



Temple ESQ.

AMY SINDEN: *In Defense of the Common Good*

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. Amy Sinden is one of many Temple faculty members whose work can be found in the pages of current law journals.

In a recent series of articles, Associate Professor Amy Sinden takes issue with the economic approach to environmental law that has become increasingly prevalent in recent years. In "The Tragedy of the Commons and the Myth of a Private Property Solution," forthcoming in the *University of Colorado Law Review*, Sinden writes: "Government is out; the free market is in. The Great Society has given way to the Ownership Society." She goes on to argue that in this post-Berlin-wall intellectual climate, academics and policymakers talk misleadingly about privatization and markets as though they offer a solution to environmental problems that could make government regulation unnecessary. In fact, Sinden contends, the idea of a purely private market solution to environmental degradation is a myth.

Sinden is particularly worried that this kind of market rhetoric lends unwarranted legitimacy to right-wing policy prescriptions that were once widely dismissed as the musings of an irrelevant fringe but are now gaining increasing attention from lawmakers in Washington. "The last congressional term, for example, saw the introduction of several bills that would have authorized the sale of federal public lands to private parties, including national parks . . . And President Bush's recent budget proposal to Congress seeks to raise a billion dollars in federal revenue by selling off over 300,000 acres of federal public lands."

Politics and relations between the powerful and the powerless has been a recurring theme in Sinden's published work. "My formative experiences intellectually had to do with power relationships," she recalls. "In college, I was introduced to feminist theory, which looks at the world through the lens of power, extrapolating from the power dynamic between men and women."



JOSEPH LABOLITO

Sinden joined Temple's faculty in 2001, where she has specialized in environmental law, also teaching courses in property and civil procedure. Sinden graduated *summa cum laude* from the University of Pennsylvania Law School in 1991, where she was associate editor of the law review and was named a public interest fellow.

Before joining Temple's faculty, Sinden served as senior counsel for Citizens for Pennsylvania's Future, handling litigation on behalf

of citizens' and environmental groups. Prior to this position, Sinden was an associate attorney for Earthjustice Legal Defense Fund (formerly the Sierra Club Legal Defense Fund) in Seattle, Washington, where she litigated federal environmental cases focusing on natural resource issues.

Prior to her work in environmental law, Sinden was an attorney at Community Legal Services in Philadelphia, where she represented parents in civil child abuse and neglect proceedings, and advocated on behalf of welfare recipients seeking job training and education. She has published in several academic journals, including the *Iowa Law Review*, the *Harvard Environmental Law Review*, and the *Columbia Journal of Environmental Law*.

Since law school, Sinden has sought opportunities to pursue her professional interests in a more academic way. Her work at Community Legal Services "was compelling and fast-paced," she explains, "but didn't afford a lot of time for reflection. Teaching, has given me the opportunity to think about things more deeply and in new ways."

"When I was at legal services, I represented some of the most powerless people in our society: women who had been accused of abusing or neglecting their children. My experiences there taught me to distrust theory that is

continued on page three

JAN PILLAI RETIRES AFTER 33 YEARS AT LAW SCHOOL



Professor embodied "the idea of the law school," says colleague.

APRIL 25, 2006 At the retirement luncheon of Professor K.G. Jan Pillai, colleagues and alumni remembered Professor Pillai as an accomplished teacher, a gifted scholar, a superb mentor, and a compassionate person devoted to his principles. A long-time law school faculty member with wide-ranging scholarly interests, Pillai retired at the end of the 2005-06 academic year. His thirty-three year career at Temple was notable for the broad range of courses that he taught and the strength of his academic scholarship.

Pillai's faculty colleagues, gathered at the retirement luncheon in Shusterman Hall, stressed how valuable his contributions have been. Professor Stephen Mikochik, who teaches constitutional law and jurisprudence, said that Pillai "embodies the notion of law as a learning profession. The number and variety of different courses he taught is impressive. It's quite amazing how far Jan has expanded his expertise and mastered all of the subspecialties and it demonstrates his inexhaustible curiosity."

Pillai is a native of the state of Kerala, India. He earned a B.A., an LL.B., and an LL.M. from the University of Kerala in 1965, and was awarded the Cullen Memorial Prize for placing first in the state-wide law examination. Thereafter, he earned an LL.M. and a J.S.D. from Yale University, where he received a fellowship and won the Ambrose Gherini Prize. Upon leaving Yale, Pillai was an associate professor at the Indian Law Institute in New Delhi for a year before accepting a position as manager of industry affairs for Overseas National Airways in New York. From there he became executive director of the Aviation Consumer Action Project, a public interest group in Washington, D.C. founded by Ralph Nader.

Pillai first joined the Temple Law faculty in 1973, where he developed and taught courses ranging from corporate law and securities regulation to constitutional law, administrative

continued on page six

Excerpt from
Professor Amy Sinden's
"THE TRAGEDY OF THE COMMONS
AND THE MYTH OF A PRIVATE
PROPERTY SOLUTION"

The central question of environmental policy is "how much?" How much pollution should we release into the ecosystem? How much timber should we cut from the forests? How many fish should we catch from the seas? . . .

For other "how much" questions, our society tends to rely (at least in principle if not in practice) on the free market. How many televisions, I-pods or barbeque grills should we produce? The invisible hand of the free market determines the optimal amount through the price signals generated by innumerable individual transactions between willing sellers and willing buyers. But, of course, when it comes to environmental harms, innumerable externalities cause the magic of the marketplace to fail. Because environmental amenities, like air and water, tend to be open to enjoyment by all, when individuals in the marketplace make decisions that harm these amenities, the costs do not fall entirely on them. Accordingly, under the grim logic of the tragedy of the commons, as each individual pursues her self interest in the market, these unaccounted for costs eventually lead to overexploitation of resources and over-production of pollution, to the detriment of all. In short, the market ends up getting the answer to the "how much" question very wrong.

This problem has been well understood for decades, and according to the received wisdom of neoclassical welfare economics, there are two potential solutions: 1) to intervene in the free market with government regulation, or 2) to privatize the commonly held resource and let the free market work its magic. In the 1970s, when the American environmental movement was young and our society was optimistic about the ability of government to solve social problems, the first solution seemed like the obvious choice. After all, while privatization may sound good in theory, how can you draw private property boundaries around the air or the water? So Congress set about implementing the government regulation solution through a vast array of federal environmental legislation that imposed limits directly on polluters.

But almost as soon as the ink was dry on those bold new initiatives, attitudes toward governments and markets began to shift. It's a familiar litany: First the Vietnam War and then Watergate began to slowly eat away at the considerable reserves of idealism and faith in government that had been stockpiled during the previous decades, when the new deal, victory over fascism in World War II, and the post-war economic expansion had all seemed to testify to the competence and effectiveness of the federal government. Then Reagan declared government the enemy and began systematically to defund and dismantle it. And when the Berlin Wall fell in 1989, the collapse of communism in the soviet bloc was read as decisive proof of the superiority of free markets to other forms of social organization.

Accordingly, as we enter the twenty-first century, the intellectual fashions of the day look far different than they did four decades ago when Garrett Hardin wrote his now classic *The Tragedy of the Commons* and Congress first set about tackling the environmental problem. Government is out; the free market is in. The Great Society has given way to the Ownership Society. Never mind that the program of government intervention this country embarked on in the 1970s seems by all accounts to have been wildly successful, delivering billions of dollars in social benefits at only a fraction of the cost. To hear even moderate voices tell the tale, one might think we had lived through the gulag—as commentators repeatedly compare this country's "command-and-control" style system of environmental regulation to soviet-style central planning. . . . Meanwhile, markets are glorified as the last bastion of truly democratic decision-making, where individuals can express their preferences free of interference from big-brother government. . . .

Thus, as academics and policymakers clamor to distance themselves from the now dowdy and stilted fashions of 1970s-style "command-and-control regulation" and to embrace the virtues of the free market, privatization has replaced government intervention as the preferred solution to the tragedy of the commons. Right wing ideologues pump out books, articles, and monographs touting the virtues of "free-market environmentalism" and claiming that all environmental problems can eventually be solved by simply defining and enforcing private property rights and allowing the free market to function. But even more moderate voices, who point out the obvious impracticality of privatizing many natural

resources, still hurry to agree that privatization is superior to government regulation and should therefore be pursued where ever practicable. Thus, extremists and moderates alike tout any environmental policy that looks or smells anything like private property or a market as either an example of a practical implementation of the privatization alternative, or as an "intermediate" or "hybrid" scheme that is moving us in the right direction—that is, closer to the privatization solution and away from government regulation. In this vein, water markets, emissions trading schemes, transferable fishing quotas, and private land ownership are all touted as examples of the triumph of privatization over the flawed, second-best alternative of government regulation.

. . . I argue that all of this talk about private property and market regimes generating an alternative to government regulation of environmental problems is nothing more than a mirage. It has generated a lot of misperceptions about the extent to which government regulation can be dispensed with, and a lot of muddled thinking about exactly what privatization is and under what circumstances it can actually "solve" the tragedy of the commons. . . .

Certainly, many of the more reasonable thinkers on these issues acknowledge that even under so-called "private property regimes" like emissions trading and individual fishing quotas, government continues to play a crucial role in setting overall "caps" or limits on pollution or fish catch. Still, by treating these schemes—which are essentially forms of government regulation—as if they represent an example of the privatization alternative to government regulation or of some intermediate step on the way to complete privatization, they lend legitimacy to the claims of the free market environmentalists, who—while once widely viewed as a harmless and irrelevant fringe—now have the ear of the president. What we call things and how we categorize them matters, because it influences how we think about them. Particularly as academic ideas get translated into policy through a kind of game of telephone in which pieces get lost at each step of translation, it is vitally important to be clear and precise in our thinking. At bottom then, this article is a plea for "getting the names right" in our conversations about environmental regulation. In this instance, that means not being afraid to call a government regulation a government regulation.

2 • TEMPLE ESQ. SUMMER 2006



TRIAL TEAM REACHES ATLA FINALS

MIAMI, FLORIDA, APRIL 2006 **Temple's trial team finished as the national finalist in the annual ATLA competition. Shown with the competition's presiding judge, The Hon. Jorge J. Perez (center), team members are, from left, Brian Robinson, Mia Roberts, Jessica Dumas, and Drew Sciolla.**

TRIAL TEAM WINS 18TH CONSECUTIVE REGIONAL

PLACES IN NTC QUARTERFINALS

DALLAS, TEXAS, MARCH 2006 **Temple's National Trial Team won its 18th consecutive NTC regional championship at Philadelphia's Criminal Justice Center. In the national championship rounds in Dallas, the team finished in the "elite eight." Team members are, from left, Brad Terebelo, Marian Braccia, coach Elizabeth Lippy '03, Tiffany Gainer, and Justin Oshana.**



AMY SINDEN

...continued from page one

divorced from practical experience, and the law review article I later wrote about the child welfare system tried to take that perspective.

"Feminist theory had taught me to side with the victims of domestic abuse and to favor state intervention in the (assumed) patriarchal family in order to disrupt the power dynamic between abusive men and victimized women and children. But what I saw every day in family court turned all that on its head. The women I represented were not the victims but the alleged perpetrators. Yet there was another power relationship at work here—the relationship between the accused woman and the state. This was a power dynamic that most feminists had ignored but which had shaped a system that was profoundly unjust and disempowering to women."

In environmental law, Sinden has again looked at power relations—in particular the power disparity between the powerful corporate interests that typically oppose environmental regulation and the highly diffused, broadly shared, and often non-economic interests that we all share in environmental protection. This concern for power imbalance has led Sinden to oppose the use of cost-benefit analysis in environmental standard setting.

In her article, "In Defense of Absolutes: Combating the Politics of Power in Environmental Law," published last year in the *Iowa Law Review*, Sinden argues that because it requires goods that are simply unquantifiable—like human lives and the preservation of endangered species—to be valued in monetary terms, cost-benefit analysis is hopelessly indeterminate. This indeterminacy "exacerbates the extent to which power imbalance distorts government decision making by rendering cost-benefit analysis endlessly manipulable and contestable. That is to say, for any claim as to the proper valuation of the costs and benefits of a particular project, another economist can make a credible argument to support the opposite result. ... Thus ... cost-benefit analysis does not provide a legal standard for decision at all, but rather punts the decision to the political process, where raw power and wealth dominate."

Ultimately, Sinden would like to see decision making standards in environmental law that counteract rather than exacerbate the power imbalance that inevitably distorts the political process in the realm of environmental disputes. And she'd like to see those who theorize about the virtues of free markets confront the imperfections in real world markets that lead inevitably to environmental degradation. "Smart, well-designed government regulation," says Sinden, "remains essential to preserving the fresh air, the clean water, and the diverse and intricate ecosystems that we all depend on."

—Ingrid Thack

INVITED SPEAKERS EXPLORE DIVERSE CAREER PATHS



POLITICAL CONSULTANT DAVID J. URBAN '94

MARCH 23, 2006 David J. Urban '94, Managing Director of the American Continental Group, was the guest speaker at a forum hosted by Dean Robert J. Reinstein for the law school community.

The American Continental Group (ACG) is a Washington D.C.-based political consulting firm. When David J. Urban joined the ACG as a managing director in 2002, he brought with him an invaluable range of experience, and a host of honors. As an artillery officer in the Army's 101st Airborne Division, Urban was awarded a Bronze Star Medal for distinguished service in Operation Desert Storm. He left the service to attend law school, and in 1994 to 1997 was in private practice focusing on litigation and transactional matters. Urban's legal practice ranged from complex director and officer corporate liability matters to multi-million dollar revenue bond financings for industrial developments.

In 1997, Urban left private practice when he was asked to act as Chief of Staff for U.S. Senator Arlen Specter. Acting as the Senator's senior adviser on legislative, political, media, and administrative matters, Urban represented Senator Specter and oversaw his interests before the judiciary, appropriations, veterans' affairs, environment, and public works committees.

Urban is an adjunct professor at the H. John Heinz III School of Public Policy and Management at Carnegie Mellon University. He earned a B.S. from the U.S. Military Academy at West Point, a Master of Government Administration from the University of Pennsylvania, and a J.D. from Temple Law.



HOUSTON BUSINESS LEADER JOHN CARRIG '77

MARCH 15, 2006 John Carrig, executive vice president of finance and chief financial officer of ConocoPhillips, traveled from Houston to talk to students about careers in business law.

Carrig first joined ConocoPhillips in London in 1978 as a tax attorney. In 1981, he transferred to Bartlesville, Oklahoma, and was associated with the corporate tax staff until 1993 when he joined the treasury group as finance manager. He was then named assistant treasurer of finance, and in 1995 he accepted the position of treasurer. He was vice president and treasurer from 1996 to 2000, when he was named senior vice president and treasurer. He was elected by the board of directors to senior vice president and chief financial officer for Phillips in 2001, a position he held until the ConocoPhillips merger occurred August 2002.

Carrig is deeply committed to local Houston institutions, and is a member of the American Petroleum Institute general committee on finance and of the overseers council for the Jesse H. Jones Graduate School of Management at Rice University. He also is a member of the board of directors for the Alley Theatre in Houston and serves on the finance committee of the Awty International School.

Carrig earned a B.A. from Rutgers University, a J.D. from Temple and an advanced degree in tax law from New York University.

TRIAL TEAM WINS CRIMINAL JUSTICE TOURNAMENT

CHICAGO, APRIL 2006 Temple National Trial Team members won the ABA's National Invitational Criminal Justice Trial Advocacy Competition. Team member Chris Mattioli was named Best Advocate in the competition and Best Cross Examiner in the final round. Mattioli (left) received the awards from competition director Professor Ronald C. Smith of the John Marshall School of Law. Other team members were Jeremy Menkowitz, Jennifer Welsh and James Zoll. The team was coached by Jennifer Brettschneider of the Philadelphia District Attorney's Office, Professor Carrie Cinquanto, Director of the LL.M. in Trial Advocacy Program, and Professor Maureen McCartney, Director of Trial Advocacy Programs.



BARRISTERS HONOR TEMPLE-LEAP DIRECTOR

Roberta A. West '89 receives Cecil B. Moore Award

MAY 20, 2006 Teaching school-age students about the law and citizenship is Roberta West's passion. West's dedication was recognized when she was awarded the Cecil B. Moore Award for two decades of providing legal education and mock trial experiences to students in the region and across the state.

The award was presented at the annual scholarship gala of the Barrister Association of Philadelphia. Established in 1950, the Barristers Association addresses the professional needs and development of African American lawyers in Philadelphia and surrounding counties through programs such as seminars, cultural events, and publications.

As program director for Temple Law Education and Participation (LEAP), West is at the helm of a program that touches the lives of over 500 junior high school and high school students per year. Designed to develop young students' knowledge about the law, LEAP brings law students, practicing attorneys, judges, and police officers



together with teachers and students in classrooms throughout Philadelphia. West first became involved with LEAP as a Temple law student when she judged high school students in the mock trial competition. After graduation, she became LEAP's education director and was named program director in 1993.

LEAP was founded in 1974 when a group of law students, under the leadership of United States Federal District Court Judge Clifford Scott Greene and then Temple Law School Dean Peter Liacouras, began teaching law to public high school students. The John S. Bradway Philadelphia High School Mock Trial Program, one

of the many components of LEAP, is the largest mock trial program in the state. This year 51 teams with over 500 high school students vied for the Philadelphia area championship title; more than 300 lawyers and over 50 Temple law students coached, judged, and served as role models for these up-and-coming litigators.

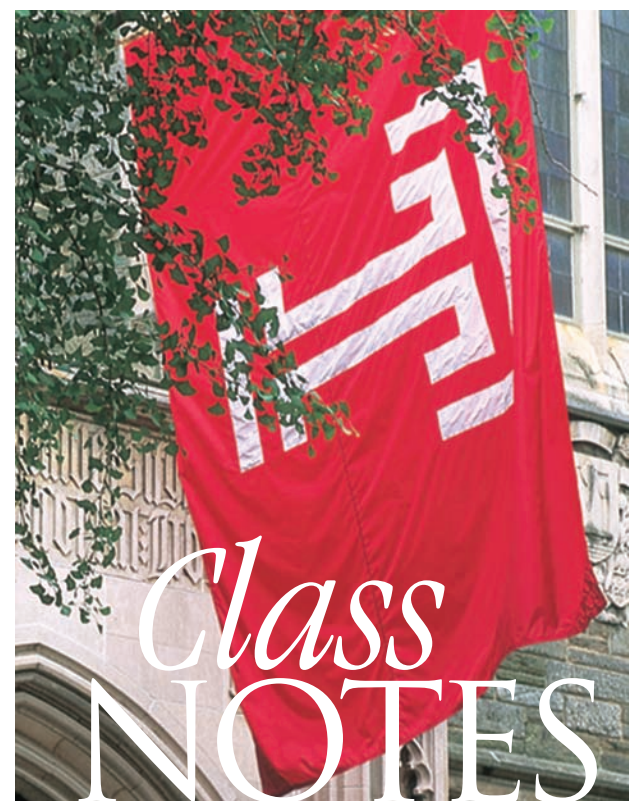
INT'L MOOT COURT TEAM WINS REGIONALS, TRAVELS TO D.C. FOR "WORLDS"

INDIANAPOLIS, INDIANA, FEBRUARY 2006 Five second- and third-year students carried Temple Law to victory at the Philip C. Jessup International Moot Court East Regional Competition. The competition brought together students from twelve law schools to argue a hypothetical international law case as if they were appearing before the International Court of Justice in The Hague.

Named for a former U.S. Justice and President of the International Court of Justice, the Jessup International Moot Court Competition is generally considered the most prestigious moot court competition in the world.

TEAM MEMBERS, LEFT TO RIGHT, DENNIS YUEN, KIMBERLEY LEADFORD, JIMMY NEWMON ROYBAL, KELLY HEIDRICH, AND ANDREW NOTARISTEFANO LED TEMPLE TO ITS FIRST REGIONAL TITLE IN THE JESSUP INTERNATIONAL MOOT COURT COMPETITION. PROFESSORS HENRY RICHARDSON AND DUNCAN HOLLIS, AND JILL SEARS, FROM THE INTERNATIONAL PROGRAMS OFFICE, SERVED AS ADVISERS.

Teams from U.S. law schools compete in regional rounds held in twelve parts of the country. Temple's success in the east regional championship gave the team its first opportunity to compete in the Shearman & Sterling International Rounds held in Washington, D.C. Ninety-nine teams from more than 80 countries participated in the international rounds this year. This year's case raised issues of state succession, international protection of human rights, the rights of indigenous peoples, and the right to development. The competition was won by a team from Columbia University.



1961

MARTIN WEINBERG has joined the board of directors as co-chairman of SwapCredits.com, an online swapping marketplace. Weinberg is a partner at Obermayer and is a former candidate for mayor of Philadelphia.



1966

JEFFREY A. WEINER, J.D. '66, LL.M. '77 has joined Stark & Stark as a shareholder in its Marlton, New Jersey office where he concentrates his practice in the area of business, contract law, and business and civil litigation. Weiner is a commercial arbitrator for the American Arbitration Association, an arbitrator for commercial cases appointed by the Superior Court of New Jersey, Camden County, and an expert witness for legal malpractice actions involving business transactions.

1968

Former state senator **ROBERT ROVNER** was voted onto the Temple University board of trustees at its March 2006 meeting. Rovner, who also serves on the board of Podiatric Medicine of Temple University, is CEO and founding partner of Rovner, Allen, Rovner, Zimmerman & Nash.

1971

THOMAS LEONARD has joined the board of directors as co-chairman of SwapCredits.com, an online swapping marketplace. Leonard is a partner at Obermayer and is a former city controller and candidate for mayor.



MEHRA WINS JAPAN FOUNDATION GRANT

Professor Salil K. Mehra has been awarded a Japan Foundation grant to travel to Tokyo to expand his research on Japan's use of the criminal law to deal with high-technology problems. He will be hosted by Keio University, one of Japan's premier institutions of higher learning.

In addition, a paper by Mehra exploring Japan's increasing use of criminal libel law to deal with online defamation has been selected in a competition for a workshop jointly sponsored by the University of Michigan and the American Society of Comparative Law.



JOSEPH LABOLITO

1972

A. HAROLD DATZ, of Seidel Weitz Garfinkle & Datz, has been reappointed to a four-year term on the Philadelphia Bar Association's commission on judicial selection and retention. Datz will chair the commission for 2006.



1981

WILLIAM H. FINLAY has returned to the Philadelphia area after several years in private and government practice in North Carolina and is now associate counsel at the U.S. Residential Finance Group of Residential Capital Corporation. His daughter is a Temple legacy student who is completing her freshman year as a jazz vocal performance/music education major.

WALTER E. MCGOWAN, a partner of Gray, Langford, Sapp, McGowan, Gray & Nathanson in Tuskegee, Alabama, was recently inducted into the American College of Trial Lawyers. Membership is by invitation only and cannot exceed one percent of the attorneys in a state.



1982

WALTER A. TILLEY, of the York law firm Stock and Leader, addressed municipal officials about employment issues at the Pennsylvania State Association of Township Supervisors' annual convention.



1983

Cozen O'Connor member **STEVEN N. HAAS** recently received the Business On Board Volunteer of the Year Award from the Arts and Business Council of Greater Philadelphia. Haas, who practices in the corporate and emerging business and venture capital practice groups at Cozen O'Connor, is being honored for his "outstanding service and support" as a board member at Settlement Music School.

1985

SIDNEY M. GROBMAN is currently the only physician-attorney in Pennsylvania who has actively litigated both plaintiff and defendant medical malpractice cases.



1987

NICHOLAS PODUSLENKO is the general counsel for the new e-commerce firm of SwapCredits.com.

1988

CHARLES I. COANT is a partner in O'Neill & Coant of Vineland, New Jersey, where he specializes in appellate matters, personal injury litigation, and workers compensation.



1989

In March 2006, **DAVID J. STEERMAN**, a partner in the litigation department's family law practice group of Obermayer Rebmann Maxwell & Hippel, was a panelist for the Philadelphia Bar Institute program, "Disasters: Planning Ahead to Avoid the Worst." Steerman's topic was "Family Law Questions that Arise Post-Disaster."



1990

KATHLEEN LYNN GRZEGOREK announces the formation of the new immigration law firm of Stone & Grzegorek in Los Angeles, California. Grzegorek and Lincoln Stone are both recognized as certified specialists in immigration and nationality law by the State Bar of California.

AMY F. LOPERFIDO has joined Zarwin Baum DeVito Kaplan Schaer Toddy as a senior litigation associate in the commercial litigation practice area in the firm's Philadelphia office. Prior to joining Zarwin Baum, Loperfido was a trial team manager for Robert J. Casey, Jr. & Associates in Philadelphia.

1992

In March 2006, **TAMARA L. TRAYNOR**, a shareholder in the Philadelphia firm Miller, Alfano & Raspanti, spoke at the Professional Women's Roundtable on "Business Ethics and Preventing Fraud in the Workplace." Traynor is also on the board of directors of the Philadelphia Committee to End Homelessness.



1995

MICHAEL G. BUSENKELL recently became a member of Eckert Seamans Cherin & Mellott in Wilmington, Delaware.

TOM RUTLEDGE, a litigation associate at Branton & Wilson in San Diego, California, is a delegate to the San Diego County Bar Association's employment law section.

SHAWN V. SAULS, LL.M. IN TRIAL ADVOCACY '95, is beginning a second term on the board of directors of the Lawyers Club. In addition, Sauls recently spoke at a seminar sponsored by the Brandeis, Brehon, Justinians and Jagiellonian Societies on the topic of how to settle a case with pending liens such as workmen's compensation and Medicare.

1996

LISA A. BARTON has been named a shareholder at Bazelon Less & Feldman, specializing in the areas of commercial litigation and construction law. Barton was an architect for ten years before attending law school. In addition, Barton has developed and taught a seminar on "understanding construction documents" for the firm's clients and for Lorman Education Services.



CHRISTOPHER CULLETON has been named a partner at Kolsby Gordon Robin Shore & Bezar, where he handles plaintiffs' personal injury cases.



ANTAR C. JOHNSON '96 and **TONIA BAIR JOHNSON '97** announce the recent birth of their daughter, Karis Maya Johnson. Antar is assistant general counsel at the D.C. Lottery and a commissioner for the ethics board of Montgomery County, Maryland. Tonia is an attorney with the Merit Systems Protection Board.



1997

Duane Morris announces that partner **SANDRA A. JESKIE**, a member of the firm's trial practice group and information technology and telecommunications interdisciplinary practice group in its Philadelphia office, has been named assistant secretary on the executive committee of the International Technology Law Association. The position puts Jeskie on track to become the organization's president in 2010.

ROBERT S. NIX has been elected to the board of directors of the Catholic Leadership Institute. Nix is founder and president of Phoenix Strategies, a Philadelphia lobbying and consulting firm specializing in issues of Hispanic political, economic, and educational empowerment.

1998

WILLIAM D. AUXER, a principal and member of the construction and surety law department of Kaplin Stewart in Blue Bell, Pennsylvania, was elected chair of the Attorneys Forum for the National Utility Contractors Association. Auxer, who is also a civil engineer, concentrates his practice in construction law, public contracting, and environmental law.



SEAN HART has been elected to the board of directors of the Bar Association of Lehigh County and has been named assistant solicitor for Northampton County, dealing primarily with the county's labor and employment issues.

LAW SCHOOL LEADERSHIP SUMMIT

MARCH 24, 2006 At the University Leadership Summit, Dean Robert Reinstein and Associate Deans Baron, Bartow and Epps met with law school graduates. The daylong meeting offered the law school the opportunity to bring together law alumni/ae who are members of the President's Advisory Board and the Board of Visitors to explore the future of legal education with special attention to the business of operating law firms and to changes brought about by globalization and technology.

EDWARD KUNTZ
J.D. '69,
LL.M. '78



DANIELLE BANKS WILLIAMS '93



DEAN ROBERT J. REINSTEIN

ANDREAS KLAFKI has been awarded a contract to work for the consumer goods and foodstuffs division of the European Commission. Klafki also earned a Ph.D. in European environmental law and lectures for a private university in Dresden, Germany.

Drinker Biddle & Reath announces that **HELEN [DUPLESSIS] E. TUTTLE** recently joined the firm in the Florham Park, New Jersey office. Tuttle is an associate in the labor and employment practice group.



1999

NEREIDA B. GONZALEZ has joined the AFL-CIO Housing Investment Trust as the associate general counsel in transactions, concentrating primarily in real estate, securities, corporate, and labor law.

2001

WILLIAM T. HILL, J.D. '01, LL.M. '03, has joined Klehr, Harrison, Harvey, Branzburg & Ellers as an associate in the litigation department, concentrating his practice in complex commercial litigation.



EMILY KAPLAN MURBARGER and her husband, Joshua Murbarger, are currently teaching in Jinzhou City, Liaoning Province, People's Republic of China. They expect to be there for at least six months, and can be reached through their blog: www.peer-see.com.

2002

Charlotte Isabelle was born to **NICOLE (FUMO)** and **CHRISTIAN MARRONE**, who were married in 2003.

2003

PETER D. CRAWFORD JR., LL.M. IN TAXATION, has been named a partner of Greenbaum, Rowe, Smith & Davis, where he is a member of the firm's tax, trusts, and estates department.



2005

An excerpt from a law school paper by **AMY O'DONNELL** was called a "notable quotable" in Tom Herman's *Wall Street Journal* column. The quote was from a guided research paper written for Professor Muriel Morisey about the President's Advisory Panel on Tax Reform. O'Donnell is working as an attorney in Washington, D.C.

IN MEMORIAM

Joseph A. Daly

Class of 1982

CIVIL RIGHTS CHAMPION STEFAN PRESSER MEMORIALIZED IN PUBLIC INTEREST SCHOLAR PROGRAM

APRIL 2006 When ACLU legal director and Temple adjunct professor Stefan Presser submitted a proposal in 2000 to create the Public Interest Scholars Program at Temple Law, he couldn't have imagined that the scholarship would one day bear his name. Originally funded from an estate gift of Leonard Rubin '49, the program has been renamed the Rubin-Presser Public Interest Scholars Program in honor of Presser, who died of brain cancer at the age of 52 in October 2005.

"My father wanted to support law students who shared his devotion to the cause of equal rights for all," said Presser's son David Sherman-Presser. "He would be so pleased that we are expanding the endowment to create additional scholarships for students who will follow in his career path."

Each year, the program awards full tuition scholarships to three or four entering law students who demonstrate exceptional ability and a longstanding commitment to public interest work. To date, the law school has awarded these scholarships to 19 students. The program, which Presser designed, also provides a comprehensive plan of coursework, mentoring, *pro bono* opportunities, and clinical experiences.

Presser, who was legal director of the ACLU of Pennsylvania, taught Temple's death penalty litigation clinic for 14 years. After resigning from the ACLU in 2004, Presser planned a second career as a full-time professor at Temple, directing the law school's public interest program. Although his illness and untimely death prevented him from realizing that goal, the Rubin-Presser Public Interest Scholars Program assures that his legacy lives on.

PAUL J. ANDRISANI, MEMBER OF LAW SCHOOL ADVISORY BOARD 1947–2006

MARCH 2006 Temple University Professor Paul J. Andrisani taught labor management at the Fox School of Business and Management for 30 years. Professor Andrisani served on Temple Law's Board of Advisors since 1994. Andrisani died at the age of 59 after a two-year battle with cancer.

In addition to being a full professor specializing in human resource management and labor market economics, Andrisani directed the Center for Labor and Human Resource Studies at the Business School. Although he decreased his teaching load in the past few years due to illness, Andrisani never retired.

Professor Andrisani is survived by his wife, Barbara Frank Andrisani, three children, four grandchildren, a sister and a brother.

JAN PILLAI RETIRES

...continued from page one

law, and civil rights. In 2002, he was named the I. Herman Stern Professor of Law. He is the author of the "The Air Net: The Case Against the World Aviation Cartel" published in 1969, and a contributor to "The Monopoly Makers," published in 1974. His law review articles cover a variety of topics, including equal protection, affirmative action, judicial immunity, governmental regulation, and federal private causes of action.

Former students praise Pillai's ability to teach and mentor. David Payne '95, now practicing securities law, noted that his experience as Pillai's research assistant had an enormous influence on his writing and his career. Said Payne, "Spending time with Jan was like having an extra credit course in life. It wasn't just what you were talking about that day or what the course was about that mattered. He wanted you to be better at whatever you were doing." Calling Pillai a "visionary," Craig Tractenberg '81 credits Pillai with teaching him the pleasure of writing. "He edited

every sentence of the draft I submitted but did so tactfully and in such a way that I wouldn't mind coming back."

For Professor Phoebe Haddon, Pillai embodied "the idea of Temple." She spoke of his commitment to social justice, his steadfast belief that law "can be an instrument of social change," and his refusal to be deterred by others who don't agree with his positions. Pillai's scholarly interests expanded because "he was disturbed by the shifts in Washington politics and the direction of the federal courts," she says. Because of these concerns, "Jan devoted himself to examining the retreat of the courts from fulfilling the promise of the Fourteenth Amendment." Haddon believes the final years of Pillai's tenure at the law school have resulted in his most "incisive and stimulating work."

"Jan Pillai was part of the Liacouras generation that built the law school into the influential institution it is today," said Associate Dean Mark Rahdert. "When you stop at a well and take a drink, you should stop and thank those who built the well. Jan and his generation on the faculty built the well at Temple Law School."

—Christina M. Valente

PIONEER IN "REAL OPTIONS ANALYSIS" OF LEGAL PROCEDURES DELIVERS FIRST HAROLD E. KOHN LECTURE

APRIL 6, 2006 Professor Peter H. Huang delivered the inaugural **Harold E. Kohn Lecture: "Unexpected Values of Lawsuits: A Real Options Model of Litigation and Settlement"** to the law school community. The lecture is based on an article forthcoming in *Stanford Law Review* that Professor Huang co-authored with Joseph A. Grundfest.

Huang's research in the emerging field of law and emotion integrates theories in decision-making and behavior from both cognitive and social psychology, as well as the neurosciences, and applies them to the study and practice of law. He believes that by teaching law students about human psyche, judgment, and motivation, they will become better agents for their clients, the legal system, and society as a whole.

Huang was the first **Harold E. Kohn Professor of Law**. The chair was created in 2004 by the **Barrack and Arronson foundations** in honor of the Philadelphia trial lawyer who was widely considered the architect of the modern-day class action.



TEMPLE ESQ.

Published by the Temple University Beasley School of Law for alumni and friends.

ROBERT J. REINSTEIN, DEAN

Publications Director: Janet Goldwater

Art Director: Gene Gilroy

Photography: Joseph Labolito, Kelly & Massa

Send letters and comments to:

Janet Goldwater, Temple Esq.

Temple University

James E. Beasley School of Law

1719 N. Broad Street, Room 510

Philadelphia, PA 19122

Email: janet.goldwater@temple.edu

Fax: (215) 204-1185

Change of address: (215) 204-1187

Law Review *symposium* focuses on JUVENILES AND THE LAW

MARCH 17 AND 18, 2006

"Law and Adolescence The Legal Status, Rights, and Responsibilities of Adolescents in the Child Welfare, Juvenile, and Criminal Justice Systems," was the title of an interdisciplinary national symposium co-sponsored by the *Temple Law Review* and the Juvenile Law Center. The symposium brought together scholars, attorneys, judges, and other professionals from research and practice in the fields of law, psychology, criminology, sociology, and other social sciences.



SYMPOSIUM SPEAKERS AND ORGANIZERS FROM LEFT: PROF. MICHAEL WALD, STANFORD LAW; PROF. SUSAN DEJARNATT '81, TEMPLE LAW; ROBERT SCHWARTZ '75, EXECUTIVE DIRECTOR, JUVENILE LAW CENTER; LAVAL WILSON, JUVENILE LAW CENTER; AND ALEXANDRA BAK-BOYCHUK '06.

Presentations explored how research about developmental differences between adolescents and adults affects, or should affect, policies and court decisions for youth involved in the child welfare, juvenile, and criminal justice systems. A future issue of the *Temple Law Review* will focus on the work presented at the symposium. Keynote speakers were Frank F. Furstenberg, University of Pennsylvania; Elizabeth S. Scott, University of Virginia; and Michael S. Wald, Stanford University.

WOMEN'S LAW CAUCUS HONORS ADVOCATE FOR JUVENILE RIGHTS

APRIL 10, 2006 Marsha Levick '76, legal director of the Juvenile Law Center, was the 2006 honoree and keynote speaker at the annual dinner of the Women's Law Caucus. Levick, with Robert Schwartz '75, co-founded the Juvenile Law Center in 1975 and served as its first executive director until 1982. She left from 1982 to 1988 to work for the National Organization of Women Legal Defense and Education Fund, first as legal director and then executive director, and from 1989 to 1995 Levick worked for Rubin & Associates, a commercial litigation firm specializing in securities industry disputes.



INTERNATIONAL LAW PROGRAM

...continued from page eight

conferences" to Temple. "Since its establishment four years ago, the Institute has created a lot of intellectual excitement and visibility," said Reinstein.

Although Reinstein believes that *U.S. News'* ranking system has its flaws, he's grateful that international law at Temple is getting the national recognition it deserves—and he's committed to pushing the specialty to even greater heights.

"There are two gigantic forces that are operating on higher education right now in the U.S. and everywhere else in the world: Technology, of course, is one—and globalization is the other," Reinstein said. "Temple Law and Temple University need to be at the cutting edge of both."



SEVEN TEMPLE J.D. STUDENTS WILL INTERN IN ROME AND FRANCE THIS SUMMER. THEY ARE THE FIRST PARTICIPANTS IN A NEW INITIATIVE TO GIVE STUDENTS INTERNATIONAL WORK EXPERIENCE, ORGANIZED BY TEMPLE'S OFFICES OF INTERNATIONAL PROGRAMS AND CAREER PLANNING. AYESHA ABBASA '07, CENTER, IS WORKING AT THE LAW FIRM OF HSD ERNST & YOUNG, IN LYON, FRANCE. BEFORE SHE LEFT, ABBASA MET WITH (FROM LEFT) ADRIEN-CHARLES DANA, BATONNIER, LYON BAR ASSOCIATION; PROF. SABINE DANA-DEMARET; ADELAIDE FERGUSON, ASSISTANT DEAN FOR INTERNATIONAL PROGRAMS; CHRISTIAN LEROY, HSD ERNST & YOUNG; AND MICHAEL SCULLIN ESQ., HON. CONSUL OF FRANCE.

INTERNATIONAL HIGHLIGHTS AT TEMPLE LAW

- Rule of Law Program in China has trained over 500 Chinese judges and attorneys in programs in Beijing and Philadelphia.
- The Institute for International Law and Public Policy, founded in 2001 under the leadership of Professors Amy Boss and Jeffrey Dunoff, brings leading scholars, diplomats and international practitioners from all over the world.
- Each spring semester, 70 J.D. students attend Temple Law Japan, the only full-semester program run by an American law school in Asia.
- More than 20 percent of Temple J.D. and LL.M. students study abroad in programs in China, Japan, Italy, Ireland and Israel.
- This year, 35 foreign-trained attorneys came from 19 countries to earn an LL.M. at Temple Law.

SEND US YOUR NEWS!

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
Temple Esq.
Temple University
Beasley School of Law
1719 North Broad Street,
Philadelphia, PA 19122

Email: janet.goldwater@temple.edu



MOORE-DUNCAN '72 IS HONORED AT BLSA BANQUET

APRIL 13, 2006 Dorothy Moore-Duncan '72, shown with Alexander D. Gladney '06, was honored at a banquet hosted by the Black Law Students' Association. Moore-Duncan is the regional director of the Philadelphia office of the National Labor Relations Board. Gladney is the outgoing president of BLSA.

· *Save the Date* ·
 TEMPLE UNIVERSITY
 ROME
 40th Anniversary

When?
 MARCH 3-10, 2007

Where?
 ROME, ITALY

What?
Brunch at the Villa Caproni
American Embassy reception
Private tour of the Quirinale Palace
Gala opening for faculty art exhibit
Private tour of the Ministero della Marina
All-day excursion through Umbria
And more!

*To request more information
 contact Debbie Feldman at
 DFeldman@temple.edu*

KARA OLEYN

INTERNATIONAL LAW PROGRAM BREAKS INTO NATIONAL TOP 20

Reprinted from *Temple Times*

APRIL 27, 2006 Last month, Temple's James E. Beasley School of Law made an historic debut in the *U.S. News & World Report's* rankings of top professional schools: Temple Law's programs in international law were ranked 20th best in the nation, the school's first appearance in the top 25 in that specialty.

Along with Temple Law's two perennially top-ranked specialties of trial advocacy (ranked second) and legal writing (ranked third), the ascent of international law makes Temple one of the few law schools in the nation to boast top-ranking programs in three different specialties.

For Robert J. Reinstein, dean of the Law School and Temple's vice president for international programs, the ranking was the culmination of a quest to create a third center of excellence in an area he considers "critical" for today's law students.

"Globalization is changing the legal profession," Dean Reinstein said. "For our students to be effective lawyers in the 21st century, they have to be exposed to the global environment in which they'll be practicing. Take intellectual property law: The United States has had to change its laws in order to make them more consistent with intellectual property laws in other countries. That's just one example

"...one of the few law schools in the nation to boast top-ranking programs in three different specialties."

why it's important to understand other cultures and other legal systems."

Reinstein believes that increasing prominence of international law at Temple is driven by three factors: top-notch faculty, innovative programs abroad and an outstanding institute promoting scholarship in international law.

Temple's excellent international law faculty has been supplemented by the recruitment of prominent faculty specialists. For example, Duncan B. Hollis, a widely published expert on the international law of treaties, recently joined Temple Law from the U.S. Department of State. Due to arrive next year are Peter J. Spiro, a nationally recognized and frequently cited expert in public international law, immigration law and foreign policy from the University of Georgia School of Law (where he is an associate dean and holds a named chair); and Jaya Ramji-Nogales from Georgetown University Law Center, who recently published a book on attempts to bring the Khmer Rouge to justice for genocide in Cambodia.

Temple Law's trendsetting programs abroad include the law program at Temple University Japan, the first of its kind run by any American law school in Asia; a groundbreaking Rule of Laws programs in China that is influencing the Chinese legal system by educating Chinese lawyers, judges, government officials and legal scholars; study abroad programs for Temple Law students in Beijing and Rome; and exchange programs in Ireland and Israel.

Reinstein also praises the Institute for International Law and Public Policy, an interdisciplinary institute fostering scholarship, dialogue and international legal exchange, for "bringing a lot of prestigious speakers and important

continued on page seven

TEMPLE UNIVERSITY JAMES E. BEASLEY SCHOOL OF LAW • LAW SCHOOL AND ALUMNI NEWS • SUMMER 2006



TEMPLE UNIVERSITY
JAMES E. BEASLEY SCHOOL OF LAW
 1719 North Broad Street
 Philadelphia, PA 19122

VISIT OUR WEBSITE:
[HTTP://WWW.TEMPLE.EDU/LAWSCHOOL/](http://www.temple.edu/lawschool/)
WRITE TO US: [LAWALUM@TEMPLE.EDU](mailto:lawalum@temple.edu)

NON-PROFIT
 ORGANIZATION
 U.S. POSTAGE PAID
 PHILADELPHIA, PA
 PERMIT NO. 1044



*International Moot Court Competition,
 see story page four*