Jury Bias" held in Philadelphia. Eisenberg is a partner in the firm of Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck and a past president of the Pennsylvania Trial Lawyers Association.

JAY BARRY HARRIS, a partner at Fineman Krekstein & Harris, spoke at the Property Loss Research Bureau/Liability Insurance Research Bureau conference in Orlando, Florida in March 2007. His presentation addressed whether criminal acts committed by an insured are covered under homeowner's policies.



BARRY W. SMILEY has joined Wagenfeld Levine, a regional firm focused on general liability and workers compensation. Smiley, previously with the firm of Kennedy, Lipski & McDade, is a senior trial attorney.

1981

CHERYL J. BAFFA has founded her own firm, where she and her associates focus on Pennsylvania workers compensation law. They represent employees and uninsured employers in Southeastern Pennsylvania, as well as practice personal injury law. Baffa was formerly a partner at DiGiacomo and Baffa from 1990 to 2006.

1983

LEONARD A. BERNSTEIN, a partner in the Philadelphia office of Reed Smith, was elected board president of the Support Center for Child Advocates, Philadelphia's lawyer-volunteer program for abused and neglected children.

MAGISTERIAL DISTRICT JUDGE FRED A. PERANTONI III, who has served on the district court of Luzerne County since 1992, was elected president of the Special Court Judges Association of Pennsylvania. The oath of office was administered by **JUDGE GUIDO A. DEANGELIS '84**, of the Allegheny County Court of Common Pleas.

JEFFREY S. SHOSKIN, a member of Frost Brown Todd's labor and employment department, has been installed as the president of the Cincinnati Bar Association.



1984

MARC S. RASPANTI, a founding partner of Miller, Alfano & Raspanti, co-authored updates to a chapter in the 2007 edition of *Medicare and Medicaid Fraud and Abuse*. Raspanti's chapter, "Investigations," was co-authored with his partner, Kevin E. Raphael.



DANIEL C. THEVENY, a member of Cozen O'Connor, spoke at the annual Insurance Institute hosted by the Pennsylvania Bar Institute on the subject of large property loss subrogation. Theveny focuses his practice on insurance defense, insurance coverage and insurance subrogation matters.

1985

RACHEAL DECICCO BOGINA, senior staff counsel for the Hartford Insurance Group, spoke at a continuing legal education seminar, "Winning Your First Civil Trial," sponsored by the National Business Institute in May 2007.

Pepper Hamilton has announced that **JAN P. LEVINE** has joined the firm as a partner in the Philadelphia office. Levine was previously at Dechert, where she was a litigation partner and chair of that firm's health law group.



BARRY L. KLEIN has joined Blank Rome as a partner in the employment, benefits and labor group. Prior to joining Blank Rome, Klein was a partner of Ballard Spahr Andrews & Ingersoll.

KEITH E. SEALING is the new assistant dean for student affairs at the University of Louisville's Louis D. Brandeis School of Law.

ROSEANN B. TERMINI has just published the third edition of her book *Life Sciences Law: Federal Regulation of Drugs, Biologics, Medical Devices, Foods and Dietary Supplements* with a companion cd-searchable electronic statutory book.



Invest Wisely . . .

The John R. and Suzanne Warner Charitable Gift Annuity

WINTER 2006 **John R. Warner '60** and his wife **Suzanne Warner** established a charitable gift annuity supporting international law scholarships at Temple. Warner takes pride in the leading role Temple Law has taken in developing international law and study abroad programs. Reflecting his interest, he directed his annuity to provide financial assistance for law students studying in Rome, Tokyo, Beijing, or one of Temple's other exchange programs.

1986

Cozen O'Connor member **CATHERINE B. SLAVIN** recently was a panelist for an American Bar Association aviation litigation committee seminar. Slavin's panel, "If Only I Had Known..." Lawyers Who Have Changed Hats," focused on aviation practitioners who have taken "in-house" positions or moved to or from the insurance industry.

1988

DONNA ADELSBERGER received a *pro bono* award at the Pennsylvania Bar Association's Children's Summit in May 2007. The award was for her work as a child advocate through the Montgomery Child Advocacy Project (MCAP). Adelsberger has been a *pro bono* child advocate for 18 years, working with MCAP and the Support Center for Child Advocates.

1989

MARGARET G. THOMPSON, a Cozen O'Connor member, has been appointed to the Pennsylvania Supreme Court procedural rules committee for the Orphans' Court. Thompson is resident in the Philadelphia office and chair of the firm's trusts and estates group.



1990

MARK W. TANNER, a partner at Feldman Shepherd Wohlgelemer Tanner & Weinstock, was recently elected to the board of directors for the Support Center for Child Advocates, Philadelphia's lawyer-volunteer program for abused and neglected children.

1991

DAVID M. LAIGAIE, chair of Dilworth's corporate investigations and white collar group, participated in the Pennsylvania Bar Institute's health law seminar, leading a panel discussion, "The False Claims Act Year in Review." Laigaie also gave a presentation, "Hospitals and Physicians on the Firing Line: Recent Enforcement of the False Claims Act," to the medical staff at Mercy Hospital in Scranton, Pennsylvania.

1992

JOHN JOERGENSEN, a librarian at the Rutgers University School of Law-Camden, has been named the recipient of the 2007 Public Access to Government Information Award from the American Association of Law Libraries. Joergensen was chosen for this national honor on the basis of his efforts to provide free online access to key New Jersey and federal documents (accessible at <http://lawlibrary.rutgers.edu>).

TAMARA TRAYNOR resigned from her shareholder position at Miller Alfano & Raspanti to become assistant general counsel for the WolfBlock law firm in December 2006.

1993

GREGORY S. HYMAN recently served as a presenter at a seminar on the topic of "Employment Law A to Z" in Philadelphia. Hyman, a senior attorney with Spector Gadon & Rosen in Moorestown, New Jersey, is also the secretary and a trustee of the Burlington County Bar Foundation.

1995

JONATHAN A. CASS has joined Cohen Seglias Pallas Greenhall & Furman as a member of their business practice department in its Philadelphia office, where he will continue his litigation practice of commercial disputes.

1996

KELLY G. (MONACELLA) HULLER is now the director of legal affairs at Globus Medical, Inc., a medical device company located in Audubon, Pennsylvania. Kelly and her husband Dan also recently celebrated the birth of their three daughters: Ava, Olivia, and Leah.

JEFFREY ALAN BARRACK, a partner at Barrack, Rodos & Bacine, has been elected to the board of directors for the Support Center for Child Advocates, Philadelphia's lawyer-volunteer program for abused and neglected children.

STEVEN A. HEFFERNEN, J.D. '97, LL.M. '98 was elected partner at PricewaterhouseCooper's national consulting and accounting firm in June 2007. Heffernen joined the firm's mergers and acquisitions department in 1997, and he is one of only two new mergers and acquisitions tax partners in the country.

1998

MICHAEL P. FLOWERS returned from Iraq in December 2006 and in February 2007 was appointed counsel to the Senate permanent subcommittee on investigations, with responsibility for matters involving Homeland Security and international organizations funded in whole or in part by the U.S. government.

HEATHER GIORDANELLA of Miller, Alfano & Raspanti received an award at the National Association of Women Lawyers luncheon in New York in August 2007.

ELENA PARK recently received two awards: the Pennsylvania Bar Association's 2007 *pro bono* award for her work on behalf of *pro bono* clients, many of whose cases focus on matters of immigration and asylum, and the Philadelphia Bar Association Gomez Award for Public Service. Park practices from Cozen O'Connor's West Conshohocken and Philadelphia offices, and heads the firm's immigration practice.



RANDI L. RUBIN has returned to Klehr, Harrison, Harvey, Branzburg & Ellers as an associate in the real estate and finance department. Prior to rejoining Klehr Harrison, Rubin was general counsel of an artificial turf company. From 1998 to 2005, Rubin was a member of Klehr's litigation department.



1999

PYONG YOON has joined Fish & Richardson's Washington, D.C. office as an associate in its litigation group. Yoon will focus his practice in the area of electrical engineering. Before joining Fish, he served as the attorney-advisor to the U.S. International Trade Commission.

2000

ELIZABETH M. GARCIA has been promoted to counsel at the Marlton, New Jersey-based firm of Parker McCay. She concentrates her practice in the areas of civil rights and government liability, labor and employment, and municipal and government relations. Garcia was also appointed as a trustee for the Burlington County Bar Association's for 2007 to 2010.



JOSEPH A. MALFITANO has joined Hilco Trading in Northbrook, Illinois as vice president and assistant general counsel. For the past seven years, Malfitano worked in Young Conaway Stargatt & Taylor's bankruptcy and corporate restructuring section in Wilmington, Delaware.



MARIA GRECHISHKINA, LL.M. is an attorney in the Philadelphia office of Marks & Sokolov where she specializes in Russian law, international business law, corporate law, corporate finance, and international litigation and arbitration.

2002

REBECCA A. KOPP has joined Wickens, Herzer, Panza, Cook & Batista in their litigation workers' compensation department.



VICTOR LOPEZ, LL.M. has left the Deloitte office in Managua, Nicaragua and started working as a regional tax manager for Wal-Mart Central America in December 2006 in San José, Costa Rica.

2002-2003

JENNIFER SANDO '03 and **BLAKE SANDO, J.D. '02, LL.M. '03** announce the birth of their first child, Elizabeth Nancy Sando, who was born on June 24, 2007. Jennifer and Blake are litigation attorneys in Miami, Florida.



Invest Wisely

Earn up to 11.3% on your investment and support generations of law students with a Temple University charitable gift annuity.

Today's low interest rates on CDs and other investments offer great incentive to open a charitable gift annuity (CGA) with Temple University. For as little as \$5,000, a Temple CGA will pay you an excellent rate of return, and the proceeds will provide for generations of Temple law students or support your favorite Law School program.

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ONE-LIFE ANNUITY

Age	Rate
60	.5.7%
65	.6.0%
70	.6.5%
75	.7.1%
80	.8.0%
85	.9.5%
90 & Over	.11.3%

TWO-LIFE ANNUITY

Age	Rate
60 & 60	.5.4%
65 & 65	.5.6%
70 & 70	.5.9%
75 & 75	.6.3%
80 & 80	.6.9%
85 & 85	.7.9%
90 & 90	.9.3%

2003

NOEL A. FLEMING, J.D. '03, LL.M. IN TAXATION '07, an associate with Lundy Zateeny Loftus, was a panelist at the Pennsylvania Bar Institute's annual Nonprofit Institute in Philadelphia in May 2007. Fleming also spoke at Penn State's annual tax conference in May 2007.



BETSY A. GERBER, of Cozen O'Connor, was honored with the Pennsylvania Bar Association 2007 *pro bono* award for outstanding contributions to improving civil legal aid in Pennsylvania for her commitment to representing children and families in adoption and guardianship matters. Gerber joined the Philadelphia office of Cozen O'Connor in 2004 as an associate in the general litigation department.

WILLIAM SYLIANTENG, an associate in Bennett, Bricklin & Saltzburg's Blue Bell, Pennsylvania office, has been appointed chair of the subrogation committee of the Pennsylvania Defense Institute.



2004

ELWALEED AHMED, LL.M. is a legal consultant at the Kuwaiti Lawyer Firm and served as panelist at the third annual World Islamic Funds and Capital Markets conference in Bahrain.

2006

EDGAR ARANDA, LL.M. has left the Inter American Development Bank and accepted a position with the Virginia Justice Center as a community organizer for immigration issues.

EMILY B. MARKS has joined Kolsby, Gordon, Robin, Shore & Bezar where her practice concentrates on representing catastrophically injured persons in complex medical malpractice and tort litigation.

2007

JAMES MAYSON, LL.M. is in Liberia as senior legal counsel at the foreign ministry, where he is working on a legal education project through the University of Liberia.

BRINGING TRIAL ADVOCACY TO THE WORLD

...continued from page eight

Sudan, often represent victims of the Darfur crisis in seeking redress within the Sudanese legal system. The London training was to equip these lawyers to assist victims in asserting claims and obtaining redress before international tribunals, including the International Criminal Court in The Hague. Epps was the only law professor among nine legal professionals from across the country hand-picked to teach the week-long course, jointly sponsored by the ABA's litigation section, of which Epps is an officer, and by the MacArthur Foundation.

In addition to Epps, the U.S. legal team consisted of a member of the judiciary and seven lawyers in private practice, including several with experience in international criminal law. The focus of the curriculum was on international criminal law. It incorporated information about the International Criminal Court, jurisdiction, international criminal practice, and exploration of relationships between Sudanese courts and the government.

Laying the foundation for ensuring that victims of the Darfur crisis have meaningful and effective representation, particularly in the International Criminal Court, the program supports the ABA's goal of advancing the rule of law worldwide. It also supports Epps' personal and professional goals for global justice.

As an educator intent on making a difference, Epps has spent her career advocating for criminal justice and the underserved. Before joining Temple Law, she was deputy city attorney for Los Angeles, and assistant U.S. attorney for the Eastern District of Pennsylvania. In 2003, Epps provided training in international criminal law as part of the United Nations International Criminal Tribunal for Rwanda. She has also taught trial advocacy to Chinese legal professionals enrolled in the law school's pioneering LL.M. program in Beijing, and to the Beijing Supreme People's Procuratorate (the Chinese prosecutor's office). Along with Professor Edward Ohlbaum, Epps also was invited by the Japanese Bar Association in 2006 to conduct a jury trial advocacy training seminar in anticipation of the 2009 re-institution of jury trials for criminal cases in Japan.

"The most profound impact of the experience was a reminder of how much we take for granted our freedoms

and security, and the need for us to be far more aware of the sufferings of others around the world," said Epps.

"On a professional level, this was a teacher's dream. The Sudanese lawyers were thirsty for the training and never missed an opportunity to pick our brains for information, advice and encouragement. And on an educational level, it was reassuring to realize that principles of advocacy and persuasion transcend countries, languages, and judicial systems, and that at the core lawyering has hosts of aspects in common. One of my most enduring desires is that these nine lawyers could come to America for a series of town meetings for Americans of all backgrounds. These Sudanese lawyers are impressive. They are smart, they are very well-educated, they are kind, sensitive, and funny. They are also instigators of change. As such, they are an inspiration to anyone who believes that individuals can make a difference, that injustice must be resisted and that even small individual bits of effort can build momentum.

"If everybody in this country could be exposed to these lawyers' sense of personal responsibility, commitment, and unquenchable sense of optimism, it would change us dramatically. We would remind ourselves that the events in Darfur are a crisis and that our country should continue to say so, and that every one of us must do something, even if it is just keeping Darfur in our collective conscious."

—Laura Feragen with JoAnne Epps

FEDERAL COURTS

...continued from page eight

awarded her the Friel/Scanlan Award for legal scholarship, and the same year Little was named to a James E. Beasley Professorship of Law. In addition to her acclaim as a legal scholar, Little has distinguished herself in the classroom. In 2004, she received the Great Teacher of Temple University award, presented each year to only three faculty members university-wide.

Little, a 1985 graduate of Temple Law, joined the faculty in 1990 after clerking for Judge James Hunter on the U.S. Court of Appeals for the Third Circuit and for Supreme Court Chief Justice William Rehnquist, and practicing law in Philadelphia. She teaches popular courses in federal courts and jurisdiction, constitutional law, conflict of laws, civil procedure, remedies, and international criminal law.

IN MEMORIAM

Alvin H. Frankel	Class of 1946
H. Barry Moyerman	Class of 1953
James C. Buckley	Class of 1956
A. Arthur Hanamirian	Class of 1957
Howard Blum	Class of 1958
Robert F. Simone	Class of 1958
Joseph J. Tafe	Class of 1965
Martin J. Abramson	Class of 1972



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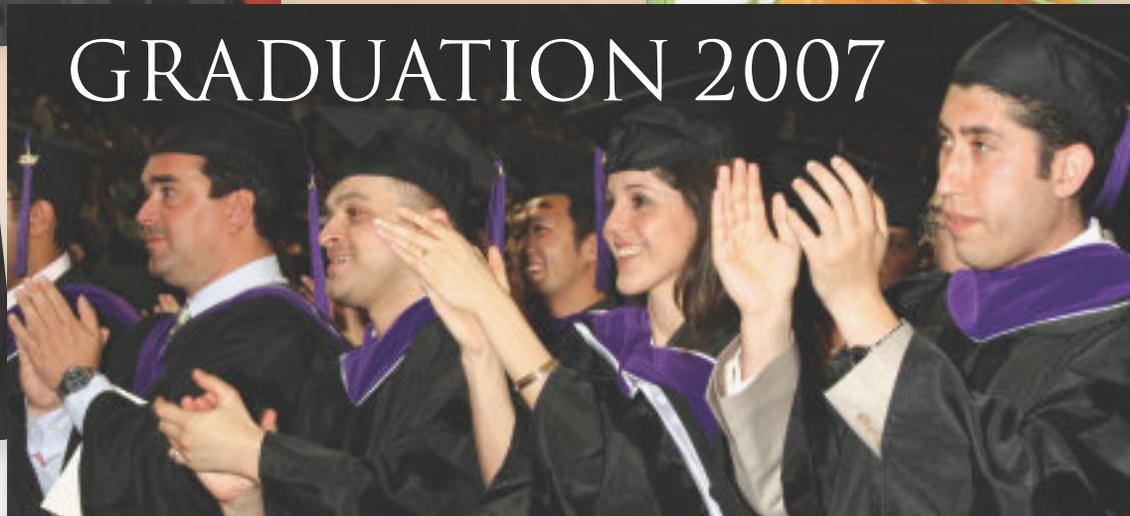
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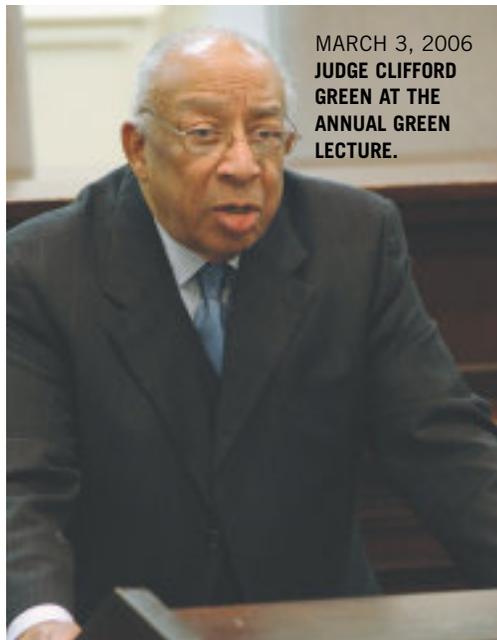
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GRADUATION 2007



Revered Jurist
**CLIFFORD
 SCOTT GREEN '51**
1923-2007



In June 2007, we lost one of our most distinguished graduates, Judge Clifford Scott Green '51, who had a life-long relationship with Temple Law School.

Cliff was an outstanding law student. He was an editor of the *Temple Law Review* and a member of our first moot court team. He received the highest score on the 1951 Pennsylvania bar exam. With opportunities in large law firms then closed to African-Americans, he wound up joining what would become the legendary law firm headed by Austin Norris.

Cliff Green was a long-time adjunct professor at the law school, teaching evidence, criminal law and criminal procedure. In the early 1970's, he was instrumental in creating the Temple-LEAP city-wide mock trial competition for high school students and supported that program throughout his career. He was a founding member of the law school board of visitors and a member of the University's board of trustees. In 1997, he was awarded an honorary doctor of laws degree by Temple University.

Judge Green possessed a unique combination of brilliance, wisdom, modesty and loyalty. He had a profound understanding of people and of the human condition. The world is a lesser place with his passing.

—Dean Robert J. Reinstein

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**JUDGE CLIFFORD SCOTT
 GREEN DIES AT 84**

From Philadelphia's first African American law firm, he became a nationally recognized jurist in state and federal courts.

JUNE 2, 2007 Senior U.S. District Court Judge Clifford Scott Green, 84, a pioneering Philadelphia lawyer who became a nationally recognized jurist, died Thursday.

Judge Green had been in good health but suffered a cerebral hemorrhage last weekend, said a family spokeswoman. He underwent emergency surgery at the Hospital of the University of Pennsylvania and died of pneumonia, said the spokeswoman, Stephanie Franklin-Suber, a lawyer and a former law clerk.

During the 1950s, Judge Green was a prominent member of the city's first African American law firm. He spent most of the 1960s as a juvenile and Common Pleas Court judge, and most of the 1970s and 1980s as a federal judge. He went to semi-retired status in 1988.

"He was a remarkable figure," said Senior U.S. District Judge Louis H. Pollak "I cannot overstate how good a judge Clifford Green was. There was a serenity about him. He understood the human context of the cases that he handled, but he was not sentimental."

His longtime law clerk, Leslie Marant, said Judge Green "was a scholar and a distinguished jurist, but certainly not self-important."

"He was a very patient, measured man—slow to speak but quick to listen," she said.

Theodore McKee, a judge on the U.S. Court of Appeals for the Third Circuit and a friend, said that he admired Judge Green's humanity as much as his legal acumen.

"He never allowed the paper, the complaints, the indictment, the motions — to obscure the people," McKee said. "He had incredible sensitivity, particularly for a Judge. . . . Cliff never got hardened; he was able to maintain a sensitivity in a way that I always admired."

Judge Green handled a wide range of cases. In 1975, for example, he ordered the Pennsylvania State Police to hire one minority trooper for every white trooper; set a blind heroin dealer free because the prison system had no services for the sightless; and wrote an opinion that struck down a state law requiring a married woman to get a husband's consent for an abortion.

"He was a fundamentally decent man—I don't know how to put it better than that," said Michael Levy, a veteran federal prosecutor in Philadelphia. "There were times when I disagreed with him because he was more defense-oriented than I would have liked, but he was always fair."

Judge Green was born in 1923 in Philadelphia after his father moved here from the U.S. Virgin Islands. According to a biography prepared by his law clerks, Judge Green's parents and siblings left school to support the family, but he graduated from high school.

During World War II, he served as a sergeant in the Army Air Corps. He graduated

from Temple University in 1948. He expected to become a certified public accountant, but when a faculty adviser explained that there were no jobs for black accountants, he enrolled in Temple's law school.

He won numerous academic awards in law school and received the highest grade on the 1951 Pennsylvania bar exam, said his friend William T. Coleman Jr., a former U.S. secretary of transportation.

Judge Green worked in private practice from 1952 to 1984 at Norris, Schmidt, Green, Harris & Higginbotham, the city's only African American law firm. The future success of the firm's lawyers—Green, A. Leon Higginbotham, Doris Mae Harris and Harvey Schmidt were among those who became Judges—opened doors for scores of other African American lawyers, several contemporaries said.

"They helped a lot of us break through to major law firms," Coleman said.

Judge Green served as a judge of the Court of Common Pleas from 1964 to 1972. There, he volunteered to hear juvenile cases.

"He was an inspirer, a strong man with a quiet and gentle manner whose wisdom and humanity touched the lives of many," said Acel Moore, associate editor emeritus of *The Inquirer*, who covered Judge Green as a court reporter for the newspaper in the 1970s.

Judge Green was nominated to the federal bench by President Richard M. Nixon in 1971.

In 1985, Judge Green became the first recipient of the Judge William Hastie Award from the NAACP. In 2002, the American Bar Association gave him its Spirit of Excellence Award.

Judge Green is survived by his wife, Carole Chew Williams Green; daughter, Terri; a stepdaughter Lisa Dawn Smith, and stepsons State Sen. Anthony H. Williams and Clifford Kelly Williams; and a granddaughter. His son, David Scott Green, and first wife, Mabel Louise Green, died earlier.

Donations may be made to the Oxford Presbyterian Church scholarship fund or to the Temple Law School Clifford Scott Green Lectureship.

—John Shiffman, Philadelphia Inquirer staff writer



**PHYLLIS BECK '67 NAMED COUNSEL
 FOR BARNES FOUNDATION**

JULY 2007 Judge Phyllis W. Beck '67 has been chosen to serve as counsel to a leading Philadelphia cultural institution: the Barnes Foundation. Beck stepped down from the Pennsylvania Superior Court two years ago and joined Pepper Hamilton. Now Beck takes over as the first in-house legal counsel and secretary to the board of trustees of the Barnes Foundation. The world famous museum, developed by art collector Alfred Barnes, is planning a move to the Ben Franklin Parkway in the city. An official move date has not been set, but Beck says the foundation is talking with several architects to narrow down who will build the new 120,000 square-foot facility.

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ROBERT J. REINSTEIN, DEAN

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BRINGING TRIAL ADVOCACY TO THE WORLD

Temple Law's JoAnne A. Epps works with lawyers from Sudan

JUNE 2007 Sudanese lawyers are preparing for the day when they will be able to seek justice for clients who have suffered unspeakable crimes against humanity and human rights in the country's Darfur region. Temple Law's Associate Dean and Professor JoAnne Epps wants to be sure they're ready.

That's why she traveled to London in June to help provide substantive education and advocacy training to nine Sudanese lawyers. The nine lawyers, from various regions of the

continued on page six

NEW BOOK ON FEDERAL COURTS IS "BRILLIANT"

Laura Little authors *Federal Courts: Examples and Explanations*

Professor Laura Little had a good headstart on becoming a leading scholar on the subject of the federal courts when she was selected straight out of Temple Law School to clerk for Supreme Court Justice William Rehnquist. This year, Aspen Publishing released a new book by Professor Little, *Federal Courts: Examples and Explanations*. This treatise—the culmination of many years of study—is part of Aspen's established *Examples and Explanations* series.

A comprehensive guide to what is often considered a challenging and abstract subject, *Federal Courts* provides readers—students, judges, academics, and practitioners—with textual descriptions of doctrines, as well as hypothetical examples and analytical answers. Little drew on nearly two decades of experience in the classroom to organize the book as a flexible tool, designed to adapt to a variety of learning styles.

Recent legal developments included in Little's book make it the most up-to-date book available. Current subjects explored are terrorism cases, military tribunal cases, the Class Action Fairness Act, the Terri Schiavo litigation, and habeas corpus cases from most recent Supreme Court terms.

Before going to press, Little's book was subject to twelve separate reviews by other federal courts scholars to ensure accuracy and quality. Reviewers unanimously



admired the manuscript's polished and appealing writing style, as well as its "success in making difficult subjects accessible." One reviewer praised "the truly outstanding and nuanced discussions" that "capture competing strands of authority" without sacrificing accuracy. Another described the chapter on lower federal court power as "brilliant," presenting "the most effective treatment of

habeas for students" that he had ever encountered.

Federal Courts is Little's second book on litigation-related issues. She has also established herself as a scholar in a variety of fields. Her most recent article, "Transnational Guidance in Terrorism Cases," appeared in the *George Washington International Law Review* in 2006. Little also recently co-authored a *Minnesota Law Review* article with her husband, Rich Barrett '85, on war crimes tribunals. She has written a broad range of articles dealing with law and emotion, and is presently working on a study of how legal doctrine regulates humor.

Little's accomplishments have been recognized by both the law school and the university. In 2002, the law school

continued on page six

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CALENDAR OF EVENTS

Tuesday, October 2, 2007

**ARLIN AND NEYSA ADAMS LECTURE
PRESENTED BY PULITZER PRIZE-WINNING
AUTHOR ANTHONY LEWIS**
Duane Morris LLP Moot Courtroom, 4 pm

Friday, October 5, 2007

**TEMPLE UNIVERSITY GALLERY OF
SUCCESS LUNCHEON HONORING
BONNIE BARNETT '82
ALPHONSO B. DAVID '00**
Mitten Hall, noon

Tuesday, October 9, 2007

POLSKY MOOT COURT COMPETITION
Duane Morris LLP Moot Courtroom, 4 pm

Monday, October 15, 2007

PA BAR ADMISSIONS CEREMONY

Saturday, October 20, 2007

**STATES AS LABORATORIES FOR
SOCIAL CHANGE**

A symposium sponsored by *The Temple
Political & Civil Rights Law Review*
Shusterman Hall, 9 am to 5 pm

Monday, October 22, 2007

**TULSA RACE RIOTS: SURVIVORS
PRESENTATION**

Duane Morris LLP Moot Courtroom



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