

# Temple ESQ.



PROFESSOR GREGORY N. MANDEL

## 'PATENTLY NON-OBVIOUS'

*Professor explores how hindsight bias affects patent law decisions*

Driven by an interest in the intersection of psychology and law, Gregory N. Mandel, then teaching at Albany Law School, was researching behavioral and cognitive psychology when he came across the concept of hindsight bias: the tendency to be incapable of judging past events as if you did not have current information. That is, it is typical for people to overestimate what would have been anticipated in foresight and instead to view what actually occurred as having been relatively inevitable and foreseeable. A specialist in intellectual property law, Mandel immediately saw the chance to apply the phenomenon to patent law.

"The most important requirement for a patent is that the invention must not have been obvious at the time," says Mandel, now a professor of law at Temple. "It has to be a non-obvious invention. We judge the obviousness at the time the invention was achieved, but cognitively we are not able to ignore our knowledge that the invention occurred. That problem had been hypothesized and discussed in patent law tracing back over 100 years. But judges either essentially ignored it or simply instructed jurors to avoid it."

Seeking to prove that hindsight bias not only exists in patent law but also is a significant problem because of how it prevents accurate judgment of an invention's obviousness, Mandel devised an experiment in which he created hypothetical fact scenarios concerning two different inventions. The scenarios included background information about the respective field of art of each invention, a variety of prior art reference information, a description of the problem that a person cast in the role of the inventor was working on, and a questionnaire. He divided his participants—his mock jury—into two groups and gave each group a different scenario.

Each scenario was based loosely on the facts of an actual issued patent that had been challenged on non-obvious validity grounds in litigation and was the subject of a reported decision. The scenarios were selected for

*continued on page two*

## LAW SCHOOL NAMES NEW DEAN

*University selects from its own 'Acre of Diamonds'*

**APRIL 2008** Concluding a national search, Temple University President Ann Weaver Hart announced that Temple Law Associate Dean JoAnne A. Epps, a leading scholar in the areas of trial advocacy and criminal procedure and one of the university's most distinguished faculty members, has been appointed dean of Temple's James E. Beasley School of Law. Effective July 1, 2008, Epps replaces Dean Robert J. Reinstein, who steps down after 19 years to pursue his commitment to teaching and legal scholarship.

The appointment of Epps to the deanship is a classic Temple University "Acres of Diamonds" moment. Temple University founder Dr. Russell Conwell, loved to recount the story of a farmer who searched the continent of Africa seeking diamonds, when his own farm had an abundance of them the entire time. This story has become emblematic of Temple University's belief in its ability to cultivate the best in its own community.

"JoAnne Epps is an accomplished leader who will guide the Beasley School of Law to even greater heights," Hart says. "She is a universally respected scholar, her devotion to Temple's mission of access to excellence is tireless and—as her colleagues and students will testify—her energy is contagious. I congratulate the search committee for their hard work."

The committee charged with assisting President Hart with selecting a new dean was composed of law professors Susan DeJarnatt '80, Jeremi Duru, Theresa Glennon, David Hoffman, Nancy Knauer, and David Sonenshein; Judges Phyllis W. Beck '67 and Theodore A. McKee; Richard Diaz '08; Susanna E. Lachs '78; Hai-Lung Dai (Dean of the College of Science and Technology) and Samuel Hodge '74 (Fox School of Business); and



### JOANNE A. EPPS: A SHORT HISTORY

- 1967** Age 16, takes first job as a cashier at Temple's bookstore
- 1973** Earns a B.A. from Trinity College
- 1976** Earns a J.D. from the Yale School of Law  
Moves to Los Angeles to work as deputy city attorney
- 1980** Named assistant U.S. attorney for the Eastern District of Pennsylvania
- 1985** Joins the Temple Law faculty
- 1989** Named associate dean of academic affairs
- 1994** Appointed full professor
- 1997** Named I. Herman Stern Professor of Law
- 2008** Appointed Temple Law's first woman dean

University Vice President of Human Resources Deborah Hartnett '84. The committee has been meeting since October 2007, when Reinstein announced his intention to return to the faculty. The national search eventually focused on three candidates who were extensively interviewed in March and April 2008.

Epps assumes leadership of a law school with 64 faculty members, more than 1,200 students at Temple's main campus in Philadelphia and nearly 150 students enrolled in Temple's law programs in China and Japan. Temple Law's programs in trial advocacy, legal writing and international law are consistently ranked among the nation's best.

"I am humbled and excited to have this opportunity to lead this great faculty as Temple Law continues to grow at home and abroad," says Epps, "and I'm honored to follow Dean Reinstein, who has been an inspiring and transformative leader; he leaves big shoes to fill."

Although she has been a faculty member for more than two decades, Epps' connections to the university run far deeper. Her first job, at age 16, was as a cashier at Temple's bookstore, and her mother was a Temple employee.

As associate dean of academic affairs at Temple Law since 1989, Epps has served as the primary liaison between the dean and the law faculty; overseen student administrative operations, from admissions to career planning; and assisted the dean in faculty personnel decisions, fundraising and alumni relations.

Epps joined the Temple Law faculty in 1985, where she teaches popular courses in evidence, criminal procedure and trial advocacy. She was appointed a full professor in 1994, and served as the I. Herman Stern

*continued on page three*

## MANDEL . . . continued from page one

inventions that presented apparently disputable questions of nonobviousness. Each “juror” received only a single scenario in one of three different conditions. The foresight, or control, condition included all of the lead-up information and ended with the scenario character trying to solve the identified problem. The hindsight condition was identical to the foresight condition, except that it had one additional concluding sentence stating that the character had come up with a solution and identified that solution. The debiasing condition was identical to the hindsight condition, but the questions following the scenario included instructions based on Model Patent Jury Instructions that informed the juror of the hindsight problem, warned him or her about it, and advised him or her not to use hindsight in answering the questions.

In the questionnaire at the end of the study, jurors were asked whether, in light of the prior art and information provided in the scenario, a solution to the problem was obvious to a person with ordinary skill in the relevant field; the confidence they had in their answer to the obvious query; and the likelihood that the inventor in the scenario would achieve the invention.

“Because the only thing that varied between the foresight and hindsight conditions was the presence of information concerning achievement of the invention (that is, because all other factors were controlled for), any differences between the foresight and hindsight groups’ responses can be attributed to the presence of this information,” Mandel later wrote. “Similarly, because the only thing that varied between the hindsight and debiasing conditions was the presence of the debiasing jury instruction, any differences between the hindsight and debiasing groups’ responses can be attributed to the presence of this instruction.”

Mandel’s results were striking, showing “that the hindsight bias significantly influences non-obvious judgments.”

“Participants who were not informed of the invention were substantially more likely to judge a solution non-obvious than participants who were informed what the invention was,” he wrote. “. . . *Ex post* knowledge of invention deeply affected participants’ conclusions regarding whether an invention was non-obvious *ex ante*. Equally significant, debiasing instructions based on actual model jury instructions did not ameliorate the hindsight bias. This finding is consistent . . . with a variety of research on jury instructions indicating that the instructions often fail to produce their desired results, that jurors have an extremely low level of recall and comprehension of instructions, and that intended improvements to jury instructions often actually reduce juror understanding.”

“This is a significant problem for patent law,” Mandel says. “It can affect patent incentives to the extent that it makes it harder to get a patent than is appropriate. People may invest less to try to achieve inventions.”

The study was the first empirical demonstration of the hindsight bias in patent law. Mandel published his results

in a paper, “Patently Non-Obvious: Empirical Demonstration that the Hindsight Bias Renders Patent Decisions Irrational,” in the *Ohio State Law Journal* in 2006. It was selected as one of the top intellectual property articles of the year.

After submitting the “Patently Non-Obvious” draft, Mandel was working on follow-up experiments when the U.S. Supreme Court agreed to hear an appeal in *KSR v. Teleflex*, its first decision in 30 years of a case involving the non-obvious requirement. With the case tightly focused on the issue of the hindsight bias’s effect on that requirement, Mandel published “Patently Non-Obvious II: Experimental Study on the Hindsight Issue Before the Supreme Court in *KSR v. Teleflex*,” an overview of the latest experimental data related to the issue, in the *Yale Journal of Law & Technology*. Both papers were cited in several briefs filed with the Court in *KSR*.

The Court held unanimously that the patent in the case under consideration had been improperly granted because

the invention in question was obvious. Mandel disagrees with some of the analyses in the case.

“The problem with the decision is that it did not consider or understand the probability of the hindsight bias,” he says. “The decision only discussed the hindsight bias in one paragraph. By ignoring the hindsight bias, they are only looking at one part of the equation. Simply being warned about the hindsight bias and told not to let it influence your opinion does not work. It’s still a problem for patent law, and my prediction is it’s something that will continue to get worked out over the next several years.”

The two papers are vivid illustrations of Mandel’s belief that other disciplines can provide considerable insight into law.

“The multidisciplinary aspect is very attractive to me,” he says. “It’s valuable to draw on understanding in other fields to help inform legal analysis. Bringing that into play is very useful for helping to improve the law.”

—Thomas W. Durso

### EXCERPT FROM “Patently Non-Obvious: Empirical Demonstration that the Hindsight Bias Renders Patent Decisions Irrational”

by Gregory N. Mandel  
*Ohio State Law Journal*, 2006

The core requirement for obtaining a patent is that the invention was not obvious at the time it was invented. Only significant technological advances merit award of a patent. The reasons for the non-obvious requirement are evident: trivial advances will be achieved without the necessity of a patent incentive, and trivial advances do not benefit society enough to warrant imposing the costs of a patent monopoly on the public. Though the non-obvious requirement sounds logical, as applied it is irrational.

Proper non-obvious determinations are unachievable because they require the use of hindsight. The decision should turn on whether the invention was non-obvious in the *ex ante* world just prior to the invention’s creation. A proper non-obvious decision must not take into account the *ex post* fact that the invention was actually achieved. The present study, however, reveals that people are cognitively incapable of making such an evaluation properly. Rather, decision-makers unconsciously let knowledge of the invention bias their conclusion concerning whether the invention was obvious in the first instance. These findings are supported by other studies in behavioral economics and cognitive psychology outside the patent context. Individuals are intellectually incapable of preventing hindsight information from impacting their judgments about the past. Individuals routinely (and unconsciously) overestimate what would have been anticipated in foresight and tend to view what actually occurred as having been relatively inevitable and foreseeable.

The hindsight bias is recognized in common wisdom: “hindsight is 20/20,” and being a “Monday morning quarterback” exaggerates one’s foresight. The hindsight effect is also treated in law. For instance, it is the basis for concern that knowledge of a search outcome (whether incriminating evidence was found) will affect judgments concerning whether there was probable cause for the search in the first instance.

The failure of the legal system to correct for the hindsight bias in patent law likely stems in part from a failure to recognize its magnitude, pervasiveness, and unshakable nature. The results presented here indicate that there is a greater hindsight effect for non-obvious determinations than for other legal judgments. In one scenario, based upon an actually litigated patent, approximately one-quarter of mock jurors considered an invention obvious in the foresight condition (the doctrinally accurate analysis), while about three-quarters of mock jurors considered the same invention obvious in hindsight (the condition in which patent decisions and litigation actually occur). This effect (nearly half of the respondents shifted their legal conclusion in hindsight) is greater than that found in other legal hindsight bias studies in areas including negligence, punitive damages, and civil rights litigation. A second scenario, based on a different patent case, similarly found a very substantial hindsight bias: approximately one-third of the respondents shifted their conclusion in hindsight.

## HARVARD PROFESSOR PRESENTS GREEN LECTURE

April 2, 2008 **Professor Evelyn B. Higginbotham presented the Honorable Clifford Scott Green Lecture. Higginbotham is the Victor S. Thomas Professor of History and African and African American Studies at Harvard University. She is also the chair of the Department of African and African American Studies and has held this position since 2006. Previous speakers have been Judge Theodore A. McKee, Judge Louis H. Pollak, Judge Damon J. Keith, Judge Nathaniel R. Jones, and Professor Drew S. Days III.**

PROFESSOR HIGGINBOTHAM  
(RIGHT) GREETS AUDIENCE





## Top scholars anchor INT'L LAW COLLOQUIUM

Demonstrating a commitment to globalizing the law school curriculum, Temple is hosting an impressive line-up of international law scholars as part of its International Law Colloquium. The series brings leading faculty from other law schools to present works-in-progress to the Temple community.

The colloquium is organized as a class for second- and third-year law students. Over the course of the semester, seven outside scholars will have visited the school as part of the colloquium. Representing different law schools, these speakers offer a rich mix of intellectual styles, philosophies, political perspectives, and experience. "With this impressive group of scholars, the colloquium is a way to bring cutting-edge legal scholarship to the students," explains Peter J. Spiro, Temple's Charles R. Weiner Professor of Law.

Convened by Professor Spiro and Professor Duncan Hollis, and sponsored by the Institute for International Law and Public Policy, the colloquium is now in its second year. Presenters have included faculty from Harvard, Yale, the University of Pennsylvania, and Georgetown law schools. In addition to students, the sessions are open to other members of the Temple community and law faculty from area schools.

"The colloquium has given our students a fantastic opportunity to engage in oral and written dialogues with outside scholars, each other, and members of Temple's faculty," notes Professor Hollis. "Through this experience they're honing their ability to frame legal problems and critically assess potential solutions or approaches; skills that will serve them well in the practice of law in a globalized world."

The colloquium is a key component of Temple's international law program, now ranked in the top 20 among law schools nationwide. "International law has become an integral part of our curriculum and the institute's colloquium adds a great deal of intellectual excitement at the law school," says Dean Robert Reinstein.

Before each speaker session, students write "reaction papers"

critiquing pre-publication manuscripts authored by the visiting scholars. The colloquium then brings classroom learning to life by offering the students the unique opportunity to engage the visiting expert in an informal atmosphere and to hear comments from a discussant—an international law scholar invited to respond to the speaker's paper.

The result is vibrant discussion on a range of topical international law subjects. According to Spiro, this format is "an increasingly popular way for a law school to advance its commitment to international law." Other schools convening such colloquia series include Harvard, NYU, Georgetown, and the University of Chicago.

Among the subjects addressed this year were the constitutional status of treaties as a matter of domestic law, with Professor Carlos M. Vazquez of Georgetown Law Center presenting a paper that will be published this fall in the *Harvard Law Review*. Melissa Waters of Washington & Lee Law School discussed the treatment of decisions of international tribunals in domestic federal courts. Jeremy Rabkin, a noted conservative political scientist on the faculty of George Mason University Law School, spoke on the need for exit rights from treaty regimes.

The students enrolled in the colloquium series clearly reap a dual benefit: the skilled teaching and coordination of the class provided by Hollis and Spiro, coupled with the exposure to distinguished academics from other law schools. In fact, one student described this program as different from any other class at Temple. "It is one of the best classes I've ever taken here," he said.

The colloquium series will be offered again in the spring of 2009. Already on board for next year's series is Professor Jack Goldsmith of Harvard Law School, author of the widely-acclaimed book *The Terror Presidency*, recounting his experiences as a top Justice Department official in the Bush administration.

### 2008 SPEAKERS

**CARLOS VAZQUEZ**, Georgetown University Law Center: *Judicial Enforcement of Treaties*

**MELISSA WATERS**, Washington and Lee University School of Law: *Veni, Vidi, Amici: Law Professors as Transnational Norm Entrepreneurs Before the U.S. Supreme Court*

**JEREMY RABKIN**, George Mason University Law School: *Exit, Voice, Loyalty in International Organizations: Why Can't the President Check the First Option?*

**KENNETH ANDERSON**, American University Law School: *Methodology and Political Commitment in International Legal Scholarship*

**SEAN MURPHY**, George Washington University Law School: *The Jus Ad Bellum in View of New Security Threats*

**JUTTA BRUNNÉE**, University of Toronto Law School: *Interactional International Law: Reflections on Obligation*

**RACHEL BREWSTER**, Harvard Law School: *Renegotiation and Reinterpretation of Treaties*

## EPPS . . . continued from page one

Professor of Law, a rotating professorship honoring teaching excellence, from 1997 to 2000. An authority on evidence, criminal procedure and litigation advocacy, Epps is the author or co-author of several articles and books that are widely used by law students and lawyers, including *The Winning Argument*, published in 2001, and *100 Vignettes for Improving Trial Evidence*, published in 2005.

Epps is a member of the American Law Institute (ALI) and a long-standing, influential member of many American Bar Association (ABA) committees. She is the section of litigation delegate to the ABA's house of delegates and a member of the ABA's nominating committee and its steering committee. Epps recently completed a term as a member of the ABA standing committee on continuing legal education. She currently serves on the advisory committee of ALI-ABA's program committee.

A passionate advocate of international legal education, Epps was the only law professor selected by the ABA to travel to London to train Sudanese lawyers representing victims of the Darfur crisis. She also has taught Chinese legal professionals in Temple Law's pioneering Rule of Law programs in Beijing, jury trial advocacy to members of the Japanese Bar Association, and advocacy skills to prosecutors in Tanzania at the United Nations' International Criminal Tribunal for Rwanda.

Epps earned her J.D. from the Yale School of Law in 1976 and a B.A. from Trinity College in 1973. Before joining the Temple Law faculty, Epps was an assistant U.S. attorney for the Eastern District of Pennsylvania from 1980 to 1985; she tried more than a dozen criminal cases to verdict and argued three cases in the U.S. Court of Appeals for the Third Circuit. From 1976 to 1980, Epps was a deputy city attorney for the City of Los Angeles, where she tried more than 50 criminal jury trials.

"I am delighted JoAnne Epps has been chosen as the law school's new dean—I cannot imagine a better choice," says Reinstein. "JoAnne has worked very closely with me for 19 years as the academic associate dean, and she has been invaluable to the successes of the law school."

"She is brilliant and has an amazing depth of knowledge about legal education. As a result of her work with the American Bar Association and Defenders Association, she has earned national and international recognition as an influential leader of the legal profession. JoAnne has tremendous support among our faculty, students, alumni and staff because she is warm and engaging and possesses that rare and wonderful quality of good judgment. I am confident that the law school will continue to excel under her leadership and will reach new heights of recognition for the outstanding quality of our faculty and our legal education programs."



JUDGE STERN (LEFT) WITH DEAN REINSTEIN

## FORMER FEDERAL JUDGE DELIVERS HERBERT F. KOLSBY LECTURE

APRIL 8, 2008 **The Honorable Herbert J. Stern was the 2007 Herbert F. Kolsby Distinguished Lecturer in Trial Advocacy, delivering a lecture entitled "A Peek Through the Blindfold and a Thumb on the Scale."**

**Following a high-profile career as U.S. Attorney for the District of New Jersey, Stern rose to the federal bench in 1973. In 1978, he was also appointed U.S. Judge for Berlin on a tribunal that was trying fugitives from the Iron Curtain who hijacked a Polish plane and diverted it to the American sector of Berlin. When Judge Stern left the federal bench in 1987 after a 14-year stint, he was not remotely interested in retiring from the law. Instead, he decided to "explore life on the other side of the courtroom." He joined the 21-lawyer New Jersey firm of Stern & Kilcullen; less than a decade later, a headline in the *Wall Street Journal* announced: "Top Gun Lawyer Keeps Big Presence With Small Firm."**



ROBERT SCHWARTZ '75 AND MARSHA LEVICK '76

## MACARTHUR 'GENIUS' AWARD GOES TO JUVENILE LAW CENTER

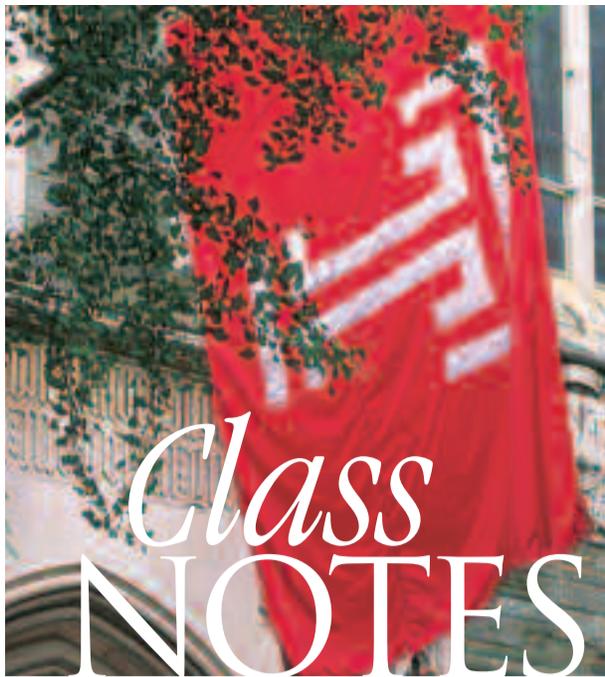
*Founded by Temple Law alums, the center is one of eight recipients worldwide*

**APRIL 2008** The Juvenile Law Center, the public-interest law firm founded in Philadelphia in 1975 to advocate for children in custody or the child-welfare system, was awarded \$500,000 by the John D. and Catherine T. MacArthur Foundation Award for Creative and Effective Institutions.

The center, the oldest public-interest law firm in the U.S. devoted to the interests of juveniles, was founded in 1975 by four Temple University law school graduates: Robert Schwartz '75, Marsha Levick '76, Judith Chomsky '75, and Philip Margolis '75. Schwartz, who has remained with the center, is now the executive director and Levick heads the legal department. The nationally renowned center is a popular place for Temple law students to intern.

"We are obviously thrilled to be a recipient and gratified by what the magnitude of this award represents for the work to be done," says Levick. "What this award really means is that we'll be able to do more of what we have been doing, providing services to more kids and really pushing the boundaries of the law."

In announcing the award, nicknamed "the genius award," the MacArthur Foundation cited the Juvenile Law Center's *amicus* brief, joined by 49 other juvenile-advocacy groups, in *Roper v. Simmons*, the 2005 U.S. Supreme Court case that abolished the juvenile death penalty. The foundation wrote that the decision "affirmed principles that the Juvenile Law Center had upheld for three decades and marked a watershed moment in children's rights."



### 1956

The **HONORABLE WILLIAM H. STAFFORD JR.** was the subject of the "Judicial Profile" in the March/April 2008 issue of *The Federal Lawyer*, a publication of the Federal Bar Association.

### 1971

**STEPHEN H. FRISHBERG** of Deeb, Petraskis, Blum & Murphy was a speaker at the National Business Institute for a seminar on limited liability companies.

### 1978

Alaska Governor Sarah Palin appointed **PAUL LYLE** to the Fairbanks Superior Court. Lyle has worked for the Alaska Department of Law for more than 24 years, most recently as an assistant attorney general in Fairbanks, where he is the lead attorney on Indian issues.

### 1984

**PETER GALLAGHER** was reelected without opposition to his second six-year term as Judge of the Superior Court, San Diego County, California. Judge Gallagher, who is assigned to general criminal trials, was originally elected in 2002 as the first attorney ever elected to the San Diego bench without opposition.

### 1985

QVC has announced the promotion of **LAWRENCE R. HAYES** to senior vice president and general counsel. Hayes, who has been with QVC since 1992, will manage all aspects of the company's legal and internal audit departments. Prior to QVC, Hayes was an attorney at Mesirov, Gelman, Jaffe, Cramer & Jamieson in Philadelphia.



**JAMES J. KOZUCH**, a partner in the intellectual property law firm of Caesar, Rivise, Bernstein, Cohen & Pokotilow, recently addressed lawyers from across the state on the fundamentals of patent law at the annual Intellectual Property Law Institute sponsored by the Pennsylvania Bar Institute.



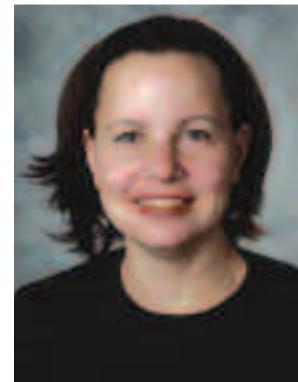
**KATHLEEN FUREY McDONOUGH** received the annual Themis Award from the DuPont Women Lawyers' Network. McDonough, a partner at the Delaware firm of Potter Anderson & Corroon, was honored "for her efforts in mentoring junior female lawyers and increasing the visibility of women, and her extensive community involvement and career achievements."



**ROSEANN B. TERMINI** recently spoke at the annual Health Law Institute of the Pennsylvania Bar Institute. Her featured address was "Drug, Dietary Supplement, 'Neutraceutical', Cosmetic or Combination-Legal Issues in Product Classification Under the Federal Food, Drug and Cosmetic Act and Hot Topics in FDA Law: Preemption, Duty to Warn, Compounding, and Post Market Risk Issues." Termini is the author of *Life Sciences Law: Federal Regulation of Drugs, Biologics, Medical Devices, Foods and Dietary Supplements*.

## NADIA HEWKA '95 HONORED BY STATE LEGAL AID GROUP

**MARCH 18, 2008** Nadia Hewka '95 was awarded the 2008 Excellence Award by the Pennsylvania Legal Aid Network at a ceremony in Harrisburg. The award honors members and friends of the legal aid community who exemplify excellence in their commitment and accomplishments as advocates for low-income people. Hewka, a senior staff attorney at Community Legal Service, has worked in the employment unit for eleven years. In that time, she has represented more than 1500 clients and leads the unit's efforts to serve Philadelphia's immigrant community.



SANDRA MAZER MOSS '75 WAS JOINED BY (FROM LEFT) TLA A PRESIDENT JEFFREY SCARPELLO '88, HUSBAND WILLIAM DEANE, AND DEAN ROBERT REINSTEIN

## SANDRA MAZER MOSS '75 HONORED AT FOUNDERS DAY

**APRIL 26, 2008** Philadelphia Common Pleas Judge Sandra Mazer Moss was the 2008 Founders Day honoree. Moss is the civil division team leader of the judges who hear complex medical malpractice and products liability cases. She was the founder and first supervising judge of the Complex Litigation Center, where she streamlined the case management techniques used for mass tort cases, such as cases involving asbestos, breast implants, and orthopaedic bone screws. Moss was also a founding member of the state judges' mass tort litigation committee, and for eight years she was part of the standing committee of the Conference of Chief Justices.

## 1986

Cozen O'Connor member **DANIEL G. RONCA** has been elected chair of the family law section of the Montgomery Bar Association. A member in Cozen O'Connor's West Conshohocken office, Ronca concentrates his practice in family law, and is a certified family law mediator.



## 1988

**STEFANIE BOINSKI LINDQUIST** has been appointed full professor of law, with tenure, at the University of Texas Law School in Austin. Lindquist was previously on the faculty of Vanderbilt University where she held a joint appointment in the law school and the political science department. Lindquist's book, *Judging on a Collegial Court: Influences on Appellate Court Decision Making* (with Virginia Hettinger and Wendy Martinek) was published by University of Virginia Press in 2006, and *Measuring Judicial Activism* (with Frank Cross) is currently under contract with Oxford University Press.



## 1989

**BARBARA T. SICALIDES**, a partner with Pepper Hamilton, has been elected president of the boards of trustees for Philadelphia Legal Assistance and Community Legal Services of Philadelphia. Sicalides serves on several boards of organizations that seek to provide income-eligible individuals equal access to the legal system, and she currently serves on the executive committee of the Committee of Seventy.



## 1991

Dilworth Paxson's corporate investigations and white collar group chairman, **DAVID M. LAIGAIE**, recently participated in the Pennsylvania Bar Institute's Health Law Seminar, leading a panel discussion entitled "The False Claims Act Year in Review."

## 1995

WolfBlock announces that **PETER T. WAKIYAMA** will serve as co-chair of the firm's intellectual property and information technology practice group.



## 1996

Assistant District Attorney **KALLI AGELAKIS** was recently honored for her work on behalf of crime victims when she received the prosecutor award from the Philadelphia



SUSAN R. SMOLENS '01 AND M. MARK MENDEL '57

## M. MARK MENDEL '57 RECEIVES LIFETIME ACHIEVEMENT AWARD

**APRIL 3, 2008** The Philadelphia Trial Lawyers Association announced the inaugural M. Mark Mendel Lifetime Achievement Award. The award, this year presented to the man who was its inspiration, will be presented in the future to "those whose careers are emblematic of the life and spirit of M. Mark Mendel." Mendel was president of PTLA in 1978, and an active leader of the association throughout his career. The Law Offices of M. Mark Mendel is a five attorney personal injury firm.

Coalition for Victim Advocacy. Agelakis, who is now assistant chief of the district attorney's municipal court unit, worked in the sexual assault unit from 1999 to 2003.

## 1997

GoAmerica, a provider of relay and wireless communications and professional interpreter services for deaf, hard-of-hearing, and speech-impaired persons, recently announced the appointment of **KELBY BRICK** as vice president of regulatory and strategic policy. Previously, Brick was the director for law and advocacy at the National Association of the Deaf, and is co-author of *Legal Rights: the Guide for Deaf and Hard of Hearing People*.

**VINCENT CAPONE, J.D./M.B.A.**, a partner in the Private Equity practice at Reed Smith, spoke in March about Hong Kong's legal system at a seminar sponsored by the World Trade Center of Greater Philadelphia. Capone has handled numerous transactions for his clients throughout the United Kingdom, Europe and the Middle East. Most recently, he handled the transactional work for Reed Smith's merger with the Hong Kong law firm of Richards Butler, effective January 2008.



Cozen O'Connor member **HAYES A. HUNT** recently lectured on trial skills for the District of Columbia Bar. His lecture was titled "Witness Preparation and Direct Examination."

## 1998

Banner & Witcoff, an intellectual property boutique firm, announced the promotion of **STEVE CHANG** to senior partnership in the electronics and computer technology practice. He was previously a partner.

**BRIAN MARRIOTT** has joined the litigation department of Curtin & Heefner in Morrisville, PA, where he concentrates his practice on property damage defense.

**CATHERINE A. MARRIOTT**, an attorney in the business/corporate law group of Semanoff Ormsby Greenberg & Torchia, has been elected a member of the firm. Marriott is also a member of the president's advisory board for Archbishop Wood High School.



**DORIAN MAZURKEVICH** has been appointed regional intellectual property attaché to Latin America for the U.S. Consulate in Rio de Janeiro, Brazil.

## 1999

**LISA POOLE DEEM, D.M.D., J.D.**, recently became the first full-time Temple University School of Dentistry faculty member appointed to the Pennsylvania State Board of Dentistry. Deem was nominated to the board by Governor Edward G. Rendell and confirmed by the state Senate to a six-year term.

**MARY J. WALK**, of Rubin, Fortunato & Harbison, was elected a shareholder in January 2008. Walk practices in the area of employment-related matters involving restrictive covenants, trade secrets and employment agreements.

## 2000

**CHRISTOPHER S. CASIERI** has joined the law firm of Norris McLaughlin & Marcus as an associate in the firm's intellectual property law group. Before joining the firm, Casieri practiced intellectual property law with Mathews, Shepherd, McKay & Bruneau in Princeton, NJ, and Dorsey & Whitney in Washington, DC. Prior to law school, Casieri worked in the pharmaceutical industry as a research associate and analyst.



## Invest Wisely

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

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

For more information, or a confidential illustration on your charitable gift annuities, please contact:  
John R. Walker, Esq.  
Senior Director of Development  
and Alumni Affairs  
Beasley School of Law  
1719 N. Broad Street  
Philadelphia, PA 19122  
215-204-4754 or  
Toll Free 800-864-5386  
john.walker@temple.edu

### ONE-LIFE ANNUITY

Age	Rate
60	5.5%
65	5.7%
70	6.1%
75	6.7%
80	7.6%
85	8.9%
90 & Over	10.5%

### TWO-LIFE ANNUITY

Age	Rate
60 & 60	5.2%
65 & 65	5.4%
70 & 70	5.6%
75 & 75	6.0%
80 & 80	6.6%
85 & 85	7.4%
90 & 90	8.7%

Rates effective July 1, 2008

**HAN NGUYEN** has been elected to partnership at Schnader Harrison Segal & Lewis, where he concentrates his practice in general commercial litigation.

## 2001

Schnader Harrison Segal & Lewis recently promoted **JOSEPH P. SANTORO** to partner. Santoro focuses his practice on real estate matters.

## 2002

**PEDRO J. JIMENEZ JR., LL.M. IN TRIAL ADVOCACY**, has been confirmed as Judge of the Superior Court in Middlesex County, NJ. Judge Jimenez was sworn in on April 4, 2008 and is assigned to the Civil Division.

## 2004

**ALLYSON B. DAVIS** has joined the City of Philadelphia's law department's regulatory affairs unit, where she is an assistant city solicitor representing the Philadelphia International and Northeast airports in the transportation division. Previously, Davis clerked for Judge Daniels on the Superior Court of Pennsylvania.

**AMEE S. FARRELL**, a member of the land use, zoning and development department of Kaplin Stewart in Blue Bell, PA, has been appointed to the Cheltenham Township planning commission.



**C. DAVID PEDRI** has joined his father, **CHARLES R. PEDRI '76**, in practice at the Pedri Law Office in Hazleton, PA. Pedri is also a part-time assistant district attorney in Luzerne County specializing in homicide prosecution.

## 2005

**CRYSTAL BROWN'S** recent *pro bono* victory was featured on *probono.net*, a website that provides resources for pro bono and legal services attorneys. Brown was recognized for obtaining a final order of guardianship for an uncle wanting to care for his abandoned 14-year-old epileptic niece. Brown is an associate at Bryan Cave, where her practice is comprised of a wide variety of federal and state litigation matters involving employment, securities, bankruptcy and contract law.

**SUSANNE H. GOODSON, J.D., PH.D.**, has joined Fish & Richardson's Wilmington office as an associate in its patent prosecution and strategic counseling group, where she focuses her practice in the pharmaceutical field. Prior to joining Fish, she was an associate at Pepper Hamilton.

### IN MEMORIAM

<b>Francis J. Tarquini Sr.</b>	<b>Class of 1960</b>
<b>Nathan I. Raiken</b>	<b>Class of 1962</b>
<b>Paul David Henriksen</b>	<b>Class of 1998</b>



## JOHN BACON '98 SPEAKS AT DEAN'S FORUM

**MARCH 4, 2008** The non-traditional career of John Bacon '98 was the subject of a dean's invitational forum. Before attending law school, Bacon had pursued a career in museum and historic preservation work in New England and the Delaware Valley. Today, as director of planned giving at The New York Public Library, he oversees a staff of four and a list of gift expectancies valued at more than \$100 million. Before joining the library in 2003, Bacon was a trust and estates associate at Ballard Spahr Andrews & Ingersoll in Philadelphia and then worked for the Philanthropic Services team at Smith Barney in New York, where he started that firm's donor-advised fund.

## 2006

Schnader Harrison Segal & Lewis announces that **LEAH SNYDER BATCHIS** has joined the firm as an associate in the litigation services department. Before joining the firm, Batchis clerked for Judge Paul S. Diamond of the U.S. District Court for the Eastern District of Pennsylvania.

**BEN CISSE, LL.M.**, is now living and working in the Ivory Coast, where he is an associate at the law firm of Dogue-Abbe & Associates in the city of Abidjan.

**MICHAEL JORDAN** recently joined the national intellectual property law firm Woodcock Washburn as an associate. Jordan was previously an engineer in both the pulp and paper, and chemical industries.

**ANDREA D. LEVESQUE** has joined Hamilton Brook Smith Reynolds, an intellectual property law firm in Concord, MA, as an associate.

## 2007

**SUPRIYA PAI, LL.M.**, has just joined KPMG's non-profit advising unit staff in New York City. KPMG, an international firm, is a network of professional firms providing audit, tax, and advisory services.

**MICHAEL J. SOSKA** has joined Post & Schell's casualty department in the Philadelphia office. Soska previously served in the military in the Balkans and returned as an Army captain. He was subsequently stationed at Fort Dix, where he managed the training of more than 20,000 Army Reserve and National Guard soldiers for deployment in Iraq and Afghanistan.

**KATHERINE SULLIVAN** joined the Philadelphia office of Bonner, Kiernan, Trebach and Crociata, where she focuses her practice on defense litigation.

## HITTINGER MEMORIAL FUND SUPPORTS TEMPLE LAW REVIEW SYMPOSIUM

Carl Hittinger '79 and his wife Richelle ("Shelley") '77 have established the Dorothy E. Hittinger Memorial Fund, in memory of Carl's mother, to support the annual *Temple Law Review* symposium.

Carl, a partner at DLA Piper concentrating in antitrust, civil rights and constitutional law, hopes his financial support of the symposium enables Temple to continue presenting real world—often controversial—issues to students, faculty and the legal community in a direct, yet balanced, way.

"This diversity of opinion is what the institution has always stood for, and what my mother embodied in the way she lived her life," says Carl, who served two years on the *Temple Law Review*, first as staff writer, then as research editor. "What better way to honor her ideals than to create this fund in her name."

"Shelley and I are very proud to be Temple graduates, of both the university and law school," adds Carl. Their daughters Sarah and Abbie also attend Temple University and plan to stay there for graduate school, with one considering a law career. "The school has and continues to be a large part of our family's life."



TEMPLER TEAM (FROM LEFT): PAUL DOWNING '09, MARIE TRIJO '08, CHRIS DEBARRENA-SAROBE '09, AND WILL SHUEY '08 ARE ATLA NATIONAL QUARTERFINALISTS

## TRIAL TEAM WINS ATLA NAT'L QUARTERFINALS

**MARCH 9, 2008** Temple's National Trial Team successfully defended its American Association for Justice (formerly ATLA) regional championship title at a competition at the Criminal Justice Center in downtown Philadelphia. It was the team's eighth regional championship in eleven years of competing. Representing Temple were Chris DeBarrena-Sarobe '09, Paul Downing '09, Will Shuey '08, and Marie Trijo '08. A second team of Ellen Blood '08, Kristen Gibbons '09, Alec O'Neill '09 and Trevor Taylor '08 missed the semi-final round by a single ballot. At the national competition, the team advanced to the quarter-final round before losing to eventual champ, Cumberland Law School of Samford University. Temple has won the AAJ national championship twice and finished twice as the finalist and as semi-finalists. The teams are coached by Professor Maureen McCartney, Director of Trial Advocacy Programs and Carrie Cinquante, former Director of the LL.M. in Trial Advocacy Program.

## 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

## ALUMNI SPOTLIGHT

# SUSAN DEJARNATT '80

*Always there for students*

Susan DeJarnatt, the recipient of a 2008 Lindback Award for Distinguished Teaching, is cut from a special bolt of Temple cloth. She is both a Temple faculty member and an alumna of Temple Law School.

When she graduated from law school in 1980 she was *magna cum laude* and first in her class and once again she has been singled out, this time by her peers and her students, for meritorious performance.

Her unlikely trajectory to Temple from the West Coast was serendipity. DeJarnatt grew up in Longview, a mill town in Washington State, one of five children. Her father was a high school history teacher who also served as a state legislator and her mother was a housewife turned middle school art teacher. "I was thinking of becoming a teacher too when I went off to Ohio to attend Oberlin College," she says.

"I chose Oberlin because it was totally different from my hometown," she explains. It allowed students to choose not to have grades and had a social justice agenda and an East Coast intellectual flavor." In her junior year, she opted for an urban studies semester in Philadelphia where she worked in an after-school program in a Puerto Rican neighborhood. "Philadelphia was a good fit," she recalls. After graduation she returned to Philadelphia and worked as a paralegal for Community Legal Services. There she discovered she wanted to be a lawyer.

"I was admitted to Temple Law in their Special Admissions Program. I was special because I had no undergraduate GPA; Temple took a chance on me. But I was well prepared in that I had paralegal experience at CLS and a goal of working there as a lawyer. I also knew beforehand what lawyering was about. Most of the work is research and writing. Not Allie McBeal. Not glamorous or funny. Mostly, it's hard work."

She clerked for a federal judge for two years but CLS then faced deep budget cuts which ended her plans to return there. Instead she joined a litigation firm for two years. When CLS bounced back, she returned as a consumer housing specialist, representing low-income clients dealing with foreclosures, bankruptcy and predatory



PROFESSOR DEJARNATT WITH CAROL KIM '08

**"She has been and continues to be an invaluable mentor to countless students like myself considering a career in public interest law."**

—Carol Kim '08

lending. After her marriage unraveled she found herself the sole supporter of her daughter. She was lamenting the fact that she couldn't afford to get her car repaired when she bumped into a friend on the subway. The friend told her about a part-time job at Rutgers-Camden Law School teaching legal writing. DeJarnatt jumped at the opportunity and found she loved teaching law.

Five years later in 1996, when she had remarried and given birth to a son, she joined Temple's faculty as a full-time assistant professor of legal research and writing. She has since been promoted to associate professor. Currently, DeJarnatt's classes include the first-year legal writing to a public interest law seminar, and international litigation courses in Temple's summer program in Rome. And she and her colleagues have been credited with developing Temple's Legal Research and Writing Program into one of the highest ranked programs in the nation.

Her students and colleagues don't require prompting when they say, "An exceptional mentor and scholar," "It was an honor to have her as a professor."

—Ruth Waldman Schultz

**"I really felt like she was a comrade, and together we were on a learning adventure.."**

—Colleen Cochran, third-prize winner of the PBA's Justice Ruth Bader Ginsburg Legal Writing Competition.

**"Training lawyers involves setting an example of mature behavior, yet the intensity inherent in the first year of law school makes a certain degree of informality, humor and approachability an indispensable characteristic of a great law professor. . . . Professor DeJarnatt effectively struck the balance between these two principles of professorial demeanor."**

—Michael J. Borden (former Temple Law teaching fellow)  
Assistant Professor of Law, Cleveland-Marshall College of Law

**"I had never before had a professor who so expertly and thoroughly critiqued my writing."**

—Leah Snyder Batchis, Winner of the Jack M. Golden and Frieda Golden Prize for superior legal research & writing in health law

**"Her class in public interest law is one that I wish all Temple Law students would take . . ."**

—Darren Myers

**"I think it speaks volumes about Professor DeJarnatt's abilities as a legal writing professor that 6 members of my first year writing class left Temple for federal clerkships. . . . Simply put, Professor DeJarnatt has played a foundational role in getting my legal career started."**

—Todd J. Cook

**"Susan's materials [utilized in teaching appellate advocacy] are sophisticated, subtle and interesting. . . . In this regard Professor DeJarnatt stands in the top rank nationally of professionals in her area."**

—Professor Anthony J. Bocchino

**"I could go on and on about the effectiveness of Susan's classroom teaching: her use of humor; her adroit questioning of students; her seamless combination of oral, visual and experiential modes of instruction . . . However I want to focus on one particularly rare, but in her hands highly effective quality: humility."**

—Professor Richard K. Greenstein

## 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



ATTENDING THE COMPETITION WERE (FROM LEFT): PROFESSOR DAVID POST, MARK VOGELBACKER, DON HARRIS, ZACH FANSLER, ASSOCIATE DEAN SHYAM NAIR '97, PROFESSOR GREGORY MANDEL, MARY KATE BONNER, AND ANDREW KOOPMAN

## STUDENTS WIN IP MOOT COURT REGIONALS

MARCH 2008 **Students Mary Kate Bonner and Mark Vogelbacker were regional semifinalists in a moot court competition that focuses on intellectual property law. Eighteen teams competed in the regional round of the AIPLA Giles Sutherland Rich Memorial Moot Court Competition, named for a member of the U.S. Court of Appeals for the Federal Circuit considered the most distinguished jurist in the field of patent law in the world.**



ONE ITEM "ON THE BLOCK" AT THIS YEAR'S SPIN AUCTION WAS A SUPREME COURT BOBBLEHEAD DOLL



PROFESSOR ANTHONY BOCCHINO WAS ONE OF THIS YEAR'S AUCTIONEERS



THE 2008 AUCTION WAS HOSTED BY THE LAW FIRM OF DUANE MORRIS

# SPIN NETS OVER \$24,000 TO SUPPORT SUMMER PUBLIC INTEREST JOBS

*Inaugural SPIN award presented to Dean Reinstein*

**MARCH 5, 2008** The 16th annual SPIN auction, hosted by Duane Morris, raised more than \$22,000 to place law students in public interest jobs this summer. Hundreds of items, services and activities are bid on in a combined on-line and live auction. Unique items ranged from Supreme Court bobblehead dolls to lunch at Le Beq Fin with Dean Reinstein. Since its inception, SPIN has raised in excess of \$200,000 through a range of activities, with the bulk of the support resulting from the annual auction.

SPIN was formed in 1992 after a second-year Temple Law student had to turn down a summer public interest job that offered no compensation. Ever since, SPIN has sought to ensure that committed students do not have to forego opportunities to make valuable contributions in public interest law, and to gain the rich experience it offers.

Temple Law leads the Philadelphia area law schools in its success at placing graduates in public interest positions. The American Bar Association recognized Temple for this achievement, ranking a recent class as twelfth in public interest placements nationwide.

At this year's event, SPIN honored Dean Robert J. Reinstein, who retires from the deanship this year to return to the faculty. He was presented with the inaugural Robert J. Reinstein Award for making public interest a centerpiece of his 19-year tenure. Also announced at this



SPIN ORGANIZER KRISTINA MOON '09 PRESENTS THE INAUGURAL ROBERT J. REINSTEIN AWARD

year's event is a new SPIN endowment, established in Dean Reinstein's honor, with the goal of ensuring SPIN'S stability in future years.

In presenting the Robert J. Reinstein award, SPIN student leader Kristina Moon '09 and SBA President Zach Fansler '08 expressed gratitude to the dean for "creating a culture where students are encouraged and supported in pursuing public interest careers and offering *pro bono* work." They cited the numerous public interest programs that have been instituted during the 19 years in which Reinstein has served as dean, including the following:

- **The Rubin-Presser Public Interest Scholarship** is now awarded annually to

three incoming students who have a strong commitment to public interest work.

- **A full-time public interest career adviser** and coordinator of *pro bono* efforts has been added to the career planning staff.
- **The Barrack Fellowship Program**, a loan repayment assistance program, helps alleviate debt burdens of graduates pursuing public interest careers.
- **Matching summer grants** have been pledged matching funds to complement all the money raised through the SPIN auction.
- **The Public Interest Experience Fair** matches student volunteers with public interest organizations.

TEMPLE UNIVERSITY JAMES E. BEASLEY SCHOOL OF LAW · LAW SCHOOL AND ALUMNI NEWS · SUMMER 2008



## DEAN HONORED FOR INT'L LEADERSHIP

May 2007 **Dean Robert J. Reinstein** has been selected to receive a 2008 **Michael P. Malone International Leadership Award** from the **National Association of State Universities and Land-Grant Colleges**. The award will be presented at a ceremony at the organization's July meeting in Portsmouth, New Hampshire.



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

VISIT OUR WEBSITE: [www.law.temple.edu](http://www.law.temple.edu)  
 WRITE TO US: [lawalum@temple.edu](mailto:lawalum@temple.edu)

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