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Planning Underway for Major Law School Construction

Planning is currently underway for a ten-year, multi-phased construction project that will transform Boston College Law School's physical plant. The first phase of the project will provide a completely new law library with twice the area of the existing Kenny-Cottle Library. Ground-breaking for the library construction is scheduled for the spring of 1994, with occupancy expected in January 1996.

The new law library will feature increased seating in a variety of configurations; advanced audio-visual and communications technology on every floor; three computer learning facilities; and ample square footage to permit continued growth in the library's collection, both in the number of print volumes and in computer-based information.

The library and other new facilities, which ultimately will include classrooms, faculty and student organization offices, and dining areas, are being developed by the Boston architectural firm of Ear! R. Flansburgh & Associates. The structures are being designed to accommodate both the short- and long-term needs of the Law School; a Special Planning Committee chaired by Associate Dean Brian P. Lutch and Law Library Director Sharon Hamby O'Connor has helped to assure that the requirements of all members of the Law School community are considered in the planning process. In addition, Lutch and O'Connor have visited newly constructed law school facilities throughout the country to learn from others' experiences.

"We anticipate that the planned facilities will meet the needs of the modern law school of the 21st century," Lutch says. "We look forward to having a physical plant that reflects the high quality of our academic program as well as of our faculty, students, staff, and alumni."

Irene Francesconi Becomes Director of Law School Fund

Irene M. Francesconi has been named Director of the Law School Fund with responsibility for planning and executing a fundraising program involving annual gifts of up to $5,000. Her specific assignments include recruiting and training volunteers, designing a direct mail program, conducting fall and spring telethons, and organizing donor recognition events in Boston and other areas of the country. Francesconi succeeds former director Deborah L. MacFail, who left the Law School after seven years to assume a development position with Harvard University's School of Public Health.

Francesconi, a 1987 Boston College graduate, has several years of fundraising experience with both educational institutions and other non-profit organizations. She served as a Regional Director responsible for obtaining gifts toward a $17 million capital campaign for Governor Dummer Academy, a private preparatory school in Byfield, Massachusetts. In addition, Francesconi was a Development Officer for Boston University, where she created and managed special projects to support the School of Management's $80 million capital campaign. Most recently, she worked for the National Spinal Cord Injury Association and, as Director of Development, was responsible for planning and implementing a comprehensive fundraising program targeting individuals, corporations, and foundations.

"We are pleased to have Irene Francesconi join the Law School community. I am certain that she will do an excellent job in assuring the ongoing success of the Law School Fund and that our alumni will enjoy working with her," says Dean Aviam Soifer.

Irene M. Francesconi, Director of the Law School Fund
One Permanent, Four Visiting Faculty Join Law School for 1993-1994

Boston College Law School welcomed one full-time and four visiting faculty for the 1993-1994 academic year.

Joining the permanent faculty as an Assistant Professor after a year as a visiting faculty member is Anthony P. Farley, who teaches courses in constitutional law as well as Law of Slavery. Before coming to the Law School, Farley was an Assistant United States Attorney for the District of Columbia. He holds a B.A. from the University of Virginia and a J.D. from Harvard Law School.

This year's visiting faculty include John M. Finnis, a noted Professor of Law and Legal Philosophy at Oxford University in England. Finnis is teaching courses titled Problems in Contemporary Anglo-American Jurisprudence; The Social, Political, and Legal Theory of Thomas Aquinas; and Decisive Debates in Western Legal and Political Thought. He has published extensively on the topics of theology, philosophy, and jurisprudence, and his books include Natural Law and Natural Rights as well as Moral Absolutes: Tradition, Revision and Truth.

Ray Madoff, formerly an associate with the Boston law firm of Hill & Barlow, joins the Law School as a Visiting Assistant Professor teaching Trusts and Estates Survey and Estate Planning. She holds J.D. and LL.M. in Taxation degrees from New York University School of Law.

Judith Bernstein Tracy, who in the past has taught the first-year course Introduction to Lawyering and Professional Responsibility, is teaching Legal Research and Writing during 1993-1994. Tracy also serves as counsel to the Massachusetts Board of Registration in Medicine. In addition, she has been Executive Director of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association and a lecturer at Northeastern University School of Law. She holds a B.A. from the University of Michigan and a J.D. from the University of Chicago.

Finally, Josephine Ross is supervising students within the Law School's Criminal Process clinical program and assisting the program's full-time faculty in adapting to the change from a de novo trial system in Massachusetts. Ross, whose year-long presence is made possible through a government grant, had been an attorney with the Committee for Public Counsel Services for six years. She earned a B.A. from Oberlin College and a J.D. from Boston University School of Law.

Law School Application Volume, Quality Increase

At a time when applications to law schools nationwide have declined, the number of students seeking to enter Boston College Law School this year rose by 4.1 percent. In addition, the academic credentials of the Class of 1996 are exceptionally high, with a median undergraduate grade point average of 3.44 and a median LSAT score in the 91st percentile.

The new class also is diverse. Nearly 48 percent are women, and 20 percent are members of minority groups. They have an average age of 25 years and represent 30 states and 111 undergraduate institutions. And the students bring a variety of backgrounds to the Law School. Sixty percent have pursued other graduate education, employment, or another type of experience before deciding to attend law school. Among other things, they have been volunteers, participants in political campaigns, human rights advocates, educators, journalists, scientists, musicians, managers, mediators, and parents.

“Our positive situation is quite different from the national and regional trends. I believe the overall quality of the education and the collegial atmosphere on campus are two major reasons,” says Vivienne K. West, Associate Director of Admissions, Financial Aid, and Student Records.

Quarter Century of Community Service

Boston College Law School's Legal Assistance Bureau (LAB) clinical program marked 25 years of service in 1993, a milestone that was celebrated with an October 28 reception held on the Law School campus. Members of the Law School community and program alumni gathered to recognize LAB's unchanged mission of offering legal services to low-income clients and providing practical lawyering experience that enhances students' traditional classroom education.

LAB began in 1968, an outgrowth of the student activism of the decade, and became the cornerstone of the Law School's clinical education programs. From its very first semester, LAB has helped to fulfill the unmet legal needs of the poor in Waltham, Watertown, and Newton. LAB has been located in Waltham throughout its existence, but other aspects of the program have evolved over time. At first, students simply volunteered their services, but by the early 1970s, LAB became a full-fledged academic course known as Lawyering Process. Both faculty supervision and a classroom component were enhanced as the program developed. Today LAB is staffed by the students, four full-time Boston College Law School faculty, and a social worker. Students enrolled in the program earn nine academic credits for their service to clients and participation in weekly classroom seminars.

"LAB's significance to the Law School community is immeasurable; its work is a crucial part of what makes this school unique," said Dean Aviam Soifer during the LAB anniversary reception as he presented a plaque inscribed with the words "in deep appreciation for 25 years of extraordinary dedication to providing outstanding legal services to those in need" to Assistant Professor and LAB faculty supervisor Paul R. Tremblay on behalf of all those associated with the program.
Students Bring Legal Services to Boston’s Homeless Veterans and Women

The work of the Shelter Legal Services Foundation began with a simple idea and a few Boston College Law School students. The students, all veterans of military service, wanted to use their burgeoning legal skills to help other, less fortunate veterans who were now homeless. They and other interested students at the Law School would go to the New England Shelter for Homeless Veterans in downtown Boston and, with the support of practicing lawyers, they would try to resolve the administrative and legal problems of the shelter’s clients. Even the name of the student group would be relatively straightforward: Veterans Legal Services Project.

Led by two members of the Class of 1993, Manuel Duran and Sean Mullaney, the students launched their effort in January 1992 with these simple ambitions. What they didn’t realize, however, was how great a demand existed for their services and how many others also were ready to support their cause.

Today the Veterans Legal Services Project is the Shelter Legal Services Foundation, a non-profit legal services organization operating clinics at both the New England Shelter for Homeless Veterans and Rosie’s Place, a shelter serving women only. Mullaney, now an associate with the Boston law firm of Ropes & Gray, is Chairman of the Board for the Foundation, which is staffed by students from Suffolk University Law School as well as Boston College Law School and also has in its half-time employ a professional executive director, attorney Eleanor Hertzberg. Numerous volunteer lawyers have chosen to work with the students, several large Boston law firms have demonstrated support through their pro bono programs, and the Massachusetts Bar Foundation found the project worthy of some of its funding. Shelter Legal Services Foundation also was the only student-run legal services organization invited to participate in the Boston Bar Association’s June 1993 Pro Bono Fair, a privilege that Mullaney believes cemented the group’s credibility within Boston’s legal community.

Mullaney expresses some surprise about his organization’s success, saying, “We initially were interested in homeless veterans because we were veterans. We assumed someone else must be doing this, too, and that we would find a niche. We got into the pool, and nobody else was in with us. When we went to Rosie’s Place, another highly visible shelter, we thought the same thing. But nobody else was there, either.”

Mullaney also notes, “At first, we would have been happy to have a small group of students working with veterans. But the response of the students at Boston College Law School was overwhelming. The students have genuine humanitarian concern, and we have given them a vehicle to learn about legal practice in a way that fits their schedule.”

During 1993, more than 200 law students at both Boston College and Suffolk University volunteered their services, doing everything from answering telephones to conducting weekly client intakes at the shelters. Students managed the two legal services clinics, and ten were able to appear in court on behalf of clients in accordance with the Massachusetts student practice rule (SJC Rule 3:03).

In the past year alone, the Shelter Legal Services Foundation represented more than 250 clients—both homeless persons and those who turn to the shelters for meals, clothing, and counseling as well as legal services—in cases pertaining to criminal law, disability benefits, family law, housing, and other legal issues. Based on demand thus far, the Foundation expects its caseload to grow dramatically during its 1993-1994 fiscal year.

Comparing Shelter Legal Services Foundation with other area organizations serving the homeless, Duran says, “There aren’t any other legal services organizations that are regularly available to the homeless in Boston. What we do differently is going to where the homeless are. We’re answering a need that’s out there.”

Mullaney adds, “The problems of transience and the day-to-day needs of the homeless are such that they don’t go to street clinics. And they generally distrust lawyers; they have had negative experiences with the legal and criminal justice system. They don’t seek out help, but if help comes to them, they’ll use it.”

When the students extended their services to a second shelter and a very different homeless population in February 1993, they faced new challenges. Explaining that the veterans’ shelter screens the students’ prospective clients in a way that Rosie’s Place does not, Mullaney says, “We learned a lot about what we do by opening up at Rosie’s Place. There are a lot of troubled people there who need help but carry a lot of baggage, including mental and learning disabilities. There has been more distrust for us to overcome, but we’ve had a continual increase in clients. It’s been a building process.”

The Rosie’s Place clinic currently is overseen by Cynthia Hallock ’94, who began working with Mullaney and Duran during her first year at Boston College Law School and at one time was the only woman and non-veteran in the group. The work of Hallock and other students has been greatly appreciated by the clients and staff of Rosie’s Place.

“We are grateful that the group selected Rosie’s Place because we don’t otherwise have access to that kind of support,” says Rosie’s Place Executive Director Julie Brandlen. “It’s been fantastic for us because we’re now able to offer legal services on-site. That is very much needed, and we’re really pleased.”
Janine Valles ’94 Recognized for Continuing Tradition of Public Service

Janine Valles ’94 recently became one of three law students nationwide to receive the first John J. Curtin, Jr. Justice Fund Awards. Presented by the American Bar Association Commission on Homelessness and Poverty and its Standing Committee on Legal Aid and Indigent Defendants, the award is named for a 1957 Boston College Law School graduate who has exhibited his own dedication to public service as president of The National Association for Public Interest Law and of the American Bar Association.

An extensive background in public service, particularly related to housing, made Valles a natural choice for the award, which is designed to give law students opportunities to gain direct experience in public interest law. As an undergraduate at the University of Texas in Austin, Valles served as an intern with the local Legal Aid Society, where she first became aware of a range of housing and public welfare issues. Then she spent two years with the Austin Tenants Council as a social worker involved with landlord-tenant disputes. Valles’ next stop was Columbia University, where she focused on social welfare policy in earning a master’s degree in public administration. At the same time, she volunteered at a soup kitchen and undertook an internship that exposed her to the funding of low-income housing through tax-exempt bonds. Once she arrived at Boston College Law School, Valles spent a summer with the Disability Law Center in Boston and participated in the Law School’s Legal Assistance Bureau (LAB) clinical program as a second-year student. Now in her third year, Valles is conducting an independent study on housing options for people with disabilities.

The Curtin Award enabled Valles to pursue her desired work with the National Coalition for the Homeless in Washington, DC, during the summer of 1993. The $2,000 stipend accompanying the award helped offset her living expenses while she learned about federal legislative responses to problems of the homeless.

I was able to gain exposure to Capitol Hill and see what works and doesn’t work at the federal level,” Valles says. Valles lobbied on Capitol Hill for funding to support emergency assistance programs for the homeless, participated in a task force on welfare reform, and examined the issue of educating homeless children. As part of the last project, Valles wrote a newsletter article on the federal “Chapter One” tutoring program developed to bring homeless students up to the academic level of their classmates and also authored a guide for advocates and parents of homeless children regarding enrollment in this program.

In addition, Valles researched hate crimes against the homeless and people with disabilities, reviewing legislative action at both federal and state levels as well as legal cases resulting from hate crimes. She says, “Because these are not hate crimes involving race or religion, they often are overlooked. The National Coalition for the Homeless was interested in seeing whether the homeless could be included as a protected category in terms of hate crimes.”

Valles is grateful for the opportunity to learn more about the homeless population and is particularly pleased to have been selected for the Curtin Award.

“Coming from Boston College Law School, I am proud that the award is named for John J. Curtin, Jr. and that the issues of concern to me are those that he has fought for and continues to fight for. It’s nice to be able to carry on a tradition,” Valles says.
FACE TO FACE
WITH DEAN
AVIAM SOIFER

Boston College Law School's new Dean brings enthusiasm, ideas to his position
Avi Am Soifer likes to tell a story. The new Dean of Boston College Law School recounts that when he arrived as a professor at Boston University School of Law back in 1979, he inherited an office with a particularly ugly rug that had been abandoned by the previous faculty occupant — a man named Daniel R. Coquillette.

Today Soifer occupies another office once inhabited by Coquillette. But this time he also has assumed responsibility for an entire law school. It is a responsibility he accepts gladly.

"I wasn't interested in becoming a dean of any law school. I wanted to become Dean of this law school," Soifer says. "This place is special."

Soifer's knowledge of Boston College Law School was based on more than the familiarity of a professor teaching only miles away; he already had a personal connection. Soifer's sister, Naira ("Nonny"), was a member of the Class of 1980, and he was well aware of what he describes as the "extraordinarily fierce loyalty" of Boston College Law School alumni.

Soifer also had high regard for the values and academic quality he perceived at Boston College Law School. "It is unusual to find a place that still has a face-to-face culture. People are comfortable with one another. The faculty, students, and staff are people who are more than colleagues. It's a way of treating people humanely, with respect for their work and their individuality. This is also a community that is concerned about the whole person," he says. For Soifer, the whole person is inextricably linked to family, and he notes the importance in his life of his wife, documentary film maker Marlene Booth; twelve-year-old son Raphael; and eight-year-old daughter Amira.

Soifer continues, "My predecessors as Dean have done an amazing job of being available to faculty, students, and alumni, and I think that is the most important part of the job. I plan to continue and emulate that tradition. Moreover, I'm particularly fortunate that Father Drinan, Dick Huber, and Dan Coquillette are available and willing to give me immense, ongoing assistance."

Based on his own 20 years of teaching and pro bono experience, Soifer believes that the Law School has proven the fallacy of the alleged dichotomy between academic theory and legal practice. He says, "We have clinical faculty who write scholarly articles and people on the traditional academic side who do public interest work. All of this revolves around the Law School's commitment to public service."

### Enhancing Law School Through Service

As a long-time law professor, Soifer views his lukewarm feelings toward his own law school experience with some irony. But in his student days, Soifer wasn't certain he even wanted to be in law school; he also had considered a Ph.D. program in American studies or history. Nonetheless, Soifer remained at Yale University, where he had received a bachelor's degree, and ultimately earned both a J.D. and a master's degree in urban studies.

Looking back, Soifer says he "survived" law school by helping to create a clinical program in which law students represented mentally ill patients housed in Connecticut's largest state hospital. He had some success in his efforts and recalls one case vividly: "I had won the release of a patient; a month later, he died in a rooming house fire. I learned that sometimes in law you can lose even when you win. I also learned a lot that is still relevant about the problems of the homeless."

Committed to pro bono work even as he pursued a full-time career as a professor and legal scholar, Soifer went on to co-author appellate briefs for the American Civil Liberties Union in a number of federal cases. Among the better known was U.S. v. The Progressive, a 1979 case that presented the issue of prior restraint against publication when a federal judge enjoined The Progressive magazine from printing the alleged secret of the hydrogen bomb in an article compiled from non-classified information. In Massachusetts, Soifer wrote on behalf of the Civil Liberties Union in the highly publicized case of Darryl Williams, a black high school football player who was shot and paralyzed during a game played in a predominantly white Boston neighborhood. In that case, he addressed whether the local government had a legal obligation to protect Williams from danger.

As Dean, Soifer has some ideas for Boston College Law School that draw upon his pro bono and clinical experiences. Concerned about what he calls the "holding pattern" in which law students often find themselves by their third year, Soifer envisions a revamped upper-level curriculum incorporating both courses and placements focusing on public service. Disability law, battered women, amnesty or immigration law, and children and family matters are only some of the legal issues students might pursue.

"Law is exceptionally important in the United States. It has associated with it power, and that power can be for good or for ill. At its best, law is an attempt to create change without losing entirely what has come before and without ever losing sight of the need to pursue justice. Aspiring to nobility in the profession involves more than looking out for yourself and the bottom line. That's why professionalism and public service are so important in legal education. I would like to get even more students involved in pro bono work not by requiring it, but by making it so attractive that they want to do it," says Soifer, who hopes that his proposal not only would help develop public-spirited professionals, but also would present another practical benefit: graduates who participated in the courses and placements would be better prepared for the positions
they seek after law school.

Soifer has some thoughts about ways in which the Law School might be of service to practicing lawyers as well. In the past, Soifer has organized and taught programs on ethical conflicts and professionalism for judges, members of the bar, and law students alike. Noting that this would not be intended to duplicate continuing legal education programs offered by other organizations, Soifer says, "Professionalism already is important here, and I am intrigued by the possibility of building on that very firm foundation. For example, I can see ways the Law School might come alive in the summer."

Whether the idea is to alter the curriculum, launch programs, or take the Law School into a new season, Soifer is quick to point out one significant consideration: his ideas would not be implemented without the input of others at the Law School. He says, "If I have an overriding philosophy about being a Dean, it is to listen to and respect the views of faculty, students, administrators, and alumni."

Creating Intellectual Ferment

Avi Soifer entered law school uncertain about a legal career but exited knowing his direction in the law: he would become a law professor. "I didn't choose against practice," he explains. "I felt legal education would allow me to have a base, respectability, and a salary adequate enough for me to keep a hand in pro bono work."

As his career unfolded, Soifer discovered meaning and satisfaction in academic life. He says, "I became a serious academic. I like writing. My concern for the crafts of scholarship and teaching has grown over the years, and I have tried to be better at both. That's a constant challenge."

Soifer has written more than 40 articles, essays, book chapters, and legal reviews. He also is the author of a forthcoming book with the working title of Keeping Company: Groups in American Law and Letters, which will be published by Harvard University Press. Much of Soifer's writing focuses on his primary interests: legal history and constitutional law.

"Constitutional law in a way echoes legal history. You can't write about one without the other, and they both involve some of the most basic issues in our society," Soifer says. "Along with my courses in Federal Courts, they combine my interests in the humanities, policy and politics, and the nitty-gritty of lawyering."

As Dean, Soifer would like to continue to ensure that it is easy for Boston College Law School faculty to share his enthusiasm for legal scholarship. He says, "I'd like to get everyone involved by doing more to support faculty research and scholarship and to mentor the younger faculty."

A major obstacle for the faculty, he says, has been their demanding teaching schedule. Soifer notes, "They teach a heavier load in terms of hours and number of students than do faculty members at comparable or lesser law schools. As we aspire to obtain still greater national recognition while continuing to teach as well as we can, the crucial thing to do is to add faculty."

Soifer also hopes to enrich the intellectual environment at the Law School by instituting greater interaction between the Law School community and faculties elsewhere. Describing the Boston College law professors as "too much of a well-kept secret," he says he would like to be able to encourage faculty to speak and attend professional conferences at other law schools and to have their counterparts in law and other disciplines come to the Newton campus for both brief and extended visits. Soifer also seeks to develop programs involving other academic departments at Boston College.

"Intellectual ferment is very important," he says.

Assuming the Deanship

Soifer intends to be a "teaching dean" and is tempted by the first-year Introduction to Lawyering and Professional Responsibility as well as the courses in constitutional law and legal history he traditionally has taught. But he realizes that this intention must wait temporarily as he learns what goes into being Dean of Boston College Law School.

"My first year will be largely a learning experience for me, getting to know the people I need to know," Soifer says, adding with a smile, "After seeing the Clinton experience, I'm not coming in with early proclamations."

Aside from his lengthy teaching experience, Soifer brings knowledge of some of the administrative concerns of a law school gained from his service as chair of several academic decision-making committees at Boston University. He also has had administrative duties in various sections and committees of the Association of American Law Schools as well as of the Society of American Law Teachers, for which he has served on the Board of Governors since 1982. In addition, Soifer has organized and raised funds for the Robert Cover Memorial Public Interest Conference, held annually since 1987.

Though being Dean involves somewhat similar responsibilities but on a magnified scale, Soifer is confident that he can perform them successfully. He says, "I have absolutely first-rate support here, and Law School alumni are loyal in a way that helps not only in fund raising but also in our admissions, placement, and other efforts. I believe in Boston College Law School and think it will be relatively easy to convince people why it is exceptional and uniquely situated to become even better. I am buoyed and excited by my new venture. I'm already having a great time!"
GUILT BY ASSOCIATION

Dean Aviam Soifer examines the ways society repeatedly has violated the principle prohibiting guilt by association in this essay adapted from his upcoming book titled Keeping Company: Groups in American Law and Letters

Mark Twain once said, "The American people enjoy three great blessings — free speech, free press, and the good sense not to use either." His point is even more acute about what is considered a core American principle: there must be no guilt by association. Guilt must be assessed only on an individual basis and may not be imputed because of membership or association with others. But there is a crucial dissonance in this principle.

In fact, guilt by association is a virtual tradition that has been practiced — and condoned by government lawyers and courts — throughout our history. The phenomenon is hardly limited to notorious periods such as during the reign of McCarthyism in the 1950s, and the very durability of our tendency to stereotype and blame seems to suggest a troubling truth about the use of associational ties in the United States. Anyone who watched George Bush's effort to link Michael Dukakis with card-carrying members of the ACLU during the 1988 Presidential campaign — unfair to ACLU members to smear them by association with Dukakis! — began to understand the power and commonplace nature of guilt by association attacks.

Still, if guilt by association may not be admirable, it may nevertheless be necessary. Often we move beyond the idea of individual blame yet rely on various concepts of social responsibility. This is a crucial element in decisions by some not to buy German goods, for example, or to refuse to visit or do business with South Africa until apartheid is dismantled. Undoubtedly, some innocents suffer as we assign responsibility or guilt in gross for
gross national guilt. Innocents also suffer from our complicity, our numerous refusals to become involved despite frequent contacts with anonymous and needy others in everyday life. We simply do not have the time or energy to make individual judgments.

But if guilt by association is inescapable in the modern world, the quest for full tolerance and for individual justice seems doomed. Even if considerable skepticism about guilt by association is warranted, such doubts hardly justify complacency about blatant forms of legalized guilt by association. Despite pervasive notions of individual accountability, the American legal system has been ready and willing to accept blame based on the company one keeps.

Many people continue to believe emphatically that the group and status linkages of the past disintegrated long ago. The individual versus the state is perceived as the primary dichotomy. Rights are shields against the state, but the state has no affirmative obligations. This individualistic view, a perspective that dominates the American judiciary today, is premised on nostalgia for a golden age that never was. Consideration of a few moments in American legal history bashes binary choices, or at least makes our purported antipathy to guilt by association seem somewhat dubious.

A GLIMPSE OF HISTORY

For instance, in 1890, the United States Supreme Court upheld the conviction and jail term imposed on a Mormon for registering to vote. He violated an Idaho law that excluded from the franchise anyone who belonged to a church organization that taught bigamy or polygamy. In Davis v. Beason, there was no allegation that Davis himself practiced or even advocated bigamy or polygamy. The Idaho law made mere membership in such a church the decisive factor, and the Court went along when it upheld his conviction for violating a criminal law that excluded all Mormons from the franchise and from office-holding on grounds of membership alone.

In 1927, the Supreme Court decided to uphold the conviction of Charlotte Anita Whitney under California's criminal syndication act. The majority in Whitney v. California held that California could impose a jail sentence of one to 14 years because Whitney, a well-known social worker, Wellesley College graduate, and niece of a Supreme Court Justice, had failed to leave a Communist Labor Party meeting after a mild, reformist plank she supported was defeated. She was held responsible for the more radical positions the group subsequently adopted.

A quarter century later, in Adler v. Board of Education, the Supreme Court decided to uphold New York State's loyalty oath for public school teachers, finding it clearly acceptable that "One's associates, past and present, as well as one's conduct, may properly be considered in determining fitness and loyalty. From time immemorial, one's reputation has been determined in part by the company he keeps."

These and many other clear illustrations of guilt by association in both the 19th and 20th centuries demonstrate how judges persistently have penalized some groups while aiding and abetting others. For example, judges at the end of the 1920s and in the early 1930s had little difficulty in upholding long prison sentences premised entirely on membership in organizations such as the Ku Klux Klan or the Communist Party. Often judges declare that, in doing so, they are merely deferring to the wishes of more democratic and accountable legislative or executive officials. Other times judges, proclaiming they are simply neutral referees in a great social race of life, tend more blatantly to impose their own notions about what distinguishes among good and bad groups, purportedly based on the requirements of current social policy or some higher principle. Of course, to think about judges in this way is in itself, paradoxically, a kind of guilt by association.

FORCE OVER LAW

It is better to consider a specific example, such as a decision written by the great Justice Oliver Wendell Holmes, Jr. in 1909. Moyer v. Peabody illuminates the pitfalls in facile judicial acceptance of guilt by association. Notably, the Court decided Moyer in an era of peace and relative calm.

In Moyer v. Peabody, the unanimous Supreme Court legitimized a decision that Colorado Governor James H. Peabody had made a few years earlier. Peabody had declared martial law; suspended habeas corpus and imprisoned Charles Moyer, president of the Western Federation of Miners. Without filing a criminal complaint, Colorado authorities held Moyer incommunicado for over two months. Peabody instituted these actions even though Colorado's regular courts continued to function. Moreover, he ignored the fact that a Colorado District Court judge had ordered Moyer's release.

In his opinion in Moyer upholding Peabody's action, Holmes simply assumed that a state of insurrection existed and that the governor had acted in good faith. He declared it unnecessary to inquire into the facts of the decade-long battle between labor and management in the Colorado mines. Holmes invoked one of his favorite doctrines: the greater power includes all lesser power. Because soldiers might properly fire into a mob during an insurrection, Holmes explained, the exercise of the lesser power of detaining a union president because "trouble was apprehended with the members of that organization" obviously was permissible.

Holmes analogized Peabody's authority to the vast discretion enjoyed by the captain of a ship. Holmes was unwilling to consider individual rights at all and instead explicitly allowed detention of an individual on a theory of guilt by association with his union, premised on an entirely abstract threat to the government. Holmes's holding was blunt: "When it comes to a decision by the head of the state upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment." Indeed, Holmes had no qualms about choosing force over law. He succinctly stated, "Public danger warrants the substitution of executive process for judicial process."

A congressional investigation and subsequent careful work by historians proved how blatantly unfounded was Peabody's declaration of a "qualified state of martial law," yet Colorado mine owners and their allies were able to piggyback their own power onto the full force of state authority. Even before Holmes in essence confirmed their point, anti-union leaders...
proclaimed that military necessity "recognizes no laws, either civil or social," and announced, "To hell with the Constitution; we aren’t going by the Constitution."

The intertwining of private and public power that Holmes ratified in *Meyer* reflected established patterns that were followed even more vigorously thereafter. In 1917, the leading citizens of Bisbee, Arizona, rounded up more than 1,200 workers presumed to be associated with the Industrial Workers of the World (I.W.W.) and transported them at gunpoint in cattle cars into the New Mexico desert. Even after their rescue from the desert, many of the Bisbee deportees were detained by U.S. Army personnel for several months as possible enemy aliens. The Army intervened directly and repeatedly in labor disputes against groups perceived to be or pictured as radicals. Not only was guilt by association rampant, but Army officers often were explicit in their disregard for legal niceties and their enthusiasm for choosing sides.

**THE COUNTERTREND**

The very first Supreme Court decisions to protect freedom of expression and to condemn guilt by association did not come until the early 1930s, when the Justices began to protect peaceful labor picketing, leafleting, use of public parks, and association. But other forms of guilt by association, aspects tied to the presumed power of "involuntary groups" formed by blood connections, soon dominated the news and prevailed in the courts.

It is hardly controversial that wartime is a bad time for civil liberties and dissent. Yet there were significant advances in constitutional protection from guilt by association during World War II. For example, after the federal government repeatedly tried to deport union leader Harry Bridges for his leftist associations, the Supreme Court narrowly voted to halt what Justice Murphy called "a concentrated and relentless crusade" by "powerful economic and social forces...combined with public and private agencies" to punish someone simply for exercising his freedom. The effort to deport Bridges because of his associations, Murphy wrote in *Bridges v. Wixon*, "will stand forever as a monument to man’s intolerance to man."

It is ironic that in *Bridges* and other cases of the period the Supreme Court paid unprecedented attention to due process. The Justices stressed the need to avoid serious consequences to an individual because of his or her associations during wartime. But what of the thousands of Japanese interned during World War II without any legal process whatsoever? How could the Court repeatedly allow that outrage? It now seems irrefutable that many Americans, and the Justices specifically, knew that there never had been evidence to support the military’s initial allegations that the Japanese on the West Coast of the United States posed a massive security threat. Yet the 1944 *Korematsu* decision — and much more of the history of the United States concerning race — illustrates a virulent form of guilt by association, a persistent American dilemma that hardly requires the added spice of wartime hysteria.

**CONTEMPORARY CONSIDERATIONS**

This brief historical excursion suggests that when American judges have considered guilt by association, they often have done little to stop the powerful few and the intolerant many who punished groups perceived to be outside some illusory national consensus. If the assignment of guilt according to one’s mates, bedfellows, fellow travelers, or other criteria is inevitable, it nevertheless is always a matter of degree. The momentous machinery of legal sanctions must not be employed glibly or complacently to punish associations and relationships. The need for a sensitive constitutional right of freedom of association is particularly keen when the passions of the day lead people either to fear or to hope via collective punishment.

The increasing interdependence and precarious group identities of our discordant century cry out for new, more vigorous legal respect for pluralism. Sensitivity to the ways that concepts of guilt by association and strength through association are linked is essential as we grope for the rarest of virtues: tolerance.

It is striking that tolerance is usually portrayed as a mealy-mouthed, extremely soft concept. At best, tolerance seems to follow the pattern suggested by Oliver Cromwell who, when his forces besieged an Irish village, is said to have sent this reply to the villagers’ inquiry about what he would tolerate: "As to freedom of conscience, I meddle with no man’s conscience; but if you mean by that, liberty to celebrate the Mass, I would have you understand that in no place where the power of the Parliament of England prevails shall that be permitted."

We badly need a tougher form of tolerance. To be real, tolerance requires recognition that we all use groups to define ourselves and others, inescapably and differently. Yet to tolerate differences often seems to condescend, to say that they do not present real threats to us. It is hardly surprising, therefore, that tolerance has had little legal bite. Tolerance is thought to be the stuff of divinity schools, perhaps of psychologists and social workers and elementary school teachers, but not a realm for hard-headed legal thought.

The gap between our history and our credo is critical. The frequent and sometimes zealous practice of guilt by association in a nation that emphasizes individualistic judgments suggests the necessity and some of the possibilities for change. To be sure, legal declarations will hardly suffice to create tolerance. Nor will tolerance of those who seem intolerant ever be absolute or even easy to weigh on balance. Yet law not only reflects but also shapes social values, perhaps more in the United States than elsewhere. Bromides about abhorrence for guilt by association mask pressing and practical legal problems. Law remains our civic religion. Because in the United States we rely heavily on law to judge others and to create ourselves, the quest for a tough type of tolerance must involve law.

This essay’s examination of American legal history is sobering and undermines confidence in the soundness of the instincts of American judges. It suggests, moreover, that to deny that all of us engage in guilt by association is to appear naive and to be utopian. To do something about galloping guilt by association both in and out of law probably requires romantic realism, a leap of hope and charity. Yet to reduce the rampant guilt by association that perpetuates injustice through group attribution is surely a vital constitutional challenge.
From their very first year, Boston College Law School students are developing the range of skills they will need to succeed in practice.

During their careers, many Boston College Law School graduates will be called upon to help clients resolve legal disputes. Unlike earlier generations of lawyers whose education and experience typically inclined them toward litigation, the new professionals of the late 20th and early 21st centuries enter a legal environment with a wider range of options. To properly prepare its graduates, Boston College Law School offers numerous courses related to both traditional litigation and newer alternative dispute resolution methods. Some of these courses focus on substantive law and legal procedure; the first-year Civil Procedure and the advanced Federal Courts, Complex Litigation, and Evidence are a few examples. Other courses develop the important skills of legal practice and feature both simulated exercises and student involvement in actual cases. These skill-building courses begin in the first year with the innovative Introduction to Lawyering and Professional Responsibility — required of all students — and subsequently include upper-class electives such as Family Court Practice and Appellate Advocacy. In each of these courses, issues of professional ethics and responsibility are raised as well, in keeping with Boston College Law School’s long-standing commitment to instilling an appreciation for the importance of these issues in a lawyer’s life.

In addition to learning about dispute resolution in the classroom, students are able to gain hands-on experience through participation in a variety of clinical programs (See story, Page 17). They also may become involved in several internal and interscholastic advocacy competitions to further hone their oral presentation as well as legal research and writing skills (See story, Page 22).

Attorneys spend a lot of time on interviewing and counseling. These are skills successful professionals will utilize throughout their careers because the delivery of legal services depends on the ability of an attorney to bring a client in as a full participant in a cooperative way. You can’t fashion a resolution to any kind...
of dispute if you aren’t able to involve clients as participants, exploring their aims and what they will accept,” says Associate Professor Ruth-Arlene Howe ’74, who has taught a course in interviewing and counseling at Boston College Law School since the 1979-1980 academic year.

Howe structures her course around simulated exercises related to a series of hypothetical cases, some of which lead most logically toward litigation and others which lend themselves to alternative dispute resolution methods. As they explore each case, students learn how to gather facts, build rapport, and help clients articulate their goals in pursuing a case. Most of these students are in their final year of law school and hope to enhance the skills they already have developed through either coursework or interaction with actual clients in a Boston College Law School clinical program.

Howe speaks of the clients in the hypothetical cases as though she knows them and their positions well, describing the grandmother fighting a Department of Social Services proposal that foster parents adopt her grandchild, the businessman who suspects his partner’s unaddressed drinking problem is harming sales, and the grief-stricken parents whose son has been a victim of vehicular homicide. A psychiatric social worker before she became a lawyer, Howe stresses the need for her students — and lawyers — to recognize the impact of non-legal concerns on clients’ legal matters.

“The goal is not to be overwhelmed by the anger and emotion clients bring to a situation and to find a sympathetic way to help them see reality,” she says. “An attorney needs to wear a teacher’s hat to help the client understand the law, viable options, and the consequences of each — the social and psychological as well as legal realities.”

According to Howe, students go through a self-discovery process as they develop their interviewing and counseling skills. They are able to learn more about their interests within law as well as their feelings toward the types of people and issues involved in the cases. They also can experiment with different approaches to working with clients.

“Attorneys spend a lot of time on interviewing and counseling. ... the delivery of legal services depends on the ability of an attorney to bring a client in as a full participant in a cooperative way.”
"Counseling is an art rather than a science, which means there are many ways of doing it. If you are genuine in your desire to help, if you are truly able to listen and hear what is said, if you are willing to convey sympathy and do something for a client, many styles can get lawyers to the same place — to satisfied clients. The good counselor is one who is able to convey and demonstrate a high regard for the client," Howe says.

LEARNING TO ADVOCATE

A lawyer needs to be able to communicate and advocate," says Mary Ann Chirba-Martin '81, now an adjunct faculty member who teaches a course in advocacy writing. Through this and another course titled Appellate Advocacy, Boston College Law School students develop advocacy skills they will be able to use in law practice. As Chirba-Martin notes about students in her course, "Even those confident about their writing find a need to hone their skills. Being meticulous and comprehensive will serve any lawyer well."

In Advocacy Writing, Chirba-Martin addresses a range of dispute resolution options but says that the case she uses as a teaching vehicle typically focuses on litigation. She also seeks to have her students experience advocacy writing as they would in practice, saying "A client comes to the lawyer and asks, 'What am I supposed to do?' And I play a partner; I dump a problem on their laps and say 'See me about this tomorrow at 9 a.m.'"

During the course, students write appellate briefs, edit each other's work, present oral arguments, and then rewrite their briefs. Chirba-Martin says, "The point is to get it right and to give the argument most attorneys would like to give in court but think of only on their way home from court. The greatest value of the course overall is students' opportunity to go back to their writing and try again. In that way, the course doesn't mirror the real world at all, but it is the way law school should work."

Appellate Advocacy is another course that approximates an actual lawyering experience as it introduces students to appellate practice and procedure in the state and federal courts. In recent years, it has been offered in two separate sections taught by adjunct faculty members John M. Albano '82 and Thomas J. Carey '65. A few years ago, Carey added a new twist to the course by contacting area District Attorneys' Offices to obtain active cases so that his students could write the appellate briefs. Carey says, "I wanted to offer an advanced, intensive, hands-on seminar developing writing and analytical skills through a real-life appeal of a significant case. The work is representative of what is done in a District Attorney's Office or when a lawyer who has been in practice awhile gets a major case on appeal. It's a fairly unique opportunity to combine the academic — the way to write a brief in a perfect world — and the imperfect world of practicing attorneys, who have limitations imposed on them and have to crank these things out."

In the past year, the students have written appellate briefs for cases pertaining to cocaine distribution, civil disobedience at an abortion clinic, and murder. All of their work is reviewed by both Carey and the attorney of record in each case. "The students receive the same intensive oversight I gave my assistants when I was with the Suffolk County District Attorney's Office," Carey says. "Students learn that there is more than one way to argue a case and that the art of advocacy comes when you go beyond the basics. They leave the course with better writing skills and better insight into the complexity of an actual case. They also will be fully capable of handling an appeal in a state or federal court — from the day a client walks in the door until a discretionary review is completed."

Carey also provides a context for the students' experience with the cases. He compares the number of legal disputes with the number of appeals, addressing the extent to which appellate cases are a very small percentage of the total and what this means for lawyers. Carey, who currently has his own law practice in Brookline, Massachusetts, says, "I try to communicate what I have learned in the (continued on Page 16)
Boston College Law School's newest professional responsibility course, Prosecutorial Ethics, differs from other courses of the type for a good reason: many of the standard ethical issues relating to private practice simply don't pertain to prosecutors. As the course instructor, Assistant Professor George Fisher, explains, "How do you handle your client's money? Prosecutors don't handle money. And conflict of interest issues in private practice don't come up in the same way for prosecutors."

The difference also meant an absence of textbooks on the subject, and Fisher found available legal ethics materials included little about criminal law in general. Examining law school curricula elsewhere, he found somewhat similar but not identical offerings and a handful of courses on government lawyers — but the latter concentrated on what Fisher calls the "more glamorous" roles of special prosecutors and attorneys working within the United States Justice Department, not issues concerning prosecutors of everyday street crime.

Still, Fisher, a former prosecutor with both the Middlesex County District Attorney's Office and Massachusetts Attorney General's Office, and Associate Dean for Academic Affairs Mark S. Brodin, who had proposed the course introduction in Spring 1993, recognized the value of teaching law students about prosecutorial ethics. Fisher says, "One of the basic principles of criminal justice is that the prosecutor is an advocate who will present evidence in a way that will win the guilt only of the guilty. But there are tensions. The prosecutor is an individual who has been trained to want to win and has personal and professional goals. The prosecutor may not know who is guilty; there is a big middle ground where the prosecutor is as ignorant of the guilt or innocence of the defendant as anyone else. Working in that arena presents the greatest ethical difficulty for prosecutors. And the rules governing the system are so broad that a prosecutor can easily obey all of the rules and still do things some may feel are unfair and obtain a conviction even of an innocent person. So determining when a prosecutor has to write narrower rules for himself or herself is an important issue."

In Prosecutorial Ethics, Fisher presents the constitutional and ethical rules applicable to prosecutors and subsequently discusses the issues which extend beyond the rules. He divides the course into four units, first addressing the interests a prosecutor must serve and enforcement mechanisms to ensure that prosecutors fulfill their responsibilities properly. Next he shifts to the charging decision, the issue of whether and when charges should be brought against a defendant. Then, in the largest segment of the course, Fisher introduces the principles involved in preparing and conducting trials and ways a prosecutor can be effective without impairing the desired goal of reaching an impartial verdict based on evidence. Finally, plea bargaining and questions about prosecutorial discretion are discussed.

Assistant Professor George Fisher, a former prosecutor, now teaches a course in prosecutorial ethics.

According to Fisher, students who enrolled in the course entered divided between those who felt the criminal justice system offers defendants too many protections and others who sympathized with defendants, believing prosecutors should exhibit restraint in their efforts to convict. As they learned more about the ethical issues prosecutors face, Fisher says, "They developed a lot of skepticism, because many of the issues wouldn't exist if the theories of the system were based more on reality. I think some students got a more realistic view of the system than they may have wanted."
TWO APPROACHES TO CASES

Though focused on very different lawyering skills, the Boston College Law School courses Trial Practice/Evidence and Dispute Negotiation have a close relationship. In fact, one is the outgrowth of the other, the result of their common instructor's own learning process.

Trial Practice/Evidence has the longer history, teaching students about the rules of evidence and the techniques of trial practice over the course of a full year. But several years ago, while lecturing on negotiating settlements during one class session, adjunct faculty member Martin L. Aronson '58 made a discovery. He recalls, "The students were exceptionally enthusiastic, and some came up to me after class and said it was the best class they ever had in law school. I was very excited and thought the students might be interested in a course not only on trial practice, but also on the related art form of negotiating settlements."

Aronson considered a course titled Dispute Negotiation a natural extension of the Law School's curriculum; after all, as a partner in the Boston law firm of White, Inker Aronson, P.C., he spent 80 to 90 percent of his time negotiating cases rather than taking them to trial. He also thought the course would be enhanced by offering a judge's perspective as well as his own, litigator's point of view. As a result, Judge James M. Sweeney '60 of Marlborough District Court in Massachusetts has been teaching Dispute Negotiation alongside Aronson since the course was introduced, though the format has changed over time; they now make guest appearances in each other's class sections rather than alternating as instructors each week.

If students enroll in both of Aronson's courses, they will learn the value of settling a case before trial, but when going to court is inevitable, they also will know how to prove their cases; defend against allegations about their clients; and ask concise, direct, and purposeful questions.

In Trial Practice/Evidence, Aronson and his fellow instructor and law partner Monroe Inker noticed great improvement in students' abilities over the year. Aronson says, "Students demonstrate very tangible progress in terms of self-confidence, use of language, and understanding of how to try a case."

Many of the students in Trial Practice/Evidence and Dispute Negotiation hope to become trial attorneys after law school. In the latter course, however, they must learn to put aside any personal desire to resolve a dispute in court and to place

their clients' needs at the forefront. This necessity is reinforced in the classroom as students complete negotiation exercises, observe practicing lawyers demonstrating their skills, and listen to non-lawyer negotiators discuss different approaches. Aronson says, "In many situations, part of our job as lawyers is to discourage clients from using the courts and help them see the other side's case. It's fun to educate clients and make them a part of the process; they will have more respect and regard for you."

FACING DISPUTES PROFESSIONALLY

For the longest time, lawyers were trained to be aggressive advocates, that ethically you have to do everything for your clients regardless of the consequences. The emerging thrust is against blindly aggressive advocacy, but egos and money make it difficult to change the way some lawyers operate. I hope that as law schools change, eventually the profession will change as well," says Assistant Professor Paul R. Tremblay, who teaches an upper-level course titled Professional Responsibility.

Boston College Law School requires all students to complete this or an equivalent advanced course. As Tremblay says of the Law School's history and past deans, "From Farber Drinan and Dick Huber to Dan Coquillette and now Avi Soifer, Boston College Law School has had an explicit commitment to ethics and professional responsibility. The Law School is known for that; it's not just internal cheerleading."

In Tremblay's course, the substantive law governing lawyers is addressed, but

"Part of our job as lawyers is to discourage clients from using the courts and help them see the other side's case. It's fun to educate clients and make them a part of the process; they will have more respect and regard for you."
A range of clinical programs give students a real-life education in dispute resolution

Through a Boston College Law School clinical program, Janine Valles '94 came to realize that dispute resolution is a process, one that can be satisfying but that also can be long and tedious. Deirdre Cohen '94 discovered that participants sometimes can make the process much more difficult than she had imagined, even if she believed in a cooperative approach to negotiating settlements.

Valles, Cohen, and the many other students who take part in the Law School’s civil and criminal clinical programs are able to develop insights about both positive and negative aspects of legal practice because they experience it firsthand. Through action and observation, they see how disputes are resolved, both in the courtroom and prior to trial. The students learn and enhance skills applicable regardless of the area of law they ultimately pursue. And they are able to integrate the hands-on experience with academic education through classroom seminars and written journals permitting them to reflect upon the system of law and their place in it. In these ways, the various clinics focusing specifically on resolving disputes — the Legal Assistance Bureau (LAB), Criminal Process, Judicial Process, and the Attorney General Program — have much in common, despite their more readily apparent differences.

The oldest of Boston College Law School’s clinical programs, LAB has had an unchanged purpose for a quarter
century: to provide civil legal services to the needy in the communities surrounding the Law School and to offer students a means to enhance their classroom legal education.

"You can only understand how lawyering works when you have real clients," says Assistant Professor Paul R. Tremblay, a LAB faculty supervisor for more than ten years. "LAB helps students understand how to work with ambiguities and complexity. Sometimes people think LAB is just a skills course, but for me, it's the beginning of learning judgment and of gaining a sense of maturity about how the legal world works. Students also get a sense of who they are and how they operate as lawyers."

Second- and third-year law students earn nine academic credits for the semester-long experience, during which they represent clients from the interviewing stage through settlement negotiation, trial, or appellate briefs. They serve low-income residents of Newton, Waltham, and Watertown, Massachusetts, handling cases involving denial of disability benefits, family law, discrimination, and housing disputes. LAB also features a classroom component designed to develop students' lawyering skills and to focus on professional responsibility and other issues stemming from the clinical work.

Julie Lavin '92 recalls a case that she says shaped her LAB experience. A mother of four children with emotional, learning, and physical disabilities agreed to have one of the children, who qualified for special education, moved to a residential school because she was told this would be beneficial to the child's development. The state's Division of Social Services (DSS) subsequently sought to remove the child from his mother's legal custody because she no longer was his residential caretaker. The case came to LAB and to Lavin, who says, "It ended up being a DSS and welfare reform case and resulted in a DSS policy change."

In general, students find considerable satisfaction in representing LAB clients. Associate Professor Mark Spiegel, LAB's director, says, "Students enjoy accomplishing something on behalf of someone else, working in an environment that offers feedback, and trying out law practice — often for the first time."

"Students discover how interesting and how much fun lawyering can be, despite the hard work. Legal research, which can be tedious and time consuming, isn't that way when they're working on behalf of a client. Students also take public interest, though I didn't know what. LAB provided great experience in legal advocacy and was skill- and confidence-building. Through LAB, I came to understand not only what it means to be a lawyer, but also what I wanted to be as a lawyer. I discovered my previous naiveté and started to shape my goals for the future."

Though students find great satisfaction in their work at LAB, they also encounter some situations that surprise or frustrate them. As Assistant Professor Alan Espinoza, another of the faculty supervisors, "Students discover how interesting and how much fun lawyering can be, despite the hard work. Legal research, which can be tedious and time consuming, isn't that way when they're working on behalf of a client. Students also take public interest, though I didn't know what. LAB provided great experience in legal advocacy and was skill- and confidence-building. Through LAB, I came to understand not only what it means to be a lawyer, but also what I wanted to be as a lawyer. I discovered my previous naiveté and started to shape my goals for the future."

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Minuskin, the fourth faculty supervisor, notes, "All transition from the academic to the real world is disillusioning. Students learn that reality doesn't measure up to the theoretical."

Spiegel agrees, saying, "Students expect clients always to be grateful, but they're not. Students also may not understand the culture of poverty. We teach them to step back and try to look at a situation through the eyes of the other person. We also encourage students not to generalize from client to client."

When frustrations or difficulties develop, the faculty supervisors are available to provide support and feedback. Espinoza explains that the supervision enables students to have independence and responsibility without fear that their uncertainty in a situation could jeopardize a client's case. She and the other supervisors are there to consult regarding legal strategy, monitor student work and the progress of cases, and review student writing and videotapes of client interviews.

"Ideally, the student does everything on the case. I'm a consultant, mentor, and teacher for the students, but I don't meet with opposing counsel or speak in court," says Minuskin. "And the students put all of their energy into it and absolutely are determined to do everything right. If they do overlook something, it's out job to point it out to them. The students end up practicing at the level at which we would practice."

For Janine Valles and other LAB students, such faith and support have been invaluable. Valles says, "My biggest challenge was learning how to be the lead person; as an intern in the past, I was accustomed to the supervisor taking the lead while I did the legwork. This time it was my turn to take the lead. But as a student, I could still ask questions and have behind me the skills, support, and knowledge of someone who's been doing this for years."

Students also appreciate the opportunity to address professional responsibility and ethical considerations during the weekly seminars. As Tremblay says, "We spend more than half of the time talking about ethical issues, in part because we raise them and in part because students raise them. We want students to be thoughtful about what they're doing. I think winning at all costs is troublesome, and I want to foster in them a sense that it's troublesome. We try to present a model of practice that is both zealous and ethical. It is a model that says lawyers can be cordial and respectful and still represent their clients well."

It also is a model that most LAB alumni take into private law practice rather than into public service positions. According to Spiegel, very few of the students ultimately seek employment in public interest law, although Minuskin believes many more would do so if they could afford to assume the low salaries. But as Tremblay notes, "The job market and career aspirations are such that people tend not to go into legal services, but there isn't a shortage of people who want to do it. Our job is not to persuade people to go into legal services. But students learn the same skills at LAB as they would in any law firm. They learn about legal analysis as applied to fluid facts; about clients, judges, and opposing counsel; and about making reasoned decisions without having a lot of time. It's great that we can dovetail the teaching with service to hundreds of clients each year."

THE APPEAL OF STATE GOVERNMENT

For 18 years, Boston College Law School students interested in constitutional and administrative law have been able to gain practical experience in those areas by participating in the Attorney General Program, an intensive, year-long clinical program for which students earn 13 academic credits. Started by Donald K. Stern, then a Boston College Law School faculty member and now United States Attorney for Massachusetts, the program has been directed since 1989 by Assistant Attorney General Thomas A. Barnico '80, who took part in the program himself as a third-year student and has been with the Attorney General's Government Bureau since he finished law school.

For 20 hours per week, students work with Barnico and other Assistant Attorneys General, drafting pleadings and motions, conducting legal research, writing trial and appellate briefs, and arguing cases in the state courts. One afternoon each week, they gather for a seminar addressing topics such as discovery in federal civil rights cases, administrative procedure, and the admission of documents in civil trials.

"The program exposes students to good lawyers and interesting cases," Barnico says. "The Government Bureau handles important and fascinating questions of separation of powers and constitutional law, and students enjoy being a part of it."

The Government Bureau is involved in everything from challenges to a state agency's actions regarding liquor licenses and building code issues to matters that ultimately have reached the United States Supreme Court, including litigation concerning double-bunking of prison inmates and the reapportionment of Congressional representation for the state.

In the smaller cases, students typically review the complaint and records, prepare legal memoranda, and present an argument to the Massachusetts Superior Court. When the issues are more significant, an Assistant Attorney General will appear in court, but the student is actively involved, writing briefs and handling other aspects of a case.

"If the court schedule permits, we try to have a student argue two or three cases during the year. Going into court boosts students' confidence," Barnico says, noting that students enroll in the program to..."
develop and use litigation skills.

"I always was interested in government litigation and in constitutional and administrative law in particular. And, as a third-year law student, I wanted to be as much a practicing lawyer as possible. The program gave me a lot of responsibility, and the lawyers in the Government Bureau were absolutely superlative," recalls Steven H. Goldberg '82, whose legal career has encompassed both government and private practice and includes three years as an Assistant Attorney General. Goldberg recently joined Cosgrove, Eisenberg & Kiley, a law firm that has offices in Boston and Quincy, Massachusetts, and specializes in government litigation. All ten of the firm's lawyers have past associations with the Attorney General's Office, and Goldberg says of his own work, "It all goes back to the clinical program."

The Attorney General Program continues to appeal to students; this year, what Barnico believes is a record 17 students applied for the program, which for reasons of appropriate supervision and limited physical space at the Attorney General's Office can accept only six participants. Students are selected on the basis of their grades, demonstrated writing ability, and interest in administrative and public law.

Barnico says, "To see cases from beginning to end, with a written opinion by a Superior Court judge, is an experience that appeals to students. The program teaches students a lot about oral argument, civil procedure, and brief writing for a litigation practice. The training we provide about how to analyze law and put that information into a coherent written work product is something we hope will stay with them. The students also learn about state government, and it's a rare law practice in which government doesn't come into play."

INSIDE THE JUDICIAL MIND

"There is a tendency as a law student to think of a 'uniform judge.' This was an excellent opportunity to see that there is a spectrum to how judges respond to different situations," says B.J. Krintzman '91, who participated in the Judicial Process clinical program as a Boston College Law School student.

Through Judicial Process, a program made available by the Massachusetts Superior Court to all law schools in the state, students earn three academic credits by serving as interns one day per week with a series of Superior Court judges, working with a minimum of four judges over the course of a semester. Students are included in bench and lobby conferences and are able to discuss cases and proceedings with the judges.

"Students who are interested in being litigators like the opportunity to gain unique insights into the minds of judges," says Associate Professor Robert M. Bloom, who oversees the clinical program for Boston College Law School.

Bloom also notes the importance of the classroom component of the program. Each week, he meets with the students to discuss the assigned readings related to their courtroom and lobby experiences. Through the classroom seminar, they also examine the education, selection, and conduct of judges; the jury system; and methods of dispute resolution, including jury trials and alternatives to trials. In addition, students submit weekly written reports on their courthouse observations.

"Of all my courses, Judicial Process had the closest relevance to practice," says Krintzman, now an associate in civil litigation with the Boston law firm of Hale and Dorr. "I was able to see how the courts work and had an opportunity to meet several judges. I could observe the courtroom process and demeanor and watch different attorney styles to see what does and doesn't work. The experience made me much more comfortable in a courtroom because it felt familiar to me."

A PROGRAM WITH OPPOSING SIDES

"After my second year of law school, I had an internship with Magistrate Judge Joyce London Alexander of the United States District Court in Boston. She handled both criminal and civil cases, and criminal law seemed more exciting," says Allison Cartwright '92, now a criminal defense attorney with the Committee for Public Counsel Services of the Commonwealth of Massachusetts.

Cartwright was able to explore her interest in criminal law further and prepare for her current position through Boston College Law School's Criminal Process clinical program. Criminal Process allows third-year law students either to represent indigent clients appearing in Dorchester District Court or government agencies involved in cases through the Middlesex County District Attorney's Office. Under the Massachusetts student practice rule (Supreme Judicial Court Rule 3:03), Criminal Process participants may handle lawyering responsibilities in court.
To perform their duties, students need to know Massachusetts criminal law, state statutory requirements, the law of evidence, and state and federal constitutional parameters for the conduct of criminal litigation. In applying this knowledge, students develop skill in interviewing, counseling, fact investigation, document drafting, negotiation, and courtroom advocacy. They function as the primary attorneys on cases, with faculty supervisors providing behind-the-scenes guidance rather than serving as co-counsel.

"The students realize the consequences of the decisions they make and feel the responsibility of their choices," says Associate Professor Phyllis Goldfarb, director of the Criminal Process program since 1986. She now is joined in that role by Assistant Professor Frank R. Herrmann, S.J.'77, a former criminal defense attorney who serves as director in alternate years. The maximum 24 students accepted into the program each semester also receive direct supervision from Assistant Professors Daniel Kanstroom and George Fisher, both full-time faculty members.

Fisher, a lawyer in the Civil Rights Division of the Massachusetts Attorney General’s Office before he joined the Law School in 1992, oversees the student prosecutors. By experiencing this portion of the clinical program, in which students handle more than a dozen cases, Fisher says, “Students learn the basics of prosecuting a case and how much work goes into it well. By the end of the semester, they realize that the work is quite challenging.”

Goldfarb adds, “Students who prosecute receive high quality experience in the courtroom. Their satisfaction comes in competently preparing a case for the Commonwealth and presenting it before the court.”

The work of student defenders differs significantly from that of the prosecutors. They are responsible for fewer cases, generally five to seven, and take on these cases from their outset; in contrast, the student prosecutors often receive cases only a week or two before trial. And, Goldfarb notes, “There’s less personal involvement in prosecuting. The prosecutor is a government attorney and represents the government, whereas the defender represents a person in trouble.”

Goldfarb believes the student defenders fill an important social role by assisting people who frequently are members of underserved populations. Though students represent clients charged with offenses such as larceny or assault and battery, Goldfarb says, “Once students know a client as a person, rarely do they feel they can’t work on a client’s behalf. A number of students become very engaged by clients’ circumstances and really extend themselves to be of assistance. That always impresses me, especially when the students and clients come from very different backgrounds. They’re able to develop understanding and empathy for each other. It’s very heartening when that happens.”

Cartwright is one former Criminal Process defender in that category. She says, “The little things I could do to make a difference in people’s lives were satisfying. I had one client who couldn’t read. I got him into a program to teach him how to read and to earn his GED [high school equivalency diploma]. You’re not going to save the world or end all crime, but you can help people.”

Through the program’s classroom component, which brings student prosecutors and defenders together, Cartwright also came to realize that the views of each side were less divergent than she had believed. She says, “It was interesting to me that we were both seeking the same thing — to turn people around. They weren’t just trying to send people off to jail.”

Finding a common ground is a frequent outcome of classroom conversation, according to Goldfarb, who says, “There is a cultural tendency to see prosecution as the good guys and defense as the bad guys. Students learn it’s not so simple and that there are ethical issues involved on both sides.”

These ethical concerns also are addressed in class. The roles of prosecutors and defenders are examined, as are trial skills and the professional responsibility issues embedded in these skills. Possible racial, gender, and class biases in the criminal justice system and ways to reform the system are considered as well.

“We use students’ experiences as the starting point for our discussions,” Goldfarb says.

The combination of classroom and experiential learning has been effective for many years, but now the Criminal Process program faces a new challenge, one imposed by a reform to the Commonwealth’s *de novo* criminal justice system. As of January 1, 1994, defendants no longer will have a trial before a judge and subsequently have an option to appeal to receive a jury trial. Instead, either a judge or jury trial will occur. Goldfarb explains the impact on the clinical program by saying, “There probably will be fewer trials and likely will be more pressure to reach plea agreements. It also will take longer to get to trial. Students may not see cases from start to finish and will need to do more trial preparation than in the past because a jury trial involves more work.”

Nevertheless, the educational value of the program remains high, as students will continue to develop both skills and a sense of their identity as lawyers. Each year, many Criminal Process participants choose to continue their involvement with criminal law after graduation, becoming both defense attorneys and prosecutors. They are like Allison Cartwright, whose views were transformed by her exposure to the practice of criminal law.

“I came to law school not wanting to work with criminals,” Cartwright says. “Criminal Process helped put things into perspective for me and to personalize defendants. I don’t represent criminals; I represent people charged with crimes. They are not criminals until they are convicted, and I leave it to the judges and juries to decide.”
A TRADITION OF ADVOCACY

The success of Boston College Law School's oral advocacy teams attests to the program's ability to develop students' skills.

The oral advocacy competitions teach students about the many ways disputes can be resolved,” says Mary P. Squiers ’80, faculty advisor to the Board of Student Advisors (BSA), the student organization whose members administer the Law School’s internal advocacy programs. “They learn and develop the different skills used in resolving disputes, skills valuable even to lawyers who aren’t trial attorneys.”

These skills include the ability to mold facts into a persuasive presentation, to develop intellectual flexibility, to anticipate and effectively respond to questions, to function well under pressure, and to cope with victory and defeat in a professional manner. In addition, certain competitions allow students to increase their proficiency in written advocacy. And as all of these skills are enhanced, so is another quality important to the students’ future success as lawyers: confidence.

EARLY OPPORTUNITIES

At Boston College Law School, even first-year students are able to develop their advocacy skills. In fact, they may do so within weeks of beginning law school, by participating in an internal competition involving negotiation skills.

To take part in this competition, students do not need substantial knowledge of the law. The BSA member who writes the legal problem and oversees the compe-
with the facts in a civil law case as well as confidential material from the "client." Students prepare for the competition by attending a training session led by Assistant Professor Paul R. Tremblay, the faculty advisor.

For the competition, the students conduct a 40-minute negotiation and are judged on their effectiveness: whether they reached an agreement with the opposition, whether they settled within the limits set by the client, and whether the important issues were addressed. To win the entire competition, teams must succeed in at least five rounds, with the exact number dependent upon the total number of teams participating in a given year.

"It was an incredible learning experience for me," recalls Pamela Keith '95, who with teammate Stacey Lyles '95 was a finalist in the competition held in the fall of 1992. "It was my first experience acting as a lawyer, and it expanded my horizons as to what negotiations are about. It helps you prepare for future competitions, such as moot court."

The client counseling competition, held during the spring semester, provides similar advantages. Like the negotiation competition, it is open to students in any year of law school but typically attracts those in their first year. In this competition, students are given a legal problem developed by the American Bar Association and are required to work with the "client" — a student volunteer recruited by the BSA member in charge of the competition — during the initial interview phase of a case. Based on a 30-minute counseling session and a ten-minute self-critique, each team of two students is judged on the appropriateness of questions; communication skills; a sense of the legal problems involved in the case; and persuasiveness in recognizing other, non-legal issues that may have an impact on the client's situation. Organization and control of the interview also are assessed.

As with the negotiation competition, students in the client counseling competition attend an evening-long training session. Students also benefit from the overlap with the required first-year Introduction to Lawyering and Professional Responsibility course, which includes a segment on client counseling.

"Both competitions help students recognize that interpersonal skills are important in being a lawyer," says Squiers. "They also help students realize the things they already know and that, with some law and technique behind them, they can do well."

BUILDING SKILLS IN THE SECOND YEAR

For students aspiring to enter interscholastic competition and others who simply want to build their appellate advocacy skills, participation in the internal Wendell F. Grimes Moot Court Competition is essential. The Grimes Competition is a prerequisite for the National Moot Court, Philip C. Jessup International Moot Court, Administrative Law Moot Court, and Frederick C. Douglass Moot Court Competitions.

The internal competition undertaken by second-year students has borne its current name since 1963, when the Law School decided to honor its late professor and moot court faculty advisor Wendell F. Grimes. But a moot court program dates back to the Law School's beginnings in 1929, and from 1941 until its renaming for Professor Grimes, it also was known as the Bostonia Competition.

In the competition's present incarnation, teams of two students appear before the United States Supreme Court — in this instance, a panel of lawyers, judges, and faculty members — to appeal a trial decision in a hypothetical case. They begin the competition, which typically addresses constitutional and other legal issues, by writing an appellate brief on one side of the case. Ultimately, the students will be required to argue both sides of the case twice, making four presentations in all.

"In real life, you only work one side of an argument, but to do well, you need to know both sides," says Squiers. "It's a great skill to advocate two perspectives because you can figure out what concerns the opponent. It hones an argument."

In the Grimes competition, the written brief represents one-third of a team's total score. In the oral advocacy segment, students are graded on the poise and professional demeanor of their presentation; the content of their arguments; their understanding of the legal issues; and their ability to advocate, persuade, and anticipate questions. The desire to succeed at all of this is strong, as the number of teams has steadily increased, with more than 40 taking part in the 1993 competition. Eight of these teams advance to the quarter-final round, which then reduces the field of competitors to only four teams for the semi-finals.

For some students, the Grimes competition marks the beginning of a string of successes in oral advocacy, as they subsequently are selected for the Law School's interscholastic teams in their third year. Joanne Locke '87 was one of these successful students. With partner Andrea Peraner Sweeny '87, she went on to win the Grimes competition and was named Best Oralist. As a member of the National Moot Court team a year later, Locke earned First Place and Best Brief Honors at the regional level. When she graduated from Boston College Law School, Locke received the Joseph S. Otei Award for achievement in advocacy.

Locke, who has since held a federal clerkship and practiced civil litigation in Boston, recalls of the Grimes competition, "I had no idea I had any talent in this. And even though I was worried, it was a lot of fun. I knew I wanted to go into litigation, but the oral advocacy program spurred me on further."

Locke continues to be involved with the oral advocacy program as a judge of the Grimes competition. She remains enthusiastic about the program, noting that the students' competition performance sometimes is judged by actual Federal District Court and Massachusetts Superior and Supreme Judicial Court judges. She says, "It gives you tremendous confidence to argue before the best minds in the judiciary while you're a student. As an associate in a large firm, I might not have done this for five years."

COMPETING BEYOND THE CAMPUS

Over the years, Boston College Law School students have performed well in interscholastic advocacy competitions, winning at the regional, national, and international levels (See story, Page 25). But most important, the five external competitions in which the Law School competes enable students to develop skills and explore a range of legal interests.
The Administrative Law Moot Court Competition gives students an opportunity to write a brief and argue an appeal of a decision by an administrative body. This competition takes place strictly at the national level and is held in Dayton, Ohio. The Frederick C. Douglass Moot Court Competition, sponsored by the National Black Law Students Association, allows students to focus on legal issues of particular concern to minorities. In recent years, topics have included hate speech, the legality of campus-based sororities and fraternities restricted to black students, and racial discrimination. Boston College Law School students participating in this prestigious program prepare an appellate brief and argue before a panel consisting of members of the bench and bar as they compete at both regional and national levels.

The three-person team representing Boston College Law School in the National Moot Court Competition also writes an appellate brief, spending a month or more on this effort. As in the internal Grimes competition, the students are working on a case that could come before the United States Supreme Court, only this time the legal record has been developed by the Young Lawyers Division of the New York Bar Association rather than by the BSA. Once the brief is complete, the students have less than a month to prepare for the regional competition. For three or four nights a week, they practice before different panels of judges to develop ability and confidence. Then if they are successful in the regional competition, the students travel to New York City for the finals. And Boston College Law School teams have been very successful, at one point advancing to the final round in nine of ten years.

Members of the Jessup Moot Court team strive to compete not only at the regional and national but also international levels. Approximately 300 law school teams from more than 40 countries participate in the competition, which is organized by the American Society of International Law. The teams write briefs — or memorials, as briefs are known in international law — on both sides of the issue and argue an appeal in a case that could come before the International Court of Justice. In past years, cases have ranged from expropriation of property to colonizing the moon; human rights and the status of refugees are being addressed currently.

The four-person Boston College Law School Jessup team first competes against students from other law schools in the Northeast, including Yale, Suffolk, Boston University, and Syracuse. The top two teams from each region of the United States then are invited to Washington, DC, for the national competition. The winners from other countries also are in attendance, competing for the right to be the single team to face the United States' champion in the quest to earn the international title for advocacy.

"If a student is on a national or international moot court team, this is viewed by law firms as the equivalent of a law review experience and often gets someone interviewed by the top law firms. But to me, what is most important is that the competition gives students confidence in their abilities as advocates," says Professor Peter A. Donovan '60, one-time Editor-in-Chief of the Boston College Industrial and Commercial Law Review (now known as the Boston College Law Review) as well as the national team's faculty advisor for 27 years.

ENSURING THE TRADITION OF ADVOCACY

Each year, the Law School's oral advocacy competitions attract hundreds of students as participants. Many of these students become alumni still loyal to the program. They volunteer their time as judges for the internal competitions and also choose to attend the annual event recognizing students' achievements in advocacy. And some, including Frederic N. Halstrom '70, have been able to do even more to assure the strength and continuity of the program. Halstrom has provided support to the Law School's National Moot Court team, which now bears his name in acknowledgment of his contribution.

Perhaps no one graduate has been more instrumental to the advocacy program's ongoing success than William E. Simon, Jr. '82, whose generosity makes it possible to honor the participants each year and to otherwise enhance the students' experience.

"It has been a privilege to be associated with the oral advocacy program," says Simon. "It was a meaningful experience for me to participate on the National Moot Court team as a student. I always wanted to be a litigator and went into practice in that area. The lessons I learned through the oral advocacy program were crucial."

Knowing the amount of work and time involved in competing, Simon in 1987 urged and enabled the Law School to hold a recognition dinner for the students. He recalls, "I didn't know what to expect the first year; I thought maybe 20 people might show up. But 60 people were there in Barat House. I had chills down my spine, I was so happy."

Simon subsequently proposed that he bolster the oral advocacy program in yet another way by creating a fund named for his parents, William E. and Carol G. Simon. The fund would support the efforts of all of the Law School's competitions. Simon explains, "I thought it would be a good idea to have an umbrella organization over the advocacy program to encourage alumni who had the capacity to give to this particular activity. It's something the Law School should rightfully be proud of. Alumni have good memories of their experience, and everyone knows Boston College Law School is a breeding ground for wonderful trial lawyers. There has been a great tradition of oral advocacy, and this tradition is bigger than any one person. All alumni should consider themselves custodians of the tradition."

William E. Simon, Jr. '82, a generous supporter of the oral advocacy program
ON TOP OF THE WORLD

Boston College Law School's 1986 Philip C. Jessup International Moot Court team became the best of all.

Walter Kelly, Michael Kenney, and Martin Michaelson won the National Moot Court Competition in 1968. Lloyd Osborn, Joan Lukey Stevenson, and Michael Mattchen did the same in 1974. But until 1986, no Boston College Law School advocacy team had won the Jessup International Moot Court Competition.

To reach that point, the 1986 team outlasted more than 1,000 students representing 125 other American law schools. The team then bested the University of Singapore in the finals to gain the Jessup Cup.

"Because we had worked so hard on our brief and our presentation, I knew that we were doing the best work we could do. But I didn't know that we were the best in the competition," recalls Katherine Ashdown '86, one of four members of the winning international moot court team. Ashdown also was named Best Oralist in the final round of the competition.

Ashdown's teammates were Florence Herard, Elisa Liang, and Scott Lopez, all third-year law students at the time. They came together as near strangers and since have gone their separate ways, but for the duration of the competition, they were a unified team.

Herard, Liang, and Lopez had been assigned to the same first-year section when they began law school in 1983 but were not well acquainted. Ashdown had transferred to Boston College Law School as a second-year student and was unfamiliar to any of the others. They were brought together by the prior year's Jessup team based on interviews and their second-year performance in the Law School's internal Grimes Moot Court Competition. And for several months, they devoted a good portion of their lives to mastering the law involved in an art treasures case pitting the mythical Republic of Misra, a poor but culturally rich nation with a history of subordination, against the wealthy Kingdom of Avon, a former colonial power.

INDIVIDUAL AGENDAS

Ashdown: "I entered the competition for the challenge. I liked the advocacy part of law; that drew me to law school. I hadn't thought about international law before."

Herard: "I was interested in international law; I did a joint degree program with Boston College Law School and the Fletcher School of Law and Diplomacy. The Jessup competition was a way to become more involved with international law."

Liang: "I was interested in becoming a litigator, and the competitions provide tremendous training for practice. There's no substitute for doing; that's how you learn to think on your feet. I was more interested in the advocacy aspects of the competition than in the substantive law. I
had a general interest in international law—I had grown up overseas—but I didn’t become involved because I planned to work in international law."

Lopez: "My kindergarten teacher probably would swear to the fact that I wanted to be a lawyer. I also wanted to be a trial lawyer; one of the reasons I went to Boston College Law School was its excellent reputation for turning out litigators. The moot court competition was one way of getting some ‘real life’ experience. Everything that goes into being a lawyer goes into moot court. At the time, my experience in international law was nonexistent. But this was an opportunity to represent the school, and I enjoyed the international law course I took during my third year."

BECOMING A TEAM

Herard: "I got to know three other people fairly well. They were all very interesting people in their own ways, and I enjoyed knowing them. We were able to share our strengths, and we needed each other. It was all one effort."

Ashdown: "We liked each other and worked well with each other. It was easier [not knowing each other well] because you can be more objective. You don’t have a two-year-old friendship and worry about hurting someone’s feelings. We were tough on each other—not in a mean way, but we drilled each other. We were very direct with each other."

Lopez: "As a team, we really melded together. We were like a family—we nagged each other, we had our arguments."

WORKING TOWARD A WIN

Liang: "We had to keep our noses to the grindstone to the bitter end. We just took it step by step and didn’t look too far ahead."

Lopez: "It was a lot of work because international law is so elastic that you can probably find a case to support every argument. We went back and forth, writing responses to each other’s arguments. Through that process, we successfully identified every issue that the case presented. The most important aspect of the moot court competition is having a very good brief. The Grimes competition in the second year of law school is really the foundation of the entire process, and I think the reason Boston College Law School does so well in the external competitions is the emphasis on the brief."

Herard: "We had a sense that we were all right because we had several practice moot courts, and people said we were doing well. But I don’t believe we thought we were going to win anything until the final round."

Ashdown: "Our region was tough; it had a lot of very fine law schools, and we did extremely well in the region. I was always impressed by my teammates’ performances; they were great. But sometimes I found myself regretting participating because it went on for seven months—we kept winning! By the third year of law school you’re supposed to be coasting, but we were working so hard!"

THE REWARDS OF SUCCESS

Herard: "For me, it was the marriage of two things that interested me—international law and law school. Competing against international teams was interesting because they approached the case in entirely different ways. I enjoyed meeting all of these people and kept in contact with some of them afterward. The confidence you gain in winning the competition also remains; it really was a big achievement."

Liang: "If you get as far in the competition as we did, it’s a wonderful experience; we met teams from all over the world. The writing aspect of the competition also is helpful in terms of practical experience."

Ashdown: "Anytime you win something, especially after putting in a lot of work, there’s a fantastic feeling. That and the comradeship were best. Winning something like that also is very positive in terms of your self-esteem."

Lopez: "It gave me a tremendous amount of confidence that I had the skills to make a persuasive argument. When I left law school, I went to work for Ron Pina (then District Attorney for Bristol County, Massachusetts), and I was in..."
court immediately. Not that I wasn’t nervous, but there was a certain confidence underlying what I was doing, and I attribute much of that to the Grimes and Jessup competitions. They were like a jump start on real life."

POSTSCRIPT: THE TEAM MEMBERS TODAY

Today, only Ashdown and Herard remain in touch with each other, though all of the team members express interest in the others’ whereabouts. And more than seven years after winning the international moot court competition, Ashdown still has a notebook attesting to the team’s extensive preparation. She also says she is using the skills of negotiation, presentation, and persuasion she developed through the competition in her work as a corporate finance attorney with U.S. Leasing International, the Transportation and Facilities Finance Division of Ford Financial Services. Based in San Francisco, California, Ashdown is involved with leveraged leasing of cogeneration facilities and waste energy projects.

“The work is fascinating and involves a lot of engineering and environmental issues,” she says.

Herard is the only member of the 1986 team with a career in international law. After several years in the New York offices of Burlingham, Underwood & Lord and of her current employer, Watson, Farley & Williams, she also works internationally now. Herard is in London, where she is engaged in asset financing, primarily of ships.

Liang directly contrasts her current work with the moot court competition by noting, “I’ve gone from theoretical arguments about art law to prosecuting someone who chopped up his victims with a hacksaw.” An Assistant United States Attorney in Brooklyn, New York, for the past three years, she says, “I’m in court constantly and consider the oral advocacy competitions to have been very good training.”

Liang began life after law school at a law firm before becoming a prosecutor; Lopez took precisely the opposite route. Lopez spent two years as an Assistant District Attorney; another three with Glaser, Titlebaum & Connors, P.C., a small, suburban law firm in Massachusetts; and the last two as an associate with the Boston law firm of Segal and Feinberg. There his work includes civil and criminal trials pertaining to product liability cases, wrongful death suits, and white collar crime. Lopez also has resumed involvement with the oral advocacy competitions, judging students currently participating in the moot court and mock trial programs.

“I want to give something back to the school,” Lopez says. “The competition was a highlight of my law school career; I was happy we won for Boston College Law School.”
THE WAY
OF THE
FUTURE

Alternative Dispute Resolution expands the range of options available to lawyers

Christopher P. Kauders '81 of U.S. Arbitration & Mediation of New England and his seeing-eye dog, Beecher

SOME CALL IT LAWYERING AT ITS VERY BEST. Others question whether it is lawyering at all. And to some the very term is a misnomer. Whatever is said about alternative dispute resolution (ADR) and its various mechanisms, just about everyone agrees it is here to stay — and likely to become even more prevalent in the future. Though very few have turned to ADR practice as a full-time career, many lawyers have experienced it as they serve their clients. And in legal education today, ADR increasingly is finding a place in the curriculum.

What is ADR? Encompassing a range of methods from adjudication and arbitration to mediation and mini-trials, ADR is perhaps the greatest transformer of the legal profession in recent years. Its existence challenges both the adversarial system and the way lawyers function. With ADR, courtroom litigation or negotiated settlement before a trial become only two of many options for lawyers to consider in resolving disputes.

A RANGE OF CURES

"Appropriate dispute resolution may be a better use of the ADR term; many feel it is far more accurate," says Joan Dolan, a lawyer and arbitrator who co-teaches Boston College Law School’s Arbitration course with Donald J. White, a labor economist, arbitrator, and Dean of Boston College’s Graduate School of Arts and Sciences. “The reason why ADR has
we're looking at legal problems in the way a doctor looks at illness. Medical students grown in the past few years is that now problem-solver. ADR is not the answer to everything, but certain aspects of ADR are answers to certain types of problems.

Dolan offers an illustration of ADR's effectiveness. A civil rights case had been in litigation in the federal courts for more than three years before a determination of liability. Once this was resolved, complicated damages issues remained. The lawyers in the case were reluctant to return to court, so they called upon Dolan to arbitrate. Acting as a neutral third-party providing a final, binding decision, she met with each of the lawyers for three hours and five days later issued a 12-page decision. The next day, a check was written, and the case was concluded.

"ADR saves time, money, and the emotional stress of the courtroom," says Barbara Epstein Stedman '75, Executive Director of the Middlesex Multi-Door Courthouse, a court-annexed dispute resolution program operating within the administrative structure of the trial courts.

These are not the only advantages of ADR. Stedman and other practitioners note that ADR also permits flexible settlement options; ensures confidentiality in a way courtroom litigation cannot; involves clients in the resolution process; and can be beneficial even in large, multi-party disputes. In addition, ADR encourages parties in a dispute to focus on their interests rather than their positions.

"By the time you get to court, the more extreme positions become even more polarized," says Christopher P. Kauders '81, Executive Vice President of U.S. Arbitration & Mediation of New England, Inc., a private ADR firm. "Disputes are not like wines; they don't get better with age."

An ability to accommodate the human factors in resolving disputes is another key advantage of ADR. This is particularly useful when the opposing sides will have a continuing relationship, such as in cases involving business partners or family situations.

Overall, ADR is designed to be responsive to the unique needs of the individuals or organizations engaged in disputes. Dolan explains, "Originally, the thought was that the goal of ADR should be as in medicine — get in as early as possible. But each dispute has a different life span. Lawyers have to look at the particular dispute and may have to go to a certain length beforeswitching course.

One of the charms of ADR is that it makes it possible for people to have control over their destiny at any point."

According to the practitioners, an understanding of psychology often is just as important as knowledge of law. Dolan says, "People want to know they have been heard, and the process is often more important than the final outcome. Litigation is so rule-based and controlled by external factors that there is very little room for people to talk and resolve their disputes."

Kauders reinforces Dolan's view, saying, "In an employment sexual harassment case I handled, each side was willing to accept a $30,000 settlement, but each wanted the last word. I orchestrated a settlement in a way you can't in a face-to-face negotiation."

Kauders' case was resolved through mediation, which differs from arbitration in that disputing parties have greater input into the settlement process. Kauders notes that agreement is reached in nearly 90 percent of his mediation cases and says, "Sometimes it's hard for people to realize that a mediator is doing a good job because the parties think they've reached an agreement themselves."

The Making of a Practitioner

The transparency of the process belies the range of qualities an ADR practitioner needs to be effective. To succeed in ADR, a person must be a good listener; have an even disposition and patience; instill trust in everyone involved as well as in the process; possess strong negotiation skills; and be able to communicate and rephrase positions.

Though these specific personal and professional characteristics are beneficial to an ADR practitioner, no one particular background is required, as Boston College Law School graduates Stedman, Kelvin Chin '83, and Kauders prove.

Stedman was a middle-school teacher and a Boston Department of Youth Services social worker before she became a lawyer. After completing her J.D. degree, she taught corporate and contract law at Babson College and subsequently was a principal in the Wellesley, Massachusetts, law firm of Gans and Stedman. She spent much of her time writing appellate briefs and says, "It was a long way from the personal interaction of mediation, but when I had my own practice, I often would advise clients toward a settlement strategy. I was drawn to this rather than an adversarial approach. For me, ADR is a good fit. It is the best kind of lawyering because it helps people resolve conflict."

After a year of practice, Chin was disenchanted with law and turned to tax and pension consulting, work more closely related to his earlier business career. But eventually, he says he "back-ended" into mediation, helping his business clients dissolve or otherwise resolve their partnerships. Only after he moved from Boston to San Diego and received some formalized training did Chin realize he had been involved in mediation all along. In San Diego, Chin was employed as Mediation Coordinator for the American Arbitration Association and also worked with the city's Center for Municipal Dispute Resolution, became a trainer for a national organization called the Ombudsman Association, and helped start the Center for Medical Ethics and Mediation. Last February, Chin relocated to Las Vegas to launch the American Arbitration Association's new Nevada office, where he currently serves as Regional Vice President. He says, "My work now fits my personality and philosophy of life. As an observer of society over the years, I've seen people taking less responsibility for their actions. One way this is demonstrated is in lawsuits. ADR is more informal than litigation and places more responsibility where it should be — on the parties."

With a seeing-eye dog named Bleecher as a constant companion, Kauders views ADR as a part of his everyday life, saying, "Having to take a 92-pound German Shepherd places he ordinarily would not go, I know there are face-saving ways for everyone to get what is needed." Kauders came to ADR in 1987 after four years as an attorney with the Bank of Boston and another two with the law firm of Needham & Warren. He discovered mediation as a career after witnessing another lawyer's...
success in bringing together parties in a securities case. Kauders says of his chosen work, “It’s really satisfying to see people work out settlements on their own terms without the uncertainty, expense, and delay of trials.”

FINDING A PLACE IN LAW

Though in the limelight only recently, ADR has a history of more than 60 years, when labor disputes began to be resolved through arbitration. For example, Chin notes that his non-profit, public service organization has existed since 1926 and has grown steadily over the years, offering a range of ADR mechanisms in addition to arbitration.

According to Boston College Law School Associate Professor Robert H. Smith, ADR has received greater attention since the 1970s when, following the urban problems and general social unrest of the prior decade, community-based ADR programs began to appear. Smith explains, “Part of the rise of ADR was a desire for a political, ideological, grassroots solution, to empower people and make them less dependent on lawyers, judges, and the courts. There was a certain idealism, and it was very much a non-lawyer movement.”

Even more recently, dissatisfaction with the contentious nature and cost of the traditional litigation system has extended from individuals to large corporations. Illustrative is a 1992 Business Week magazine cover story highlighting a Harris Executive Poll on corporate attitudes toward civil litigation. The executives surveyed felt that the high cost and fear of lawsuits were hampering their businesses and the entire United States economy. Fully 97 percent of those polled favored greater use of ADR as a possible reform.

Yet ADR practitioners believe that some lawyers remain resistant if not hostile toward ADR. Says Chin, “Sometimes attorneys perceive those of us in ADR as a threat. They don’t like what we’re doing because they see us as lowering their billable hours. But I see a growing number of attorneys who have more vision, and they see that ADR is the way of the future because the court system as we know it and the degree of lawyer bashing have gotten worse and worse.”

With prominent lawyers such as Massachusetts Bar Association President Michael E. Mone ’67 and others nationwide advocating acceptance of ADR and incorporating it into their practices, Chin’s view of ADR as the way of the future may indeed be accurate, but the final verdict has not yet been reached. Kauders believes the more enlightened lawyers realize they attract clients by showing concern for the costs of litigation, but Smith notes, “The financial incentive is still to keep the client on a litigation track; lawyers tend to see mediation not as lawyering but as giving up a client and case to someone else. However, if lawyers are perceived only as litigators and billable hours, they will become marginal. ADR is good for lawyers. The task ahead is to change the minds of lawyers and the view of lawyers by clients. We are at a transition point.”

EDUCATING THE NEXT GENERATION

Since the 19th century, when efforts were made to make law and its study a scientific, academic enterprise, appellate cases have been the primary teaching materials in law schools everywhere. According to Smith, this has led to student misconceptions about the practice of law. He says, “Students are socialized to think of litigation as the vehicle for creating the legal rules that guide us. In reality, however, lawyers use these rules to advise clients about what might happen if a case goes to court. Litigation is always in the background, but as a fallback.”

Yet the vast majority of American law students earn their degrees without fully understanding this actuality and without any training in dispute resolution through methods other than litigation. This is a mistake, says Chin, who in addition to practicing ADR has been a guest lecturer on the subject at California Western and the University of San Diego Law Schools. “ADR should be a part of the legal education process. All law schools should have courses to acclimate students to ADR. Once you start planting the seeds in the minds of future lawyers, at least they will...”
know the basic terminology and will ask questions when they need to know more," Chin states.

At Boston College Law School, ADR is well entrenched, with a course in arbitration first offered in 1979, a time when its initial instructor, Donald White, says few people even were aware of ADR. Today not only are courses in arbitration and mediation offered as upper-class electives, but all students are exposed to its concepts through the required first-year course known as Introduction to Mediation and Professional Responsibility (ILPR), which devotes a segment specifically to ADR. Says Smith, an instructor and designer of ILPR, "We want students to leave law school aware of ADR and give them the skills to incorporate it into practice."

Smith also teaches the Law School's Mediation course, which like White's and Dolan's Arbitration course, has two instructors. Smith is joined by psychologist/mediator Ericka Gray, and he feels their differing perspectives only enhance their ability to provide an overview of the need for ADR as well as to introduce students to mediation skills through simulation and role playing. Smith notes, "The interdisciplinary approach is a nice reflection of mediation, which is not a system created by lawyers."

Though their belief in ADR is universal, none of the Law School's ADR faculty expects to convert all students to ADR practitioners. As Smith says, "Some students are not suited by personality; those who tend to enjoy mediation and other ADR mechanisms may have been somewhat uncomfortable with the rest of law school and with being the adversary. But every graduate should at least understand that there is another process that in certain circumstances might be an option."

**A Unique Study of Mediation**

Gary L. Gill-Austern '93 wasn't a typical law student. He had studied religion both at a Colgate University undergraduate and at Harvard Divinity School. He also had attended rabbinical school and started a Ph.D. program in philosophy and religion at the University of California-Berkeley. Then, for 12 years before coming to law school, the father of three boys worked with computer systems for the healthcare industry. So when Gill-Austern sought a clinical experience involving alternative dispute resolution (ADR), he made an atypical choice again.

Gill-Austern enrolled in Boston College Law School's Urban Legal Laboratory, a clinical program that allows students to explore a range of legal interests through individualized placements with government agencies, judges, law firms, and public interest organizations. But rather than participating for the usual one semester, Gill-Austern proposed that he continue for a full academic year. And rather than work with one legal office, he would spend time with several, as well as work with individual practitioners on special projects related to mediation. The Law School accepted his proposal.

Gill-Austern explains his reasons for desiring a different path by saying, "Until 100 years ago, legal education was based on an apprenticeship model, and I liked that idea. I wanted to do mediation and learn at the feet of the greats."

Gill-Austern mediated at the Framingham Court Mediation Service and the Cambridge Dispute Settlement Center, both community mediation programs. He also worked at Endispute, a private ADR firm. He assisted J. Michael Keating, a partner in the law firm of Tillinghast, Collins & Graham, with a large-scale mediation project. He wrote an article on mediation that he hopes to publish in a law journal. And he expanded his knowledge of mediation and other ADR methods by attending a variety of conferences and workshops and by becoming a student member of professional organizations.

During the course of his work, someone suggested that Gill-Austern contact David Hoffman, a partner in the Boston law firm of Hill & Barlow of Gill-Austern's clinical work earned him recognition upon graduation, when he received the John F. Cremens Award for Outstanding Work in Clinical Programs. Gill-Austern says, "I was touched because I received an award for doing something I loved. Throughout law school, I was seeking to make my legal studies something of the soul and the heart. I took a mediation course in my second year of law school, and it seemed to me that law was at its best when it involved face-to-face problem-solving. I went into religious study because I felt you could heal hurts if only you located the source deep inside. Mediation seemed to be a blend of some of my values and my new profession."

Gill-Austern now is employed in the Environmental Law Department of Nutter, McLennen & Fish, a large Boston law firm, but he does not feel his new position necessarily precludes continued involvement with ADR. He says, "I've come to the firm fairly knowledgeable about an important area, and environmental law has made serious inroads into ADR. It involves litigation and non-litigation, or compliance, and I hope to be able to do both types of work."
LIVES OF
LITIGATORS

Whether referred to as litigators or as trial attorneys, their work on behalf of clients transcends all of the criticisms of lawyers.

I
S AMERICAN SOCIETY TOO LITIGIOUS? Not so, say some of the Boston College Law School graduates who resolve a substantial portion of their clients' disputes in court. They speak of improving people's lives, of preserving individual liberties, of striking a balance between rights and responsibilities, of using their expertise in the best interests of their clients. They speak of the satisfaction of advocacy and of working in areas of law in which change is ongoing.

More and more, some also speak of alternative dispute resolution, and of its inevitable and appropriate place in everyday practice. Though they have tried many cases over the years and anticipate many courtroom appearances in the future, these lawyers see mediation, arbitration, and other available mechanisms as useful in
settling cases more rapidly and in lessening the court system's burdens. Still, as one trial lawyer says, there always will be clients who will require their day in court. And these lawyers will be ready.

BATTLING PROFESSIONAL MYTHS

The idea that medical malpractice cases and medical malpractice contribute greatly to the cost of healthcare is preposterous. The best estimate is that it amounts to less than one percent of healthcare costs. Medical malpractice cases essentially hold the medical profession responsible for the care it provides. To remove that responsibility is to create irresponsibility," says Michael E. Mone '67, President of the Massachusetts Bar Association since September and a trial attorney specializing in medical malpractice and products liability law since he graduated from Boston College Law School.

Mone's work with the Boston law firm of Esdaile, Barrett & Esdaile, where he has been a partner since 1977, has earned him recognition in every edition of The Best Lawyers in America. Mone won the first case in Massachusetts involving unfair claim practices by an insurance company; the $600,000 settlement, which was determined in the Massachusetts Supreme Judicial Court after the insurer refused to pay $2,000 to the injured party, remains the highest ever in the state. The case also led the state to overturn the statute of limitations for medical malpractice claims.

"I've handled medical malpractice cases that not only help clients, but also have helped change the processes and procedures in hospitals to make them safer for patients," Mone says. "In one case, a routine chest x-ray was reported correctly by the radiologist to indicate a tumor, but the record was never read by the patient's doctor. Now the hospital requires a radiologist to speak to the physician rather than just record the information in the chart."

Mone attributes his success as a trial lawyer to hard work and a lot of luck. He says, "I work very hard at preparing cases, and I'm fortunate to have a good memory. I enjoy the cases and the whole litigation process, from the first interview with the client to the trial. This is the most interesting possible job because it's always different; the cases are different, juries are different. The hand-to-hand combat aspects are fascinating, and the immediacy of the result is appealing."

Mone is now bringing his enthusiasm for and commitment to the legal profession to his bar association presidency. During his tenure, Mone hopes to work toward improving the reputation of lawyers with the general public.

"We need to do this on a client-by-client basis," he says. "A lot of the frivolous lawsuits, but every court has the means to address that problem. We have the most rights of any country. We can limit litigation by taking away people's rights, but we will rue the day we do that."

Still, Mone believes the legal system has some room for improvement. He says, "We have to make the system of litigation more efficient. That's why I think alternative dispute resolution is the way of the future. I'm not talking about mandatory alternative dispute resolution, but making it available. We also have to make legal representation affordable for people of more limited means. I'm concerned it will become a system just for the rich, and that will be bad for the court system."

Despite his concerns, Mone continues to have great faith in the legal system and in the legal profession, which he finds as satisfying as he believed it would be when, as a boy, he watched his two trial-attorney uncles at work. And now there will be a lawyer in yet another generation of the Mone family, as Michael E. Mone, Jr. has become a member of the Boston College Law School Class of 1996.
"I didn’t hope he would be a lawyer, but I didn’t discourage him," says the senior Mone of his son. "I think it’s a wonderful profession, and a person absolutely can rise or fall on his or her talents."

EVOLVING WITH EMPLOYMENT LAW

Edith N. Dinneen ’73 recalls that only one course was offered in her area of legal practice at the time she was a Boston College Law School student, a course she describes as “Sully’s [Professor Richard Sullivan’s] old-fashioned labor law course.” But ultimately the lack of available academic preparation hardly mattered; according to Dinneen, labor law — now typically designated “labor and employment law” — has changed completely in 20 years.

“Because most states are not as unionized as in the past, traditional labor law work is not as common. Therefore, the bulk of my practice has been in employment law. And much of what I do now is totally new or significantly different from 1973,” Dinneen says.

She lists several issues of today that were unfamiliar to lawyers 20 years ago: age and disability discrimination in employment, sexual harassment on the job, family leave, wrongful discharge, employees’ privacy rights.

“I’m never without the Daily Labor Report, trying to keep up,” Dinneen says. “The changes have meant being at the cutting edge in terms of working on cases and formulating issues that are precedent-setting or first-timers. There is an opportunity to make new law in a field that is constantly evolving.”

Since 1992, Dinneen has practiced labor and employment law as a partner in the Los Angeles, California, office of Lane Powell Spears Lubersky. For 19 years prior, she was associated with the New York and Los Angeles offices of the law firm of Rogers & Wells, where she also had become a partner.

Though Dinneen joined Rogers & Wells directly from Boston College Law School, she did not plan a career in employment law. But soon after she joined the firm, clients operating throughout the United States needed advice regarding the array of anti-discrimination laws enacted by individual states. Dinneen was assigned to research the various statutes and provide that legal advice.

“Then I began working on a large class-action discrimination case, and it just snowballed from there. I found it interesting, so I continued,” Dinneen says. Back in the 1970s, Dinneen was one of the trial lawyers who defeated a challenge to a major airline’s right to impose flight attendant weight restrictions; the opposition had contended that the height/weight charts generated by life insurance companies were inherently discriminatory toward women. Dinneen notes that cases of this type were common in the 1970s, were less prevalent in the 1980s, and now are surfacing once again.

More recently, Dinneen’s work has included representing an employer charged with defamation of character by an employee who claimed that other employees were discussing her roommate’s diagnosis said by individuals in its employ. There were no other precedents found concerning defamation in AIDS cases, because no such cases have been litigated yet,” says Dinneen, who won the case on summary judgment in June 1993. The outcome is now being appealed.

Though she has had successes in court, Dinneen does not define herself as a trial attorney. Instead, she says, “I like counseling clients to keep them out of trouble and avoid litigation. I have to know the law and apply it in a way that both accomplishes what the client wants and is in compliance with law. There has to be a
balance between employers’ rights and responsibilities and employees’ rights and responsibilities.”

In her cases, Dinneen is most concerned about when and how to achieve a resolution that is in the best interests of her clients. As a result, she frequently advises her clients about alternative methods to resolve disputes short of trial.

Dinneen explains, “We look at whether it makes sense to continue litigation or to settle at an early stage. We explore the strengths and weaknesses of the case and a client’s potential exposure. Sometimes it’s helpful to have a mediation; this has been very successful in bringing people together. I recognize the possibility that it doesn’t always work, but I think it’s worth a try; I consider a good settlement one in which no side goes away entirely happy.”

WORKING IN THE WORLD OF CRIME

J. W. Carney, Jr. ’78 wanted to be a criminal defense lawyer from the time he was a high school sophomore. Inspired by the Anthony Lewis book *Gideon’s Trumpet* and the television program *The Defenders*, Carney says, “I’ve always had an affinity for the underdog and felt that working as a criminal defense lawyer would be a very practical way to protect people’s civil liberties. I’ve found that if we don’t protect the constitutional rights of every citizen — including those charged with heinous crimes — then we begin to erode the constitutional rights of everyone.”

Now a partner in Carney & Bassil, a five-person Boston law firm involved primarily in defending individuals and corporations in criminal cases, Carney spent several years on each side of the courtroom before starting his own practice. After graduating from Boston College Law School, he became a public defender in Boston, dealing with cases of drug trafficking, sexual assault, and other forms of violent crime. In 1983, after repeatedly finding himself telling his colleagues, “If I were the prosecutor, you know what I would do...,” Carney became a prosecutor, joining the Suffolk County District Attorney’s Office as an Assistant District Attorney. Despite his certainty about needed actions before he became a prosecutor, Carney found the transition difficult at first.

“I was too aware of the implications of a sentence,” he explains. “I had a heightened sensitivity toward the impact of an injustice upon a defendant, when an innocent person is improperly convicted or a properly convicted defendant receives an unduly harsh sentence based on an emotional response to the crime. At first I struggled with determining appropriate sentencing recommendations, but then I grew more comfortable with my judgment. As a prosecutor, you find that every victim wants every defendant to go to prison for life; that’s a natural reaction. But prosecutors represent the Commonwealth as a whole and are not simply there to advocate for victims alone.”

As a prosecutor, Carney eventually found himself spending less and less time in a courtroom, as 90 percent of the defendants pleaded guilty before a trial. Though he acknowledges that these results may be beneficial to the criminal justice system, as a trial lawyer who enjoyed arguing cases before a jury, Carney was missing some of the personal satisfaction in his work.

Carney remained a prosecutor for five years before deciding once again to repre-
sent defendants, this time through a private practice that also includes a smaller percentage of civil cases. He now spends many hours in the courtroom defending clients such as a Ukrainian physicist alleged to have killed a Russian colleague, indigent children arrested for murdering other children, a private school teacher accused of molesting a student, and a computer executive charged with killing opportunity. He adds, "Another thing I do is never take my work home, either physically by bringing a briefcase or mentally by bringing home the problems of my cases. When I cross the threshold, my only concern is my wife and my children. I find that the nature of my work has made me appreciate my family even more."

Yet Carney enthusiastically states that he loves his work, that it has been every-

Leo V. Boyle '71, a partner in the Boston law firm of Meehan, Boyle & Cohen, in his favorite place — the courtroom

thing he hoped it would be when he first chose his career. He says, "My work has enabled me to develop my trial skills and, of even greater benefit, it has allowed me to develop knowledge of the human condition — human foibles and frailties — so I can understand how people act in certain circumstances. I'm hopelessly naive, romantic, and cynical simultaneously. It's an admittedly odd combination, so I'm always surprised by what people do, but I expect to be surprised, so I can roll with it."

Still, Carney's caseload brings with it the expected amount of stress, which he copes with by playing basketball at every

For Carroll E. Dubuc '62, aviation is an avocation as well as a full-time job. The former United States Navy pilot specializes in aviation law as a partner in the Washington, DC, law firm of Graham and James. Working from a model airplane-filled office, Dubuc has represented international and domestic air-

lines and aircraft manufacturers in multidistrict litigation.

In many instances, Dubuc's cases have involved lengthy jury trials arising from major aircraft disasters. He has twice represented Northwest Airlines and its insurer in connection with wrongful death claims resulting from accidents in Detroit, Michigan; the more recent case, concerning a 1990 collision between two of the airline's planes, is now being appealed after an 18-month jury trial concluded that Dubuc's clients were liable in the case. Dubuc also vividly recalls an-
other even more complex case — lasting 10 years and featuring 20 separate trials — in which he represented Lockheed-Georgia and its insurer against claims of negligence, liability, breach of warranty, personal injury, and wrongful death after an aircraft accident that occurred near Saigon in the waning days of the Vietnam War.

"These large accident cases are interesting and high profile," Dubuc says. "They involve significant issues of tort law, treaties, and international aviation law."

Some of Dubuc's cases have resulted not from the collision of aircraft and aircraft, or of aircraft and earth, but from the disastrous union of human and airplane. For example, in cases stemming from two highly publicized international incidents, Dubuc represented Air France and its insurer after a 1972 massacre at Israel's Tel Aviv Airport and a 1976 hijacking at Entebbe Airport in Uganda.

Although Dubuc estimates that litigation encompasses 60 percent of his work — the remaining 40 percent of his practice consists of more typical corporate law, but for the aviation industry — not all of it concerns disasters of one form or another. Noting that many cases against airlines arise from cargo and baggage complaints, false arrests, or accidents involving airline vehicles such as cars or vans, Dubuc says, "These are the day-to-day occurrences that are not major disasters but still are significant cases. They are $2 to $3 million cases, whereas the disasters are $200 to $300 million cases."

With more than 30 years in the field, Dubuc has become a recognized expert in aviation law and has lectured and authored numerous articles about it. He has written about aviation law ever since his days as a Boston College Law School student when, while Editor of the *Boston College Commercial and Industrial Law Review* (now known simply as the *Boston College Law Review*), he authored a note titled "U.S. v. Pan American World Airways."

Over the years, he has addressed aviation and products liability law topics such as discovery in military accidents, aircraft hijacking legislation and case development, examination of economic experts in litigation, federal hazardous waste enforcement, and punitive damages under the Warsaw Convention.

And though Dubuc has not flown in 10 years, his love of aviation and the legal practice to which it led him remains strong. He retains his commercial pilot's license, continues to read books and view videotapes on aviation, and says of his chosen area of law, "The dynamics of the field are always changing, the issues are interesting, and the opposition is very talented, so the work constantly creates challenges. I always learn something new, and I'm involved with cutting-edge issues."

**ENJOYING HIS NATURAL HABITAT**

I haven't worked for 22 years. What I do can't be work; it's just too much pleasure. It's too exciting. It's too much fun," says Leo V. Boyle '71, a trial lawyer representing plaintiffs in personal injury cases and partner in the Boston law firm of Meehan, Boyle & Cohen, P.C.

Still, in the course of not working, Boyle managed to obtain what was then the largest settlement for an individual client in the United States — nearly $15.5 million — when, in 1988, he represented a man who, while sitting in a barber's chair, was hit in the neck by a nail shot through a wall by a carpenter using a nail gun in the next room; the accident had left the man a quadriplegic. Even the first successful jury trial in Boyle's career resulted in the second-highest cash verdict in Massachusetts history.

The ever-modest Boyle, who has served as president of the Massachusetts Bar Association and has been cited among the best personal injury lawyers in the state, says, "There are thousands of good trial lawyers in Massachusetts, and most people haven't heard of them. I always feel really privileged that people pick me to represent them. It's such an act of trust when someone says to you, 'I want you to vindicate my rights.' There's no feeling in the world as thrilling to me as walking into a courthouse and being responsible for representing someone whose rights have been harmed."

Boyle is most content when in court, calling it his "natural habitat." Yet when he was a student at Boston College Law School, he had no desire to become a trial lawyer, and personal injury law held no appeal.

"I thought law school would be broadening and give me the most opportunity, but I certainly didn't have the fire in my belly to go out and try cases," Boyle says.

Boyle's legal career began with the Boston firm of Parker, Coulter, Daley & White, where he wrote appellate briefs and conducted legal research. But he enviroyed the human interaction that the trial lawyers experienced in their work and inquired whether he, too, might try a case, however small.

"I tried a case in Woburn District Court; probably $500 or $1,000 was at stake. I've always felt sorry for the judge who had to sit there and observe the mess that was my first trial; I was unbearably long-winded and horrible," Boyle recalls, noting that he won the case despite his lack of skill and adding, "But I loved the experience. From that moment, I knew that this was how I was going to spend my time."

Today, Boyle says that no case is too small or too large for him to handle. He also has come to love the area of law to which he has devoted his career. Boyle explains, "From the beginning, I realized that the court was a tool I could use to improve people's lives. With personal injury work, not withstanding all of the criticisms the public has of it, I know that if I work really hard and do what I'm supposed to do, I can step into somebody's life and make it better. Obviously, I can't cure or heal the person, but I can give a family financial security and a decent standard of living and take away the economic worries."

As far as the "fun" of being a trial lawyer, Boyle says it lies in trying the most difficult cases, the ones that conventional wisdom says can't be won. Of course, he admits, not all cases are won, and he believes that knowing how to lose is an important part of being successful.

"One of the real satisfactions is that there is instant feedback — there's a winner, there's a loser, and money changes hands," Boyle says. "It's very public, and to me the great lawyers are the ones who can lose the really big cases, and on Monday morning they're back in the courthouse ready for the next trial. I believe you're only as good as your next case; it doesn't matter whether I lost today because I know I'll win the next one. It's hard to have that viewpoint if you don't love the process."
PROFESSOR HUGH J. AULT has continued to assist the Organization for Economic Cooperation and Development in providing tax policy assistance to Eastern European countries. Ault participated in a June seminar for the Baltic States and the Russian Federation held in Copenhagen, Denmark, and in a similar July program held in Ankara, Turkey, for representatives of the Transcaucasian Republics. Also in July, he visited Tirana, Albania, to discuss corporate tax legislation and tax aspects of the privatization process with the Albanian Finance Ministry.

In October, PROFESSOR CHARLES H. BARON served on a panel held at Boston's John F. Kennedy Library, addressing the topic of "Civil Rights and Civil Liberties: Free Speech and Social Harmony on American Campuses." He also spoke at the National Assembly in Paris, France, at a conference titled "Jehovah's Witnesses: Family Law, Health Law, National Service Rights, and Public Freedom."


With attorney Michael Avery, ASSOCIATE DEAN MARK S. BRODIN has revised the Handbook of Massachusetts Evidence, originally written by Massachusetts Supreme Court Chief Justice Paul Liacos; their latest version, the sixth edition, was published in December 1993.

PROFESSOR DANIEL R. COQUILLETTE gave an October presentation titled "The Ideological Impact of Legal Education Upon the Profession: Who Cares?" as the Dan K. Moore Honorary Speaker for the ethics program at the University of North Carolina School of Law. That same month, he spoke about "Ethical Instruction in American Law Schools" at an American Bar Association convention for Latin American law school deans held in Washington, DC. In November, Coquillette addressed "Rule Reform and Ethics Today" at an annual conference of Massachusetts Superior Court judges.

PROFESSOR PETER A. DONOVAN has written a new chapter titled "Disregard of the Corporate Fiction: Piercing the Corporate Veil and Successor Corporate Liability" for the Fall 1993 supplement to the book he co-authored with Zolman Cavitch, Massachusetts Corporation Law, which was published by Matthew Bender & Co. Donovan also provided written testimony, titled "Analysis of Proposed Act Relative to Products Liability Actions: H2625," for the Joint Committee on the Judiciary of the Massachusetts Legislature.

In July, PROFESSOR JANE KENT GIONFRIDDO served on an American Association of Law Libraries panel titled "Empowering Summer Associates to Achieve Their Full Potential," which addressed ways law firms and law schools might improve programs that develop students' research skills.

Providences's Channel 10 featured PROFESSOR PHYLLIS GOLDFARB in a June television news story concerning her representation of a Rhode Island woman who is challenging a murder conviction. In July, Goldfarb spoke about "The Premises of Feminist Legal Theory" and "Feminist Theory and Criminal Justice" as part of a Massachusetts Continuing Legal Education (MCLE) program on feminist legal theory. She also prepared several chapters of a book on these topics for MCLE.


In October, PROFESSOR DANIEL KANSTROOM served as the chair of a Massachusetts Bar Association panel presentation on the immigration consequences of crime. He also is a mentor on a pro bono asylum case involving a South African child shot by security forces; after more than two years of legal proceedings, the child, her mother, and her sister were granted permanent residence in the United States.

In May, PROFESSOR SANFORD N. KATZ served as a national reviewer of scholarly papers for the National Conference on Child Abuse and Neglect in Pittsburgh, Pennsylvania. In June, he moderated a panel titled "Divorcing Parents and Children" during the North American Regional Conference.
Regional Chapters Welcome Dean Soifer

The Law School’s regional chapters have helped to introduce new Dean Aviam Soifer to alumni in their areas by hosting a series of events throughout the country. In his first semester as Dean, Soifer has met Boston College Law School graduates in Providence, Rhode Island; Washington, DC; New York City; and Chicago, Illinois. He also visited with approximately 400 Boston-area alumni at a September reception held at the Omni Parker House Hotel.

On October 6, Soifer was at the Hotel Washington in the nation’s capital, where 60 graduates were in attendance at a reception. A similar number of people joined him at a Providence luncheon on October 12. In November, Soifer traveled to Chicago for a luncheon at the University Club in that city, and December brings him to Manhattan for a holiday reception with New York alumni.

Soifer also is continuing to expand his contact with the many graduates in the Boston area through a new series of breakfast meetings held at the offices of local law firms.

News of your professional activities is welcomed for both the Boston College Law School Newsletter and Boston College Law School Magazine. Please send all items to Amy S. DerBedrosian, Boston College Law School, 885 Centre Street, Newton, MA 02159 or call her at 617-552-3935.

1960s

U.S. District Court (MA) Senior Judge David S. Nelson ’60 recently received the Haskell Cohn Distinguished Judicial Service Award from the Boston Bar Foundation. Former United States Senator Warren B. Rudman ’60 has been named to the Board of Directors of Raytheon Co. of Lexington, Massachusetts. Rudman is now with the Washington, DC, law firm of Paul, Weiss, Rifkind, Wharton & Garrison.

J. Owen Todd ’60 is serving on the Board of Editors of Massachusetts Lawyers Weekly for 1993-1994. A former Middlesex County (MA) Superior Court judge, Todd now is a partner in the Boston law firm of Todd & Weld.

Edgar J. Bellefontaine ’61, Director of Boston’s Social Law Library for 32 years, recently received an award for excellence in government law librarianship from West Publishing Company.

Walter S. Goldstein ’61, managing partner in the Boston firm of Edelstein & Company, is currently president of the Massachusetts Society of Certified Public Accountants.

R. Robert Popeo ’61, chairman of the Boston law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., received the Boston Bar Foundation’s Public Service Award for 1993 for his work in formulating and securing passage of legislation to reform the Massachusetts State Courts.

The Worcester Children’s Friend Society has recognized the “inspired leadership, commitment, and dedication” of Edgar J. Bellefontaine ’61. (continued on Page 40)
Serving David and Goliath

"When I moved to Colorado from Los Angeles two years ago, I little suspected that I would go from representing corporate clients to litigating on behalf of poverty-stricken inner city residents against a corporate polluter," wrote Susan Reardon O’Neill ’84 to her former Boston College Law School professor Arthur L. Berner in March 1993. O’Neill had just completed work as an associate attorney to Denver lawyer Mason Cowles on the case of Escamilla v. ASARCO Inc., which began in 1991 as a short-term assignment for O’Neill but lasted two years. The class-action suit on behalf of 567 families in northwest Denver’s Globeville neighborhood resulted in a settlement of up to $24 million to clean up pollution caused by the ASARCO smelter and to compensate the families for endangering their health. It was the largest private environmental damage case in Colorado history.

Though O’Neill did not handle the trial, she played a key role in researching the legal issues and in arguing motions, including a winning motion to compel the production of documents showing ASARCO engaged in midnight dumping of polluted water into irrigation ditches in Globeville.

O’Neill says, "I feel proud to have helped these families make their neighborhood a better place for their children to grow up. I always try to represent my clients to the best of my ability, whether they are corporations or individuals, but these individuals were unique in their commitment to making a better world.

At first, the odds against winning the case appeared insurmountable. Larger Denver law firms had declined to represent the plaintiffs; Cowles left a firm to form his own to be able to take on the case, and O’Neill went with him. Even some of the neighborhood residents were opposed to a lawsuit, fearing it would only increase their troubles in the future. O’Neill says, "Regardless of whether we won the case, I felt it was worth pursuing; I never had any doubt about committing myself to the cause, though there were many times when we were discouraged. We felt we had a heavy burden of proof and were not at all assured of success, but we never gave up. Coming from the side of the underdog, we felt we had justice on our side, but we had none of the financial advantages and political power of a large corporation."

Based on her experience prior to Escamilla v. ASARCO Inc., O’Neill would seem an unlikely candidate to participate in the case on the plaintiff’s side. With the law firm of Tuttle & Taylor in Los Angeles, she had represented major petrochemical companies. And for another two years, she tried cases on behalf of clients in the petrochemical, aerospace, and hazardous waste industries.

But there was another side to O’Neill’s legal career. For much of her first year with Tuttle & Taylor, she worked on a pro bono case, Retting v. Pension Benefit Guarantee Corporation, in which a government agency formed to insure the pensions of employees whose companies failed to do so interpreted one of its own rules in a way that denied benefits to 15,000 retirees, leaving them destitute. And O’Neill also chose to represent indigent clients through public counsel services in Los Angeles.

O’Neill views her most recent work as compatible with her past and would not hesitate to represent clients in industry again. She says, "Corporations need lawyers who not only represent them after the fact but also counsel them about how to comply with their environmental obligations. I can help them understand their duties. I think having seen both sides will make me a more effective legal representative."

(continued from Page 39)

Commitment, and generosity in serving children” of ROBERT J. MARTIN ’62 by naming him the recipient of its Miles Lincoln Award. Martin is a partner in the Worcester, Massachusetts, law firm of Mirick, O’Connell, DeMallie & Lougee.

Labor and employment lawyer HERBERT L. TURNER ’62 has become Of Counsel for the law firm of Jackson, Lewis, Schnitzler & Krupman in Boston. He formerly was a senior partner with Widett, Slater & Goldman in Boston.

STEPHEN M. RICHMOND ’64, a partner in the Boston law firm of Kaye, Fialkow, Richmond & Rothstein, recently received the City of Peace Award from Greater Boston State of Israel Bonds.

Nevada Supreme Court Justice MIRIAM M. SHEARING ’64 has been re-elected to the American Judicature Society’s Board of Directors.

BARBARA L. HASSENFELD-RUTBERG ’65 has been appointed as an administrative law judge in the Boston Regional Office of the United States Occupational Safety and Health Review Commission.

ROBERT J. KATES ’67 is now a partner in the Boston law firm of Goldstein & Manello, P.C. He had been a director with Widett, Slater & Goldman, also in Boston.

JAMES A. CHAMPY ’68 has been promoted to the position of President of Computer Sciences Corp. of El Segundo, California. He also has been elected an officer of the company. Champy previously served as Senior Vice President and Chairman and Chief Executive Officer of CSC Index, the company’s management consulting and business re-engineering subsidiary.

JAMES J. MARCELLINO ’68 is serving as President of the Boston Bar Association for 1993-1994. He is a partner in the Boston law firm of McDermott, Will & Emery.

1970s

WILLARD KRASNOW ’70 has joined the Boston law firm of Hinckley, Allen & Snyder as Of Counsel. He had been Assistant Human Resources Counsel for Raytheon Co. in Lexington, Massachusetts.

BARRY A. GURVAN ’71 has become a partner in the Boston law firm of Eckert, Seamans, Chein & Mellott. He had been an attorney with the National Labor Relations
JOSEPH M. CLOUTIER '73 has become a partner in the recently formed law firm of Cloutier & Briggs, P.A. in Rockport, Maine.

Rosalyn K. Robinson '73 was named an Associate Justice of the Massachusetts Superior Court. She formerly was Deputy General Counsel to Pennsylvania Governor Robert Casey.

The Hon. Richard J. Chinn '74 recently was appointed an Associate Justice of the Massachusetts Superior Court. He had been an Associate Judge with the Boston Municipal Court.

The Hon. Richard J. Chinn '74 recently was appointed an Associate Justice of the Massachusetts Superior Court. He had been an Associate Judge with the Boston Municipal Court.

MAURICE R. FLYNN '75 has been named an Associate Justice of the Chelsea District Court in Massachusetts. He had been in private practice in Boston since 1985.

CLIFFORD ORENT '75 has been named President and Chief Operating Officer of InSite Vision, Inc., an Alameda, California company that develops ophthalmic pharmaceutical products. Orent previously served as Chief Operating Officer of IDEC Pharmaceuticals Corporation.

DAVID STRAUSS '75 has retired as a partner in the Boston law firm of Burns & Levinson and started a firm known as David Strauss Designs, Inc., specializing in limited-edition art furniture design and production as well as synagogue art installations.

Katherine M. Hanna '79 has become a member of the Manchester, New Hampshire, law firm of Sheehan, Phinney, Bass & Green. She formerly was an attorney with Castaldo, Hanna & Malmberg, a Concord, New Hampshire, law firm.

STEVEN K. FORJON '83 recently completed a LL.M. degree in military law from the United States Army Judge Advocate General's School in Charlottesville, Virginia. He is assigned as a Special Attorney to the Torts Branch, Civil Division, of the United States Department of Justice in Washington, DC.

ISMAM HABBAS '83 is a partner and head of the International Department of Al-Sarraf & Al-Ruwayeh, Kuwait's largest law firm.

MICHAEL F. KILKELLY '83 has been elected President of the Women's Bar Association of Massachusetts. He is a trial attorney with the Environmental Enforcement Section of the United States Department of Justice and author of a recent article titled "Bankruptcy Estimation of CERCLA Claims: The Process and the Alternatives," 12 VA. Envtl L.J. 235 (1993).

WILLIAM F. BRADY '84 is now President of Massachusetts Financial Group in Framingham. He had been President of the securities investment firm of Faneuil Hall Capital Group in Boston.

Augusto F. Grace '84 has been elected to the statewide Board of Directors of the Massachusetts Society for the Prevention of Cruelty to Children. He is a partner in the Boston Office of Gadsby & Hannah.

Valerie A. DiRocco Ross '84 has opened her own law office in Wakefield, Massachusetts. She previously was with the Fitchburg, Massachusetts, law firm of Bonville Howard & Pease.

STEVEN C. SUNSHINE '84 is now a Special Assistant in the Antitrust Division of the United States Attorney General's Office in Washington, DC. He previously was with the New York City law firm of Shearman & Sterling.

THOMAS M. LETIZIA '85 has become a partner in the Princeton, New Jersey, law firm of Jameson, Moore, Peskin & Spicer, P.C.

WILLIAM A. HAZEL '87 has been named a partner in the Boston law firm of Bingham, Dana & Gould.

1980s

Thomas A. Barnico '80 was one of three members of the Government Bureau of the Massachusetts Attorney General's Office to receive the first annual Best Supreme Court Brief award granted by the National Association of Attorneys General. Barnico, an Assistant Attorney General within the Government Bureau, co-authored the winning Plaintiff States' Reply to Exceptions of New Hampshire in Connecticut v. New Hampshire, a case challenging the validity of New Hampshire's Seabrook nuclear power plant property tax.

Manuel A. Moutinho '82 is now a partner in the Springfield, Massachusetts, law firm of Brundrett and Moutinho. He previously was affiliated with Bulkley, Richardson and Gelinas, also in Springfield.

Major Steven K. Forjohn '83 recently completed a LL.M. degree in military law from the United States Army Judge Advocate General's School in Charlottesville, Virginia. He is assigned as a Special Attorney to the Torts Branch, Civil Division, of the United States Department of Justice in Washington, DC.

Isam I. Habbas '83 is a partner and head of the International Department of Al-Sarraf & Al-Ruwayeh, Kuwait's largest law firm.

Michael F. Kilkelly '83 recently received the Tri-CAP Pro Bono Project Award for Outstanding Community Service from the First District Eastern Middlesex Bar Association. Kilkelly, who practices law in Malden, Massachusetts, has been the liaison between the Bar Association and the Pro Bono Project; he also provides legal services to low income clients and serves on an advisory committee.

Suzanne B. Lacampagne '83 has been elected President of the Women's Bar Association in Washington, DC. She is a trial attorney with the Environmental Enforcement Section of the United States Department of Justice and author of a recent article titled "Bankruptcy Estimation of CERCLA Claims: The Process and the Alternatives," 12 VA. Envtl L.J. 235 (1993).

William F. Brady '84 is now President of Massachusetts Financial Group in Framingham. He had been President of the securities investment firm of Faneuil Hall Capital Group in Boston.

Augusto F. Grace '84 has been elected to the statewide Board of Directors of the Massachusetts Society for the Prevention of Cruelty to Children. He is a partner in the Boston office of Gadsby & Hannah.

Valerie A. DiRocco Ross '84 has opened her own law office in Wakefield, Massachusetts. She previously was with the Fitchburg, Massachusetts, law firm of Bonville Howard & Pease.

Steven C. Sunshine '84 is now a Special Assistant in the Antitrust Division of the United States Attorney General's Office in Washington, DC. He previously was with the New York City law firm of Shearman & Sterling.

Thomas M. Letizia '85 has become a partner in the Princeton, New Jersey, law firm of Jameson, Moore, Peskin & Spicer, P.C.

William A. Hazel '87 has been named a partner in the Boston law firm of Bingham, Dana & Gould. (continued on Page 42)
Randall L. Souza '88 has joined the Litigation Department of Peabody & Brown in Providence, Rhode Island. Earlier, he was an associate with Partidge, Snow & Hahn, also located in Providence, as well as with the law firm of Morrison, Mahoney & Miller.

Shawn M. Sullivan '88 is now an associate in the property and finance department of Peabody & Brown. He is based in the law firm's Providence, Rhode Island, office.

In July, Kevin Patrick Bruen '89 joined the Schenectady, New York law firm of Gordon, Siegel, Mastro, Mullaney, Gordon & Galvin. He previously served as a Felony Trial Assistant with the Brooklyn (NY) District Attorney's Office.

Jean Christine O'Neill '89 is now an attorney with Bombardier Capital, Inc. in Burlington, Vermont. She had been associated with the Boston law firm of Peabody & Brown.

Denise M. Parent '89 has become corporate counsel for the Providence Journal Co. She formerly was an associate with the Providence, Rhode Island, law firm of Adler, Pollock & Sheehan.

Linda Sandstrom Simmons '89 has become an Assistant Professor at Suffolk University Law School. She previously was an associate with the Boston law firm of Hale and Dorr and is a former law clerk to Judge William G. Young of the United States District Court for Massachusetts.

Lawrence P. Stadulis '89 has joined the Washington, D.C., office of Morgan, Lewis & Bockius. He had been a special counsel in the Division of Investment Management of the United States Securities and Exchange Commission.

Rebekah Tosado '89 is serving on the Board of Editors of Massachusetts Lawyers Weekly for 1993-1994. She is a member of the staff of the Children's Law Center in Boston.

1990s

Faith K. Bruins '90 has joined the Boston law firm of Peabody & Brown as an associate. She previously practiced law in Portland, Maine.

Karen R. Sweeney '90 is now an associate with Warner & Stackpole, a Boston law firm. She had been an associate with the firm of McGrath & Kane, also in Boston.

Katherine Topulos '91 received the "Article of the Year Award" from the Law Library Journal for her bibliography of a collection of 16th century English law books.

Terri L. Yahia '91 has become an associate with the Boston law firm of Warner & Stackpole. She previously served as a Staff Attorney for the United States Federal Trade Commission's Bureau of Competition.

Jennifer Z. Flanagan '92 is now an associate with the Boston law firm of Gordon & Wise.

Adam M. Siegel '92 is serving as a Development Officer for the Commonwealth Zoological Corporation, the non-profit organization that runs the Franklin Park and Stone Zoos in Massachusetts. Siegel also is an associate in the Boston law firm of Curran, Johnson & Tutor.

Emanuel Alves '93 has joined the Boston office of Brown, Rudnick, Freed & Gesmer as an associate.

John Giesser '93 is now an associate with Brown, Rudnick, Freed & Gesmer in Boston.

Federal Judge Andrew Caffrey Dead at 73

United States District Court Senior Judge Andrew Caffrey '48 died in October at age 73. The first Boston College Law School graduate to be named to the federal bench, Judge Caffrey was appointed by then President Dwight Eisenhower in 1960 and served as Chief Judge of the United States District Court for Massachusetts from 1972 until 1986. During his tenure, he succeeded in expanding the court from six to 12 full-time judges as the caseload doubled and also established divisions of the court in western and central Massachusetts.

Judge Caffrey graduated at the top of his class and was a member of the Boston College Law School faculty from 1948 until 1955, when he became Assistant United States Attorney for Massachusetts. He was honored as one of the 25 most distinguished alumni and faculty during the Law School's 50th anniversary celebration and received the William J. Keeney, S.J., Alumnus of the Year Award in 1986.

Three Caffrey children - James, Mary Louise, and Joseph — followed in their father's footsteps by attending Boston College Law School, graduating in 1976, 1978, and 1984, respectively.

In 1992-1993, alumni and friends of Boston College Law School again demonstrated the strength of their belief in the quality of educational programs and in the values this school has represented for more than 60 years. Their generosity allows me to report that overall gifts to the Law School have reached a new high, totalling $1,182,010, nearly $60,000 above the old record set the previous year. Significantly, donors giving at the highest levels — $1,000 or more — increased to their greatest number as well. In difficult economic times, this support at all levels truly is extraordinary. It also is tremendously important for the Law School, enabling us to offer additional financial aid to needy students, to encourage the pursuit of public interest legal careers, and to assist our students and faculty who are engaged in a variety of worthy endeavors.

In the following pages, we recognize the individuals who contributed to the Law School’s fundraising effort. We also are grateful for the gift of time and recognize those who volunteered to serve on a variety of important committees.

As a new Dean, I realize how fortunate I am to become a part of a community committed to ensuring the ongoing vitality of a premier legal institution. This school has great traditions of service to others and academic excellence, traditions forged by my predecessors and exemplified by the work of those associated with Boston College Law School. I am honored to inherit the legacy of great Deans such as Father Robert F. Drinan, S.J.; Richard G. Huber; and Daniel R. Coquillette, and I eagerly accept the challenge to maintain and build upon the strengths of this fine law school.
Members of the Dean's Council

The Members of the Dean's Council provide annual gifts of $1,000 to $2,499.

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Faculty Notes (continued from Page 38)

ence of the International Family Law Society held in Jackson Hole, Wyoming. Katz also presented a workshop on the economic consequences of divorce and new procedures in divorce at an October meeting of the Council of Juvenile and Family Court Judges held in Reno, Nevada. In addition, he continues to serve on the Massachusetts Supreme Judicial Court’s Special Commission on Juvenile Justice.

Professor Renee M. Landers served as a faculty member for a Massachusetts Continuing Legal Education (MCLE) program titled “Feminist Legal Thematics,” held in Boston in July. Landers addressed the topics of sexual harassment, health law, and bar association activities.

“International Standards for Consolidated Supervision of Financial Conglomerates,” an article by Professor Cynthia C. Lichtenstein, was published in 19 Brooklyn J. of Int’l L. 137 (1993). She also chaired a July panel titled “Original Development Assistance to Reduce Disparities Among Member Countries: Does the EC Experience Point the Way for NAFTA?” at the second joint conference of the American Society of International Law and Nederlandse Vereniging Voor Internationaal Recht in The Hague, The Netherlands. In October, Lichtenstein served as a discussant at a Dresden, Germany, symposium on extraterritorial jurisdiction and also addressed the subject of foreign banking in the United States after BCCI at a New York City luncheon meeting of the American Foreign Law Association.

Professor Zygmunt J.B. Plater prepared the updated teachers’ manual for the book Environmental Law. He also served as a speaker and organized a September symposium for the National Association of Environmental Education titled “Bringing Science into the Environmental System.” In addition, Plater gave a presentation titled “Endangered Species and the Law” during a conference on biology and law sponsored by the Gruter Institute for Law and Behavioral Sciences and held in Squaw Valley, California.

Professor James R. Repetti recently addressed a Boston conference of the National Law Institute regarding the 1993 Tax Reform Act. Repetti also has received a University Research Grant from Boston College for his empirical research on the impact of tax rates on stockholder monitoring activity.

Professor Paul R. Tremblay spoke at a national symposium on elders with mental illness sponsored by the Judge David Bazelon Center for Mental Health and held at the University of Maryland Law School in June. He also is the author of an article on the ethical difficulties in counseling elders, published in the July 1993 elder law issue of the American Bar Association’s Family Advocate. Another of Tremblay’s articles, titled “Ratting,” addressed the issue of lawyers who inform on their clients and appeared in 17 Am. J. Trial Advoc. (1993). In addition, Tremblay is now serving on the Ethics Committee of the Boston Bar Association.

Professor Alfred C. Yen has been elected to the Board of Directors of the Massachusetts Volunteer Lawyers for the Arts.