

Temple ESQ.

DONALD HARRIS ASKS:

How does the public benefit if it has no access to the drugs we have patented?

Temple law faculty are not only skilled and enthusiastic instructors on issues critical to the study and practice of law, they also are renowned experts who routinely publish and contribute to books and articles on subjects that generate buzz from North Broad Street to the Supreme Court.

Whether on civil rights or healthcare, child welfare or international trade, publications by Temple authors not only increase the law school's visibility among practicing attorneys, legal scholars, and peer institutions, they also broaden the information base in our classrooms and encourage fresh dialogue and investigation among our students and teachers. Donald Harris is one of many Temple faculty members whose work can be found in the pages of current law journals.

Assistant Professor Donald P. Harris teaches courses in intellectual property, international intellectual property, and commercial law. Harris earned his J.D. in 1994 from Loyola Law School in Los Angeles, where he received the dean's award for outstanding public service and the *pro bono* service award, and his LL.M. from the University of Wisconsin as part of the William H. Hastie Fellowship Program.

Before joining Temple's faculty, Professor Harris worked in law firms in California, specializing in patent litigation and prosecution. It was as an associate at Graham & James in Los Angeles, and later at Cooley Godward Castro Huddleson & Tatum in San Francisco, that he developed an interest in domestic and international intellectual property law.

"As a patent litigator, I was obviously involved with and aware of how businesses used patents and how patents affected the marketplace and domestic economies. Less evident was how patents affected other countries. This came to light when I read a *New York Times* article on how South Africa was addressing its enormous AIDS pandemic. They had drafted legislation that allowed them to bypass certain patents on AIDS medicines and other life-saving drugs to provide access to these drugs at affordable prices.

"This seemed, to me, a paradigmatic example of patents ceding to a broader societal concern. In other words, while patents grant patent owners a monopoly-like right over certain inventions, this right is not absolute and should give way to



more important public interests. Nevertheless, the owners of the pharmaceutical patents understandably reacted negatively to South Africa's efforts to override their patents. This triggered international pandemonium and debate, which has yet to be fully resolved. It also piqued my interest in other international intellectual property issues."

Specifically, Harris became interested in the advantages and harms caused by globalization of intellectual property rights through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which was established in tandem with, and is presently regulated by, the World Trade Organization (WTO).

"Prior to TRIPS," Harris explained in a recent article for the *Northwestern Journal of International Law and Business*, "countries held widely varying levels of intellectual property protection and enforcement . . . because each country has widely different goals, values, history, culture, tradition, and political climate, and . . . varying levels of economic and

technological development. These differences remain today. Despite this, TRIPS mandates that all countries provide intellectual property protection at certain specific minimum levels." They are levels that Harris believes are unfair to developing countries, and unwise in the long term for the United States.

In particular, it is Harris' position that Article 27 of TRIPS, which explicitly requires mandatory patent terms "in all fields of technology" and prevents countries from discriminating among inventions based on whether they are "processes" or "products," effectively prohibits developing countries from accessing essential goods.

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2006 KOLSBY LECTURE FOCUSES ON INDEPENDENT JUDICIARY

David Boies delivers "Judicial Independence and the Rule of Law"

FEBRUARY 16, 2006 David Boies was the 2006 Herbert F. Kolsby Distinguished Lecturer in Trial Advocacy. Boies spoke to the law school community about the importance and centrality of an independent judiciary, noted recent assaults to that independence, and suggested various steps that might be taken to preserve this core value.

Boies has extensive experience in appellate law; in fact when Boies received the Milton Gould Award in 1996, the citation said, "No lawyer in America has tried and argued on appeal as many landmark cases in as many different areas as Mr. Boies."

Boies, who chairs the law firm of Boies, Schiller and Flexner with offices in New York, Washington, D.C., California, Florida, New Hampshire, and New Jersey, was lead counsel for former Vice-President Al Gore in litigation relating to the 2000 election Florida vote count. From 1991 to 1993 he was counsel to the Federal Deposit Insurance Corporation in its litigation to recover losses for failed savings and loan associations, and in 1998-2000 he was special trial counsel for the U.S. Department of Justice in its antitrust suit against Microsoft. Before founding the predecessor of Boies, Schiller & Flexner in

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KOLSBY LECTURER DAVID BOIES

DONALD HARRIS

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“Medicines, agriculture, food: these are all patented,” he argues. “The economies of developing countries simply do not support their purchase as mandated by TRIPS. Denying or even delaying access to medications and food products is devastating to these already failing populations. We need to have more flexibility in allowing developing countries access to essential goods.”

However, with the United States holding the greatest number of patents worldwide, it might appear that TRIPS can only benefit our citizens. Not so, Harris contends. Not only is TRIPS shortsighted as it diminishes access to essential goods—both here and abroad—it is also contradictory to the purpose of patent laws as laid out in our Constitution: to promote the progress of science and useful arts with the primary aim of benefiting the public.

“It’s a bit duplicitous of the United States to argue that because it is now the most dominant country in producing intellectual property, that others must now strengthen their laws to protect such property. Many forget that the United States was once a fledgling country, highly dependent on intellectual property from countries such as England and Spain. This also is not limited to the distant past. Look at what happened with Cipro post-September 11.”

Harris explains that “immediately after the September 11 terrorist attacks, the United States was concerned that terrorists would use anthrax in biological warfare. A German company, Bayer, owned the patent on Cipro, the antibiotic used to treat anthrax. When the U.S. grew concerned that required quantities of the drug would be unavailable, it threatened to override Bayer’s patent and have generic manufacturers produce the drug under compulsory licenses. The U.S. claims its actions were not driven by price, but instead were about the ‘national interest.’ Not surprisingly, the United States was able to persuade Bayer to sell the drug at less than half the original asking price.”

Harris concedes that this example is reminiscent of a schoolyard fight, where the bigger kid always leaves with the ball. But, he also points out how strict patent laws fail to serve anyone’s interest in cases like this, and are in fact necessarily bypassed to serve public health in many others.

“Pharmaceutical development is one area where patents play a key role because of the high cost of research and development, the high failure rate of trial drugs, etcetera. It is critical that pharmaceutical companies have assurances that laws will protect their creative endeavors; this ensures investment and future research and development. This is also an area that

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Should fairness be considered in international law? Consider the following three scenarios:

A poor, elderly woman purchases household goods from a local retailer. The goods include items such as draperies, a wallet, a bed, curtains, fans, a typewriter, kitchen chairs, a washing machine, and a stereo. The woman then purchases a new mattress from the same retailer. The retailer presents the woman with its standard sales agreement that contains a “cross-collateral” clause, which provides that if there is a single default on the payment of the contract the retailer can repossess all of the goods, including the previous goods, to secure the outstanding debt. The woman defaults on one payment and the retailer repossesses the mattress as well as all of the previous goods.

An unsophisticated consumer purchases a car from an automobile dealer. The sales representative presents the consumer with a contract that contains a clause that limits its liability in the event the purchaser gets injured from any defect in the car. The car’s brakes fail and the consumer suffers serious injuries. The consumer brings an action against the dealer for personal injuries and the dealer, relying on the limitation of liability clause, denies liability.

A small unindustrialized developing country enters into an agreement with a significantly larger industrialized country. The smaller country must enter this agreement before it is permitted to join an exclusive wealth-generating organization. The small country is facing a pandemic of epic proportion. Already 22 million of its citizens have died of a deadly virus. Over 30 million of its population are infected with the virus; each year, almost 3 million die . . . while the virus attacks indiscriminately, it hits particularly hard the country’s economic driving force: its farmers, teachers, blue-collar workers, young adults, and parents. The disease is treatable, at a cost well out of reach of the country’s citizens. The country attempts to address the overwhelming crisis by passing a law to implement parallel importation and compulsory licensing of necessary medication, which will drastically reduce prices and ensure supply, thus allowing victims greater access to the drugs . . . The larger major industrialized country demands that the smaller country not implement the new law because it violates their agreement and the developing country’s international obligations.

All of the above scenarios involve gross inequity in bargaining power, leading to agreements presented on a take-it-or-leave-it basis. Yet, only in the first two scenarios, involving individual parties

and limited harms, are fairness arguments cognizable defenses.

In the last scenario, however, international law, in particular, international intellectual property law (as mandated by the Agreement on Trade Related Aspects of Intellectual Property Rights) fails to take into account the underlying factual circumstances and, more importantly, fails to take into account fairness. This is a mistake.

This article argues that it is undeniably appropriate to question and evaluate whether international treaties are fair. In view of the problems of interdependency; scarcity of resources; economic coercion; and the effect of intellectual property on economic development, access to essential foods, medicines, and public goods, and ultimately sustainable development, notions of fairness should be a paramount consideration in treaty interpretation.

Much of the unfairness in international law results from severe power inequalities among the various nations and the power-based regime that comprises global governance. The remedy for treaties negotiated by means of these power disparities quite often is more treaties or, alternatively, hollow talk of promoting national sovereignty. Neither of these solutions directly attacks the problem. Indeed, there is an apparent lack of political will among nations to address the structural defects in the international system and to effectively address the power asymmetries inherent in the system. This article advances a novel and innovative approach for dealing with the severely disproportionate power disparities in international relations.

Using insight from domestic contract law, the similarities between contracts and treaties, and general principles of law found in the law of a vast majority of nations, this article advocates applying the contracts of adhesion doctrine to international agreements. The doctrine allows judicial authorities as a matter of law and public policy to interpret contracts more favorably to one party because, among other things, the contract is procedurally or substantively unfair. This approach challenges traditional discourse by recognizing and acknowledging the power disparities and developing a treaties of adhesion doctrine to address it.

EXCERPT FROM

“Carrying a Good
Joke Too Far: TRIPS
and a Treaties of
Adhesion Doctrine”

TRIAL TEAM SWEEPS REGIONALS

18th Title in a Row

FEBRUARY 12, 2006 **Temple’s National Trial Team successfully defended its National Trial Competition Region III championship title at a tournament sponsored by Temple’s LL.M. in Trial Advocacy Alumni Association. This was the Temple’s 18th consecutive regional championship-an unparalleled national achievement.**

The team travels to Texas at the end of March to compete for the National Trial Championship against the twenty-four winners and runners-up from the twelve other regional contests. Temple has won the NTC national championship three times in the last eleven years. The teams are coached by Professor Maureen McCartney, Director of Trial Advocacy Programs and Elizabeth Lippy, Esq. ’03 of Rubin, Glickman & Steinberg.



REGIONAL TRIAL TEAM CHAMPIONS ARE (FROM LEFT) BRAD TEREBELO, MARIAN BRACCIA, ELIZABETH LIPPY ’03 (COACH), TIFFANY GAINER AND JUSTIN OSHANA. NOT PICTURED ARE COACHES PROFESSOR MAUREEN MCCARTNEY AND PROFESSOR EDWARD D. OHLBAUM.

BOIES DELIVERS KOLSBY LECTURE

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1997, Boies was a partner of Cravath, Swaine & Moore in New York City. He also served as chief counsel and staff director of the U.S. Senate Antitrust Subcommittee in 1978 and chief counsel and staff director of the U.S. Senate Judiciary Committee in 1979.

The author of numerous publications including *Courting Justice* (Miramax, 2004) and *Public Control of Business* (Little Brown, 1977), Boies has taught courses at NYU and Cardozo law schools.

THE HERBERT F. KOLSBY DISTINGUISHED LECTURESHIP IN TRIAL ADVOCACY

The Herbert F. Kolsby Distinguished Lectureship in Trial Advocacy was established in 2001 to honor Herbert Kolsby '51 for his remarkable career, as well as for his contributions to the Masters in Trial Advocacy program at Temple. Kolsby was a guiding force in the establishment of the Masters in Trial Advocacy Program and served as its first Director. While at Temple, he also taught Advanced Trial Advocacy in the J.D. program and served on the faculty in the Academy of Advocacy. He now holds the title of Director Emeritus of the LL.M. program and serves on its faculty.

Professor Kolsby was the inaugural speaker in this lecture series. Other previous speakers are Morris Dees, David A. Kendall, and Bryan A. Stevenson.

DONALD HARRIS

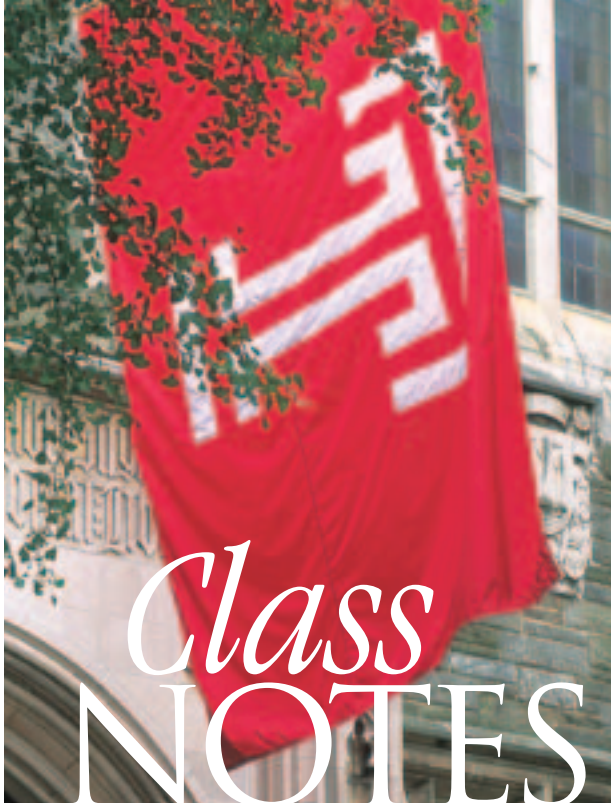
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affects billions of people. How," asks Harris, "does the public benefit if it has no access to the drugs we have patented?

"My goal is to highlight this issue with the hope that we will move toward a happy medium. We need to make sure that inventors can recoup their losses to give them incentive to invent, but we also have to think of the greater good," he explains. "We can take fairness into account in balancing these interests. We take fairness into account on other matters of domestic and national law. There is no reason we should not also do so at the international level."

In his forthcoming article, "Carrying a Good Joke Too Far: TRIPS and a Treaties of Adhesion Doctrine," Harris examines whether fairness has a place in international intellectual property law, and how principles applied to domestic contract disputes might resolve disparities in international intellectual property regulations.

—Ingrid Thack



1953

SAMUEL M. SNIPES was awarded the 2005 Mark E. Goldberg Award by the Bucks County Bar Association. The award is presented annually to a member who demonstrates commitment to community service outside the legal profession.

Snipes was particularly honored for representing the Meyers family, the first African-Americans to move into Levittown, Pennsylvania. In August 1957, he stood on the front lawn of the Meyers' home and held off a mob of about a thousand, while rocks, cigarette butts, and angry epithets were thrown at him. Snipes, a partner of Snipes & Collins in Yardley, Pennsylvania, is also on the boards of Historic Fallsington, The Pennsbury Society, and the William Penn Center.



1957

M. MARK MENDEL has been reappointed as a member of the Pennsylvania Interest on Lawyers Trust Account Board by the Supreme Court of Pennsylvania. Mendel was also honored by the Temple General Alumni Association and named a life director for more than 25 years of service.

1964

DAVID M. LOVE II has been named partner in the consumer/retail sector of Highland Partners, a retained executive search boutique, and a member of its Dallas, Texas office. Love was previously with AT Kearney Executive Search, where he was vice president and geographic leader of the firm's headquarters.



1970

NEAL D. COLTON is a visiting professor for Temple Law in Tokyo for spring 2006. He is teaching two accelerated eight-week courses: corporate reorganization in U.S. bankruptcy, and international commercial arbitration. Colton is a member of Cozen O'Connor and co-chair of the firm's bankruptcy, insolvency, and restructuring practice group.



1971

STEPHEN H. FRISHBERG has joined Frey, Petrakis, Deeb, Blum & Briggs as a partner and chair of the private client group in its Philadelphia office. Frishberg's practice focuses on traditional and sophisticated estate planning, together with real estate, corporate, estate administration, and tax planning.

1976

CAROL E. HIGBEE is the presiding civil judge in Superior Court in Atlantic City, New Jersey, overseeing the more than 3,000 Vioxx-related cases that have been filed there. Higbee has served on the bench for 12 years after a career in personal injury and medical malpractice.

1977

ARLINE JOLLES LOTMAN met with Guiyue Ma, the Imam of the East Mosque of China, to discuss women's rights and progress toward equality as part of the International Visitors' Council of Philadelphia's U.S. State Department International Program in December 2005. Ma was in the United States to learn about religious diversity and gender discrimination. Lotman also spoke on "The Court: To Elect or Appoint?" at a panel program presented by the Philadelphia chapter of the American Constitution Society. Lotman, a sole practitioner, practices in the fields of gender discrimination and transactional law.



1980

ELLIOTT R. FELDMAN, a Cozen O'Connor member, has been appointed president-elect of the National Association of Subrogation Professionals, chaired its 2003 annual conference, and coauthored the chapter on products liability for the reading materials for its certified subrogation recovery professional examination. Feldman also serves as chair of NASP's amicus committee and has coordinated the efforts of NASP's national membership to oppose anti-subrogation legislation in several jurisdictions.

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TEMPLE LAW PROFESSOR FRANK MCCLELLAN (ABOVE) ADDRESSES THE "OPEN SOURCE" SYMPOSIUM HELD IN SHUSTERMAN HALL.

LIFE-SAVING DRUGS THROUGH OPEN SOURCE TECHNOLOGY?



FEBRUARY 10, 2006 **Is it possible for open source technology, originally created to allow computer gurus to improve upon software, to play a part in the discovery of a life-saving disease prevention drug? This question was the focus of one-day symposium, "The Evolution of the Open Source Model: to Life-Saving Drugs and Beyond," co-sponsored by Temple Journal of Science, Technology & Environmental Law, Temple Intellectual Property Law Society, and the TLAA. Participants explored the legal questions and concerns surrounding the development of open source technology in areas such as biotechnology. Featured speakers were R. Polk Wagner, University of Pennsylvania School of Law; Michael Carroll, Villanova Law School; David Opderbeck, Seton Hall Law School; and Ann M. Bartow, University of South Carolina School of Law.**

MITCHELL MORGAN '80

"Law school gave me the confidence..."

As the founder of a major real estate investment, development, and management company, Mitchell Morgan '80 has been more a consumer of legal services than a legal practitioner. In fact, he says, the only time he ever practiced law was when he represented himself in traffic court—and lost. Nonetheless, Morgan believes the education he received in the evening division of Temple Law has been invaluable to his success. "The legal education and training makes you think differently. Law school gave me the confidence to feel that I could do anything."



business and medical school buildings and relocation of Tyler's facilities. Morgan also serves on the advisory boards of the law school and the business school.

Although Temple's law school was also a commuter school when Morgan was a student, he says the atmosphere in the evening division was different from his undergraduate experience. "Even though everyone worked, there was more of a community sense. We were under so much pressure that it forced us to come together. I felt closer to my colleagues in law school than as an undergrad. The pressure didn't make us cutthroat; instead

it was a very supportive place. We learned so much from each other because everyone had a different skill set. In my class, there were teachers, doctors, and accountants like myself, those who worked in insurance. We had a variety of successful people who brought different skill sets to the classroom than that of the professor."

While in law school, Morgan had started working as an accountant in the tax department of an international accounting firm. Following graduation, he left accounting and became financial controller for Construction Consultants, a home and apartment builder. During his four years there, Morgan says, he learned his true skill managing apartments and had the opportunity to be a partner in some small transactions.

In 1985, Morgan went out on his own. His company started out buying garden apartment complexes. Now Morgan Properties, which is privately held, owns over 18,000 units in 54 complexes in 11 states. The company employs 450 people and is headquartered in King of Prussia, Pennsylvania.

In June 2003, Morgan made its biggest acquisition thus far when it purchased over 6000 units owned by Pennsylvania Real Estate Investment Trust, which divested itself of its apartment assets to concentrate on mall acquisition. The \$400 million acquisition increased Morgan Properties' portfolio from 12,000 to 18,000 apartment units in a single day. The legal fees amounted to approximately \$2 million.

Morgan lives with his wife and three children on the Main Line. Last year, Morgan had the "unbelievable experience" of hosting a sitting President at his house for a major Republican fundraiser. He recalls that 850 people attended the event, which required the presence of the Secret Service and sixty White House staff, who were there from one to two weeks beforehand. "My kids are still talking about it," he says.

—Christina M. Valente

PROFESSOR AND DAUGHTER "DO" TALK RADIO



Professor Phoebe Haddon and her daughter Cara McClellan were guests on 1340-AM WHAT radio, appearing on "Prism," a call-in show co-hosted by Toni Crawford-Major and Bonnie Squires. Professor Haddon and her daughter were the special guests for the Martin Luther King, Jr., birthday observance. From left are Cara McClellan, Toni Crawford-Major, Professor Phoebe Haddon, and Bonnie Squires.

1983

KATHY MIDBOE DARLING has been named partner in Strasburger & Price's Austin, Texas office. Darling specializes in advising health care entities in structuring business transactions, including business formation, financial arrangements, and joint ventures, and her practice focuses on compliance with the regulatory aspects of business arrangements. In addition, she advises health care providers and administrators on the Texas State Medicaid Managed Care program.

NEIL A. STEIN, J.D. '83, LL.M. '88 has been elected to serve on the judiciary committee of the Montgomery County Bar Association for a four-year term. Stein, a principal and member of the land use, zoning, and development department of Kaplin Stewart in Blue Bell, Pennsylvania, is a former co-chair of the land use and environmental law committees of the Montgomery County Bar Association.



1985

WINNIE PRENDERGAST BRANTON, formerly of Ballard Spahr Andrews & Ingersoll, has opened a solo practice in Haddonfield, New Jersey. Branton concentrates her practice in environmental, land use, and real estate law.

JAMES J. KOZUCH spoke at a PBI course, "Representing a Client Who is Starting a Small Business." Kozuch is a partner in the Philadelphia firm of Caesar, Rivise, Bernstein, Cohen & Pokotilow, and advises businesses on all aspects of intellectual property law and represents clients in IP-related litigation.

1986

DANIEL G. RONCA, a Cozen O'Connor member, was a course planner for the Pennsylvania Bar Institute Custody Law Update in 2005 and recently presented at the Philadelphia chapter of the American Society of Appraisers' monthly meeting, "An Attorney's Perspective on Expert Appraisals." Ronca concentrates in family law in Cozen O'Connor's West Conshohocken office.

DANIEL J. WERTHER began a new position as head of private equity investing for Susquehanna International Group, an institutional and proprietary trading firm. The firm is headquartered in Bala Cynwyd, Pennsylvania, with offices in New York, where Werther lives, and other cities around the U.S. and the world.



1987

LOUIS AGRE has left private practice to accept a position as an organizer for International Union of Operating Engineers, Local 542. Agre is still the Democratic ward leader for the 21st ward, which covers Roxborough, Manayunk, Andorra, and parts of West Mount Airy and



MAUREEN OLIVES BRINGS PUBLIC INTEREST BACKGROUND TO CAREER PLANNING OFFICE

JANUARY 2006 Maureen Olives is the new director of public interest programs in the Office of Career Planning. Olives has been involved in both public interest law and career services since her law student days at the University at Buffalo, where she earned her J.D. in 1994. While in law school, Olives was co-director of the Buffalo Public Interest Law Program as well as a graduate assistant helping students secure careers in public interest and public service.

Olives comes to Temple Law School from Philadelphia Legal Assistance (PLA), where she spent the last four years as a staff attorney representing low-income individuals in a wide variety of family law matters, especially Latina victims of domestic violence. Since 2003, one of Olives' responsibilities was overseeing the Guild Food Stamp Clinic, where she had the opportunity to supervise Temple Law students. She also volunteered as a tax advocate for the Pennsylvania Farmworker Project and the Volunteer for the Indigents Program's Low Income Taxpayer Clinic. Prior to her time at PLA, Olives was a staff attorney at Women Against Abuse Legal Center in Philadelphia, and at Legal Services of Northeastern Pennsylvania in Wilkes-Barre.

East Falls. **MARIA R. TERPOLILLI**, of the Law Office of Terpolilli Sawyer, was the 2005 recipient of the Martha Hampton Award for excellence in representing injured workers in worker's compensation. Agre and Terpolilli are married and have two sons, Ben and Sam.

1988

JOSEPH L. MESSA spoke at the regional education conference of the American Association of Legal Nurse Consultants in November 2005, in Ocean City, Maryland.

STEFANIE A. LINDQUIST was appointed associate professor of political science and law at Vanderbilt University in 2004, where she has a joint appointment in the departments of political science, public administration and policy, and the school of law. Lindquist, who also has a Ph.D., taught political science at the University of Georgia from 1996 to 2004.

1989

AMY R. STERN, an attorney at the firm of Rubin, Glickman, Steinberg and Gifford, was a presenter at an interactive educational event, "Myths and Realities of Mediation" in October 2005, sponsored by the Montgomery Bar Association family law section. Stern joined Rubin, Glickman, Steinberg and Gifford in 1995 and her work focuses primarily on domestic relations law and mediation.

1990

STACEY W. BETTS sold her share as partner of a small Lancaster County law firm several years ago and is currently raising five children. Betts and her husband wrote a book, *Yoga for Children with Autism Spectrum Disorders: A Step-by-step guide for Parents and Caregivers*, to be published by Jessica Kingsley Publishers, London in the spring of 2006. Betts, who continues to do some law regarding contracts in her spare time, is also working on a yoga dvd and several books regarding children with Asperger syndrome.

1991

YONG-JIN T. KIM has been elected to partnership of Sechang Law Offices in Seoul, Korea where his practice areas are cross border corporate transactions, foreign investment and corporate and commercial work.

1992

STEVE B. BARRETT was honored at the Pennsylvania State Latino Coalition's leadership luncheon for his commitment to and advocacy work for the state's Latino population. At the luncheon, held in October 2005 in Harrisburg, Barrett was recognized for his service as general counsel for the coalition as well as for his efforts on behalf of nonprofit Latino organizations. Barrett is a partner in the commercial litigation department of Hamburg, Rubin, Mullin, Maxwell & Lupin.

ALAN M. FELDMAN '76

Elected 2006 Chancellor of Philadelphia Bar

DECEMBER 2005 Alan M. Feldman '76 was elected 2006 chancellor of the Philadelphia Bar Association. Since 1987, Feldman has been managing partner of Feldman, Shepherd, Wohlgeleuter, Tanner & Weinstock, a firm specializing in serious personal injury and class action litigation.

Feldman developed an interest in the law when, as a Temple undergraduate, he needed a part-time job. After working for a firm of trial lawyers, he started his own business serving subpoenas and doing legal filing for 40 law firms. He became friends with some of the attorneys and developed a fascination for trial work. Despite his extracurricular work, Feldman graduated *magna cum laude* with a BA in history in 1973 and moved on to the law school.

He says his colleagues at the law school were a "scrappy bunch." Feldman and many of his friends needed to support themselves while in school; Temple's affordability made their legal education possible. "We worked before classes, after classes — most of us worked hard for everything we had. Even though Temple was certainly not an ivy tower but more 'blue collar,' it still attracted some of the best and the brightest, and we will always be grateful for the opportunities the law school provided us."

Feldman remembers his time at Temple as very exciting. "It was a great atmosphere. During the very first week, I remember standing up in torts class, taught by Joey Passon, and inviting the entire school to a party. Almost 200 people came, including Professor Passon.



It was a great ice-breaker. All of us were doing our best to meet the pressures of school, earn money, get good grades, and look for work. The collegial atmosphere at the school helped us to persevere."

Feldman always wanted to be a trial lawyer, so it was a "great advantage for me that Temple was, and remains, so strong in teaching trial practice." Feldman himself was an instructor in Temple's trial advocacy program for many years. He is certified as a civil trial specialist by the National Board of Trial Advocacy and is a Fellow of the Academy of Advocacy.

Feldman's family has strong ties to Temple. Feldman's brother Elliott, now a senior partner at Cozen O'Connor, also received his B.A. and J.D. from Temple. And Feldman's wife, Maureen Pelta, now a professor at Moore College of Art and Design, received both her B.A. and M.A. from Temple.

Feldman has served in many elected and appointed offices in the Philadelphia Bar Association over the years. These include chair of the Young Lawyers Section, treasurer, and member of the Board of Philadelphia VIP (Volunteers for the Indigent Program). He has served as president of the Philadelphia Trial Lawyers Association. He is co-author of a book, *Pennsylvania Premises Liability: Law and Forms*, published in 2003 and has written materials for many continuing legal education programs. He is also a much sought-after speaker and instructor for legal education and trial advocacy programs.

— Christina M. Valente



LAW DAY, 2005

Join us!

**31ST ANNUAL LAW DAY RECEPTION
HONORING ALAN FELDMAN '76 AND
INTRODUCING THE CLASS OF 2006**

Wednesday March 22, 2006
4:30 p.m., Federal Courthouse

This annual event is a steadfast tradition for the law school community, giving graduating students the opportunity to meet Temple Law's talented and diverse alumni community.

Please make your reservation today via email: dorothy.lee@temple.edu.

BIG BROTHER BIG SISTERS HONOR LAW STUDENT

Eric McKinley '98 was the 2006 recipient of the Tom Weber Achievement Award from the Big Brother Big Sister Association of Southeastern Pennsylvania. The award recognizes an alumni "Little" who embodies the impact of Big Brothers Big Sisters' mentoring. McKinley, who was assigned a Big Brother as a child in 1983, graduated from Central High School in Philadelphia before going on to study at University of Pittsburgh as an undergraduate, and eventually attending law school. He is currently a public defender in Camden, New Jersey.



PAUL A. CZECH has been invited to lead a workshop on behalf of the International Association of Entertainment Lawyers at MIDEM. MIDEM is a music business conference held annually in Cannes, France at the end of January. Czech is attending MIDEM this year as a representative of both the Law Offices of Paul A. Czech and Icarus Digital, a new music download company.

DIANE FOXMAN is again lecturing as part of Montgomery County College's certificate series on "Starting a Successful Woman Owned Business." Foxman's portion of the series covers legal and tax issues. Foxman is an associate in the tax law department of Hamburg, Rubin, Mullin, Maxwell & Lupin.

1993

KATHERINE M. LAYMAN, a Cozen O'Connor member in its Philadelphia office, was a featured speaker at the Leadership Health Care's fall 2005 National Long-Term Care Conference/Exhibit in Pittsburgh, Pennsylvania. Layman handles a variety of litigation, regulatory, and transactional matters for the Cozen O'Connor's health law department.



1994

After ten years as a prosecutor in the Philadelphia District Attorney's Office, **THOMAS MALONE** has joined Saltz, Mongeluzzi, Barrett & Bendesky, where he will be handling plaintiff's personal injury cases.



LESLIE ANNE MILLER, who served in Governor Edward G. Rendell's cabinet and as general counsel to the governor, was elected as chair of the board of trustees of Mount Holyoke College, the oldest liberal arts college for women in the country. Miller, who will serve a five-year term, also serves on the board of visitors of Temple University Beasley School of Law. Miller continues to serve as co-chair of the board of the Kimmel Center for the Performing Arts.



MARNIE E. SIMON was recently named a shareholder of Stevens & Lee in its Philadelphia office. Simon practices in the area of bankruptcy law.



CHARLES M. SUHR, who concentrates his practice in the area of real estate law, was named a shareholder in Stevens & Lee's Harrisburg office effective January 1, 2006.



1995

Stradley Ronon Stevens & Young has admitted **MARK J. DORVAL** to the firm's partnership. Dorval is a member of the firm's business group.



SEPTEMBER 24, 2005 **KATHLEEN LEE '96 (CENTER) MARRIED DR. CHARLES KOO IN NEW YORK CITY. PICTURED FROM LEFT ARE FELLOW TEMPLE LAW GRADUATES FROM THE CLASS OF 1996: EVELYN KOUSOUBRIS PENTIKIS, CHARLENE KELLER FULLMER, KATHLEEN LEE, MARA WILLIAMS, AND LIZA HERZOG. ALSO IN ATTENDANCE WERE HAL FULLER AND JOHN CHUNG.**



TOM RUTLEDGE, an associate with the San Diego, California, firm of Branton & Wilson, has been elected chair of the attorney-client assistance committee of the San Diego Bar Association.

1996

JO BENNETT was recently named a Stevens & Lee shareholder of the firm in its Philadelphia office, where she concentrates her practice on helping companies with labor and employment issues.



WILLIAM J. McDONOUGH is one of 27 Reed Smith attorneys recently promoted to partner. McDonough is a partner in litigation.

1997

HELEN ALBERTSON has accepted the position of assistant dean of admissions at Drexel University's new College of Law.

Fish & Richardson announced that **GWILYM JOHN OWEN ATTWELL** joined the firm's growing Wilmington, Delaware office as a principal, where he will continue to focus his practice in the biotech and pharmaceutical fields.



TRACY WEISS was recently named a litigation partner at Reed Smith in Philadelphia.

1998

RANDI L. RUBIN was recently hired as Sprinturf's general counsel. Prior to joining Sprinturf, Rubin was an associate at Klehr, Harrison, Harvey, Branzburg & Ellers.



JOSHUA E. SCARPELLO has opened his own firm named Joshua E. Scarpello specializing in criminal defense and personal injury.

1999

MEGAN E. WATSON has been named partner in Berner & Klaw, a firm specializing in family law. Watson also serves on the executive committee of the Philadelphia Bar Association family law section, co-chairs the support and alimony subcommittee of that section, co-chairs the Young Women's Initiative of Women's Way, serves as board member of North Philadelphia Leadership Schools Advisory Council, and is a member of the Thomas Forkin Inn of Court.

2000

ANTONIA VERNA, LL.M., recently left the law firm where she worked for five years to set up a new law firm based in Milan, Italy with a second office in Bari, Italy. The firm has a China desk that will work in alliance with the Chinese firm of Lee & Xu. Verna's husband, Luca Iaboni, LL.M., works with the law firm of Bonelli Erede, also in Milan.

2001

WILLIAM T. HILL recently joined Klehr, Harrison, Harvey, Branzburg & Ellers as an associate in the Litigation Department. Hill concentrates his practice in complex commercial litigation.



DARRYL W. SHORTER recently joined Cozen O'Connor's Philadelphia office as an associate in the intellectual property practice group. Prior to joining the firm, Shorter was an associate with Dilworth Paxson.



LECTURESHIP IN CONSTITUTIONAL LAW ESTABLISHED BY JUDGE ARLEN ADAMS

Temple Law School's new lectureship focusing on Constitutional Law is the Arlen and Neysa Adams Lecture. Each year the dean will select a speaker of national stature to speak to the law school community about a constitutional issue. The Arlen and Neysa Adams Lecture joins two other endowed lectureships at the law school: The Herbert F. Kolsby Distinguished Lectureship in Trial Advocacy, established in 2001, and The Honorable Clifford Scott Green Lectureship, established in 2003.

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ROBERT J. REINSTEIN, DEAN

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CHAD L. STALLER has joined the Center for Forensic Economic Studies as a senior analyst. The Philadelphia-based center is a national firm offering economic and statistical litigation support. Staller concentrates on the analysis of economic damages in civil litigation. Prior to this position, Staller practiced at the offices of McCandless & Associates in Philadelphia.



2002

YAROSLAV BRISIUCK of Kiev, Ukraine, was recently appointed first secretary for political affairs at the Embassy of Ukraine in Ottawa, Canada. This appointment followed two years of diplomatic service at the Ministry of Foreign Affairs of Ukraine, as second, then first secretary, then acting head of the U.S. and Canada Desk.

ANASTASIA M. BUCCINO-ROTH spoke at the regional education conference of the American Association of Legal Nurse Consultants in November 2005, in Ocean City, Maryland, on the topic "The Nurse as Expert Witness."

JANE KIM, an immigration specialist at Children's Hospital of Philadelphia, has co-written a book with her sister, Soo Kim Abboud, *Top of the Class: How Asian Parents Raise High Achievers—and How You Can Too*, published by Berkely Press. The book has been featured in *The New York Times*, and the authors have appeared on radio and television, including with Diane Sawyer on "Good Morning America."

2004

JENIMAE ALMQUIST was recently appointed to the Philadelphia Bar Association board of governors. Almquist is an associate at The Beasley Firm, where she concentrates her practice in the areas of construction accidents, medical malpractice, mass torts, and other complex litigation.



"Legal Analysis: Gay 'Marriage' in Transition," an article by **JANE M. FEARN-ZIMMER**, LL.M., was published on January 9, 2006 in the *New Jersey Law Journal*. Fearn-Zimmer is an associate with The Sharp Law Firm in Haddon Heights, New Jersey, practicing in the areas of estate planning, estate administration, special needs trusts, and elder law.

2005

AMY C. FITZSIMMONS is an associate in Stradley Ronon Stevens & Young's investment management group. She joined the firm in 1999 as a paralegal in the investment management department and worked while attending the evening division of Temple Law and was also a summer associate at the firm in 2004.



ABE REICH '74 JOINS GROUP MEETING WITH TEMPLE STUDENTS IN BEIJING

DECEMBER 2005 Abraham C. Reich '74 and his wife Sherri Reich '74 traveled to China with "education leader" The Hon. Richard B. Klein of the Superior Court of Pennsylvania. Through Temple Law School, the group met with Professor Mo Zhang, Director of Temple Law Program in China and a number of Chinese Temple Law LL.M. graduates. Almost 200 Chinese judges, law professors and lawyers have graduated from the LL.M. program Temple and Tsinghua University cooperatively offer.

The visit was held at the Zhong Lun Law Firm located in Beijing, where Liu Chi, who earned an LL.M. at Temple University's Philadelphia campus in 1988. Liu Chi is currently head of the Temple Law Alumnae Association in China.

Abraham Reich, a partner in litigation at Fox Rothschild and a former chancellor of the Philadelphia Bar Association, describes the Chinese attorneys he met as "very savvy and realistic" about the current status of the Chinese legal system. Prior his trip, Reich read a series in *The New York Times* about the Chinese legal system, which he thought focused on problematic aspects of the system, especially the problem of political pressure on the judiciary when dealing with issues that have an impact on the Communist Party. As a result, Reich was surprised and heartened by his meeting with the Temple-trained Chinese attorneys because "their knowledge of due process and other legal principles seemed to be very material to their



MEETING IN BEIJING IN DECEMBER 2005 (FROM LEFT): HON. RICHARD B. KLEIN, ABRAHAM C. REICH '74, LUI CHI LL.M.'88, AND PROFESSOR MO ZHANG, DIRECTOR OF TEMPLE LAW PROGRAMS IN CHINA.

thinking. They realize that China's economic growth will be limited unless the international business community has confidence in China's legal system."

"As I reflected on my visit, I realized that this Chinese legal system which we were discussing was less than thirty years old. While the system had many warts to it, I could only think of the storied history of the U.S. legal system—over 200 years in process—which itself has had many black eyes from which it has recovered." Reich expressed pride in knowing that Temple's program in China is contributing to the gradual evolution of the Chinese legal system. 204 Chinese attorneys have graduated from Temple's LL.M. program.

CHRISTOPHER P. KRISTOFKO has joined Fox Rothschild as an associate in the litigation department in its Montgomery County office.

JOHN J. MCGRATH III is an associate with Stradley Ronon Stevens & Young in the business law department. Prior to joining Stradley Ronon, McGrath worked as a judicial intern for Justice Myron T. Steele of the Supreme Court of Delaware.



MEG RETZ has been awarded an Independence Foundation Public Interest Fellowship for 2006. Retz' fellowship will be spent working with the Homeless Advocacy Project.

JON STRANGE has joined the Moorestown, New Jersey, firm of Schall & Barasch as an associate in the practice of employee rights law. Strange was first introduced to employment law in the legal department of Make the Road by Walking, a community-organizing center in Brooklyn, New York.



2006

KATERINA I. DUARTE, LL.M., has accepted a position in the litigation department of Lefkowitz & Gottfried in New York City. Duarte earned her degree in Temple's Transnational LL.M. program.

IN MEMORIAM

Howard I. Forman	Class of 1944
Joseph P. Green	Class of 1957
Francis R. Ridley Jr.	Class of 1961
Karl Clinton Wehr	Class of 1978
Mary Jane Hopkins	Class of 1988

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TEMPLE ESQ. welcomes news and photos of our alumni/ae. Please include: Full name, Class, Degree, and a way to reach you if we need to confirm information.

Send to: Janet Goldwater
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1719 North Broad Street,
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CHINESE PROSECUTORS TRAIN AT TEMPLE

DECEMBER 2005 Temple hosted a group of 25 senior prosecutors from the People's Republic of China for a three-week training session. The program was developed by a group of Temple faculty headed by Professor Edward Ohlbaum in collaboration with the Supreme People's Procuratorate of China. The Chinese prosecutors were given in-depth training on procedural protections for criminal defendants, strategies for combatting official corruption, and prosecution of organized crime.



CALENDAR OF EVENTS

Tuesday, March 14, 2006

INT'L INSTITUTE OF LAW AND PUBLIC POLICY LECTURE PROFESSOR JANE LUTE

Duane Morris LLP Moot Court Room 4 pm

Wednesday, March 15, 2006

SPIN AUCTION

Duane Morris LLP, 30 S. 17th Street
6 pm

Friday, March 17/Saturday, March 18, 2006

LAW AND ADOLESCENCE SYMPOSIUM SPONSORED BY TEMPLE LAW REVIEW AND JUVENILE LAW CENTER

Klein Hall

Wednesday, March 22, 2006

ANNUAL LAW DAY RECEPTION

Honoring Alan M. Feldman '76
2006 Phila Bar Ass'n Chancellor
Federal Courthouse 4:30 pm

Saturday, March 25, 2006

FOUNDER'S DAY DINNER

Philadelphia Convention Center 7 pm

Thursday, March 30, 2006

JUDGE CLIFFORD SCOTT GREEN LECTURE: HON. LOUIS POLLAK

Duane Morris LLP Moot Court Room
4 pm Reception to follow

Thursday, April 6, 2006

HAROLD E. KOHN LECTURE: PROFESSOR PETER HUANG

Duane Morris LLP Moot Court Room 4pm

Monday, April 10, 2006

WOMEN'S LAW CAUCUS ALUMNAE RECEPTION HONORING MARSHA LEVICK '75

Diamond Club 5:30 pm

Tuesday, April 11, 2006

STERN MOOT COURT COMPETITION

Duane Morris LLP Moot Court Room
Competition 4 pm

Thursday, May 11th

TAA NIGHT AT THE PHILLIES

Saturday, May 13, 2006

REUNION WEEKEND

Westin Hotel

INTERNATIONAL LL.M. STUDENTS

Speak on Human Rights Panel

NOVEMBER 22, 2005 Five students enrolled in Temple's LL.M. program for international students were featured on a panel on international human rights issues sponsored by the Philadelphia Bar Association's international law committee, the International Visitors Council, and the Philadelphia Center.

LL.M. candidate Jefeng Lu spoke about employment discrimination, a developing area in Chinese law. Lu, whose mentor is Zhou Wei, one of the most famous civil rights law professors in China, described a height discrimination case and a hepatitis B class action suit.

Raquel Cohen, a native of Peru, presented on her work with a non-governmental organization in Peru and the InterAmerican Commission of Human Rights. Before entering the LL.M. program at Temple Law, Cohen worked at the InterAmerican Center of Human Rights. Fellow Peruvian and activist Edgar Aranda spoke about discrimination against indigenous North Andeans who are native speakers of the Quechua language, the minority group of which Aranda is a member. Cohen and Aranda both reflected on human rights issues in Peru connected to the history of the Shining Path.

Juliane Baxmann, who came to Temple Law from Germany as a Rotary International Scholar, described the highly refined and active regional human rights system currently in use in the European Union, contrasted the ways in which human rights issues are addressed in Germany, a developed society, as opposed to less economically developed nations.

The fifth panelist from Temple's LL.M. program was Brendan Van Alsenoy from Belgium, who presented on the topic of the European Union's position and record on international human rights.



INTERNATIONAL LL.M. STUDENTS WHO SPOKE ON THE PANEL (FROM LEFT): EDGAR ARANDA, JULIANE BAXMANN, BRENDAN VAN ALSENOY, RAQUEL COHEN, AND JEFENG LU.

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