BC Law Magazine Spring/Summer 2013

Boston College Law School
Tim McLaughlin ’09

His War, His Diary, and His Afterword
Faculty Lunch  
Friday, 12–1:15 PM.  
Keynote speaker: former dean Daniel Coquillette.

Assembly & Reunion Luncheon  
Saturday, 12–2 PM.  
Featuring former President of Ireland Mary McAleese.

Open Classrooms  
Friday, 1:30–3:00 PM.  
Has anything changed? See first-hand how we teach students today.

Alumni Assembly  
Saturday, 11–11:45 AM.  
Gather for Dean’s state-of-the-school address and Alumni Board elections.

“Bar Review” Happy Hour  
Friday, 7–9 PM.  
Come home to a BC Law tradition.

BC Law Goes to the Ballet  
Sunday, 1:00 PM.  
Join fellow reunioners for a performance of “La Bayadere” by the Boston Ballet.

Reunion Dinner  
Saturday, 7–10:30 PM.  
Ritz-Carlton, Boston.  
Celebrate at a festive evening of cocktails and conversation.

Special Receptions & Presentations  
Friday afternoon & evening.  

Alumni from classes ending in 3 or 8 look for more information in the coming months at www.bc.edu/lawreunion, but please SAVE THE DATE NOW!

Maureen Canavan ’87 (left) and Kathryn Barton ’87
FEATURES

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COVER: Photo of Timothy McLaughlin ’09 by Gary Knight
Make Peace, Not War

Valor and victories speak of personal risk and community strength

It seems that war and peace—on the battlefield, on the political stage, in the legal profession, even at the Boston Marathon’s finish line—have dominated the public agenda in recent months.

In response, BC Law Magazine acknowledges the tenth anniversary of the US invasion of Iraq with a profile of Timothy McLaughlin ’09 and an exploration of the diary that this lieutenant and tank driver in the Third Battalion, Fourth Marines, kept as he entered the war in 2003 (page 14).

We try to understand the source of alumnus and Connecticut Governor Dannel Malloy’s compassionate leadership and steely political resolve as he carried out two seemingly impossible tasks: telling the families of Sandy Hook Elementary that their children were never coming home, and passing one of the nation’s toughest gun control laws (page 30).

We marvel at how the student group Lambda turned an act of homophobic vandalism of their office into an opportunity to show the warmth and unity of the Law School community (page 7). We also shudder at the hate behind the Boston Marathon bombings, which leads us to ponder the price of freedom in America (page 3).

We learn about battles large and small that members of the Law School are fighting on paper, in courtrooms, and wherever injustice emerges, be it in a privileged world where millions are counted—and stolen—like pennies or simply a principled one where righting a wrong is the prevailing currency. Example: A wealthy crime novelist was defrauded by her management company and, with the help of Joan Lukey ’74, won a judgment worth over $50 million (page 22). Example: Spurned without explanation by the Law School Admission Council when he asked for accommodation on the LSAT for his reading disability, student Theodore Dunn ’13 later drew on what he learned in law school to write a law review article providing a novel solution that could ensure fairness for future test-takers (page 11).

Julie Flygare’s body is at war with itself, but her struggle to make peace with a debilitating disease has been rewarded. Not only has she recently published a memoir about the narcolepsy that made a living nightmare of her law school years, 2006-2009, she has also enjoyed some renewal of health and found her purpose in life as an effective advocate for awareness and research of the sleeping disorder (page 27).

Visiting professor Thomas Barnico ’80 has the last word in his In Closing column (page 60). He offers a rather bemused inquiry into why the Supreme Court is allowed to decide, by a bare majority, cases involving the laws of the land. Perhaps if a super majority were required, he suggests, a truce could replace those take-no-prisoners political contests between the right and left over judicial appointments and nominations.

—Vicki Sanders
Editor
The Power of Our Values

Even the Marathon bombings shouldn’t alter our belief in the promise of newcomers

We in Boston now understand viscerally what many around the world have lived with for a long time. Vibrant cities in open societies are tempting targets for terrorist attacks. Eerily, the bombing in Boston came just as the nation was renewing debate about its immigration laws. Columnist E. J. Dionne noted recently in the Washington Post that, “opponents of immigration reform used the fact that the [bombing suspects] are immigrants as a lever to derail the rapidly forming consensus in favor of broad repairs to the system. Supporters countered, defensively, that there is any lesson here, it’s that our approach to immigration needs to be modernized. In truth, this horrifying episode has little to do with immigration reform one way or the other.”

Dionne is absolutely right to reject a connection between the bombings and immigration in any meaningful sense. As a symbolic matter, however, the two are intricately linked. Politicians seized the moment to question the nation’s comfort with “strangers” and the media wasted no time in asking shocked Bostonians whether they thought it was time to pull up the ladders a bit for immigrants.

It is becoming increasingly difficult to make easy generalizations about who is American. Although of Chechen origin, the surviving bombing suspect was an American citizen who spent most of his life in Cambridge and appeared to all who knew him as a “regular American kid.” In this respect he is no different from the generations of Americans who arrived in this country as children with their immigrant parents and quickly came to identify themselves as Americans.

American identity is not rooted in a narrative around a shared racial, ethnic, or religious heritage, but is built around common life experiences and a commitment to certain social and political values. I believe this explains our country’s astounding ability to rejuvenate itself, and why hospitality and welcome for new arrivals is such an integral part of American culture.

Yet, openness does not come without a price. Our goodwill toward guests, newcomers, and strangers may not always be returned. We would be wise to reflect upon this from time to time and weigh the cost of hospitality against the benefits. Open societies cannot exert the kinds of social controls available in more homogenous communities and, frankly, homogeneity may well increase safety. It is certainly easier to keep tabs on a person when everyone in the neighborhood knows a lot about him and his background. Not so long ago, certain codes were used to signal this knowledge: “good” families, “our kind of people,” “not one of us,” just to name a few. These were the more benign phrases. Other labels were much more judgmental or derogatory.

Along with other important social changes, immigration has stimulated the economy, revived decaying neighborhoods and cities, and, yes, opened America to the world in ways that are not always positive.

One of the reasons we do not hear that kind of talk much anymore is that over the last fifty years, American society has become a more open, welcoming, and tolerant place. Along with other important social changes, immigration has stimulated the economy, revived decaying neighborhoods and cities, and, yes, opened America to the world in ways that are not always positive.

In March, as part of the celebration of its 150th anniversary, Boston College hosted a naturalization ceremony on campus. It was an event filled with deep emotion for all who attended and a particularly compelling celebration for a university founded to educate the children of recent Irish immigrants. The face of America may be changing, but our nation’s founding promise of openness is no less compelling today than it was over two centuries ago. The desire to become an American continues to be expressed by people from around the globe. Our ongoing willingness to receive them is a testament to the power of our values and how we choose to live them.

—Dean Vincent Rougeau
A panel of five black legal professionals gathered at BC Law in February with a strong message for students: Find mentors and be ready to seize the moment when a game-changing opportunity presents itself.

Panelist Steven Wright ’81 of Holland & Knight also offered some counterintuitive insight into succeeding as a minority lawyer. “While it’s difficult to be a ‘diverse’ attorney, in some ways it’s easier,” he said. “You already know resistance, and you start with being resourceful.” He spoke from experience: “No one is going to beat me as more determined, up on the law, or possessing more chutzpah to be creative.”

Unlike another panelist, Damian Wilmot of Goodwin Procter, who came from modest beginnings to become the first in his Jamaican family to graduate high school, college, and law school, BC Law Dean Vincent Rougeau grew up among lawyers and followed a well-trodden path through law school into a law firm. It wasn’t until he got this first “real job” that he faced some surprising realizations. “I wasn’t prepared,” Rougeau recalled. “I’d been pretty sheltered and wasn’t ready for the rough and tumble and somewhat ugly reality of the marketplace.”

Both men crossed Rubicons. Rougeau was applying to government programs when he was lured into a teaching job at Loyola University Chicago. He called that his game-changer. “I convinced myself I could be a law professor,” he said. He hasn’t looked back.

Wilmot aspired to work for the Legal Defense Fund. But after stints as a law clerk, in the US Attorney’s office, and at a small upstart office of a national firm where he got to try cases as a second-year associate, he was ready to be a litigator. “After that I felt I could handle anything,” he said with a nod to panelist Walter Prince ’74 of Prince Lobel Tye, an adjunct professor at BC Law and Suffolk Law, where Wilmot studied. “Walter really helped. He told me things I should be doing as a student. I’ve had a good career with his help.” Wilmot said another valued mentor was Wayne Budd of Goodwin Procter, a former associate AG in the elder Bush administration. “He spent hours with me,” Wilmot said.

CLOCKWISE FROM TOP LEFT: Walter Prince, Professor Renee Jones, the Hon. Leslie Harris, and Damian Wilmot.
Panelist Leslie E. Harris ’84 took a circuitous route to his seat as associate justice on the Suffolk County Juvenile Court in Boston. A history PhD candidate, then an elementary school teacher and probation officer, Harris was older than most of his classmates when he entered Boston College. “BC Law was supportive. The reason I love it is how I was treated while I was here. Walter was one of my professors, even though he was younger than I,” he said with a chuckle.

Harris worked at the Museum of African American History, as a hearing examiner, at Roxbury Defenders, and then developed the Youth Advocacy Project. He too recalled how advice from Prince was essential to his professional growth. As a public defender he was considering a job as a prosecutor but hesitated to cross to the other side. “Walter said, ‘No, you’re not a public defender, you’re a lawyer.’ That got me over the hump of thinking that I could only be a public defender,” Harris recalled.

All of the panelists acknowledged running into barriers of one kind or another, noting that people of color are still behind their peers in partnership ranks. Leadership is critical to breaking down barriers for minorities, they said, as is taking the initiative and asking for help.

And that’s where a good network comes in. “If I knew then what I know now, I’d get to know everyone in law school, all of my classmates,” said Prince.

Wilmot agreed: “Some scenario will happen when you really need to check with someone who can guide you through the land mines.”

The event, “Boston’s Black Legal Experience, Challenges and Inspiration,” was sponsored by the Black Law Students Association.

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**Undefeated to the Last**

**CELLUCCI’S FINAL ACTS RAISE MONEY FOR ALS**

Paul Cellucci ’73, another in a long line of alumni whose commitment to public service has led to distinguished careers, died June 8 from amyotrophic lateral sclerosis, or Lou Gehrig’s disease, at the age of sixty-five. Among his leadership roles were governor of Massachusetts and US ambassador to Canada.

Cellucci grew up in Hudson, a small town in Central Massachusetts, and was being groomed for the family’s car business. But politics, and an appreciation for small businesses and the people who work for them, took him in a different direction, first to town offices in Hudson, later to the Massachusetts State House.

A Republican, Cellucci was tapped by Governor William Weld to be lieutenant governor. Fiscally conservative but socially moderate, the scrappy Cellucci used his political connections in the legislature, where he’d been a state representative and senator, to assist Weld, a political newcomer.

When Weld resigned in 1997 to become ambassador to Mexico, Cellucci became acting governor and won election the following year. He served until 2005, when President George W. Bush appointed him ambassador to Canada.

Among Cellucci’s accomplishments were reducing taxes, maintaining high education standards, and signing into law tough gun control measures.

When diagnosed with Lou Gehrig’s disease five years ago, Cellucci became a visible and vocal advocate for ALS research. At the time of his death, he had raised some $2 million for the cause.

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**Rare Trove of Roman Books**

**COLLECTION DATES FROM 1536**

An exhibition of Roman law books, selected from a 500-piece collection given to the Law School by Michael H. Hoeflich, was shown this spring in the Daniel R. Coquillette Rare Book Room and remains on view online at www.bc.edu/schools/law/.

Dating from 1536, Hoeflich’s collection includes both seminal and lesser-known works on Roman, civil, and canon law in Latin, German, French, and English. The collection is both broad and deep, reflecting the donor’s knowledge of and passion for Roman law, bibliography, and the bookmaker’s art. Hoeflich is the John H. & John M. Kane Distinguished Professor of Law at the University of Kansas School of Law.

The exhibit was curated by Laurel Davis, curator of rare books and legal reference librarian. It is largely based on a 2011 exhibit by Karen Beck, now at Harvard Law Library. The exhibit includes many books that were previously displayed, but it also incorporates works from Professor Hoeflich’s more recent gift.

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**INTELLIGENCER**

**Ka-ching, Ka-ching**

The 25th anniversary PILF auction raised $45,000 in March, resulting in 88 summer public interest stipends for students. Kevin Curtin ’88 of the Middlesex District Attorney’s office was the guest of honor. What item raised the most money? It was a $1,000 home run for the four Red Sox tickets donated by David Weinstein ’75.

**Brave Heart**

Brittany Loring ’13 overcame injuries sustained in the Boston Marathon bombing to graduate with her class at BC Law’s commencement May 24. She earned a dual JD/MBA degree.

**Triple Crown**

Jessica Prattaroli ’14 did three remarkable things this year: 1) won the 53rd annual Wendell F. Grimes Moot Court Competition with partner Daniel E. Grunert; 2) received an inaugural $5,000 Clough Center grant to intern with the Suffolk County DA's office in Boston Municipal Court; and 3) received a competitive award to join the Fellowships at Auschwitz for the Study of Professional Ethics.

**Destiny’s Child**

Who’s prouder—Elizabeth Kayatta ’13 for having her father, Obama nominee William J. Kayatta Jr., confirmed in February as a judge on the US Court of Appeals for the First Circuit, or Dad, watching his daughter receive her diploma from BC Law in May?

**Prized Thinking**

A paper by Kyle Logue of Michigan Law and Omri Ben-Shahar of the University of Chicago was selected as the year’s best article on the law of property and casualty insurance, to win the 2013 Liberty Mutual Prize. The paper suggests that in some cases insurance could be a substitute for government regulation of safety. Liberty Mutual Insurance Group created the competition at BC Law in 2010.

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[Image]
Twenty years ago this September, a tragic saga of the '70s came to a conclusion in the parking lot at Boston College Law School. Katherine Ann Power, a former activist implicated in a 1970 fatal armed robbery, turned herself in there after twenty-three years on the run.

R. J. Cinquegrana, a 1978 graduate of BC Law, remembers that moment well. Then the chief trial counsel in the office of Suffolk County District Attorney Ralph Martin, Cinquegrana helped to orchestrate the surrender—a tense, yearlong process that culminated in one sleepless night and an early morning rendezvous.

In 1993, Cinquegrana had only a distant recollection of the 1970 Brighton bank heist by would-be revolutionaries in which Boston police officer Walter A. Schroeder was gunned down. Power, a Brandeis honor student and anti-war activist, drove the getaway car.

Power eluded capture, even with her bespectacled face prominent on the FBI's Most Wanted list. She made her way to Eugene, Oregon, where under the name of Alice Metzinger, she raised a son, ran restaurants, and married. But depressed and remorseful, the forty-four-year-old Power eventually reached out through her lawyer to Boston authorities and Martin's office about turning herself in.

Cinquegrana negotiated with Power's lawyer over the surrender in secret negotiations that spanned a year. The need for secrecy was paramount on the eve of Power's return to Boston. "I was concerned that the press would cause her to change her mind," he recalled. Waiting until midnight on September 14, he told Power's lawyer to bring her to the parking lot at the rear of BC Law School—chosen for its access to the Massachusetts Turnpike—at 6 a.m. the next morning. While Power was taken into custody by FBI agents and Boston police, Cinquegrana waited on Centre Street, in an unmarked police car, and followed the group to a Boston police station. If anything happened, he knew he would be called as a witness, so he had kept clear.

Thus, Cinquegrana, today the co-leader of Choate Hall & Stewart's white collar and litigation departments, helped make history without witnessing it himself.

Power pled guilty to manslaughter and was sentenced to eight to twelve years. She was released in six years due to good behavior.

—Stephanie Schorow
Three Win Writing Awards

PRESTIGIOUS ACCOLADES FOR STUDENTS’ WORK

Boston College law review publications have hit a winning streak in national legal writing competitions. Ron Kendler ’12 received the 2012 Francis Deak Award for the best student article on international law published in a student-edited law journal; Michael Palmisciano ’13 took first prize in the 2012 Securities & Exchange Commission’s Alumni Association’s writing competition; and Laura Kaplan ’13 won the ABA Section of Antitrust Law’s Annual Law Student Writing Competition.

“The JD curriculum across the board has a tremendous commitment to teaching students to write well, so it’s gratifying to see that recognized in three awards in one year,” says Professor David Wirth, director of international studies.

Kendler follows Jessica Spiegel ’01, who won the Deak Award in 2000 for a note about a World Trade Organization (WTO) dispute about the banana trade. Kendler’s and Spiegel’s success, says Wirth, showcases the positive synergy between the international law program and the International and Comparative Law Review (ICLR), where their notes were published.

A member of BC Law’s most successful Jessup international moot court team in recent memory, Kendler has a long-standing interest in international trade law and the aircraft industry. Advised by Professor Frank Garcia, as a 2L he undertook a semester-long independent study that ultimately became his award-winning note on the WTO dispute settlement mechanism, and the decades-long conflict between the United States and the European Union over the manufacture and trade of commercial aircraft (35 B.C. Int’l & Comp. L. Rev. 253 (2012)). Kendler currently works in Geneva as a legal intern in the executive office of the International Air Transport Association (IATA), a trade group representing more than 80 per cent of the world’s airlines.

Classmates Kaplan and Palmisciano are colleagues at the Boston College Law Review, where she is the Executive Notes Editor and he is a Managing Editor. Palmisciano’s note is about securities class actions and how the recent emergence of aggregate litigation in Europe sets the stage for American plaintiffs to resolve their claims in European courts (53 B.C. L. Rev. 1847 (2012)). A civil litigation seminar with Professor Steven Berk sparked his interest in class action lawsuits, says Palmisciano, but it took time and research to nail a topic with an international angle. In shaping the article, he credits his “fantastic” Law Review editors, and his training in persuasive writing in Professor Mary Ann Chirba’s Legal Reasoning, Research, and Writing class.

In crafting her award-winning note, “One Merger, Two Agencies: Dual Review in the Breakdown of the AT&T/T-Mobile Merger and a Proposal for Reform” (53 B.C. L. Rev. 1571 (2012)), Kaplan acknowledges the help of everyone from her peer editors to Professor David Olson, who teaches antitrust law, and telecommunications law expert Professor Daniel Lyons.

“I’ve just had a wonderful experience with the Law Review,” says Kaplan, who values its collaborative culture and opportunities to work closely with faculty.

In a related matter, 3L Anjali Pathmanathan published the article “Round Peg, Square Hole? The Viability of Plea Bargaining in Domestic Criminal Justice Systems Prosecuting International Crimes” in the January 2013 issue of the peer-reviewed International Criminal Law Review.

—Jane Whitehead

‘EVERYONE IS WELCOME HERE’

One of BC Law’s largest classrooms could hardly contain the colorful crowd of students, faculty, and staff who gathered in solidarity with the Lambda Law Students Association in February in reaction to vandalism of the organization’s office over the Martin Luther King Jr. weekend. Dressed in the rainbow colors of the LGBT pride flag, participants demonstrated the culture of inclusion that exists at the Law School, a spirit undaunted by the homophobic, sexist, and racist language crawled on the Lambda office walls. “Our law school has come a very long way to become the inclusive institution it is today, where diversity is both promoted and celebrated by the students,” Lambda said in a statement. “Everyone is welcome, and we are all an important part of this amazing community. We are grateful for the outpouring of love we have received.” To view the “Stand with Lambda” video, go to http://youtu.be/84y8cNEBht4.
Jessica Swensen ’13
Immigrant Advocate

A full-tuition Public Service Scholar, twenty-nine-year-old Jessica Swensen ’13 distinguished herself as an unflappable advocate for BC Law’s Immigration and Asylum Clinic. There, against all odds, she persuaded an immigration judge to reverse a deportation order on the grounds of ineffective assistance of counsel. Her supervisor, Laura Murray-Tjan, recalls, “I opened my office door to see Jess running down the hallway. Trembling with excitement, she grabbed my arm and eked out, ‘We won! We won!’” Her case was so airtight, the government didn’t bother appealing.

Swensen is pictured at the Florence Immigrant and Refugee Rights Project in Arizona, where she spent a semester-in-practice. She is now a staff attorney at the Bronx Defenders.

Did you consider other careers besides law?
I always wanted to help people, and first thought that meant being a doctor, but chemistry got in the way of that! Later, I chose between law and social work. I preferred the detail-oriented nature of law and working within the structure of our legal system.

What should Americans know about your immigration clients?
They can be deported from the country, even when they have a green card. They don’t have a right to a lawyer while they try to conduct their appeals from detention. It’s appalling.

How do you cope emotionally, when your clients are in such dire straits?
Experience helps. Ever since college, I have worked directly with people in difficult situations. If I begin to feel overwhelmed, I remind myself to take a step back so that I can continue to be an effective advocate for the rest of my caseload.

What do you hope for in your career?
To continue directly representing immigrants fighting deportation from detention, and to gain enough on-the-ground perspective to move into broader impact litigation and to work for policy reforms.

What is your favorite recent Supreme Court case?
Padilla v. Kentucky. It says that public defenders must advise non-citizens as to whether taking a guilty plea will make them deportable. The case brings us closer to recognizing a right to counsel in deportation proceedings. It was Justice Stevens’ parting gift.

—IInterviewed by Jeri Zeder
Reframing a Gender Issue

BC LAW BUCKS LEGAL ED TREND BY CLOSING ACHIEVEMENT GAP

Much has been written recently about what a woman must do to succeed professionally. Lean in. Be present. But what if the best thing she could do, as an aspiring lawyer, was pick the right law school?

As the debate rages on about what women must do to adjust to a broken system, the focus seems to have shifted away from the system itself. Perhaps we are all just jaded by the endless stream of disheartening statistics or are tired of feeling helpless in the face of what seems like an insurmountable problem.

In the field of legal education, this disillusionment is not unreasonable—dozens of studies at schools such as Harvard, Stanford, and the Universities of Pennsylvania and Texas, have shown that female students continue to achieve less academic success than their male counterparts on nearly every important metric. This discrepancy remains even though men and women now enter law school at equal rates and with equally impressive credentials. The achievement gap created during law school directly affects employment prospects and earning potential as well as self-esteem and psychological health.

When I set out to conduct my own empirical study of the performance and experience of women at a top law school, my findings could easily have turned out to be just another bit of superfluous evidence of a gendered law school experience. That is, except for one very important fact: I decided to study students at my own school, BC Law.

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Boston College Law School is known for its collegial and supportive academic environment. As a member of the class of 2010, I never felt subjected to a gendered academic experience and I wondered whether I was just drinking the proverbial Kool-Aid or whether the difference I felt at BC Law was actually real. With the help of many of BC Law’s amazing administrators, I set out to measure the differences, if any, between the academic performance of women and men at BC Law. Analyzing dozens of performance metrics and compiling statistics for the eight most recent graduating classes, this study, recently published in the Boston College Journal of Law and Social Justice, (33 B.C. J.L. & Soc. Just. 1 (2013) (http://lawdigitalcommons.bc.edu/jsl/vol33/iss1/3/), reports that females at Boston College Law School defy the pattern found at other law schools and, indeed, perform just as well, if not better, than their male counterparts.

In few other academic endeavors is the first year of study as important as it is in legal education. With journal memberships and jobs on the line, academic performance during 1L year can make or break a student. While first year men at Harvard Law are more likely to earn an A- or higher, leaving women to earn the B or B+ grades, the women at BC Law achieved first year GPAs that were nearly identical to the men in their cohort. This same trend carries through the remaining two years of law school as well, where women and men graduate with substantially similar GPAs. In five of the past eight years, female students actually had higher average GPAs upon graduation than their male classmates. These GPAs entitled women to Latin honors (cum laude, magna cum laude, and summa cum laude) at the same rate as men, as well. Over the past eight graduating classes, there was no statistically significant difference in the number of men versus women in any tier of Latin honors. This can be contrasted with the University of Pennsylvania, where men were nearly twice as likely to graduate magna cum laude.

Studies at other top law schools have also shown that women are chronically underrepresented on journals and not simply because they constitute a smaller fraction of the student population. For example, at the University of Texas, over the course of twelve years, women were never on the law review at a greater rate (continued on page 54)

**Rights on Ice**

**READING-DISabled STUDENT FINDS CANNY WAY TO FIGHT FOR FAIRNESS**

Reading is a seemingly simple series of summations: adding one letter to another until a word is formed, combining each word with its counterparts to form a cogent sentence, doing the same with each sentence in a paragraph and with each paragraph in a manuscript.

The process is so fundamental to our everyday lives as students and lawyers that most of us take it for granted. But for individuals like me, who are born with the learning disability known as Reading Disorder, there is a deficiency of the thought processes that comprehend text in written form. It manifests in individuals who otherwise exhibit high functioning intellectual ability but struggle with reading.

As one might imagine, Reading Disorder can be quite a hindrance in an academic setting. Just as the Americans with Disabilities Act (ADA) protects disabled Americans suffering from physical handicaps, so it also protects learning disabled Americans, commonly by providing extended time to complete written tests. This accommodation is particularly important for tests with long prompts and multiple choice questions due to the substantial amount of written text.

Despite the fact that the ADA expressly protects learning disabilities, the learning disabled have found it increasingly difficult to secure accommodations in recent years. This is especially true with regard to standardized tests such as the Law School Admission Test (LSAT).

I found this out the hard way in the fall of 2009, and this year wrote a note in the Boston College Journal of Law and Social Justice aimed at rectifying the problem I encountered.

Diagnosed with Reading Disorder from the age of ten, I received an extended time accommodation on every standardized test that I took throughout my academic career. As a college senior with aspirations of attending law school upon graduating, I requested extended time to take the October 2002 LSAT. The Law School Admission Council (LSAC), the non-profit corporation that administers the test, granted my request. I took it and scored well. Other career opportunities arose and I delayed my entry into law school until 2009. Given that LSAT scores are only valid for five years, I prepared to take the LSAT again in September of that year and I made the same request for extended time. Much to my surprise, LSAC denied the request.

LSAC was founded in the 1940s by a handful of law schools that desired an objective measurement of their applicants’ intellectual abilities specifically tailored to the types of raw skills needed to succeed in law school. The schools sought objectivity as a means to more fairly compare applicants from varying backgrounds in an effort to diversify their student bodies. The LSAT quickly grew in popularity and (continued on page 54)
A Much Needed Civics Lesson

DEMOCRACY, JUSTICE ARE AT RISK WITHOUT A RESPONSIBLE CITIZENRY

Sandra Day O’Connor grew up on a cattle ranch in the American Southwest. But the ranch couldn’t keep a good woman down. She attended Stanford Law School and eventually became the first woman nominated to the Supreme Court. Although she now refers to herself as an “unemployed cowgirl,” Justice O’Connor’s self-deprecating humor cannot conceal the seriousness of her new endeavor, iCivics.org, a website she founded to produce a smart and engaged citizenry.

In April, Justice O’Connor joined three law school deans to discuss “Law Schools and the Education of Democratic Citizens,” a Boston College Sesquicentennial Celebration panel co-sponsored by BC Law. Panelists were Vincent Rougeau of BC Law, Timothy Macklem of King’s College London, and Martha Minow of Harvard Law School.

The following are excerpts of their discussion. To watch the entire event, see the video at http://www.bc.edu/hottopics.

SANDRA DAY O’CONNOR

My experiences on the Supreme Court are what drove me to my current commitment to civic learning in our country. I discovered how little most Americans know and understand about our system of law, and yet we pride ourselves for it.

When I retired in 2006, high on my list of things to do was to try to restore civic education in our nation’s schools because we’re taught a lot of things in school but civic education isn’t one of the things we’re focused on. Frankly, the skills and knowledge to run governmental entities are not handed down through a gene pool. It has to be taught and it has to be learned by every generation. We in the legal profession have the duty to help the public understand the so-called rule of law in our system of government. Democracy is certainly not a spectator sport; it requires the participation of all of us.

I remember all kinds of efforts being made to politicize our courts even more than they already are, I mean, beyond just electing judges, which I don’t think is a good idea. I remember an instance in one state where they were considering a law that would put the judge in jail if either party in the case disagreed with the ruling. I mean, this was pretty charming wasn’t it? We haven’t progressed too far [in civics education]. On the last civics assessment test, two-thirds of the students scored below sufficiency and only one-third of adult Americans could name the three branches of government, let alone say what they do. Only 7 percent of eighth-graders...
can name the three branches of government. Less than one-third of eighth-graders can tell us the purpose of the Declaration of Independence—and it’s right there in the name.

MARTHA MINOW
I do think that there is a special obligation for law schools and lawyers to attend to the issues of civics education. We make a bet in our kind of government that we can govern ourselves and that we will do a good job. But that wager carries with it an enormous risk. And the risk is that we don’t invest the time and energy it takes to do it well.

I’ve had the privilege and the challenge of working in the post-conflict societies of Rwanda and the former Yugoslavia. What astonished me is how important law has been in the reconstruction of those societies. Building a court in which people who have previously been at war with one another settle disputes peacefully is fundamental to the reconstruction of those societies.

Coming back to the US, I feel with great passion that we are at risk; we are jeopardizing the independence of our own courts. We are not financing them. We are jeopardizing the infrastructure of our justice system and we are jeopardizing our democracy if we don’t equip the next generation to take up the responsibilities that our form of government anticipates.

I have a story to tell you. The very day there happened to be a primary vote here in the Boston area, I got in a taxicab to go to my polling station. The cab driver, who happened to be a woman, said, “Do you mind if I just stop? I need to buy a lottery ticket.” I said OK. Now, I’m going to my polling place, and I said, “You know, it’s interesting, I’ve never bought a lottery ticket,” and she said, “That’s interesting, I’ve never voted.” And we looked at each other and kind of marveled: Which one of these activities was more likely to actually make a difference in the world?

TIMOTHY MACKLEM
We talk about democracy in louder terms than we ever have. Yet we live in a world in which people will quite openly say, “I’m not political, I just don’t do politics.” As if that’s a possible position to have—I mean, being not political is being political, it’s just bad politics. It’s the politics of passivity or indifference, and it could lead to very dangerous outcomes.

How is it that we got so disappointed, so disillusioned, so disengaged? Despite the horrors, depressions, wars, genocides, and threats of nuclear annihilation in the 20th century, people were extraordinarily hopeful about government and politics, they really thought they could build a better world. People disagreed, of course, about how all this should be done, but there was a basic hope.

Did we expect too much of law and of democracy? You can pass laws until you’re blue in the face and it makes no difference; people will obey them if people feel like obeying them and otherwise they just won’t. If we thought more carefully and more precisely about just what it is that law can do, we might be able to recover some aspect of that hope.

Ours will be a world where there are possibilities for the human condition that we can’t realize now. That will be something to look forward to, a better world and one where law will play a very important role.

“The skills and knowledge to run governmental entities are not handed down through a gene pool. It has to be taught and it has to be learned by every generation.”

—Sandra Day O’Connor

VINCENT ROUGEAU
We like to think we have come very far, and we have in many ways, but there are still real problems that exist with access to justice in our democratic society. There are real challenges to the rule of law and to the ability to vote in this country. We were treated once again in the presidential election to people waiting for hours just to vote. The basic tool of democratic participation is voting, and we still haven’t found a way to do that efficiently and fairly.

What does it mean to be a responsible citizen who has certain rights? How do we exercise those rights in a responsible way? How do we reinvigorate concepts of public service?

One of the roles that we can play at the Law School is reminding everyone how important it is to send engaged people into these roles, because they really do make a difference in democracy. How do we raise the intellectual level of public discourse? We are routinely treated to a kind of mockery of our democracy when we listen to our politicians speak publicly. And we accept it.

Another notion I would like to see invigorated is the common good. How do we come to an understanding as a nation, as a democratic society, about goods we share in common? And how do we build and strengthen those goods and make them an important part of our collective heritage as a democracy?

When we do that, we will create a thriving democracy of engaged citizens who are motivated by principles of justice, fairness, and equality. But we need to begin to think about other concepts around that, like sacrifice and sharing.

—Edited and abridged by Glenda Buell
WHEN YOU ENCOUNTER Tim McLaughlin, two things stand out. He is big, as in six-foot-three, two-hundred-pounds big. His size is consistent with his behavior on the battlefield during the invasion of Iraq ten years ago, when he was, according to his commanders and his own account, quite aggressive. His tank platoon often led his Marine battalion as it approached Baghdad—nothing ahead of him but the enemy—and this is where McLaughlin liked to be. By the end of the invasion, when he counted the number of people killed in his mercifully short war, the figure was seventy.

BY PETER MAASS
His Horse Was Named Death...
and Hell Followed Them’
The diaries are unusually intimate. They don’t just describe the people whom McLaughlin shot and killed and the ease with which he did so, they also describe...his fears that everything he saw and did in Iraq would warp his mind.

 isn’t ugly”—and would like to become pen pals with one of the models. On an adjacent page, he wrote a letter to the parents of a Marine who had been injured in an accident before the invasion even began. “I apologize from the bottom of my heart,” he wrote. “The parents of Americaput a tremendous faith in me as I am trusted with the lives of your children.”

This was the prelude to war—boredom and a flash of the violence to come. For the first few days of the invasion, he hardly slept as his battalion captured the Basra airport and worked in the high-stakes world of corporate law, he is not the guy on the Delta shuttle who rushes through a stack of finance magazines; he is immersed in the New York Review of Books. Once you understand these things, you can understand that McLaughlin ’09 was both a fierce warrior and a thoughtful writer during the Iraq war. On February 21, 2003, he was at an improvised Marine base in the Kuwaiti desert, waiting for the order to invade Iraq. Sitting in a tent, he opened a blank notebook, clicked open a pen, and started his war diary. “The best writing advice I have been given is just to write,” he wrote. “There will be plenty of time to edit and stylize it later.” For the next few weeks, as the boredom of waiting turned into the action of invasion, he continued to write in the notebook, keeping track of everything—the violence, fear, test, exhaustion, anger, and sadness of war.

On one page, written before the invasion began, he drafted a letter to Victoria’s Secret, explaining that he had seen one of their catalogues—“pretty much the only thing around here that engagement in which he ordered the gunner on his tank to open fire. “Sgt Wellons coaxed it, vehicle slowed down, swerved left off road + hit tree. Civilian shot 5 times in back + legs. Continued progress to Afak.”

On the final day of the invasion, April 9, his battalion thundered into Baghdad, facing almost no resistance. “I did not know where we were going,” he wrote. “Racing through neighborhoods, waving w/left hand, M-16 w/right hand.” At Firdos Square, where foreign reporters were staying at the Palestine Hotel, the situation turned to the absurd. “Swamped by mass of reporters—could not move. Peace volunteer jumped on tank, I almost killed him w/M-16—scared the life out of him. Brought him back up to greet him + apologize for startling him. Reporters everywhere.”

A year earlier, a statue of Saddam Hussein had been installed at Firdos Square to commemorate the dictator’s sixty-fifth birthday. After the handful of Iraqis in the square were unable to tear it down on their own, the Marines prepared to finish the job with one of their vehicles, but before the final tug, McLaughlin’s commander told him to fetch the flag he had brought along on the invasion. The flag had been given to McLaughlin by a family friend just a few days after 9/11. McLaughlin gave it to another Marine who handed it to yet another, and within moments his flag was placed atop the statue for all the world to see. Broadcast across the globe, his flag became an iconic image of triumph. Christiane Amanpour interviewed McLaughlin. So did Dan Rather.

When McLaughlin returned to America, he put his war diaries away and didn’t open them until I came along.

AS A WAR REPORTER, I had followed McLaughlin’s battalion to Baghdad in an SUV I had rented in Kuwait City. Because war is chaotic and the battalion counted nearly 1,000 Marines, the two of us did not meet until a half-decade later, in 2008, when we sat down to talk about what had happened five years earlier. I was researching a story for the New Yorker about the toppling of the statue in Baghdad. He was entering his third year at Boston College Law School and heading to Sarajevo to work as a legal intern with a war crimes tribunal there. Going to Bosnia seemed a bit odd to me. While McLaughlin had a keen grasp, as a combat veteran, of the dynamics of killing, he had left the Marines to get away from warfare. Yet here he was, going into the legal reckoning of a particularly brutal war from the 1990s. Why?

“I really liked my law school classes but my transition was difficult because, as I sat around and thought about my war experience, I was with people who had no idea what those experiences were about,” McLaughlin told me the other day. “I was in a world that bore no relation to those experiences.”

AT RIGHT: The title on the jacket of Tim McLaughlin’s diary, a variation on a verse in the “Book of Revelations,” portends the violence he records inside in “The Twelve Days of Combat” and the accounting of his “kills.”

ON PREVIOUS SPREAD: McLaughlin’s photo of the view from the cupola of his tank during a dust storm on March 26, 2003.
"His horse was named Death... And Hell followed them."

The Twelve Days of Combat

- The order to go cross LD
- Two "hot a-drills"
- Three hundred clicks of road march
- Four rules of engagement
- Five feet of visibility
- Six days of waiting
- Seven cards thrown
- All the grains confused
- Nine habitual missions
- Red phone on Company
- Eleven killed or missing
- Twelve reticule users

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70 KILLS
He wanted to be away from fighting a war but also wanted to process the war he had fought. America wasn’t giving him the intellectual harbor he sought. The country was cut off from its wars, he thought, focused on the Kardashians rather than Kandahar. His battlefield aggression is mirrored by moral aggression; he wants to engage hard questions, and America was not the place to get that done.

“I wanted to find a place where I could explore how the world operates for people who had my experiences,” he continued. “So I went to Bosnia to meet people who had been on the other side of the gun, so to speak, and see what the world was like for them and kind of settle my own thoughts about the matter. It was important for me to have a transition time when I was surrounded by the things I was surrounded by in the Marine Corps but able to think about them in the way you think about things in law school.”

I had written a book about Bosnia’s war in the 1990s, so McLaughlin thought I might know more than he already did about killing and responsibility. “I don’t consider myself a war criminal, but I’ve killed people,” he wrote me in 2008, just before he left for Bosnia. “I do consider the worst of the men whom you’ve written about to be war criminals, and they’ve also killed people. Somewhere between us there is a line, that line becomes blurred by all sorts of factors. I also think that the healing process involves time, and as time goes by there must be some sort of forgiveness or the wounds will never close. If it’s even possible to describe where you think that line is, I would value your opinion.”

As he did in Iraq, McLaughlin kept a diary while in Sarajevo, this one on his laptop. He had majored in Russian language and literature at the College of the Holy Cross, and dabbled in poetry, so writing was more natural for him than it was for many veterans. The thing you need to understand about McLaughlin’s diaries—the brief one he typed on his laptop in Sarajevo in 2008, the longer one he wrote on notebooks in Iraq in 2003—is not that they describe an odyssey that was more brutal or searing than those of other veterans, just that he has a gift for describing and deciphering the GI experience of the 9/11 era.

What is normal, what is forgivable or unforgivable? It was a question he seemed to be asking in his Sarajevo diary.

“When I was in court with the four defendants in Bozic, I wondered whether they were evil people or people who had done evil things,” he wrote. “Either way, if they did what they were accused of, they should be punished by society. At the same time, however, I could not help but think that at least one of them was led down the wrong path by those who were in charge, committed his crimes because he was told to, and lost his freedom for the rest of his life. I appreciate that many people would not make this distinction and simply find all war criminals repugnant, but wars are not that simple. Responsibility for war crimes runs in degrees, not in blacks and whites, with the most culpability understandably starting at the trigger pullers and commanders but running all the way out to the people and societies who stand idly by and do nothing.”

Like the rest of us, McLaughlin is shaped by the culture around him and the education he received—in his case, a Jesuit education. In his freshman year at Holy Cross, he enrolled in a yearlong program focused on a Tolstoyan question often paraphrased as, “How, then, shall we live?” Tolstoy wasn’t a Jesuit, of course, but his ideas, or at least this one, is at the center of Jesuit teaching. In a complex world, with so many human tragedies and bills to pay and reality TV shows to watch, how do we create a meaningful life?

In his choice of Holy Cross, and after that, BC Law, McLaughlin wasn’t inspired by religion, although he comes from a Catholic family. Sunday Mass is not part of his routine. Instead, he was guided by the desire to get more out of life than a 4.0 GPA and 401k—Holy Cross and Boston College encouraged this. Also, public service was in his family DNA; his father and grandfather had served in the military, one of his brothers was a Marine, and another was a police officer. His father, Phillip, had also served as New Hampshire’s attorney general from 1997 to 2002.

“I understood the world from a liberal arts education, from the perspective of, How am I going to make the world a better place?” he told me recently. “Why would I even think that? Because that is what I was taught. I was taught that by my family, by my education, and then I wound up in places where real questions were asked.”

McLaughlin went straight from Holy Cross to officer training, where he broke his fibula while jumping from a truck. He was given a desk job as a general’s aide in the Pentagon, and on the morning of 9/11 he left the building for a jog. McLaughlin was close enough, near Memorial Bridge, to hear the impact of the airplane. He sprinted back, ran inside as people streamed out, through smoke-filled corridors, ignoring the emergency alarm that instructed everyone to evacuate the building, and made sure that the people he worked with had gotten out.

Tolstoy’s question was repurposed. How then shall we live in the aftermath of an attack on the homeland? For McLaughlin, the answer was easy: get to the frontline of war.

In 2010, with my reporting into the toppling of the statue continuing, I wanted to see the famous flag; McLaughlin still had it. On a winter morning, we drove to his New Hampshire hometown of Laconia. The flag, it turned out, was not the most interesting war memento in his parents’ farmhouse. McLaughlin showed me the diaries he had kept in Iraq; they...
had not been opened since he returned from the war, and sand fell out of the pages as I thumbed through.

They were the most remarkable accounts of war I had seen. They read like a graphic novel, with pictures and maps that he drew, in addition to handwritten entries that conveyed his personality in a way computer fonts could not. We live in an era of smartphones and laptops, our words rendered into anodyne shapes on glowing screens—but in these diaries, there was a jolt of the individual. McLaughlin loaned me the diaries, and a few days later I showed them to photographer Gary Knight, who had also followed McLaughlin’s battalion to Baghdad in 2003. Knight took a few minutes to look through the pages and announced that they should be blown up to poster-size and displayed in a gallery exhibit.

And that’s what happened.

After my New Yorker story was published in 2011, McLaughlin, Knight, and I began plotting the exhibit, and in March it opened at the Bronx Documentary Center in New York City, featuring thirty-six pages from the diaries, along with excerpts of war stories I wrote, and Knight’s photographs of the invasion. McLaughlin’s most intense feelings and violent acts were described in pages that were on the walls for everyone to see—how he killed dozens of Iraqis, how he worried about the morality of it, how he missed the woman he loved, how lonely and exhausted he felt through it all.

“...it is one of the ironies of being a war reporter that you are trying to describe what the men and women around you have seen and done and felt. The job exists because it is assumed—and this is usually true—that the combatants are not as skilled as you are in describing their experiences. Nor, of course, do they have enough time to take notes or write about a war while it is happening. Therein lies the great value of McLaughlin’s diaries and everything that brought them about—the warrior is the writer.

“Knowing everything I know now, if I could go back in time, I would join the Marine Corps in a second with no questions asked,” he told me. “The good far outweighs the bad even on my worst days in the military. I would not recommend to anybody to replicate what I did—who knows what would happen to you. But I wouldn’t trade it for the world. The stuff that makes a difference in people’s lives—I’ve seen that from the perspective of a combatant, and from the perspective of a victim of a terrorist attack. You can’t get that from a book, from a school.”

McLaughlin currently works for the law firm Holland and Knight in Boston, and he is president of a non-profit, Shelter Legal Services (SLS), that provides free legal services to low-income and homeless vets. He works for SLS on a volunteer basis, and it forms part of his answer to Tolstoy’s question about living a meaningful life—he is helping other veterans who face greater troubles than he does, and he is speaking on their behalf to whoever will listen.

“When you come from a certain universe, you are more attuned to that universe,” he continued. “If it weren’t for the Marines, I wouldn’t be as involved in my community with veterans issues, and I wouldn’t be as attuned to the needs of other people. I’m fortunate that I have gone to good schools and that I do very well for myself as a lawyer but I am cognizant that my life is different than he does, and he is speaking on their behalf to whoever will listen.

“When you come from a certain universe, you are more attuned to that universe,” he continued. “If it weren’t for the Marines, I wouldn’t be as involved in my community with veterans issues, and I wouldn’t be as attuned to the needs of other people. I’m fortunate that I have gone to good schools and that I do very well for myself as a lawyer but I am cognizant that there is a different world out there that is in a lot of need.”

In the past year, McLaughlin also began volunteering at an urban middle school in Boston. He learned that many of the kids had changed addresses once, twice, and three times in a year; their lives are so unstable that they don’t know from one day to the next where they will sleep. McLaughlin’s wife, who works with incarcerated adolescents, told him that if their lives aren’t stabilized soon, they will probably end up on the street.

“My goal is to try to figure out a way to make it more likely that they’ll have success in life,” McLaughlin told me. “I haven’t figured out how to do that yet, but when I walk back and forth from work I don’t think about Iraqis. I think about the community I live in.”

How then, shall we live?

Peter Maass is the author of Crude World: The Violent Twilight of Oil (Knopf 2009) and Love Thy Neighbor: A Story of War (Knopf 1996). Last year he was awarded a Guggenheim Fellowship.
‘THE WAR DIARIES’ EXHIBIT COMING TO BC LAW

“INVASION: DIARIES AND MEMORIES OF WAR IN IRAQ,” an exhibition of the war diaries of Lt. Tim McLaughlin, the photographs of Gary Knight, and the war correspondence of Peter Maass, will be on view at Boston College Law School in the fall. The exhibit commemorates the tenth anniversary of the invasion of Iraq and includes thirty-six poster-size pages from the diaries, Knight’s photos for Newsweek, and Maass’ stories for the New York Times Magazine and the New Yorker. The exhibition, which was shown previously at the Bronx Documentary Center and Drexel University, can be previewed at http://wardiaries.org. In September, visit www.bc.edu/schools/law/ for the dates and times of BC Law’s exhibition, reception, and panel discussion.
great cases

stranger

than fiction
When mystery writer Patricia Cornwell began to suspect that her financial management company was mishandling her money, she became the protagonist in an all-too-real crime story involving millions of missing dollars, phantom purchases, accusations of illegal campaign donations—and, yes, a smoking gun.

BY MILTON J. VALENCIA

In the fall of 2009, best-selling author Patricia Cornwell sat in her Concord home poring over 103 boxes of receipts and invoices, studying each and every transaction. She and her spouse, Staci Gruber, were wealthy, yet they were meticulously recounting every penny they had spent—and that they had not—because they had started to sense that something was wrong.
id the repairs to the Concord home really cost that much? The condominium unit in Florida—didn’t they cancel that purchase? How could so many checks, for so much money, have been voided, and why were so many then reissued for the same amount? And what was this $5,000 check to Evan H. Snapper with a memo saying it was for his daughter’s bat mitzvah? Cornwell had never even met the girl, nevermind approved such an extravagant gift.

The scene in Concord could have been the opening chapter of one of Cornwell’s crime novels—two smart detectives, detecting something awry with their finances, sift through receipts in search of a smoking gun. In fact, it was the beginning of an all-too-real story of negligence, breach of contract, and breach of fiduciary duty by Cornwell’s financial management company. Its unfolding would require three-and-a-half years, over 16,500 hours of work by Cornwell’s team of lawyers—headed by BC Law alumna Joan Lukey ’74 of Ropes

and Gray—155,000 documents, 36 depositions in several states, 72 motions (seven for partial summary judgment) and 10 motions in limine, and more than $7.7 million in legal fees. The case concluded in February 2013 with a $50.9 million award to Cornwell in US District Court in Massachusetts.

Dr. Kay Scarpetta, the heroine in Cornwell’s award-winning novels, would have been proud. Cornwell’s detection of mismanagement was the preliminary evidence that she, her company CEI Enterprises, and wife Gruber needed for the suit they filed in the fall of 2009 against the management firm, Anchin Block & Anchin, LLP, and Evan Snapper, a principal of the company who had been overseeing the finances. To handle what at the time was thought to be a high dollar but straightforward malpractice case, Cornwell turned to Lukey, who had successfully represented her years earlier in a defamation suit against another author.

By January 2010, however, Cornwell had grown increasingly fearful that Anchin and Snapper had not only mismanaged her funds, but also had, after she filed suit, gone on the offensive, launching a smear campaign against her and Gruber. The management company had already filed a counter-claim to Cornwell’s lawsuit and now was alleging in public statements to the media that the lawsuit was a cloak, that Cornwell was trying to deflect an invoice Anchin had sent her—after her lawsuit was filed—for more than $332,000 in outstanding fees. Furthermore, she learned that Anchin had purportedly “self-reported” to the US Department of Justice (DOJ) that it had mistakenly violated federal campaign finance laws at Cornwell’s direction, by using her money to purchase multiple tickets in other people’s names to fundraising events for political figures, such as Hillary Rodham Clinton, in order to circumvent limits on what an individual person can donate to a campaign.

Before Cornwell knew it, FBI agents were knocking on the doors of her friends’ and family members’ homes, investigating the alleged reimbursement scheme. Cornwell made it clear that she had not directed the conduct and had not known that any of her representatives had been doing anything illegal. After several months, the investigation of Cornwell was formally concluded, with no charges filed.

But the so-called admission by Anchin of self-reporting the accidental violation to the justice department ultimately backfired: Snapper was charged with and pled guilty to a felony violation of campaign finance reporting laws. He was fined and sentenced to three years probation.

In the eyes of Cornwell’s legal team, Anchin had crossed the line between professional and personal. That was evident when the company finally responded to Cornwell’s request for the return of a model airplane one of her vendors had sent her. The plane, which had been sitting on Snapper’s desk before then, was delivered to Lukey in a flower box, broken in pieces. Snapper and Anchin denied responsibility for the condition of the broken model. In addition, although Snapper and Anchin denied any smear campaign, their release of Cornwell’s confidential financial records to the Department of Justice without her knowledge incensed Cornwell and elevated her negligence and malpractice case into breach of fiduciary duty territory.

The stakes had been raised.

“The twists in this story are, in fact, stranger than fiction,” says Lukey, a well-established trial attorney. “It seemed to us so egregious in terms of breach of fiduciary responsibility to a client—not only the clandestine release of confidential financial documents, but also what we believed to be misrepresentations about Ms. Cornwell’s involvement—that the case changed...from a fairly run-of-the-mill accounting and malpractice claim to a war over allegations of breach of fiduciary duty and false accusations.”

Though Cornwell’s lawyers had built the negligence and contract case in significant part on what Cornwell and Gruber had found in those 103 boxes, they were still searching for the smoking gun to prove the breach of fiduciary duty claim. Lukey believes that the latter did not really surface until trial. According to the jury’s special verdicts, proving breach

WHEN CORNWELL QUESTIONED the handling of her investments, Anchin principal Evan Snapper wrote in his emails to colleagues that she was “(expletive) nuts.” At trial, attorney Joan Lukey showed those emails to jurors.
of fiduciary duty would mean the difference between about $6 million in damages for negligence and breach of contract, and the $50.9 million that was ultimately awarded this past February in Cornwell Entertainment, Inc. (f/k/a CEI Enterprises, Inc., and Cornwell Enterprises, Inc.), Patricia D. Cornwell, and Staci Gruber, Ph.D., v. Anchin, Block & Anchin LLP and Evan H. Snapper.

As of press time, US District Court Judge George A. O'Toole Jr. was still considering whether to remit part of the jury's award, whether Anchin had also violated Massachusetts consumer protection laws, and, if so, whether he should increase the award under that finding. Lukey has also asked that her firm be reimbursed more than $8 million in legal fees.

ANCHIN WAS FOUNDED in 1923 as a three-man partnership. On its website, the company says it has developed into one of the most respected firms in the region, providing a range of services, including audits, reviews, the compilation of financial statements, tax preparation, and financial advice. Most importantly, Anchin says it provides management services, stating, “Our aim is to become your trusted business advisors, assisting you in any way necessary to help you reach your goals.”

Anchin was taking over the contract Cornwell had with Stanley Gillman, a principal with the firm formerly known as Yohalem Gillman & Company. At the time, in the early 1990s, Cornwell's CEI Enterprises managed its own finances, and Yohalem had advised on Cornwell's investments and audited the books. After Gillman's death in 2002, his company merged into Anchin, which described itself as a “full-service firm.” By 2005, Snapper and others had persuaded Cornwell to allow Anchin to take over all of her financial and business management, including buying and selling her real estate, purchasing her cars and helicopters, and arranging her travels.

To Cornwell's understanding, she had agreed on a $40,000 monthly fee for Anchin to provide all the financial and business management the company had promised. And the relationship, she figured, would be to her benefit. Having been diagnosed in the past with a disorder that sometimes gave her mood swings and made her easily distractible, Cornwell believed the arrangement would allow her to focus on her crime series, without the distractions of handling her own finances, an area in which she acknowledged her own weakness.

Cornwell claimed at the trial that the concerns over her finances, from having to relocate from her Concord home because construction had not been completed, to worrying about the risky investments Anchin made on her behalf, had created too many distractions. She could not find a peaceful place to write, causing her to miss a book deadline for the only time in her career. Her Scarpetta series would suffer: Cornwell alleged that she lost $12 million in domestic advances and $4 million in international advances as a result of the missed deadline.

That wasn't her only claim: In the four-and-a-half years that Cornwell had a contract with Anchin, her net worth had stagnated despite her high earnings. More disturbingly in the minds of Cornwell and Gruber, they simply could not find documentation in the 103 boxes they'd searched as to the disposition of several million dollars, and electronic records provided months later did not answer their questions.

By the end of 2007, Anchin had paid itself almost $1 million during the preceding year without providing bills, notwithstanding the $40,000 a month deal Cornwell thought they had reached.

Payments were made for a rental apartment, even though Cornwell wasn't staying there; transfer papers for the sale of
a 2005 F430 Ferrari black coupe could not be located for months; scores of checks amounting to hundreds of thousands of dollars were voided without any clear explanation. In one of the more egregious discoveries, Snapper had paid $200,000 for a 20 percent down payment (only 10 percent had been requested, according to the seller’s broker) on a $1 million home in Florida, even after Cornwell had indicated she no longer wanted to buy it. According to the buyer’s broker, Snapper later asked him for a cut of the commission that he received from the down payment. Snapper never got it, and in the trial he denied the allegations.

In 2009, Cornwell learned that her net worth was just over $10 million—approximately the same as at the commencement of the relationship with Anchin in early 2005—even though some $89 million of Cornwell’s money, including earnings and funds from capital dispositions, had passed through Anchin’s hands in the previous four-and-a-half years.

When Cornwell questioned the handling of her investments, Snapper wrote in his emails to colleagues that she was “(expletive) nuts.” At trial, Lukey showed those emails to jurors. She asked Snapper whether he had been treating Cornwell with the “dignity and respect” required under his company’s own policies.

“Joan’s genius was to deflate any defense they could have,” says Alex MacDonald of Boston-based MacDonald Rothweiler Eisenberg, who knows Lukey and admired her work as he followed Cornwell’s trial.

He says that Lukey’s team could have faced challenges: They had a millionaire client for whom jurors might have had little sympathy. And they had to overcome a defense claiming that no money was mismanaged, and arguing that everyone lost money in the economic downturn and that Cornwell spent the rest.

“One of the challenges for the lawyer and client was to persuade a Boston jury that significant investment losses that occurred between 2007 and 2009 were not the simple result of market losses, as those were the recession years,” MacDonald says. Lukey overcame that issue and achieved what he calls “a profoundly significant financial verdict” by any measure.

**ALTHOUGH ANCHIN BLOCK & ANCHIN** denied any smear campaign, their release without her knowledge of Cornwell’s confidential financial records to the Department of Justice incensed Cornwell and propelled her negligence and malpractice case into breach of fiduciary duty territory. The stakes had been raised.

**LUKEY WAS A PARTNER** with WilmerHale when she met Cornwell sometime around 2006. Lukey’s talents as a litigator had emerged early when, as a BC Law student in 1974, she was the anchor member of BC Law’s National Moot Court team (along with Lloyd John “Jack” Osborne and Michael Matchen) and the first woman to be named Best Oral Advocate in the twenty-five-year history of the National Moot Court Competition. Years later, she was invited into fellowship in the prestigious American College of Trial Lawyers and became its first woman officer, and in 2009 its first woman president.

Cornwell, meanwhile, had also made a name for herself. Born in Miami, and living most of her life in the South, she rose to fame with her crime novels featuring the heroine Kay Scarpetta, a medical examiner with a law degree. The works were inspired in part by Cornwell’s experience as a technical writer and computer analyst at the Office of the Chief Medical Examiner of Virginia. To date, she has sold more than 100 million copies of books in the series. Earlier in her career, she worked as a crime reporter for the Charlotte Observer. She also wrote a biography in 1983 of family friend Ruth Bell Graham.

Cornwell met Gruber, a neuroscientist at Harvard University’s McLean Hospital, in early 2004, when the author was researching the mental healthcare field for another Scarpetta book. The two hit it off, were married in 2005, and continued to live in Massachusetts.

Cornwell had long had a fascination with the legal system. She once volunteered for the Police Department in Richmond, Virginia. Some of her characters are based on real police detectives and district attorneys. She has also donated funds to local police departments and national forensic science organizations.

And in a bit of an ironic role reversal, Lukey had her own claim to the publishing field. She penned a legal thriller in 1994 titled, _A Fiduciary Duty._

The two began working together when Lukey was tasked with addressing an ongoing problem Cornwell had with a Virginia-based man who had accused her of plagiarizing from one of his self-published books. Cornwell had already persuaded a federal court in Virginia to grant a preliminary injunction forbidding the man from trying to market his book with the claim. Now, however, he was back, libeling her in online postings from a foreign country, under the belief she had no standing to stop him. Lukey obtained a court order requiring him to refrain from any more libel. And he slandered her, too.

“A bit of a bond formed over the fact that he was threatening, libeling, and internet stalking both of us,” Lukey recalls.

And now that Cornwell had settled in Massachusetts, she would assign Lukey to her biggest case: Anchin. As Lukey amusedly put it, “I think I was the only non-entertainment lawyer she knew.”

(continued on page 59)
Flygare’s new book chronicles a nightmare with a happy ending.
East Wing 115 was a stadium-style classroom in the basement of Boston College Law School, where my Property Law class was held. Instead of windows, only a few orange-tinted bulbs dimly lit the subterranean room. Silhouettes filed in from the hallway. The projector hummed softly, emanating a stream of blue and green flickers onto the large screen at the front of the room.

Everything was state-of-the-art, from the wireless internet and electrical outlets at each seat to the rotating chalkboards, dry erase boards, and projection screens. My law school section, all eighty-five of us, settled along the various tiers of the underground coliseum, staring into glowing laptop screens—our only connection to the outside world.

At the front of the room, a quiet man in his forties, Professor Joseph Liu, stood looking into his own computer screen, preparing to start our class. A few students chatted softly with neighbors. I fanned through the 1,000-page textbook to find the cases assigned for the day.

At exactly 2 p.m., Professor Liu looked out at the students and everyone fell silent. He opened his mouth to inhale, and we placed our hands above our keyboards as if he were the conductor of a grand orchestra.

When he spoke, the clicking began, softly at first, in the front row with the especially eager students typing away. As he continued on past logistic announcements into course material, more students joined in the chorus, reaching a crescendo about twenty minutes into class, when Professor Liu made a particularly important point. At that time, the entire room fluttered with the pitter-patter of various electronic notes.

At this point, we were only a few weeks into our first semester and our note-taking was mostly word-for-word lecture transcription. I was still learning to interpret the language of the law, so I followed along, typing almost every word that crossed Professor Liu’s lips, afraid I might miss a nugget of wisdom that would be on the exam—the key point that would be the difference between an A and a B, the divide between getting the big, fancy job I wanted and being rejected.

Yet, this particular day my desire to record every second of class came up against another, equally strong desire—a dark and unwelcome compulsion to go to sleep.

About halfway through the class, a heaviness came over my head, with a weight sitting on my skull. Next, my shoulders and elbows began to ache and a wave of nausea crawled up my stomach. I shifted in my chair to find a more comfortable position and stretched my head to one side and then the other, hoping to dislodge the uneasiness swelling inside me.

Property class was an hour and twenty minutes long. I checked the clock on my computer; it was 2:52 p.m.—only twenty-eight more minutes to go. I returned to typing feverishly.
I tried to ignore the burning sensation at the back of my eyes but the harder I worked to keep my eyelids open, the more it felt like a ferocious fire blazing behind them. I glanced at the bottom of my computer, 2:53 p.m.

Soon, Professor Liu’s voice faded. Some of his words echoed over and over while others went missing. I squinted to try to read the large font of his slideshow. My typing slowed to a lethargic pace. The lecture slipped like sand through my fingers.

Eyes open, Julie. Just keep your ... 

Next, I opened my eyes and made direct eye contact with Professor Liu. I had no idea how long my eyes had been closed. Embarrassment flooded my body, and suddenly, I was freed from my struggle against sleep. The weight lifted off my skull and the flames died down behind my eyes.

All too soon, the heaviness returned and began seeping downward in my skull, sucking at my strength again. The time was now 3:03 p.m. I walked out into the hallway. Dizzy and only partially aware of my surroundings, I wandered toward the bathroom, as if through a fun-house wavy mirror maze.

I stumbled into a stall and sat down. My head collapsed over my arms and legs. I just needed to rest. Consciousness drifted from me and I started slapping off the toilet seat. I whipped back to attention. The bathroom was silent. Thankfully, no one else was there.

The heaviness still sat on my skull. My mind teetered between the bathroom and darkness. I tried pinching the skin of my forearms to wake up. I started slapping my face. With increasing intensity, I slapped myself again and again as hard as possible. These slaps were satisfying, not only because they woke me up, but also because they released a rage in me for not having the backbone and discipline to perform the simplest of tasks, of just... staying... awake. When I’d had enough, I jumped up and down a few times, like a boxer preparing to enter the ring.

Out of the stall, I looked in the mirror at the girl with glasses—over eyes. What is your problem? I splashed cold water on my face and patted a wet paper towel under my chin and against the back of my neck, hoping to refresh myself.

I took a few deep breaths and rearranged my hair to curve mybangsover my forehead. I straightened the collar of my pink dress shirt. On the outside, everything looked right.

The fog had lifted. I returned to class with eyes turned downward, hoping Professor Liu wouldn’t notice me again, the same student whom he’d caught sleeping minutes earlier. The time was 3:13 p.m. I’d missed ten minutes of precious lecture time.

Placing my hands back on my keyboard, I scrolled up to review my notes. The top of the page was organized neatly in a variety of fonts and bullet points. Half way down, the order fell to pieces—with half-sentences, words standing alone, and even letters that formed no words at all. Legal terms co-mingled with random placards from outside of law school. My stomach tightened. I’d interwoven the lecture with a dream in a nonsensical stream of consciousness.

Drawing my cursor over the scrambled words, I quickly erased the gibberish.

The last few minutes of class passed fairly smoothly, with only a few minor dips toward sleepiness. I closed down my computer after class, knowing there were major gaps in my notes, but I’d have to catch up later. What concerned me most was escaping the law school basement.

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Julie Flygare Dreams Anew

“Who’s to say that dreams and nightmares aren’t as real as the here and now?”—John Lennon

The exhaustion that Julie Flygare felt in law school was nothing like that of a typical student. Hers was a nearly catastrophic fatigue—mysterious at first, then frightening, and finally, life-altering. Her disease, a complex neurological condition known as narcolepsy with cataplexy, disrupted her studies, ruined some of her relationships, and tormented her physically and emotionally.

She entered BC Law in 2006 at the age of twenty-two. With an undergraduate degree from Brown University in art history, she aspired to become an arts and entertainment lawyer. Athletic, smart, and determined, Flygare fit the profile of someone who achieved her goals.

But her brain—and neurological system—had other plans for her, all of which are described in harrowing detail in her cathartic new book, Wide Awake and Dreaming: A Memoir of Narcolepsy.

Flygare’s story has a happy ending. Moving to Washington, DC, after graduation, she became an effective advocate for narcolepsy research and policy and is founding a nonprofit to raise awareness about sleep health and disorders. She established an informative, upbeat blog, julieflygare.com/rem-runner-blog/, which has garnered the attention of fellow sufferers, the press, health experts, and policy makers. She led a successful campaign to have narcolepsy selected for the FDA’s Patient-focused Drug Development Initiative, a dark horse victory that ensures official scrutiny of the often overlooked disease. Despite the risk of sudden muscle failure because of cataplexy, she ran the Boston Marathon in 2010 and the Mt. Washington Road Race in 2012.

First, though, she endured confusion, frustration, and sorrow as she saw the life she’d known, and the future she’d expected, slip away during her law school years.

“At first, I only saw what narcolepsy took away from me. I was angry and grieved for the ‘stronger’ person I’d been before,” she wrote in the Spring 2012 issue of Community magazine, a publication of the Caring Voice Coalition. “Then, something shifted. I realized that ‘health’ was not a guaranteed, full-package ride. Narcolepsy woke me up to my life.”

Helping along the way were people like Professor Mary Ann Chirba, who had Flygare in Health Law class. Chirba was so impressed by a paper that Flygare wrote about the Orphan Drug Act’s efforts to incentivize big pharma to develop therapies for rare diseases like hers, that she urged her to take her writing seriously and pursue it professionally.

“I feel beyond lucky for Professor Chirba’s support,” says Flygare. “She gave a voice to my deepest dream of writing before I had the courage to admit that dream myself.”

—Vicki Sanders
The Makin
of a
Humanist

Enduring childhood travails that could have soured a lesser man, Dannel Malloy triumphed over labels of mental retardation to become Governor of Connecticut, where he was tested again by the Newtown massacre. *BY JERI ZEDER*
The making of a Humanist
he old adage, “show, don’t tell,” seems to be Dannel P. Malloy’s preferred mode of expression. The governor of Connecticut, Malloy ’80 tends to reveal himself through vignettes. It’s how he traces his path from a young boy mislabeled “mentally retarded” to magna cum laude graduate of Boston College, BC Law alumnus, successful prosecutor, longest-serving mayor of Stamford, and chief executive of the fourth most prosperous state in the Union, as measured by median household income in 2011. He doesn’t declare that he’s smart, or resilient, or empathetic. If you want to draw those—or opposite—conclusions about him from his stories, that’s up to you. Which is what makes this statement of his all the more remarkable:

“I’m probably one of the people who became a better humanist as a result of a legal education.”

Why Malloy sees himself as a humanist is suggested in his life story, which he shared with BC Law Magazine in advance of his receiving the Law School’s St. Thomas More Award on Law Day 2013. That story now includes, of course, his leadership following the December 14, 2012 massacre at Sandy Hook Elementary School in Newtown, Connecticut, where he helped to comfort a community and to pass some of the toughest gun safety legislation in the nation. Yet even he cannot explain his handling of that tragedy, except to say, “It was a response that was formulated over fifty-seven years of life.”

His life didn’t always look so promising, however. Growing up with profound learning and physical disabilities, Malloy faced enormous challenges. Through most of elementary school, he could not read or do math. His movements were jerky. He didn’t learn to button his own shirt or tie his shoe-laces until he was ten years old. He was bullied not only by his classmates, but also by his teachers, one of whom regularly humiliated him by posting his failed spelling tests at the front of the classroom.

Malloy’s saving grace was his mother, Agnes. Dannel was her youngest of eight children, some of whom also had processing disabilities, though none as severe as his. “I have some old reports that my mother kept from schools where they would be critical of her because she expected too much of her son, who obviously wasn’t going to live up to what she was hoping for from him,” Malloy says. “They were very dismissive of her, very dismissive of my potential.” Agnes Malloy was not some sort of win-at-all-costs tiger mother, however. Hers was a muscular kindness. “She had learned a lot from raising other children, and she just decided that the most important thing was that her children turn out to be nice people, and happy people, and that they like themselves and they express that by being nice to other people,” Malloy says. “I think that was first and foremost in her mind, and then secondly, that her children, particularly her youngest son, me, get all the chances and opportunities and help that would allow me to reach what she saw as my potential.”

Malloy needed a lot more help than the public schools provided at the time. For years, his father, who worked in the insurance industry, and his mother, a nurse, paid out-of-pocket for his after-school tutors, summer school, and physical therapy—quite a financial feat for a solidly middle class family. Some of that therapy was excruciating: One exercise had him, as a fourth grader, on all fours, painstakingly trying to move each of his limbs according to spoken instructions until he successfully crawled across the floor.

His mother introduced some strategies of her own. To help Dannel tell his right hand from his left, when he was ten years old, she gave him a ring with his birthstone (garnet) to wear on his right hand. And she gave him a radio for his bedroom. “One of the interesting things my mother figured out was that I was an aural learner,” Malloy says. “She figured if I listened to that, I would pick up vocabulary, I would pick up nuances, all of that.”

By eighth grade, Malloy’s physical challenges were pretty much resolved. His reading was improving, but many of his other learning issues persisted. Here again, his mother’s input was key. Rather than force her son to learn things he couldn’t, she focused on his strengths: oral communication, memory, comprehension, intuitiveness, people skills, and leadership.

“I’ve joked I’ve held office continuously since fourth grade,” Malloy says, referring to his stint as senior patrol leader for his Boy Scout troop. Of his weaknesses, Malloy says, “I’m embarrassed by them to this day. When people ask me to write things, it elicits a physical reaction in me because it’s not something that I’m comfortable doing. Maybe some people overcome learning disabilities. I learned how to compensate for them.”

Making It to High School

By high school, Malloy was managing academically, and was receiving better in-school support. He used recorded books for the blind, and joined the football team. But a football injury and ensuing complications landed Malloy in the hospital. Seriously ill with pancreatitis and ulcers, he lost sixty pounds and was near death before doctors figured out how to save him. By the time he recovered, his senior year was ending and he hadn’t applied to a single college. Topping it all off, his SAT scores were underwhelming.

He contacted colleges anyway, explained who he was, why he was applying late, and asked if they’d take a chance on him. “A couple of schools wrote back that they were, in fact, interested,” Malloy says, “One of those was Boston College.”

He drove up there with his father. “I was the first person accepted at the school taking into consideration my learning disability as opposed to a physical disability,” Malloy says. He spent the day being interviewed and assessed as the college tried to figure out how to help him.

BC ought to have been a perfect fit for this son of an Irish Catholic family, except, as Malloy recounts: “We’re driving back to Connecticut and my dad says, ‘You know, there’s only one problem.’ I said, ‘What’s that, Dad?’ and he said, ‘Well, your mother doesn’t like the Jesuits.’”

“Sure enough,” Malloy says, “I had to go back two weeks later, and my mother had to see the place and understand that maybe it made sense for me to go there.”

At BC, his reading advanced to the point where he stopped relying on recorded books. He was allowed extra time on tests and permitted to answer essay questions orally. He dictated his papers to his freshman-year girlfriend and future wife, Cathy, who typed them up for him. He graduated BC in four years with the highest honors.
Law school was an ambition sowed in college. “No one in my family had ever gone to graduate school,” Malloy says. The guys in his freshman dorm first planted the idea. “Half of them wanted to be doctors, half of them wanted to be lawyers, and I knew I wasn’t bright enough to be a doctor, so I said lawyer,” he recalls. “Over time, in college, as I came to understand what lawyers did, the advocacy, the authority or influence of lawyers, I thought that that was probably a good way to express myself.” He was admitted to several law schools and decided to continue on at BC Law; he loved the school, and had a job there, which would help him finance his legal education. He was vice chair of the American Bar Association student division, and after graduating, passed the New York and Massachusetts bar exams.

The Path to Politics
Malloy began his legal career as an assistant district attorney in Brooklyn, where he tried twenty-three felony cases in a year and a half and won twenty-two of them. His entered politics when he returned to Connecticut, serving on Stamford’s various public boards and starting his own law practice. In 1995, he was elected mayor of Stamford and served for fourteen years. He announced his candidacy for governor in 2004, but lost in the Democratic primary. He ran again in 2010, this time successfully, and was sworn in on January 5, 2011.

Malloy hasn’t formally practiced law in nearly twenty years, but, he says, he uses his legal education every single day. “One of the great strengths of American legal education is the obligation to learn how to understand all sides of an argument,” he says. “I think that’s one of the reasons I’m here today, and why I take on the issues I take on, whether it’s the death penalty or other social issues—like the fact that we passed a Dream Act here in Connecticut, or that I advocate that your immigration status should have nothing to do with the fact that you get a driver’s license. A driver’s license is to make sure that the roads are safe. It’s not part of our foreign policy. These are issues that I think I came to through legal education.”

An issue that Malloy has become closely identified with is gun violence prevention. After the Sandy Hook massacre, Malloy convened an advisory commission to review Connecticut’s gun laws, mental health system, and school safety program. The state legislature, meanwhile, convened its own bipartisan advisory task force. When the task force missed its deadline (the advisory commission’s deadline was still weeks away), Malloy announced his own proposals, both to frame the debate and to keep momentum from flagging. The task force issued its proposals a week later. Its members had managed to agree on mental health and school safety, but not on gun control. Malloy reached out to constituents and political leaders to drum up grassroots support for a stronger bill. In the end, he signed into law gun violence prevention legislation that contains most of what he initially outlined, with this exception: The law does not ban high capacity magazines. Malloy still supports a ban.

It is when discussing his political stances that Malloy makes the claim that his legal education made him a better humanist. He cites other influences as well: He worked in Congress for Father Robert Drinan, once a dean at BC Law; he came of age during the Vietnam War; he attended a Catholic college during the heyday of liberation theology. But it was his mother’s words, and their comfortable echo in the social justice mission of BC Law, that resonated most for him: “Something my mother would always say to me—actually, she said it almost every day we were alive together—she would remind me that I had an obligation to leave the world a better place for my having lived in it. I think BC’s approach to the law was you had an obligation to make the world a better place because you were a lawyer,” he says.

Two decisions Malloy made the day of the Sandy Hook shootings bring that outlook to mind. In one, he determined that a law enforcement officer would be assigned to each of the victim’s families to help with anything they needed, up to, and in some cases, beyond, the funerals. The officers handled everything from funeral logistics to simply answering the front door. “I’ve spoken to a couple of the troopers that we assigned to families,” Malloy says. “Each of them has said that it was one of the most meaningful experiences of their lives.”

In the other decision, Malloy frankly flouted police protocols. Ordinarily, you need to identify a body before you inform the family of a death. But by the afternoon of the shootings, Malloy knew that any survivors had been accounted for, and identifications were going to take time. He chose not to prolong the families’ agony and to tell them himself that their children were gone. As parents gathered at the fire station for Malloy’s briefing, the governor chose his words carefully. “I strove not to use the words ‘death’ or ‘dead,’” he says. “In fact, when I said that it was a crime scene and you are not going to be reunited, somebody yelled, ‘What about the people who were taken to the hospital, what about the children who were in the hospital?’ And to that, I said, they expired. I don’t know how they all took it, to tell the truth.”

“Something my mother said almost every day we were alive together—she would remind me that I had an obligation to leave the world a better place for my having lived in it.”

Malloy frequently presents himself as a symbol of hope for others struggling with learning disabilities, speaking regularly before students, schools, parent groups, and organizations. “I had a woman bring her son in three weeks ago,” he says. “She works for the state. She knew my story and wanted me to talk to her son, so I found fifteen minutes to do that.”

There’s a saying in the air these days: What gets in the way of the work is the work. Whether he’s clearing his calendar for a child with learning disabilities, analyzing a political position he sees not as partisan, but as sane, seizing a crisis to try to make his state safer, or offering the powers of his office to heal, Malloy seems to discern what, at any given moment, the work really is. Perhaps that’s what he means when he calls himself a humanist lawyer.

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Table grapes in winter are a nice outcome of globalization. The worldwide economic recession caused by the US subprime mortgage crisis is not. Is it possible to tame globalization to get more of the good and less of the bad—and to effectively address problems, like climate change, that require global solutions?

Professor David A. Wirth thinks so. Wirth is an integral member of BC Law’s international law faculty. The Law School’s leadership in the fields of international law and globalization is reflected in an invitation extended to Wirth to give the keynote address at a recent conference entitled “Enhancing Stability in the International Economic Order” at the New Zealand Center of Economic Law, Victoria University in Wellington. (Wirth’s related paper: “A World of Choices.” New Zealand Journal of Public and International Law 10, no. 1 (2012): 1–14.)

“The world is a changing place,” Wirth says, “because of a variety of discrete phenomena that can be identified: trade liberalization, increased economic activity, and so on. The task is to integrate them all and focus them toward a world that fifty or one hundred years from now we’re going to want to live in, as opposed to one that we’ll find uninhabitable.”

But how? The current global regime, Wirth notes, in many ways hinders the shaping of globalization for the benefit of the world’s people. For example, while the nations of the world argue, negotiate, legislate, and litigate over where the free market/regulatory “sweet spot” is located for any given economic issue, they frequently neglect the bigger picture. One nation’s pro-environmental policy is another nation’s anti-trade nemesis. One nation’s protection of labor rights is another nation’s impediment to legitimate business. The problem is compounded when individual nations are motivated by special interests rather than what Wirth calls genuine national priorities. In this regime, important and laudable social agendas, such as environmental sustainability and labor rights, fall away. Wirth zooms out.

“Even if this jurisprudence were to evolve for decades more,” he said in his keynote, “it still would fail to address the much
larger question of where globalization is or should be taking our world.”

Overcoming the drawbacks of the current regime will require creativity and political will, Wirth says—and will entail input of international actors other than nation-states. Hints of that future are visible today. For example, it is multinational corporations, far more than governmental regulation, that oversee international food safety. “Corporations are very concerned about the quality of the food they sell, and they have every incentive to reach up the supply chain on their own, without government intervention and a governmental mandate to assure the quality of what they’re selling. Why? Because of the concern for the integrity of brand name,” Wirth says. “If you think about it, if McDonald’s were to have one outbreak, no mother would take her child to go have a McDonald’s hamburger.”

Even so, the profit motive does not always align with pro-social goals, suggesting that there are both opportunities for, and limits to, the contributions of business to a sustainable global future.

Other international actors in the current regime—like the World Trade Organization, the International Monetary Fund, the World Bank—have done substantial good. “The ozone hole over Antarctica is expected, as a result of multilateral efforts, to heal by the middle of the century,” Wirth says. “The World Trade Organization has made substantial strides in opening up marketing and reducing trade barriers. So, this functional approach that is carving up areas into different substantive specialties is not without its benefits.”

Yet, these same institutions have fallen short in other important arenas, such as global trade development (for example, the failed Doha agenda) and global climate change. “The problem is that, as it becomes increasingly apparent that everything is connected to everything else, then we see rifts and conflicts among these different functional specialties. The problem is how to integrate these previously disparate areas without losing focus,” Wirth says.

Can the world community devise and adhere to treaties framed around the global common good, or establish a more effective system of international institutions? What would these treaties say? What would that system look like? “The challenge for lawyers, policymakers, international relations experts, CEOs of multinational corporations, non-governmental advocacy groups—everybody—is to come up with better ways to organize ourselves on the international level,” Wirth says. It might help, for example, if international institutions subsumed the categories of trade, investment, human rights, and sustainability under one umbrella value—call it, say, sustainable development—where they would complement, rather than compete with, each other. The trick would be to do so without losing focus, Wirth notes. Another positive step would empower the world’s people, through the internet and other forms of technology and communication, to shape the direction of globalization. Voluntary private-industry partnerships that yield pro-consumer, business-led standardization and self-regulation can also put markets on the side of global civil society.

According to Wirth, these preliminary approaches pull us away from today’s state-dominated model. What we substitute for that model isn’t entirely clear right now. “We’re in a transition state,” Wirth says, “and we’re seeing the adverse effects of that in the form of gridlock on the international level. We need a better system of multilateral governance, at least in the near and medium term, that makes what we have more effective and, ultimately, moves incrementally to a governance structure that mirrors the way the world actually is.”

—Jeri Zeder

RECENT SAMPLES FROM OUR GLOBAL THINK TANK

Thomas C. Kohler

Vlad Perju

Brian Jm Quinn
In 1974, Zyg Plater was a young assistant professor at the University of Tennessee Law School, teaching property and environmental law, when he started working with a group of local farmers, fishermen, and activists to fight a local dam-building project. Now, nearly four decades later, Professor Zygmunt J.B. Plater of Boston College Law School has written a lively, insightful, occasionally infuriating, and ultimately heartbreaking account of the historic case that arose from that fight, *Hill et al. v. TVA*.

Just published by Yale University Press, *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River* (http://www.indiebound.org/book/9780300173246), tells how the Tennessee Valley Authority (TVA), despite having lost in the Supreme Court, made an end run in Congress to push through its building of the Tellico Dam on the Little Tennessee River. Plater, as co-plaintiff and lead counsel, had used the Endangered Species Act to gain an injunction against the dam because of a tiny member of the perch family, an endangered fish that became the subject of intensive ridicule in press coverage of the case: the snail darter.

Farmers in the river valley had already been fighting the dam for more than a decade when Plater took the case. They thought they’d exhausted all remedies, until a biologist discovered the darter and Plater got it listed under the then brand-new Endangered Species Act. That gave Plater and his students the fresh angle that was needed—but it also gave the TVA publicity machine a funny-sounding little
The initial framing of the case—stopping a federal dam to save a tiny endangered fish—ultimately made it politically possible for Congress to let TVA’s bulldozers roll.

minnow and, with it, the chance to paint the plaintiffs as Luddite ecology freaks.

As Plater explains, however, much more than the snail darter was at stake. The TVA was condemning more than 300 family farms (most for re-sale), destroying historic sites, and flooding sacred Cherokee lands, eliminating rich alternative development options. This was all for a project that, despite its PR campaign, was designed primarily for land development and recreation, not hydroelectricity and flood control. Today the Little T, as the river was known, once a fly-fishing mecca that flowed through rich farmland, is a degraded reservoir surrounded by McMansions. Transplanted darters now survive precariously, still threatened, in a couple of rivers nearby.

“I still have Little T dreams,” Plater says, “still wake up thinking of more I could have done.” The first thing he could have done, he tells his BC Law students today, was a better name for the lawsuit. “I tried to name it ‘Tellico Farmers v. TVA,’” he says. “I’m convinced that if we’d done so the river would still be flowing,” because reporters interviewing farmers would have discovered the project’s dubious economics and land condemnations.

But the farmers who brought a prior suit worried they’d be seen as getting an unfair second chance. After years of fighting the dam, they had tired of being bullied by developers, criticized by neighbors, and even audited by the IRS in the TVA’s apparently far-reaching campaign to get them off their land. So Hank Hill, one of Plater’s students, became the lead plaintiff.

Plater tells his students today that, with more experience, he would have fought harder to persuade his clients to let him use their names. “I would have spent enough time informing their consent to get their consent.” Putting the farmers first, he says, would have shifted the media’s entire understanding of the story from ecofreaks vs.-progress to citizens vs.-boondoggle— and that, he argues, is critical to how a case is perceived, not just by the public but by Congress and the courts.

“I knew—oh, God, I knew!—it would make a huge difference if only the reporters would talk to the farmers,” Plater says. But they didn’t, and so the story remained as TVA was telling it: a silly little fish stopping a great big dam. That framing made it politically impossible, Plater argues, to stop Congress from finding a way to let the well-connected TVA’s bulldozers roll. So he hopes to teach his students that attorneys must deal not just with laws and facts, but also with perceptions and stories.

“A modern legal education needs to take account of the fourth estate,” Plater says. “I’ll always have a student who says, ‘You’re talking about this like politics and psychology is part of what we do, but we’re here to study law.’” Laughing, he says graduates often come back with a different view, once they’ve actually started practicing law, saying he should tell students that “it’s 90 percent politics and psychology!”

And tell them he does.

Louise Kennedy, a longtime Boston Globe writer and editor, lives in Newton.

[ F A C U L T Y ]

SNAIL DARTER CASE FIRSTS

■ 1st endangered species law case in Supreme Court
■ 1st time US Attorney General defeated in oral argument
■ 1st government entity authorized to decide on extinction (presidential cabinet committee reached unanimous economic verdict in favor of fish)
■ 1st court case to protect endangered species’ critical habitat and species itself
■ 1st congressional override of economic verdict ordered by same Congress

SMART MOVES

Brainy Bunch
Professor Vlad Perju assembled a stellar cast of speakers to discuss constitutional democracy and jurisprudence at BC’s Clough Center this year. Among the notables: Nobel Laureate Amartya Sen, Frederick Schauer of the University of Virginia, Robert George of Princeton, and Nicola Lacey of All Souls College, Oxford.

A Godsend
BC Law chaplain Fred Enman, SJ, ’78 received the Della Strada Award from the Ignatian Volunteer Corps New England for his work with Matthew 25, a non-profit he founded nearly twenty years ago to provide rental housing for low income people.

Legal Lit
Writing together paid off for librarians Laurel Davis and Chester Kozikowski, whose “Rare Books and Technology: Collaborating within the Library” won the AALL Spectrum Article of the Year Award. Another twosome, Mary Bilder and Sharon O’Connor, received the Law Library Journal Article of the Year Award for “Appeals to the Privy Council before American Independence: An Annotated Digital Catalog.”

How to Pick ‘Em
Professor Mary Bilder (and five BC Law grads) were named to US Senator Elizabeth Warren’s Advisory Committee on Massachusetts judicial nominations. Bilder, along with Marianne LeBlanc ’93, Walter Prince ’74, Mike Jennings ’72, John Pucci ’80, and Mike Mone ’67, will review applications.

Hires and Promotions
Francine Sherman ’80, for many years a visiting clinical professor and director of the Juvenile Rights Advocacy Project, was named Associate Clinical Professor, as was Mary Hooper, who worked at BC Law previously as a detention attorney, human rights fellow, and visiting assistant professor. Katharine Young from Australian National University College of Law and Boston University was named Associate Professor. David Olson and Brian Quinn were promoted to Associate Professor with tenure; Mary Rose Papandrea was promoted to Full Professor. The new Assistant Dean for Career Services is Heather Hayes ’95, most recently director of legal recruitment at WilmerHale. Sherry Xin Chen, who holds degrees from the University of Michigan, is Legal Information Librarian and Lecturer in Law.
RICHARD ALBERT
Assistant Professor
Activities: Served as judge for the League of Women Voters’ Fourth Annual Civics Bee, Weston, MA, in March.
New Appointments: Board member, Scientific Advisory Committee, International Journal of Constitutional Law. Secretary and member, Executive Committee, Association of American Law Schools (AALS) Section on Comparative Law. Chair, Nominating Committee, AALS Section on Law and Religion. Member, Executive Committee, AALS sections on Constitutional Law and South Asian Studies.
ALEXIS J. ANDERSON
Associate Clinical Professor
HUGH J. AULT
Professor Emeritus
Activities: Discussion leader and session chair, “Capacity Building on Tax Treaty Negotiation and Administration,” meetings organized by the Financing for Development Office of the United Nations Department of Economic and Social Affairs and the International Tax Compact, Rome, Italy, in March.
New Appointments: Senior visiting fellow at the Max Planck Institute for Tax Law and Public Finance, Munich, Germany.
Other: Recipient of the Special Service Award at BC Law’s 2013 Law Day.
THOMAS A. BARNICO
Visiting Professor
PAULO BARROZO
Assistant Professor
MARY SARAH BILDER
Professor
New Appointments: Appointed by Massachusetts Senator Elizabeth Warren to the Advisory Committee on Massachusetts Judicial Nominations.
Other: With Sharon O’Connor, recipient of the Law Library Journal Article of the Year Award for “Appeals to the Privy Council before American Independence: An Annotated Digital Catalogue.”
ROBERT M. BLOOM
Professor
Activities: Joined members of the Washington, DC, chapter of BC Law Alumni Association for the introduction of Jared Huffman ’90 as a new member of the US Congress serving California’s 2nd District.
E. JOAN BLUM
Associate Professor of Legal Reasoning, Research, and Writing
Presentations: Presentation sponsored by State Department’s Bureau of Narcotics and International Law Enforcement Affairs on her experience conducting judicial training programs on legal analysis and writing in Bosnia, US Department of State, Washington, DC, in Feb.
Other: Served as a Fulbright Specialist at the University of Sarajevo Faculty of Law School, Sarajevo, Bosnia and Herzegovina in April and May. In addition to her primary responsibilities at the law school, she was asked by the US Embassy in Sarajevo to give presentations to other groups.
MARK S. BRODIN
Professor
Other: The civil procedure casebook he co-authored is now in its fourth edition and has been adopted by 36 civil procedure professors at 35 law schools.
GEORGE D. BROWN
Robert F. Drinan, SJ, Professor of Law
Other: Featured guest on WUMB Radio’s Commonwealth Journal on the topic of national security law in April.
R. MICHAEL CASSIDY
Professor
New Appointments: Appointed to a three-year term, Executive Committee, Association of American Law Schools Section on Professional Responsibility.
MARY ANN CHIRBA
Professor of Legal Reasoning, Research, and Writing
Presentations: “The Importance of Fact Analysis at the Appellate Level: Lessons from the US Supreme Court’s ‘Obamacare’

ACADEMIC VITAE
Compiled and Edited by Deborah J. Wakefield
LAUREL E. DAVIS
Legal Information Librarian, Lecturer in Law, and Curator of Rare Books


Other: With Kozikowski, recipient of the 2013 American Association of Law Libraries (AALL) Spectrum Article of the Year Award.

SCOTT T. FITZGIBBON
Professor


FRANK J. GARCIA
Professor


New Appointments: Member, International Chair on Natural Law and Human Personhood, Pontificia Universidad Catolica Argentina.

BRIAN D. GALLE
Associate Professor


Other: Featured guest, WBUR’s Radio Boston show entitled “Gay Marriage at the High Court” in March. Co-authored an amicus brief filed in the Delaware Court of Chancery on the obligations of corporations to obey the law in international contexts.

FAR AND NEAR

“As I embark on this project as a Fulbright Specialist.... I am enthused about the synergy of teaching similar material to three very different groups of students—our first-year JD students, our international LLM students, and law students in Bosnia—and how I can use that synergy to benefit all three groups.”

—Professor Joan Blum, in the BC Chronicle, about her plans to teach legal problem-solving through experiential learning to students at Sarajevo University Law School, and how that aligns with her teaching at BC Law
DEAN M. HASHIMOTO
Associate Professor


Other: Awarded a research grant from the National Institutes of Occupational Safety and Health and the Harvard School of Public Health Center for Work, Health, and Well-Being to develop a research database of healthcare workers that links health insurance data to existing human resources data.

RENEE M. JONES
Associate Professor

Presentations: “Utilizing the Director Bar to Enforce Corporate Accountability,” 2013 Corporate Law Symposium, University of Cincinnati College of Law, Cincinnati, OH, in March.


Other: Awarded a Neuroscience Training Stipend from the Research Network on Law and Neuroscience to attend Neuroscience Boot Camp, a program of the University of Pennsylvania Center for Neuroscience and Society, to which she was accepted for summer 2013.

GREGORY A. KALSCHEUR, SJ
Associate Professor


DANIEL KASTROOM
Professor and Director of the International Human Rights Program


Activities: Co-organized the first international conference on draft convention of the rights of deportees, Boston College in Nov.


DEAD TO ‘RITE’S’

“There is no precedent for this type of thing. It is a legal no-man’s land.”

—Professor Ray Madoff, in the New York Times, on the difficulty in finding a place to bury Boston Marathon bomber Tamerlan Tsarnaev

Interviewed by Mimi Rosenberg on WBAL radio in New York City in Jan.

SANFORD N. KATZ
Dorald and Juliet Libby Professor of Law

Presentations: “Legal Aspects of Parenthood,” publication cele- bration of *What Is Parenthood?: Contemporary Debates about the Family* by Linda C. McClain, Boston University School of Law in March.

THOMAS C. KOHLER
Professor


Other: Interviewed by Das Handelsblatt, a leading German language business newspaper, regarding the DC Circuit’s Noel Canning decision and the impact on participatory management plans being considered by some transplant industries in the US. (continued on page 42)
On a Monday morning in late April, Associate Dean for Faculty and Professor Joe Liu is getting over jetlag, after teaching a week-long intensive course on US Copyright Law at Tsinghua University School of Law in Beijing. Liu lectured in English, though as the son of parents who immigrated to the US from Taiwan in the late 1960s, he spoke Mandarin as a child and still remembers enough to get by in a pinch.

Liu researches the impact of digital technology on copyright law and markets, with a focus on how the internet is transforming the way people interact with copyrighted works. The law tends to lag behind technological advances in the music, movie, and publishing industries, he says, and this presents “a real challenge about how to regulate or set rules in areas that are changing so quickly.”

In his latest survey of the promises and problems of copyright in the digital age, “The New Public Domain,” published in BC Law School Faculty Papers (2011) and forthcoming in a revised version in the Illinois Law Review in fall 2013, Liu predicts that “soon it will be open season on Mickey Mouse.” If Congress does not further extend the period of copyright protection on existing copyrighted works, starting in 2019 Mickey and fellow icons Superman and Winnie the Pooh will begin to enter the public domain in a world in which technology has enabled an unparalleled “democratization of creativity,” says Liu.

In the pre-digital world, appropriating and manipulating the works of others took know-how and specialized tools. Now that capacity is widespread, along with the ability to distribute the results instantaneously. “It’s not clear that the copyright laws were ever crafted to accommodate this sort of creativity,” he says.

Twenty years ago, says Liu, most students had little direct experience with questions of copyright and intellectual property. Now, the material he teaches in courses like intellectual property survey has immediate relevance, as students try to “make sense of the kind of digital world they live in.” Liu sees the time he spends in the classroom with technologically savvy students as vital to keeping himself current: “They’re always bringing up new hypotheticals, new situations they’ve encountered,” he says.

Born and raised in Seattle “before it was

(continued on next page)
Professor Liu
(continued from previous page)

hip and exciting,” Liu came east for school and found “the pace, the energy, the focus on career” to be a serious culture shock. He entered Columbia Law School in 1991, anticipating three years of drudgery just learning the rules. Instead, he found a challenging curriculum. “It made me think about how a society organizes itself—larger questions I never expected to be thinking about in law school.”

As an associate at the Boston-based law firm Foley, Hoag & Eliot, LLP, in the mid-1990s, Liu handled cases involving patent and trademark infringement that sparked his interest in the field of intellectual property. He was able to delve deeper as a Teaching Fellow at Harvard, where his 1999 LL.M thesis, “Owning Digital Copies,” was among early efforts to translate concepts about ownership into the digital realm, at a moment when the expansion of the internet ensured that such concerns would ramify in the coming decades.

Liu’s prominence as a thought leader in a high profile, rapidly developing area of legal scholarship was one reason why Dean Vincent Rougeau appointed him Associate Dean for Faculty in September 2012. He wanted a scholar who could energize his colleagues and an academic leader to handle all faculty-related affairs.

“Joe struck me immediately as an ideal person for the role,” says Rougeau. “Professor Liu is also a great colleague, friendly, approachable, with a brilliant ability to bring a careful, thoughtful way of thinking to any situation.”

Mickey and Superman should be happy that he’ll be watching their future careers with interest.

—Jane Whitehead

faculty Vitae
(continued from page 40)

CHESTER KOZIKOWSKI
Educational Technology Specialist


Other: With Davis, recipient of the 2013 American Association of Law Libraries (AALL) Spectrum Article of the Year Award.

JOSEPH P. LIU
Professor and Associate Dean of Faculty

Other: Invited to teach an intensive course on US copyright law to law students, and to give a guest lecture to the faculty, Tsinghua University, Beijing, China, in April.

DANIEL A. LYONS
Assistant Professor


Other: Signed an amicus brief filed in the US Supreme Court arguing that an agency should not get Chevron deference when determining the scope of its jurisdiction.

RAY D. MADOFF
Professor


Presentations: “Mourning in America: What’s Law Got to Do with It?” Law and Mourning Lecture Series, Department of Law, Jurisprudence, and Social Thought, Amherst College, Amherst, MA, in March.


Other:

JUDITH A. MCMORROW
Professor


LAURA MURRAY-TJAN
Visiting Faculty


ALICE A. NOBLE
Adjunct Faculty


SHARON HAMBY O’CONNOR
Associate Professor Emerita

Other: With Mary Sarah Bilder, recipient of the Law Library Journal Article of the Year Award for “Appeals to the Privy Council before American Independence: An Annotated Digital Catalogue.”

DAVID S. OLSON
Associate Professor

Promotions: Promoted to associate professor with tenure at BC Law.

MARY-ROSE PAPANDREA
Professor


Activities: Invited participant, Colloquium for First Amendment Scholars, Washington University, St. Louis, MO, in March.

Promotions: Promoted to full professor at BC Law.

ZYGMUNT J. B. PLATER
Professor


Presentations: “The Endangered Species Act at 40,” keynote speaker, 19th Annual Public Interest Environmental Conference, University of Florida Fredric G. Levin College of Law,
GIRL JUSTICE

“Girls’ experiences of violence—intimate partner violence, violence in their homes, and sexual exploitation—drive them into the juvenile and criminal justice system not as victims, but as perpetrators or mischaracterized criminals.”

—Professor Francine Sherman ’80, in the BC Chronicle, about findings she presented to the Congressional Black Caucus Foundation


DIANE M. RING
Professor


VINCENT ROUGEAU
Dean


FRANCINE T. SHERMAN
Associate Clinical Professor and Director of the Juvenile Rights Advocacy Project


Presentations: “Representing Girls in Juvenile Court,” Essex and Middlesex Bar Advocates, Salem, MA, in April.


New Appointments: Appointed associate clinical professor at BC Law.

Other: Recipient of a 2013 Annie E. Casey Foundation grant to provide JDAI national jurisdictions with technical assistance on reducing the detention of girls.

PAUL R. TREMBLAY
Clinical Professor and Director of Experiential Learning


CATHARINE P. WELLS
Professor


DAVID A. WIRTH
Professor and Director of International Studies


ALFRED C. YEN
Professor


Activities: Visiting scholar, University of Arizona Law School, Tucson, AZ, in Feb.
Ever the Achiever

ZUCKER LAUDED FOR HER TIRELESS ADVOCACY

Ellen Zucker’s legal career began when she was a law student so busy she only slept three hours a night and it continues at similarly breakneck speed to this day. Now a partner at Burns and Levinson, she grabbed headlines last February for winning one of the largest settlements for a gender discrimination case in Massachusetts history. In recognition of the settlement and her career as a tireless advocate for social justice, Zucker ’94 was named Woman of the Year by BC’s Women’s Law Center this past spring.

In the recent case, Zucker represented Dr. Carol Warfield, the former chief of anesthesia at Beth Israel Deaconess Medical Center, in her suit against the hospital. Dr. Warfield alleged that she was discriminated against by the hospital’s former chief of surgery who not only ignored her in meetings and actively lobbied for her removal from her job, but also was successful in forcing her out of the hospital in retaliation for her complaints. In addition to a $7 million settlement, the hospital agreed to name its pain clinic after Dr. Warfield.

The victory was another milestone in a career of advocacy for those who are harassed, discriminated, or retaliated against. In 2010, Zucker secured a $4.5 million judgment—the most ever at the time—in an employment discrimination case. Employment law is only one facet of her practice, however; she also focuses on criminal defense. Her clients have included executives, professionals, private businesses, and public charities. She is an active member in local bar associations, including the Women’s Bar Association, and has held leadership roles in national and local advocacy groups, among them the national board for the National Organization of Women (NOW) and the National Association of Criminal Defense Attorneys.

Prior to her time at Burns and Levinson, Zucker clerked for Judge Nancy
Gertner of the US District Court for the District of Massachusetts and worked at Dwyer and Collora LLP.

She is sought after as a commentator by the local and national press, including the New York Times, ABC, NBC, and the Boston Globe. She has been recognized with a variety of awards. In 2012 she received the Dr. Martin Luther King Jr. Drum Major Award by the Cambridge NAACP and her name is frequently found on super lawyer, top lawyer, and power lawyer lists.

The reason for those minimal sleeping hours while in Law School was that as a student Zucker also worked full time as the president of Greater Boston NOW. She’d wake at three o’clock in the morning to go into work. Her dedication made a strong impression on former Boston College Law School Professor Phyllis Goldfarb, who recalled that Zucker devoted “her brilliance to others’” needs, and cares deeply about using her many talents to advance fairness and equality in a world that struggles with these aspirations.”

Zucker similarly played a leadership role among her fellow students. Always willing to listen to and counsel colleagues struggling with life difficulties, unequal treatment, or difficult career choices, she also rallied friends behind causes. After a hate crime on campus where an anonymous note threatening violence was directed at a gay and lesbian student organization, Zucker reached out to students and administrators to help begin the healing process.

In a letter nominating Zucker for the Women’s Law Center award, Toni Troop, who worked with her in Greater Boston NOW and sees the same qualities in Zucker today, said that she continues to use “her legal skills and expertise along with her political savvy, fundraising gumption, and advocacy pedigree to further social justice and equality” for disenfranchised, marginalized communities.

Zucker received the Woman of the Year Award at a reception at the Law School on April 8. At the event, she encouraged students to “find joy in all corners of your lives” and to remain true to their principles, noting that doing so is “not always easy and [is] often messy,” but achieving a career that allows you to be who you are is a reward in itself.

—Anthony Signoracci ’14

**BOOK SHELF**

**GETTING TO ELLEN** (Stepladder Press, Minneapolis, 2013) by Ellen Krug ’82 is an honest memoir about one person’s journey of transgender self-realization. Krug began her life and attended BC Law as a man, Edward, and after graduation launched into a successful career as a trial attorney, complete with a wife and two daughters. Throughout her life, however, Krug struggled with the reality that “he” was a woman born into a man’s body; achieving inner peace would only come from abandoning the façade of masculinity and living as her true female self. In this process, Krug became one of the few lawyers in country to try separate—and in some cases, the same—lawsuits in different genders. Many of Krug’s clients were not understanding, however, and her law practice dwindled. Krug now heads a non-profit practice working to increase the availability of legal services to those unable to afford it.

**GREEN-EYED LADY** (Minotaur Books, New York, 2013) by Chuck Greaves ’81 is the second legal thriller in Greaves’ Jack MacTaggart series, following 2010’s well-reviewed *Hush Money*. In this tautly plotted mystery, MacTaggart, a criminal defense attorney, must unravel the motives behind the framing of his client, a former LA mayor and Senate candidate, for burglary. With the clock ticking down towards election day, MacTaggart must deal with ruthless political opponents, crooked art dealers, and a district attorney with a score to settle. As he traverses this minefield, MacTaggart realizes there are more than political and personal motives at work: He is unraveling a more sinister web than he first thought.

**AMERICAN JEWS AND AMERICA’S GAME** (University of Nebraska Press, Lincoln, 2013) by Larry Ruttman ’52 is a history of the larger-than-life role Jewish ballplayers have played throughout the life of baseball. Ruttman has compiled this work from interviews with players, coaches, owners, and officials, ranging from legends of the sport like Hall of Famer Sandy Koufax to current stars like Ian Kinsler and former Red Sox Kevin Youkilis. Ruttman explores issues of growing up and dealing with Jewish identity, assimilation, intermarriage, religious observance, and anti-Semitism, and how they are all interwoven with the rich backdrop of the National Pastime.

—Ian Kittle ’14

**ALUMNI ASSOCIATION NOTICE**

**Annual Alumni Assembly and Board Meeting**

**Saturday, November 2 • Boston College Law School • 11:00 AM**

Elections will be held for the 2014 Alumni Board members, among other agenda items.

For more information on the assembly, election, or open positions on the Alumni Board, please contact the Office of Advancement at bclaw.alumni@bc.edu or visit the Alumni Association website at www.bc.edu/lawalumni.

The goal of the Alumni Association is to further the ideals and traditions of BC Law School through the involvement of alumni. Alumni volunteers are an integral part of the life of the Law School. If you have volunteered in any capacity for BC Law since June 2012, you are a member of the Alumni Assembly and have the right to vote for members of the Alumni Board.

You will receive further information about the meeting and the election via email in the months prior to the election.
Connecticut Governor Dannel Malloy ’80 received BC Law’s top honor at the 2013 Law Day celebration May 9. Five other alumni were also recognized for their service and accomplishments during a ceremony that drew several hundred people to the InterContinental Hotel in Boston. Event co-chairs Evelynne L. Swagerty ’84 and Mark J. Warner ’89 bestowed the following awards:

- The St. Thomas More Award on Dannel Malloy.
- The William J. Kenealy, SJ, Alumnus of the Year Award on James A. Champy ’68, business consultant and author.
- The Daniel Holland Lifetime Achievement Award on William A. McCormack ’67, former of counsel at Sally & Fitch LLP, and former president of the Alumni Association.
- The Hon. David S. Nelson Public Interest Law Award on Barbara Kaban ’98, director of juvenile appeals for the Youth Advocacy Division of the Committee for Public Counsel Services.
- The Chapter Leadership Award on Stephen J. Imbriglia ’80 of Gibbons PC in Philadelphia.
- The Special Service Award on Professor Emeritus Hugh Ault.

**PHOTO CAPTIONS:**
1) Susan Repetti ’80, Professor James Repetti ’80, Connecticut Governor Dannel Malloy ’80, and Professor Sanford Katz. 2) Lurleen Gannon ’02, Justin O’Brien ’03, Ronald Makawa ’15, and Rosalind Valcimond ’05. 3) Bernard Green ’81, Susan Maze-Rothstein ’85, and the Hon. Barbara Dortch-Okara ’74. 4) Professor James Rogers and the Hon. Denis Cohen ’76. 5) Standing: Mark Warner ’89, Evelynne Swagerty ’84, James Champy ’68, William McCormack ’67, Professor Hugh Ault, Stephen Imbriglia ’80, Barbara Kaban ’98, and Christopher Dillon ’88; seated: Dean Vincent Rougeau and Governor Dannel Malloy ’80. 6) Frederick Enman, SJ, ’78, George Field ’78, Daniel Shea ’63, and Marjorie Shea. 7) Stacey Kosinski ’09 and Michael Tarantino ’12. 8) James Champy ’68 and Lois Champy. 9) Sharon Bazarian and Margie Palladino ’85. 10) William McCormack ’67, Dean Vincent Rougeau, Professor George Brown.
The Eighth Annual Scholarship Dinner was held March 28 at the Ritz-Carlton Boston, where donors and recipients had the opportunity to meet and mingle.

Roger Bougie ’62, who gave the evening’s keynote address, told of his humble French Canadian beginnings and a Depression-era boyhood spent in a logging camp with kerosene lamps for light and a hand pump for water. But he received a good education, became an Air Force pilot, and eventually put his law degree to work in the legal department of United Technologies Corporation. “I have chosen to honor the assistance I have received by perpetuating it for the next generation,” he said. “Perhaps twenty years from now the recipient of this scholarship will be standing before a group similar to this explaining why he/she decided to establish a scholarship.”

Also on March 28, BC Law launched the Dean’s Advisory Board, a small group of alumni who will meet periodically to provide counsel to the dean.

PHOTO CAPTIONS: 1) Roger Bougie ’62 and Dean Vincent Rougeau. 2) Abhijit Kurup ’14. 3) Dean’s Advisory Board, back row: Edward Leahy ’71, David Weinstein ’75, Joan Lukey ’74, Jeffrey Sabin ’77, Michael Puzo ’77, David Donohue ’71, Robert J. Cooney, Parent ’14, John Hanify ’74. Front row: Michael Fee ’84, Dean Vincent Rougeau, James Champy ’68, and the Hon. Ellen Huvelle ’75. (Members not pictured: Christopher Dillon ’88, Paul Dacier, Paul Kane ’70, Jeanne Picerne ’92, Joe Vanek ’87, Michael Wilson ’84). 4) Elizabeth Fee, Molly Schranz ’14, and Michael Fee ’84.
We gladly publish alumni news. Send submissions to BC Law Magazine, 885 Centre St., Newton, MA 02459-1163, or email to sanderv@bc.edu.

1960s [REUNION ’63 & ’68]

William A. McCormack ’67 received the Daniel G. Holland Lifetime Achievement Award at BC Law’s 2013 Law Day. Retired as of counsel to Boston-based Sally & Fitch LLP, he was previously a partner for forty years at the Boston office of Bingham McCutchen LLP and concentrated his practice on business, tort, and product liability litigation.

James A. Champy ’68, an independent business consultant and author, received the William J. Keneally, SJ, Alumnus of the Year Award at BC Law’s 2013 Law Day.

1970s [REUNION ’73 & ’78]

Michael J. Hutter ’70 was elected president of the Albany County (NY) Bar Association. He is a professor at Albany Law School and serves as special counsel in the Albany office of Powers & Santola LLP.

Steven J. J. Weisman ’73 is the author of A Guide to Elder Planning: Everything You Need to Know to Protect Your Loved Ones and Yourself published by FT Press in January. He is the founder of the Law Office of Steven J. J. Weisman in Cambridge, MA, senior lecturer at Bentley University in Waltham, MA, and a member of the National Academy of Elder Law Attorneys. He was the 2013 recipient of Bentley’s Gregory H. Adamian Award for Excellence in Teaching.

John T. Montgomery ’75 retired as managing partner in the Boston office of Ropes & Gray LLP in December and continues to be active in the firm’s pro bono practice and other public interest matters.

Kathryn Cochrane Murphy ’75, a partner at Krokidas & Bluestein LLP in Boston, is one of nine recipients of the New England Women in Real Estate 2013 Networking Award for her role in the New Markets Tax Credit financing of the Dudley Municipal Center being developed by the City of Boston in Roxbury, MA.

Michael J. Bercy ’76 is chief underwriting counsel and senior vice president of First American Title Insurance Company of New York. A fellow of the American College of Real Estate Lawyers and the American College of Mortgage Attorneys, and president-elect of New York State Land Title Insurance Company, he resides in Scarsdale, NY, and West Palm Beach, FL.

John F. Kerry ’76, US senator for Massachusetts since 1985, was sworn in as the 68th US secretary of state in February, following his appointment by President Barack Obama and the consent of the Senate.

Thomas H. Mug ’76 is a partner and member of the employee benefits and trusts and estates practice groups in the St. Louis, MO, office of Greensfelder, Hemker & Gale PC.

Hon. William D. Palmer ’76, a judge on the Fifth District Court of Appeal in Daytona Beach, FL, was elected treasurer of the Council of Chief Judges of State Courts of Appeal.

Michael J. Puzo ’77 was featured in a January Wall Street Journal article by Kelly Greene and Arden Dale entitled “Can You Trust Your Kid with $5.25 Million?” A partner at Boston-based Hemenway & Barnes LLP and chair of the firm’s private client group, he focuses his practice on trust and estate matters.

Jack Cinquegrana ’78, an attorney at Choate, Hall & Stewart LLP in Boston and co-chair of the firm’s litigation department and government enforcement and compliance practice group, was appointed chair of the Committee for Public Counsel Services by the Massachusetts Supreme Judicial Court, and is a member of the Board of Directors of Lawyers Concerned for Lawyers.

Rev. Frederick M. Enman, SJ, ’78 is the recipient of the Della Strada Award presented by the Ignatian Volunteer Corps New England for his work with Matthew 25, the Worcester, MA, nonprofit corporation he founded to provide food and housing for those in need. He is the chaplain at BC Law School.

Patrick T. Jones ’78, founding partner of Cooley Manion Jones LLP in Boston, is the recipient of the 2013 Cardinal Robert J. Bellarmine, SJ, Award presented by Saint Ignatius High School in Cleveland, OH, for excellence in the legal field, promotion of fair and ethical principles in law, and exemplary service to his alma mater.

Michael J. Pelgro ’79, former first assistant district attorney, was named acting Middlesex County (MA) district attorney by Governor Deval Patrick in April.

Marian T. Ryan ’79 was appointed Middlesex County District Attorney in April by Massachusetts Governor Deval Patrick. Ryan has spent thirty-four years in the DA’s office, most recently as general counsel and chief of the Elder and Disabled Unit. She is currently the only female district attorney in the state.

1980s [REUNION ’83 & ’88]

Stephen J. Imbriglia ’80 received the Chapter Award at BC Law’s 2013 Law Day. He is a partner in the Philadelphia, PA, office of Gibbons PC. His practice focuses on the defense of mass tort claims and product liability claims involving pharmaceutical products and medical devices.

Dannel Patrick Malloy ’80, the governor of Connecticut, received the St. Thomas More Award at BC Law’s 2013 Law Day.

Charles J. Greaves ’81 is the author of Green-Eyed Lady, his third novel and second legal mystery, published by Minotaur Books in June.

Jonathan M. Albano ’82 was appointed to the Advisory Board of the Center for Community and Ethnic Media at the CUNY Graduate School of Journalism in New York, NY. The managing partner in the Boston office of Bingham McCutchen LLP, he focuses his practice on commercial, constitutional, and appellate litigation.

Walter E. Stern ’82 was elected president of Modrall Sperling in Albuquerque, NM, where he has been an attorney for thirty years practicing natural resources, energy, and environmental law. He serves as co-chair of the Indian law practice group, chair of the public lands practice group, and is a member of the firm’s Executive Committee.

Admiral Bob Duncan ’83 was reappointed to a second term on the Board of Directors of the...
BC Law Generations

WALTER B. PRINCE ’74 WITH HIS DAUGHTER, MARISA L. PRINCE ’11
Navy Safe Harbor Foundation, a charitable organization providing special assistance to seriously wounded, ill, and injured Navy sailors, Coast Guardsmen, and their families.

Scott P. Brown ’85, former US senator, is counsel in the Boston office of Nixon Peabody LLP and focuses his practice on business and governmental affairs as they relate to the financial services industry, and on commercial real estate matters.

Deahn Berrini ’87 has authored her second novel, How to Earn Your Keep, published by Four Square Press in July 2012. A book launch held at Gaga Gallery in Swampscott, MA, was attended by Dean Papademetriou ’87 and Ann Marie Monzione ’87.

Warren E. Agin ’89 was appointed to a three-year term as chair of the Editorial Board of Business Law Today, the online magazine of the American Bar Association Business Law Section. He practices bankruptcy and technology law at Boston-based Swiggart & Agin LLC, and has served as a Chapter 7 Panel trustee since 2005.

Julie A. Baker ’90 was promoted to full professor of legal writing at Suffolk University Law School in Boston.

Hon. Kenneth V. Desmond Jr. ’90 was sworn in as a judge of the Massachusetts Superior Court in January, following nomination by Governor Deval Patrick. He was formerly an associate justice of the Boston Municipal Court and served as the presiding judge of the Dorchester (MA) Drug Court.

Robert M. O’Connell Jr. ’91 is counsel in the Boston office of Fish & Richardson PC and focuses his practice on copyright, trademark, licensing, and brand management matters. Previously senior counsel at Goodwin

Procter, he was named a leading trademark attorney, and one of the top ten in Boston, by World Trademark Review for the past three consecutive years.

Robert P. Charbonneau ’92 moderated a bankruptcy panel of local attorneys, trustees, and judges on various issues for the Dade County Bar Association bench and Bar Conference in February. A founding member of Ehrenstein Charbonneau Calderin in Miami, FL, he practices in the area of business restructuring.

Gina M. Signorello ’92 was named vice president and associate general counsel at Hewlett-Packard Company in Palo Alto, CA. She and her husband, Chuck Katz ’93, and their two children, Matt and Nate, live in Palo Alto.

Alicia L. Downey ’93 is the founder of Boston-based Downey Law LLC and focuses her practice on counseling and litigation, appellate advocacy, and antitrust compliance training for brand name product manufacturers. She is a former partner in the Boston office of Bingham McCutchen LLP and current vice chair of the Distribution and Franchise Committee of the ABA Section of Antitrust Law.

Christine M. Griffin ’93 is the executive director of the Disability Law Center in Boston, having previously served in that position from 1996 to 2005. More recently, she was assistant secretary for Disability Policy and Programs at the Massachusetts Executive Office of Health and Human Services.

Frank F. McGinn ’93 was named the winner of the 2013 Client Choice Award USA and Canada in the litigation category for Massachusetts by the International Law Office and Lexology. He is a partner at Boston-based Bartlett Hackett Feinberg PC and practices in the areas of business law, insolvency, and litigation.

Rosa Kim ’94 was promoted to full professor of legal writing at Suffolk University Law School in Boston. Her article entitled “The ‘Americanization’ of Legal Education in South Korea: Challenges and Opportunities” was published in the 2012 issue of the Brooklyn Journal of International Law.

H. Lockwood Miller III ’94 is a partner in the Princeton, NJ, office of Goldberg Segalla and focuses his practice on the defense of product liability and toxic tort claims in single-plaintiff cases and large, consolidated mass actions. He is a member of the Defense Research Institute Product Liability Committee, the New Jersey Defense Association Product Liability Committee, and the New Jersey Supreme Court District XB Ethics Committee.

Jonathan A. Shapiro ’94 is a partner in the San Francisco, CA, office of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC and head of the firm’s West Coast litigation practice. He was previously a securities litigation partner in the Palo Alto, CA, office of WilmerHale.

Ellen J. Zucker ’94 is the recipient of the Boston College Women’s Law Center 2013 Woman of the Year Award. A partner in the Boston office of Burns & Levinson LLP, she practices in the areas of business litigation, government investigations and white collar crime, and labor, employment and employee benefits. She recently won a $7 million settlement in a sex discrimination case against Beth Israel Hospital in Boston.

Joshua S. Goodman ’95, general counsel of Digitas in Boston, was a featured speaker and member of a panel entitled “Buying the Bridge: Beating Patent Trolls at Their Own Game” at the 2013 Association of National Advertisers Advertising Law and Public Policy Conference in Washington, DC.

David M. Simas ’95 is assistant to President Barack Obama and deputy senior adviser for communications and strategy at the White House. He previously served as the director of opinion research for the president’s re-election campaign.

Thomas R. Burton III ’96 served as co-chair of the Massachusetts Water Innovation Mission to Israel. He is a partner and chair of the energy and clean technology practice of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC in Boston and a...
member in the firm’s corporate and securities section.

David A. Charapp ’97 was named the winner of the 2013 Client Choice Award USA and Canada in the healthcare and life sciences category for California by the International Law Office and Lexology. He is a partner in the San Diego, CA, office of Duane Morris LLP and co-chair of the firm’s technology transactions and licensing practice group.

Fernando M. Pinguello ’97 is a partner in the Ocean, NJ, office of Scarinci Hollenbeck LLC and chair of the firm’s cybersecurity and data protection and electronic discovery groups. He was previously a partner in the Bridgewater, NJ, office of Norris McLaughlin & Marcus PA.

Barbara Kaban ’98, director of juvenile appeals for the Youth Advocacy Division of the Massachusetts Committee for Public Counsel Services, received the Hon. David S. Nelson Public Interest Law Award at BC Law’s 2013 Law Day.

Mary-Alice Brady ’99 was honored as one of twenty “2013 Women to Watch” by Mass High Tech and Boston Business Journal. She is the founder and chief executive officer of MosaicHUB, an online community created to help entrepreneurs find the people and resources they need to succeed.

Lurleen A. Gannon ’02 was named president of the Women’s Bar Association of Massachusetts. She is an associate at Boston-based Conn, Kavanaugh, Rosenthal, Peisch & Ford LLP and concentrates her practice in the areas of employment law, construction law, municipal and public agency law, and professional liability.

Douglas Sondgeroth ’02 is assistant general counsel at Health Care Service Corporation in Chicago, IL.

Danielle Porcelli Bianchi ’03 was named counsel to the inspector general of the US Marine Corps. Her previous position was assistant to the deputy general counsel for the Navy Office of the General Counsel. She and her husband, Nicholas, live in Northern Virginia.

Kathleen A. Barclay ’04 is a senior associate attorney at Maguire Cardona PC in Albany, NY, and focuses her practice in the areas of medical malpractice defense, errors and omissions, product liability, general liability defense, and insurance coverage. She and her husband and their two sons live in Ballston Lake, NY.

Jeffrey B. Gilbreth ’04 is a partner in the Boston office of Nixon Peabody LLP and concentrates his practice in the areas of labor and employment litigation and counseling.

Danielle Pelot ’04 is a litigation partner in the Boston office of Nixon Peabody LLP and focuses her practice on government investigations and white collar defense.

Jonathan M. Shirley ’04 is a partner and a member of the litigation department at Devine Millimet in Manchester, NH.

Kelly D. Babson ’06 is a partner in the Boston office of Nixon Peabody LLP and focuses her practice in the areas of securities, investment funds, and mergers and acquisitions.

Dina M. Bernardelli ’08 is a partner at Zupkus & Angell PC in Denver, CO, and focuses her practice on all areas of insurance defense.

Julie Flygare ’09 is the author of Wide Awake and Dreaming: a Memoir of Narcolepsy published by Mill Pond Swan Publishing in December. Her book won first prize in the biography/autobiography competition of the 2013 San Francisco Book Festival.

Cedric A. Ireland ’09 is an associate and a member of the energy team in the Denver, CO, office of Husch Blackwell LLP. He was previously in-house counsel for Denver-based Compass Wind.

Matthew S. Maslow ’10 is an associate in the Buffalo, NY, office of Hodgson Russ LLP and a member of the firm’s real estate and finance and Canada/US cross-border practice groups.

Cori Phillips Palmer ’11 is an associate in the Concord, NH, office of Hinckley Allen & Snyder LLP and focuses her practice in construction and public contracts.

Julia K. Bramley ’12 is an associate in the Boston office of Goulston & Storrs PC and a member of the firm’s real estate group.

Jennifer Castillo ’12, as one of eight 2012–2013 Congressional Hispanic Caucus Institute (CHCI) graduate fellows, is completing a nine-month clerkship with Judge Marisa Demeo of the Superior Court of the District of Columbia. She delivered a white paper, “Tolerance in Schools for Latino Students: Dismantling the School-to-Prison Pipeline,” at the CHCI Young Latino Leaders Summit Series in April.

Kyle Spencer Crossley ’12 is staff attorney at Alaska Legal Services Corporation in Barrow, AK, the northernmost human habitation in the US, where he is primarily involved in probate work.

CORRECTION: In the Class Notes section of the Fall/Winter 2012 issue of BC Law Magazine, Neil E. Minahan ’69, retired general counsel of Raytheon Company, was misidentified as his son, Neil E. Minahan, a graduate of BU School of Law and a partner at McDermott, Will & Emery in Boston.
COMMENCEMENT 2013

A Day to Remember

BC LAW GRADUATED 253 JD and 19 LLM students at its 81st commencement May 24. The address was given by William "Mo" Cowan (pictured at far right), who filled the US Senate seat vacated when John F. Kerry ’76 became Secretary of State.
Refining a Gender Issue  
(continued from page 11)

or rate equal to their representation in the class. At BC Law, however, over the past seven years, women have been selected to journals at a near-equal rate to their representation in the class at large. Women were also elected to prestigious editorial board positions at a rate nearly equal to their representation on the journals’ general body membership, comprising approximately 45 percent of all executive board members over the past seven years.

While these findings are indeed unique among law schools, people affiliated with Boston College Law School are unlikely to find them very surprising. The vast majority of students appreciate that BC Law stands out from the crowd: 78 percent of BC Law students would go to law school again and 72 percent would again choose BC Law. And while correlation cannot equal causation, these findings suggest that the positive, collegial, and collaborative culture at BC Law may be having an impact on the performance of its female students. Many schools continue to promote a Socratic method based in confrontation and competition, a pedagogy that was designed for men and by men, when women were barred from the profession. As Anne-Marie Slaughter suggested in her noteworthy article in The Atlantic, “now is the time to revisit the assumption that women must rush to adapt to the ‘man’s world.’”

BC Law seems to embody that advice. As it has shied away from the gladiator model of legal education, its women have been able to compete on more neutral ground and have proved that, given the opportunity and the proper environment, women can succeed professionally without “leaning” anywhere.

Lauren Graber is an associate at Ropes & Gray and a BC Law graduate from the class of 2010.

Rights on Ice  
(continued from page 11)

today every ABA accredited law school requires that its applicants include a valid LSAT score with their applications.

While admirable in its inception as a method of inclusiveness, LSAC has recently used the LSAT to exclude some disabled law school aspirants from receiving the accommodations afforded to them under the ADA. At first blush, LSAC’s accommodation request process appears both reasonable and within the regulations set forth by the Department of Justice. LSAC calls for disabled test-takers to provide extensive documentation of their disabilities, including a recent psycho-educational evaluation performed by a licensed psychologist and evidence of past accommodation received on standardized tests such as the SAT or ACT. LSAC’s Accommodated Testing department reviews each request and either grants or denies the request, issuing a letter of its decision to each test-taker. If denied, the disabled test-taker may appeal to Accommodated Testing with further documentation or simply take the test in its standardized form.

Herein lies the problem with LSAC’s review process: It reserves the right to make all final determinations regarding accommodation requests. Essentially, LSAC positions itself as the final arbiter of who does and does not warrant accommodation under the ADA. Should a dispute arise from a denied request, the disabled test-taker has one recourse: appeal to the same reviewers who denied the request in the first place. The fact that LSAC is a private corporation exacerbates this problem because it is not beholden to the same due process standards set forth for state governmental actors and therefore is not required to establish an independent review for such disputes. Furthermore, LSAC is not required to release any information regarding its employees charged with reviewing these requests. As a result, disabled test-takers find themselves at the mercy of an anonymous group of LSAC employees whose qualifications for making such high-stakes determinations remain largely unknown to the public. When these test-takers feel that their rights have been denied unfairly, they are forced to make an extremely difficult and unfair decision: accept LSAC’s determination and take the LSAT in its standardized form or sue in federal district court.

Confused as to why my profile warranted accommodation in 2002 but not in 2009, I tried calling the Accommodated Testing department but was politely rebuffed and told that all inquiries must be made in writing via email. I complied and drafted a letter asking for more information, specifically requesting a more detailed explanation as to why I previously warranted accommodation but no longer did. I received a terse reply stating only that LSAC makes all determinations based on current documentation and that its decision stood.

So there I was. Without any information revealing its reasoning, I was forced either to accept LSAC’s determination or incur the sizeable expense of time and money and sue for my rights in federal district court. At the age of twenty-nine, I did not want to prolong my career aspirations for the indefinite period of time it would take to sue, nor did I want to invest the necessary financial resources in counsel while faced with three years of tuition expenses. For the first time in my life, I took a standardized test without accommodation. Predictably, I scored significantly lower, well below BC Law’s median score, than I had when I took the test in 2002. Luckily, the Law School looked beyond my LSAT score in admitting me into the class of 2013.

Inspired by my experience, I used the opportunity afforded me as a staff writer on the Journal of Law and Social Justice to argue for an independent third party to review all disputes arising out of LSAC’s accommodation denials.

In my student note, An Opportunity to be Heard: A Call for Impartiality in Law School Admission Council’s Disability Accommodation Review Process (33 B.C.J.L. & Soc. Just. 183 (2013), (http://lawdigitalcommons.bc.edu/jlsj/vol33/iss1/6), I argue that LSAC serves as a de facto gatekeeper to the legal profession in the United States given the pervasive use of the LSAT in the law school application process. In Brentwood Academy v. Tennessee Secondary School Athletic Association, the Supreme Court ruled that a private actor may be held to procedural due process standards when there is a close nexus between the State and the actions of that private actor. Similarly, LSAC’s inherently coercive position over all law school aspirants should qualify it as a quasi-state actor, thereby affording disabled test-takers the opportunity to be heard before an independent authority.

Ultimately, I advocate for the formation of a sub-agency under the Department of Education whose sole function would be to review these types of disputes. Such review would afford both LSAC and the disabled test-taker to defend their claims in a more accessible and expedient setting than that which currently exists.

LSAC maintains that it reviews approximately 2,000 accommodation requests every year and that it grants accommod-
REUNION GIVING REPORT
2012

ILLUSTRATIONS BY PEP MONTSERRAT
Thanks for a Banner Year


Special recognition goes to the Class of 1982 for the largest gift of $1.1 million. The Class of 1992 set a twentieth reunion record for total giving of $152,582. The Class of 2007 reached a new fifth reunion record for participation with 33 percent. And highest overall participation, 40 percent, was achieved by the Class of 1977.

Some 440 alumni and guests attended Reunion Weekend 2012, which included twenty events on campus and at the Ritz-Carlton on Boston Common.

1962
50th Reunion
Class Gift Total: $132,425
Participation: 32%
Roger M. Bougie
Pierre O. Caron
Robert W. Clifford
John J. Conners
Charles W. Dixon
Carroll E. Dubuc
Jay S. Hamelburg
John R. Kenney
Robert J. Martin
Walter L. Murphy
Donald J. Orkin
David B. Perini
Denis G. Regan
Edward I. Rudman
Wilfred L. Sanders
Donald L. Sharpe
Daniel W. Shea
Murray G. Shocket
Ernest T. Smith
John E. Sullivan
Robert F. Sylvia
Herbert L. Turney
Walter F. Weldon
Kenneth H. Zimble

1967
45th Reunion
Class Gift Total: $97,247
Participation: 35%
Charles A. Abdella
Stephen P. Beale
Charles T. Callahan
Kevin B. Callanan, Chair
Carl J. Cangelosi
Peter S. Casey
Leonard F. Conway
Edward D. Feldstein
Paula W. Gold
Stephen B. Goldberg
Joseph M. Hall
Donald F. Henderson
William M. Kargman, Chair
Lawrence A. Katz
James H. Klein
Daniel B. Kulak
James J. Lawlor
Frederick S. Lenz
Edward A. Lenz
Robert E. McCarthy
William A. McCormack, Chair
David L. Murphy
John F. Murphy
Gerald F. Petraccelli
Gerald R. Prunier
Charles P. Reidy
Arnold R. Rosenfeld
Daniel C. Sacco
Richard D. Zaiger

1972
40th Reunion
Class Gift Total: $187,283
Participation: 28%
Terrence J. Ahern
William G. Berksen
Raymond G. Bolton
Samuel J. Bonafede
Peter H. Bronstein
Daniel E. Callahan
Thomas D. Carmel
Paul K. Caccio
Terrance P. Christenson
Richard A. Cohen
John E. Coyne
Robert L. Dambrov
Harold Damelin
Robert K. Decelles
William F. Demarest
Douglas N. Ellis
Donald N. Freedman
Joseph W. Gannon
Richard D. Glovsky
Michael S. Greco
Edward A. Haffer
Thomas E. Humphrey
Paul D. Jarvis
Michael O. Jennings
Jane Lisman Katz
Robert D. Keefe
Alice Connolly Kelleher
Timothy E. Kish
Stephen L. Kunken
Dennis J. LaCroix
John J. Mcardle
James T. McKinlay
Daniel J. Meehan, Chair
Evvijejan Malter Mintz
Roland E. Morneau
Frank R. Newett
Charles E. Schaub
Carol K. Silberstein
Alfred L. Singer
Mark L. Snyder
Lawrence O. Spaulding
James C. Sturdevant
Richard W. Vercollone
Richard J. Vita
Bruce A. Whitney
Bonnie G. Witmer
Florence A. Wood

1977
35th Reunion
Class Gift Total: $210,869
Participation: 40%
Ronald A. Ball
Esther R. Barnhart
Edward C. Bassett
Andrew N. Bernstein
Rebecca E. Book
Philip M. Cedar
Joseph M. Centorino
Diana W. Centorino
Donald Chou
Robert L. Collings
Robert P. Corcoran
Evan Crosby
John H. Cunha
Leonard F. DeLuca, Chair
Carl F. Dierker
Joel H. Fishman
Richard J. Vita
Joseph W. Gannon
Richard V. Fitzgerald
Joel H. Fishman
Thomas J. Douglas
Elizabeth M. Falley
Richard A. Feinstein
Joel H. Fishman
Richard V. Fitzgerald
Edward L. Fitzmaurice
Mark S. Furman
Melinda V. Golub
Thomas L. Guidi
Jill A. Hanken Dimitri
James D. Hanrathan
Mary C. Harvey
James E. Harvey
Francis R. Herrmann
Margaret R. Hinkle
Jory M. Hochberg
Norma J. Iacozo
Anne L. Josephson
James F. Kavanaugh Jr., Chair
Douglas Keegan
Ann I. Killilea
Robert P. Kristoff
Dennis J. Krumholz

1982
30th Reunion
Class Gift Total: $1,134,865
Participation: 31%
David W. Adams
Bradford C. Auerbach
Paul J. Ayoub
Vincent C. Baird
Mark T. Beaudouin
Joanne E. Bell
Michael J. Bevilacqua
Tammy Brynie
Kevin M. Carome
Jeffrey A. Cleophek
Thomas P. Dale
Edward F. Fay
Camille K. Fong
Barbara B. Foster
Ellen Frank
Virginia W. Fruhan
Peter Fuster
Maret R. Gallogly
John H. Geaney
Edward A. Gieddowd
Edith A. Goldman
Kevin T. Grady
Andrew C. Griesinger
Barbara Hamelburg
Jill A. Heine
Norma J. Herbers
John A. Herbers
John M. Hession
David J. Himmelberger
Janet L. Hoffman
Donald M. Keller
Paula A. Kelly
Sharon A. Kroupa
Cindy A. Laquidara
Elaine R. Lev
Michael W. Lyons
Alice M. MacDermott
Loretta L. McCabe
Yvonne V. Miller
Steven H. Peck
Martin C. Pentz
Lisa G. Polan
George S. Pultz
Carol F. Relihan
Richard J. Riley
Marjory D. Robertson
Patricia K. Rocha
Mark Romaneski
Martin J. Rooney
David P. Rosenblatt
Barbara M. Senecal
Charles P. Shimer
Gail F. Silverstein
William E. Simon
Robert P. Snell
Steven A. Steigerwald
Gregg L. Sullivan
Andrea S. Umlas
Rebecca S. Vose
Christopher W. Zadina

1987
25th Reunion
Class Gift Total: $187,149
Participation: 36%
Maris L. Abbene
Catherine Arcabascio
Elizabeth M. Argy
Nicholas Argy
Edward G. Avila
Kathryn J. Barton, Chair
Richard J. Bedell
Jane A. Bell
Janet J. Bobit
Charles D. Boddy
Kevin M. Brown
Estelle S. Burg
Kevin C. Cain
Kathleen M. Caminiti
Patricia J. Canpanella
Peter G. Cary
John G. Casagrande
Frank D. Chaiken
Colin A. Coleman, Chair
Mark W. Corner
Xiomara Corral
Eduardo Cosio
James J. Coviello
Thomas A. Cox
Margaret B. Crockett
Rosemary Daly
Tricia F. Deraska
George T. Dilworth
James C. Duda
Anne M. Falvey
Andrew J. Fay
Eileen M. Fields
Deirdre A. Foley
Richard J. Gallogly
Mary E. Garrity
Larry Goanos
Jeffrey C. Hadden
Donna S. Hanlon
William J. Hanlon
William A. Hazel
Thomas A. Hippler
Patrick Q. Hustead
Hazel Inglis
Arthur S. Jackson
Scott J. Jordan
Mark A. Katzoff
John M. Kelly
Michelle S. Labrecque
Debra S. Letkowitz
Gary D. Levine
Patricia J. Lewis
Josephine McNeil
John A. Mealtaus
Ann M. Monzione
David S. Newman
Paula M. Noonan
Brian A. O’Connell
Robert Orsi
Peter A. Palmer
Constantine Papademetriou
Alison S. Randall
Roger H. Read
David M. Rievman
Jon R. Roellke
Ninoska Rosado
Marcea M. Rosenberg
Mathew S. Rosengart
Bonnie C. Rowe
Peter E. Ruhlin
Carol E. Schultze
Rita A. Sheffey
Melissa Jo Shufro
Jay E. Sicklick
Timothy M. Smith
Richard W. Stacey
Kathryn A. Swenson
Marie M. Tavernini
Graham L. Teall
George S. Tsandikos
Joseph M. Vanek, Chair
Joan O. Vorse
Teresa Walsh
Kimberly Warren
Stephen C. Wolf

1992
20th Reunion
Class Gift Total: $154,332
Participation: 24%
Dennis P. Ahern
Mary E. Alessandro
Isabel Barney
David Baron
George G. Burke
Susan J. Calger
Lucy M. Canavan
Robert M. Carney
Megan E. Carroll
Kelly M. Cournoyer
Glenn Deegan
Maureen B. Dodig
B. Dale Dudley
Maureen C. Dwyer
Steven P. Eakman
Stephen V. Falanga, Chair
John A. Meltaus
Ann M. Monzione
Thomas A. Niedercorn
Peter A. Palmer
Constantine Papademetriou
Mathew S. Rosengart
Bonnie C. Rowe
Peter E. Ruhlin
Carol E. Schultze
Rita A. Sheffey
Melissa Jo Shufro
Jay E. Sicklick
Timothy M. Smith
Richard W. Stacey
Kathryn A. Swenson
Marie M. Tavernini
Graham L. Teall
George S. Tsandikos
Joseph M. Vanek, Chair
Joan O. Vorse
Teresa Walsh
Kimberly Warren
Stephen C. Wolf

Overall Campaign Total: $2,176,775
Participation: 29%
1997
15th Reunion
Class Gift Total: $23,950
Participation: 19%
Virginia Badenhope
John T. Battaglia
David M. Belcher
Peter G. Brassard
Brian P. Carey
Tracy A. Catapano-Fox
David Cerveny
Christian Chandler
E. Bruce Cohen
Diana M. Collazo
Jennifer A. Creedon
Beth Criswell
Rachel B. Damelin
John DeSimone
Michael H. Dolan
Benjamin J. Ericson
Daniel Forman
Thomas A. Guida
Nicole R. Hadas
Stuart J. Hamilton
Kevin J. Heaney
Sean Hill
Mark S. Kaduboski
Matthew J. Kelly
Christine A. Kelly
Daniel B. Klein
Danielle Lash
Vincent W. Lau
Cameron S. Matheson
Kelly C. McIntosh
David M. McIntosh
Douglas B. McLaughlin
Cynthia M. Zarate
Joyce B. Moscarelli
Thomas J. Murphy
Lawrence P. Naughton, Chair
Abigail S. Olsen
Brian J. O’Rourke
Barbara J. Osborne
Fernando M. Pinguelo, Chair
Petre Russell
Timothy F. Silva
Bruce Skillin
Benjamin D. Stevenson
Beth C. Van Pelt
Sarah E. Walters
Jonathan A. C. Wise

2002
10th Reunion
Class Gift Total: $15,026
Participation: 19%
Reuben B. Ackerman
Earl Adams
Jennifer L. Antoniazzi
Elizabeth M. Azano
Charles W. Azano
Allan Caggiano
Mehtap C. Conti
Wen-Hwei Chu
Theodore W. Connolly
Jason P. Conti
Matthew P. Cormier
Rosalynn H. Cormier
Patience W. Crozier
Andy De Mayo
Ryan E. Driscoll
Michael R. Dube
M. J. Edwards
Gregory S. Fine
Sheila M. Flanagan-Sheils
Darien K. S. Fleming
Matthew J. Fogelman
Maureen L. Goodman
Anabelle P. Gray
Cynthia M. Guizzetti
Zachary L. Heiden
Michael J. Hickey
Michael J. Joyce
Kathleen D. Joyce
Arielle D. Kane
Jason L. Kropp
Anthony R. Marciano
Katherine S. McKinley
Robert P. Monahan
Holly L. Nguyen
Robert J. O’Keefe
Joon Park
Jeffrey S. Ranen
Jeffrey W. Roberts
William A. Ryan
Douglas A. Sondgeroth
Tanisha M. Sullivan
Christopher S. Taffe
Rebecca A. Ulz
Lance A. Wade
Emily L. Walsh
Nicole C. Whitington

2007
5th Reunion
Class Gift Total: $33,629
Participation: 33%
William F. Appleyard
Zoe M. Argento
Carolyn S. Bill
Nick Brandt
Emilie S. Burnette
Gerald H. Cahill
Esther Chang, Chair
Elizabeth A. Chew
David T. Cohen
Ian E. Cohen
Elizabeth S. Davenny
Chad E. Davis
Joshua C. Dodd
Michael J. Douglas
Stacey F. Doynow
Erika L. Duels
Kathleen E. Dugan
Michael C. Egan
Alison K. Eggers
Michael A. Fazio
Thomas A. Franklin
Nathaniel T. Gaede
Stephen E. Greene
Pamela G. Grossetti
Hanif Gulamhussein
Jane C. Harper
Catherine E. Heitzenrater
Lisa J. Holtzmuller
Dave Holtzmuller
Patrick J. Hurley, Chair
Richard A. Johnson
Joseph F. Kadlec
Frank C. Kanther
Eletheria S. Kean
James E. Kruzer
Brian C. Lavin
Michael B. Leahy
Stuart T. Leslie
Michelle B. Limaj
Sandra V. Lora
Sarah K. Lunn
Peter D. McCarthy
Jacqueline Mercier
David E. Mollo-Christensen
Julia W. Monack
Larkin M. Morton
Jill O. Mueller
John T. Mulcahy
Claire E. Newton
Jessica M. Packard
Joseph Palazzo
Tiffany M. Palazzo
Michael E. Pastore
Jennifer R. Pattison
Neil F. Petersen
Charlotte M. Petilla
Irene Porokhova
Andrew R. Reming
Jillian G. Remming
Alberto Rodriguez
Jeffrey S. Rogan
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SAVE THE DATE
Reunion 2013
WHEN November 1-3, 2013
WHO Alumni from classes ending in 3 and 8
WHERE BC Law Newton Campus and the Ritz-Carlton Hotel, Boston
WHAT Faculty/Alumni Luncheon, Special Receptions and Presentations, Alumni Assembly, Bar Review, Class Events, Address by former President of Ireland Mary McAleese, Reunion Dinner, and much, much more.
HOW For information, contact Mike Hollis at 617-552-6216 or mike.hollis@bc.edu.
Rights on Ice
(continued from page 54)

dication to roughly 50 percent of those requests. At present, there is no way to know how much these numbers fluctuate from year to year. Taking LSAC at its word, this means that there are approximately 1,000 disabled test-takers every year who are forced to make the same difficult decision that I had to make.

If we are to live up to the ADA's stated mission to eliminate discrimination against the disabled, then LSAC must be held accountable for its decisions. I only hope that my time at Boston College Law School can play a role in achieving this goal.

—Edward Dunn '13

Great Case—Cornwell
(continued from page 26)

IT WAS HALFWAY through the trial, and Lukey was pepperi ng a reluctant witness, Anchin managing partner Frank Schettino, on what he knew of the company’s work with Cornell. What was Anchin’s involvement in a justice department investigation into illegal campaign contributions the company had made on Cornell’s behalf, she wanted to know.

Cornwell and Lukey had long found it troubling that Anchin’s criminal defense lawyer, James Cole, who represented the company when it reported the campaign violations to the Department of Justice, would eventually be appointed to the No. 2 position at the DOJ, while the investigation was still pending.

And so at trial, Lukey asked Schettino about correspondence between the justice department and Anchin’s lawyers, including Cole. That was when Schettino asked, “Where’s the other letter?”

What other letter?

Lukey believed that she may have just found the smoking gun: Anchin had failed to turn over all documents related to the Department of Justice investigation, as the rules had required. Through a subpoena, she was able to obtain the documents from Anchin’s defense firm. They were about an inch-and-a-half thick, Lukey recalls. And in the letters and emails, Lukey found what she believed to be a clear pattern: Anchin had not simply asked the Department of Justice to investigate the violations—what the company called voluntarily “self-reporting”—but it also had been pointing the finger at Cornell all along. In Lukey’s view, the “admission” was really an effort to blame Cornell, and, in that way, to derail the lawsuit.

“This was not a matter of self-reporting, it was a matter of attempting to blame a client for political reimbursements that Anchin’s own principal [Snapper] had carried out,” Lukey says, recalling the moment as a critical point in the case.

“If you’re a client paying business managers, full service business managers, several hundred thousand dollars a year to maintain your affairs and retain your personal records in confidence, and they breach that confidence by secretly going to the Department of Justice and turning over all of your confidential financial documents without notice to you, you have a right to be pretty upset. And, if you then find out that they are also falsely blaming you for conduct carried out by an Anchin principal without even asking your understanding of what happened, you have a right to be extremely angry and to feel violated. I personally consider that to support a claim for breach of fiduciary duty, and it appears that the jury agreed,” Lukey says.

With the approval of Judge O’Toole, Lukey recalled as a witness the Anchin executive whose job it was to identify and produce documents relating to the DOJ investigation: She asked him why he had not reviewed the files maintained and belatedly turned over by Anchin’s law firm in the DOJ matter to ensure that everything had been provided to plaintiffs.

The executive, Ehud Sadan, told her, “I did not see the need for it.”

Milton J. Valencia, a reporter for The Boston Globe, covered the Cornwell trial for his newspaper.

Bare Majority Rule
(continued from page 60)

So, if alternatives are obvious, and the United States Constitution says nothing about such a rule, why did the judge-made bare-majority rule take hold and endure in the United States Supreme Court? The answer may lie in two words: John Marshall. By establishing so formidable a Court’s constitutional review of legislation, Marshall may have convinced a nation that even (in later cases) a bare majority of the Court was acting consistently with the intent of the framers and the text of the Constitution in nullifying the work of the “political” branches of the federal and state governments. If Marshall had been less successful, the enterprise of judicial review may have foundered, especially as the number of dissents grew. Later, public doubts over the Court’s activism might have sparked proposals for a rule of a super-majority or unanimous consent for the nullification of statutes.

Could the bare-majority rule in the Supreme Court be changed? Professor Jed Shugerman of Harvard has floated a two-thirds majority rule for the Court to declare an act of Congress unconstitutional. He says the Supreme Court could establish the rule internally, as it has its non-majority rule for granting certiorari. Alternatively, he says that Congress may have the power to enact such a rule under Article III of the Constitution, which grants Congress authority to make exceptions and regulations to the appellate jurisdiction of the Supreme Court.

A change in the bare-majority rule at the Supreme Court level is not likely any time soon. In the meantime, the 5-4 opinions that will bloom this June and bind us beyond should remind us that the majority rules in America in more ways than one.

Thomas A. Barnico is a visiting professor at BC Law and co-director of its Attorney General Clinical Program. He was an assistant attorney general in Massachusetts from 1981 to 2010.
June brings weddings and commencements, two events where consensus usually prevails. Not all June decrees are unanimous, however, certainly not at the United States Supreme Court, where end-of-term judgments bring 5-4 decisions with pointed dissents. This June will likely bring a fresh bouquet of 5-4 decisions on issues such as the use of race in collegiate admissions, voting rights, and equality. Winners will gratefully exhale while losers will dismiss the margins as bare or slim. A loud critic of *Citizens United* (5-4 in 2010) might soon be cheering as a landmark a judgment striking down by a single vote the federal Defense of Marriage Act or California’s Proposition 8.

We accept these 5-4 decisions as the law of the land, but why? Why does the bare majority rule at the Supreme Court? As we field a new round of 5-4 decisions this month, it is worth asking these questions.

Professor Jeremy Waldron of NYU and Oxford grappled with the issue of bare-majority rule in appellate courts in a recent lecture at Boston College Law School and in a related paper. Waldron says that we take for granted bare-majority decision-making by courts. We accept this even in a case in which a court is asked to strike down a statute enacted by Congress or a state legislature as unconstitutional. In such cases, the bare-majority rule drives the decision, as the party seeking to strike the act needs only a bare majority of judges to win.

The bare-majority rule also drives the politics of Supreme Court appointments, as the hotly contested outcomes of 5-4 decisions are viewed as reversible by a single appointment and the creation of a new bare majority on the other side. These constitutional cases illustrate the application of the rule in its most powerful form because the constitutional stakes—the validity of an act passed by the people’s elected representatives in the federal or a state government—are high and a rule that makes it easier, rather than harder, for the judges to strike an act has profound constitutional effects.

The justification for bare-majority decisions in constitutional cases is also worth pondering because the alternative rule is obvious: a super-majority rule under which a court may strike down the act of a legislature only if a super-majority (or a unanimous court) concurs. Nebraska, North Dakota, South Carolina, and Ohio all have had super-majority rules for striking down legislation. The Nebraska Constitution, for example, provides that no legislative act may be held unconstitutional except by the concurrence of five judges—five-sevenths of the membership of the Nebraska Supreme Court. That court has held that the super-majority rule, which amended the Nebraska Constitution in 1920, was intended to guard against overly aggressive constitutional review by state courts. North Dakota has a similar super-majority rule, requiring the concurrence of four of the five judges on its supreme court.

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“MY LEGACY GIFT is in gratitude to BC Law for giving me the tools for a rewarding career as an environmental lawyer—at the Attorney General’s Office, Nutter McClennen & Fish, and, after my retirement from Nutter, at Alternatives for Community and Environment in Roxbury. Despite the challenges of juggling law school, Law Review, and two small children, I found BC Law to be a very supportive environment with an excellent faculty and a sense of collegiality.” —Anne S. Rogers ’77, a pro bono attorney for Alternatives for Community and Environment

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