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New Library Says ‘Thank You’ to Its Donors

More than 250 people came to the campus October 11 for an Open House that allowed them to experience Boston College Law School’s new law library firsthand. The occasion gave the school an opportunity to recognize many of the donors who made the essential facility a reality.

During the event, Dean Aviam Soifer and new Boston College President William P. Leahy, S.J. stressed the importance of the library to the entire Law School community.

Soifer thanked library donors, including those whose generosity is acknowledged in the naming of the building’s four wings. For Richard P. Campbell ’74, shown with daughter Allison Campbell (CSOM ’71), was honored by having a wing named for his deceased brother Joseph.

The generosity of Edward R. Leahy ’71 and his wife Patricia was acknowledged in the naming of a wing that honors the memory of their beloved son.

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The generosity of Edward R. Leahy ’71 and his wife Patricia was acknowledged in the naming of a wing that honors the memory of their beloved son.
P. Campbell ’74, the Joseph Campbell wing is a way to honor a deceased brother; for Edward R. Leahy ’71 and his wife, Patricia, a tangible remembrance of a beloved son, Edward Jr., whose lifespan of less than nine years was far too short.

The remaining two wings were named for the law firms of Ropes & Gray and Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. For the former, John D. Donovan, Jr. ’81 headed the giving effort by what he refers to as “the largest collection of Boston College law alumni in the world.” R. Robert Popeo ’61 led support from fellow graduates at his firm.

Campbell, Leahy, Donovan, and Popeo contributed their time as members of the library fundraising committee, chaired by John J. Curtin, Jr. ’57. Popeo’s efforts led to his surprise announcement at the gathering that Fleet Bank had just made a major contribution.

Also saluted by Soifer were two other law firms — Bingham, Dana & Gould in Boston and Howry & Simon in Washington, DC, and Los Angeles, California — whose alumni colleagues pooled their funds to make gifts to the library. Thanks
also went to the class of 1969's 25th reunion giving effort — co-chaired by Paul K. Connolly, Jr. and the Honorable Thomas E. Connolly — which resulted in a large conference room named for the class.

A dinner in honor of the donors followed the Open House. Leahy, Donovan, Popeo, and Joseph Campbell's daughter, Allison, a current Boston College student, offered brief and often touching remarks, highlighted by Leahy's words about his son and the true meaning of excellence:

"Perhaps the most important thing that we learned from Edward is that real excellence cannot be measured by degrees, accolades, or positions. Rather, it can be determined only by qualities such as integrity, compassion, and perseverance." He later linked this message to the law library, saying, "In Edward's memory, we hope that our new library is, on some level, more than just a beautiful building, that it is also a place that allows students of all ages, strengths, weaknesses, and abilities to achieve their own forms of excellence."

Library Director Sharon Hamby O'Connor stands proudly in the new facility with Boston College President William P. Leahy, S.J. and Law School Dean Aviam Soifer

Recruiting Efforts Reap Record-Setting Class

In a year when the number of applications to law schools fell nationwide, Boston College Law School enrolled a record-setting class: more women (52 percent) and students of color (23 percent) are members of the class of 1999 than of any other in the Law School's history.

Measured by quantitative data, their abilities are exceptional. As a class, they attained a median undergraduate grade point average of 3.41 and an LSAT score of 162. At least as important, they have diverse backgrounds that will enrich the quality of the educational experience at the Law School.

Teacher, engineer, social worker, small business owner, public relations practitioner, nurse, naval officer, interior designer, paralegal, restaurant manager, Peace Corps volunteer, and television producer are only some of their past occupations. The new class even includes a pre-law advisor who heeded the advice she has given others.

Ranging in age from 21 to 45, they came to Boston College Law School from 33 states, the District of Columbia, Puerto Rico, Canada, and Korea. Some hold Ph.D. degrees in academic disciplines such as English, chemistry, and clinical psychology. Even more earned master's degrees before entering law school. They attended 121 undergraduate colleges and universities. The most frequently represented are New England schools such as Boston College, Bowdoin, Brandeis, Brown, the College of the Holy Cross, Dartmouth, Harvard, Tufts, the University of New Hampshire, Wellesley, and Wesleyan. Also well represented are Columbia, Cornell, Georgetown, and the University of Pennsylvania in the Mid-Atlantic; the University of California campuses in Berkeley and Santa Barbara; and the University of Michigan in the Mid-West.

Even with another successful recruiting season behind it, Boston College Law School does not intend to be complacent, as the downturn in law school applications nationally is expected to continue. The admissions bulletin has been revised, a new early acceptance program is now available, and expansion of the Law School's world wide web site (http://www.bc.edu/bc_org/avp/law/lwsch/index.html) is planned.

And, as Dean Aviam Soifer says, "In the final analysis, we remain confident that the active involvement of our alumni and current students, the strength of our academic program, the accessibility of our faculty to our students, and the atmosphere of cooperation among students, faculty, staff, and alumni will continue to benefit us immeasurably when accepted candidates make a final choice among schools."
New Scholarships, More Money Take Aim at Student Debt

For nearly all law students today, financing an education produces numerous stresses: Will they be able to afford another semester of tuition? What will they do if unexpected personal expenses arise? Must money dictate their job choices? Will debt, persisting for many years after graduation, prohibit even modest comfort in life?

With new Boston College Law School graduates owing an average of $60,000, and some more than $100,000, these anxieties are too real. Approximately 85 percent of all Law School students receive some amount of financial aid.

The Law School is taking a multifaceted approach to relieving students’ financial burdens. A task force, chaired by James A. Champy ’68, has been formed to study the student debt crisis. And Dean Aviam Soifer has appointed a committee, led by Dean for Students R. Lisa DiLuna ’82, to examine scholarship opportunities and how the aid program is delivered.

The committee’s first job is to inform students about the existence and nature of scholarships. To that end, it is compiling detailed descriptions of scholarships, eligibility, contacts, and deadlines. In many cases, there are more options than students realize.

Simultaneously, the committee is streamlining the application process. And, with scholarship requirements clearly stated, the selection process also is clearer.

These efforts put Boston College Law School in a better position to solicit additional scholarship funding from individuals, corporations, and foundations. Already, the committee’s initiatives have led to increased support.

The professional services firm of Coopers & Lybrand L.L.P., for example, recently created the Coopers & Lybrand Scholars Program, available only to Boston College Law School students. The first full one-year scholarship, open to second-year students interested in tax law, was awarded to Greg Boesel ’99.

In addition, Boston College has helped fund the Law School’s new Public Interest Scholarship/Loan Program, providing awards equal to two-thirds of tuition for four students committed to careers in public interest law. Recipients may renew this scholarship annually, so that it applies for three years of law school, as long as the intention to enter public interest law remains. If their career plans change, they have a moral obligation to repay the scholarship amount, which then converts to a loan.

According to DiLuna, a scholarship upon admission rather than loan forgiveness has significant financial advantages for students. “This is important because only Perkins and Stafford loans are interest-free during school,” she says.

For other loans, DiLuna says, origination and guarantee fees represent 3.5 to 8 percent of the total loan amount. If a student borrows $12,000 at 8 percent interest, these fees can add more than $3,800 to the total debt.

DiLuna believes that only two other law schools — New York University and the University of Pennsylvania — offer similar public interest scholarships. She says the program helps the Law School fulfill its mission of educating lawyers who will serve the public. “This is a pilot project to see if it helps us attract people dedicated to the public interest,” she says, “and if it is money well spent.”

These new ventures join the growing list of Law School scholarship, internship, and fellowship programs, several speci-
cally for students involved in the public interest.

The Lois and James Champy Fellowship Fund, an endowment created by James A. Champy, funds public interest work between students’ second and third years of law school and provides loan assistance for two years following graduation if they are employed in qualifying positions. Students with financial need and a commitment to pursuing a public interest career are eligible. Preference is given to those interested in working with disadvantaged populations or on civil rights issues. Currently, $9,000 is available annually through this fellowship.

The William Willier Public Interest Program, named for the late Boston College Law School professor, provides financial assistance for both students and graduates who practice public interest law. The program has three components: summer stipends, honorary graduation stipends, and loan repayment assistance. For the last, priority is given to applicants who provide direct legal services to indigent or traditionally underrepresented clients. Graduates employed by private, non-profit organizations or state and federal governments also are considered for loan repayment assistance. The amount of financial assistance received depends on the number of qualified applicants and available funding.

Student organizations and other campus resources fund additional public interest summer positions. Each year, the Public Interest Law Foundation, Publications Trust, and Owen M. Kupferschmid Holocaust and Human Rights Project enable students to accept work otherwise not financially feasible for them. (See related stories, this page and page 8). The federal College Work-Study program expands summer employment opportunities as well.

Another program, funded by Richard P. Campbell ’74, enables students of color to serve as law clerks at Massachusetts Superior courts. With this fund, Campbell seeks to enhance the legal knowledge and job opportunities for these students.

Even more programs are in development, with several expected to provide scholarship dollars soon. By aggressively pursuing funding opportunities, the Law School hopes that students will have fewer financial worries in the future.

### Project a Boon to Students Working for Human Rights

Long renowned for its international conferences and research, the Owen M. Kupferschmid Holocaust and Human Rights Project (HHRP) has added a new facet: summer stipends for students. In 1996, HHRP provided funding that made it possible for three students to work in the human rights field.

All had found unpaid positions uniquely suited to their interests. Rebecca Rains ’97, deeply involved with Boston College Law School’s Immigration and Asylum Project, had an offer to work for the United Nations High Commissioner for Refugees in Washington, DC. Howard Brown ’97, raised in a small Arizona town near the Fort McDowell Indian Reservation, had an opportunity to clerk with the Navajo Nation Supreme Court. And a notice in the Law School’s Office of Career Services had led Jennifer Smith ’97 to the possibility of traveling around the globe to join Legal Aid of Cambodia — if only she could afford to get there.

With the financial support of HHRP and the Law School’s Public Interest Law Foundation, these three students were able to turn their aspirations into reality.

A summer with the United Nations High Commissioner on Human Rights strengthened Rains’ commitment to working on behalf of immigrants. At the office assessing ways that United States law might better reflect international laws, she was able to research and write advisory opinions, which were submitted to Immigration and Naturalization Service judges and the Board of Immigration Appeals involved in determining asylum cases. She also counseled refugees and other detained immigrants and monitored developments in immigration legislation and policy.

“It was great experience. I worked with international law and the application of international treaties and agreements. It is unusual for someone in law school in the United States to be exposed to this,” Rains says.

Brown’s experience with the Navajo
Howard Brown '97 learned the nuances of practicing law in a different culture when he clerked with the Navajo Nation Supreme Court.

Jennifer Smith '97 went the distance to join Legal Aid of Cambodia, where she observed trials and researched the treatment of prisoners.

Nation was equally rewarding. He, too, conducted research and drafted legal opinions. He also helped prepare a digest of cases, observed oral arguments, and interacted with judges. These were typical tasks for any judicial law clerk — but they were performed within a culture entirely different from Brown's own. "Living within another culture was half the experience," he says. "Navajo law is grounded in the culture, so to understand the law, you need to know the culture."

Brown was particularly intrigued by the Navajo perspective on dispute resolution. He says the Navajo consider their Peacemaker Division, which bases decisions on mutual understanding and cultural concerns, to be the traditional system. In contrast, litigation is the "alternative" means of dispute resolution.

"The experience reinforced my belief that Indian nations, as sovereign nations within the United States, should have their own laws and government," says Brown, who views this as a human rights issue. Through his efforts this summer, he felt he was contributing to the formation of a body of law that had an impact on people. "Without the funding," he says, "I couldn't have done this, so I'm extremely thankful."

For Smith, summer — or at least the experience it held — is not over. After spending two months helping to expand legal representation, observing trials, and conducting research on prisons and the treatment of prisoners in Cambodia, she felt her work was not yet complete. Therefore, Smith has postponed her second year of law school to return to Cambodia for a one-year assignment with Legal Aid of Cambodia as the director of its Children's Rights Unit, a newly created project funded by the United Nations.

Smith is now back in the prisons, examining conditions for women and minors and ensuring that the minimal laws governing their treatment are followed. She also is monitoring how different categories of prisoners — detainees and convicts, men and women, minors and adults — are mixed within prison walls.

Though she has completed only one year of law school, Smith is viewed as an expert in a country left with few lawyers and judges following years of executions and deprivation under the Khmer Rouge. Only one recently opened law school exists in Cambodia, and Smith says that it has yet to graduate a single student.

In this environment, Smith has developed new appreciation for her own opportunities in life. "This helps determine what kind of person you are and what you are capable of doing," says Smith, whose previous international experience was limited to a year in Spain with Soledadios, a human rights organization she describes as similar to the Peace Corps.

"In the first year of law school, you get caught up in a micro-world. This new experience makes you take a step back and realize how much we have in our country in general and especially the opportunities for those who go to law school. It makes you reassess reality," she says.
Dramatic Change in Fund’s Goal Serves Students and the Public Interest

Until two years ago, students funded by the Publications Trust, an endowment benefiting Boston College Law School’s law reviews, spent their entire summer on campus. Most of the time, they could be found in the law library, conducting solitary research to develop note topics for the student publications.

Now they are everywhere — working in legal services offices and government agencies throughout the Boston area and far beyond. Only when the summer nears its end do the students return to campus, their legal knowledge expanded. By August, they enter the library with renewed energy and welcome the transition to the academic setting.

This dramatic change results from a reconsideration of the funding program designed for students between their first and second years of law school. Dean Aviam Soifer and members of a Law School committee chaired by Professor James R. Repetti decided they wanted to use Publications Trust funds to encourage public interest employment while helping organizations better serve their clients. After a nine-week placement, students could devote three weeks to developing potential research topics for the school’s various law reviews. Everyone would benefit.

That has proven true. For the last two years, the Publications Trust has funded the portion of students’ federal work-study wages normally paid by an employer, enabling public interest organizations to engage students eager to work for them. During the summer of 1996 alone, 16 Boston College Law School students accepted placements with agencies such as Aid to Incarcerated Mothers, Community Legal Services of Philadelphia, and the Law School’s own Legal Assistance Bureau (LAB), the Environmental League of Massachusetts, the Lawyers Committee for Civil Rights, the Securities and Exchange Commission, and the Attorneys’ General offices in Massachusetts and New Hampshire. Associate Clinical Professor Paul R. Tremblay compiled a list of possible placements, and in
many instances, students proposed their own.

Diane Gwin '98 worked for the Civil Appellate Tax Section of the United States Department of Justice in Washington, DC, last summer. In doing so, she discovered that she enjoys tax law, an area she had prejudged as dry and uninteresting. With a master's degree in educational psychology and experience as an elementary school counselor, Gwin had assumed she would pursue family law. Now she considers tax law a real career option. And, she says, "I realize that there are probably a lot of things out there, like tax, that I might enjoy. Taking the job allowed me to broaden my horizons."

For Patrick Clossen '98, a summer position with the New Hampshire Attorney General's office meant opportunity on a familiar horizon. The New Hampshire native plans to begin his law career in his home state and was able to develop important contacts within the local legal community. Hoping to become a litigator, he also gained a greater understanding of the responsibilities of lawyers. And, unlike some of the students from other law schools who worked beside him without pay, Clossen did not experience the pressure of holding an additional job to cover living expenses.

Clossen feels his employment with the Attorney General's office, coupled with the on-campus research he conducted for the Boston College Law Review, prepared him well for his second year of law school. This fall, he could draw upon his summer experience — and place it in context — while studying administrative law. When he interviewed for future work during the on-campus job recruitment period, Clossen was able to discuss his valuable legal experience.

Katherine Kettler '98 worked in a setting quite different from that experienced by Gwin or Clossen, but she found equal rewards. A former child advocate with a master's degree in social work, Kettler wanted to see her prior environment from a lawyer's perspective. A summer position with Lawyers for Children in New York City allowed her to do so.

Kettler says that the organization represents the viewpoints of children — from newborns to age 18 — and does not focus solely on the "best interests of the child" standard. Kettler worked with lawyers involved in advocating for children's rights in foster homes and group facilities, observed courtroom procedure, was involved with motions and trial summations, and accompanied social workers on home visits. "I knew the foster care system and had been in family court before," she says. "But this gave me the opportunity to apply the law, and to do legal research and writing. It was great to work with the lawyers and see their day-to-day schedules, what they do, and how they carry themselves."

Regardless of their specific placements and on-campus research assignments, the students express a common gratitude for the Publications Trust funding that made their experiences possible. Gwin speaks for many when she says, "I would not have been able to take my position without the Publications Trust. There was no way I could work a summer without earning money. And I can't imagine having done anything better with my summer."

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**Moving Up: Louise Parent Promoted to Annual Fund Post**

Louise A. Parent has been named assistant director for the Law School annual fund. In this role, she is responsible for direct mail, telemarketing, and other fundraising efforts to obtain gifts of up to $50,000.

A member of the Law School's Office of Alumni Relations and Development for the past four years, Parent is a 1992 Boston College graduate. She earned a B.A. degree with a major in political science and a minor through the Faith, Peace, and Justice Program.

Louise A. Parent becomes assistant director of the Law School annual fund.
Alumni Around the Nation to Get a Greater Voice

Boston College Law School graduates far from campus are about to play a more active role in their alumni association. With member approval, the organization will restructure its governing body, the Alumni Council, to allow greater representation of graduates outside the Boston area.

“This will be an easy way for graduates to access us and have a sense of belonging, wherever they may be,” says James J. Marcelino ’68, president of the Boston College Law School Alumni Association. “We want to have meaningful interactions with everybody, every place.”

In altering the composition of the council’s membership, the association seeks to reflect alumni interests more directly. Boston College Law School graduates today live and work in 49 states, the District of Columbia, Puerto Rico, and several foreign countries. The Alumni Council will add a representative from each chapter of the alumni association. Chapters will determine who is selected as a representative. Currently, chapters are in place in Rhode Island, New York, Chicago, Southern California, and Washington, DC.

Increased reliance on electronic and telecommunications devices will enable council members from these locations, as well as regional delegates, to participate fully in council meetings and decision-making. For several years, delegates from seven regions have been elected to represent alumni outside Massachusetts.

To enact change, the alumni association has revised its bylaws. A governance committee offered recommendations to the existing Alumni Council, including regional delegates who attended a September meeting at the Law School, before presenting the proposed bylaws for a vote by the entire alumni body.

The bylaws also have been rewritten to express the mission of the Alumni Association more precisely. As proposed, the mission now reads: “The purpose of the association is to further the ideals and tradition of Boston College Law School through the education and involvement of alumni in the life of the Law School and involvement of alumni, students, and faculty in pro bono service programs through the Law School, programs, or agencies as deemed appropriate.”

DerBedrosian Bids Farewell to Magazine

This issue of Boston College Law School Magazine, like all its predecessors beginning with the first issue in the Fall 1992, has been largely Amy DerBedrosian’s magazine from start to finish. Now Amy leaves for the Boston University School of Dentistry, where she and a staff will carry out responsibilities similar to her work at the Law School.

From planning each issue, through arranging for photos and illustrations, to doing the writing, editing, and layout — even to overseeing the printing and mailing — Amy almost single-handedly has produced a vibrant, informative publication. She accomplished all this while simultaneously producing numerous newsletters, bulletins, and other publications in her role as the Law School’s Director of Communications.

When former Dean Daniel R. Coquille introduced Volume I, Number 1 of this magazine, he told alumni of his hope that this “exciting new venture” would serve to “bring you closer, in spirit and affection, to your old Law School.” Much of that goal has been realized during Amy DerBedrosian’s service as our first editor in chief. The entire Boston College Law School community is in her debt. We heartily thank Amy for all she accomplished and wish her every success in whatever she undertakes.

—Dean Aviam Soifer

Loan Repayment Questions? Call for Help

The Boston College Law School Financial Aid Office is reminding alumni in the class of 1966 that its services are available after graduation. Anyone preparing to enter a loan repayment in December who needs assistance in sorting through the payment options or is interested in loan consolidation is welcome to call 800-294-0294 or 617-552-4243. •
Recent Graduates Find a Way to Give Back

They came to Boston College Law School as strangers from geographically distant areas of the United States: Los Angeles, Houston, and Brooklyn. But three members of the class of 1995 left the Law School as close friends with a common goal: to help another African-American law student during the sometimes-trying first year.

That lucky person is Valene Sibley '98, their first award winner.

The idea took shape for Michael Scott Little, Randall McMillan, and Marcus Stevenson during their final semester and became the Little-McMillan-Stevenson Scholarship by early 1996. The three provided a $250 book stipend to be awarded to the winner of an essay contest on affirmative action. The person selected was also required to demonstrate a clear commitment to community and self-improvement.

In addition to offering a financial award, the scholarship was a way for Little, McMillan, and Stevenson to reach out to a newcomer. Though as students they had been active inside and outside the classroom, participating in oral advocacy competitions, law reviews, the Black Law Students Association, and other campus organizations, they realized how overwhelming law school can sometimes seem for new students.

Their plan is to be a resource for Sibley, whose background shows her to be a worthy recipient. Already helping disadvantaged youths through Upward Bound and other programs, Sibley was inspired to come to law school by the examples of the late United States Supreme Court Justice Thurgood Marshall and former Congresswoman Shirley Chisholm. She also has been inspired by the deed of Little, McMillan, and Stevenson and hopes that she, too, will be able to assist a Boston College Law School student in the future.

"I was appreciative that three alumni got together to do this," she says. "That's very impressive and part of the reason I applied for the scholarship."

Little, McMillan, and Stevenson once again have scattered across the country. Little and McMillan are now associates in law firms in Los Angeles and New York, respectively, while Stevenson has relocated near Washington, DC, to become chief assistant counsel for enforcement for the Federal Drug Administration. Nonetheless, they plan to sponsor another essay contest and stipend for students who entered Boston College Law School this fall.

"We're recently out of law school and not wealthy. It's not how much you can do, but that you thought to do something," Stevenson says. "This was a small thing that we felt would have had a significant impact on us when we were students. It has been a great privilege for us to do this. We have received a lot of positive feedback, and we're pleased to know that people are interested in and appreciative of our efforts."
Celebrating 55 Years of Women

In the fall of 1940, a faculty committee made a decision that literally changed the face of Boston College Law School forever: They voted to admit women as students. Ten enrolled a year later, but women students and graduates were few for some time. Of those who began their studies in 1941, only one — Mary Butler Becker ’44 — completed a degree at the Law School. Until the 1960s, there were seldom more than six women in any graduating class.

The situation today is dramatically different. In 1996, women slightly outnumber men in the entering class — a first, following several years of approximately equal enrollment. In honor of this milestone, and of the accomplishments of all who preceded them, members of the Women’s Law Center student organization celebrated 55 years of women at Boston College Law School with a party on September 18.

The gathering attracted more than 200 people — mostly women, though several male professors were among the crowd of students, faculty, staff, and alumni. In introductory remarks, Associate Professor Ruth-Arlene Howe ’74 noted that the room could not have been as full during her own student days; there simply weren’t that many women on campus then.

Keynote speaker Mary Beatry Muse ’50, a retired associate justice of the Suffolk County Probate and Family Court, offered comparisons of the past and present as well. She recalled her experience as one of four women in her Law School class, as well as the challenge of giving birth to three of her eleven children while a law student. Judge Muse proudly noted the presence in the room of her youngest daughter, Patricia Muse ’90, one of seven of her children who followed their mother into law.

The celebration also provided an opportunity to acknowledge another significant milestone at Boston College Law School — there are now 18 women on the faculty. In concluding comments,
Professors Howe and Mary Sarah Bilder recognized the 25-year service of Professor Cynthia C. Lichtenstein, whom they described as opening doors for other women teachers and scholars.

The written comments of 1991 alumna Maureen E. Curran, prepared for the event, reflected the sentiments of many of the women sharing in the celebration. “At Boston College Law School, I always felt as though I was an accepted and integral part of an exciting, stimulating, moral, and supportive community,” she wrote. “While I agree that women law students over the years have had to overcome obstacles, as do today’s women students, the Boston College community gives women law students an opportunity to discuss those obstacles and explore ways to eliminate them.”

Campus Race Returns for an Encore

Last year’s scholarship run was such a success that organizers have announced a second annual Race Ipsa Loquitur to be held April 12, 1997.

The first 2.5 mile run/walk on the Law School campus raised thousands of dollars for scholarships in honor of Dean Brian P. Lutch, who died from lymphoma in December 1995. It also contributed to the Jimmy Fund in the name of Karen Swymer, a cancer survivor and member of the class of ’96.

Geaneen Washington, student coordinator for the upcoming event, says the fundraising emphasis is on dollars for students with medically related financial needs.

The 1997 Race Ipsa Loquitur is set for one week before the Boston Marathon — a great way for serious athletes to get in shape for the big run. But everyone, even leisurely walkers or those who prefer to pledge for a contestant, is welcome.

Entertainment and refreshments will follow.

For more information, contact the Law Students Association at 617-552-4625 or write Geaneen Washington, c/o LSA, Boston College Law School, 885 Centre Street, Newton, MA 02159.
Technology is changing law practice — and forcing change in law itself

Graduates a few years removed from Boston College Law School might notice some new twists in legal education if they returned to the campus. Some professors now employ the internet as a teaching tool, and Lexis and Westlaw computer software is commonly used by students and faculty. Students and professors communicate with each other via electronic mail, which is accessible in individual offices and through data connections at carrels, tables, and computer labs in the new law library. A group of students has created a worldwide web site devoted to legal issues involving technology and the internet. And Associate Professor Alfred C. Yen, who teaches intellectual property law, speaks enthusiastically about electronic casebooks with hypertext links and customization capabilities, next on the horizon.

The Law School is a microcosm of the larger legal world. Law practice has been transformed by the personal computer, the fax machine, electronic databases, and the internet. With these have come increased pressures on lawyers — clients want access to information now, not in tomorrow’s overnight mail, eliminating what has become the luxury of reflection. Technology also has raised new questions, many of which have yet to be answered.

“Computers affect how you practice and what you practice,” says James J. Marcellino ’68, a partner with the law firm of McDermott, Will & Emery in Boston. Marcellino describes himself as a litigator who saw an opportunity. Today he focuses his practice on intellectual property litigation and has taught and lectured on technology issues.

Boston College Law School Assistant Professor Pamela Smith, a former computer programmer/analyst and intellectual property litigator who now teaches computer law, compares the impact of technology on law with the Industrial Revolution. “As we recognize the importance of computers in all of our lives, laws will have to change fundamentally,” she says. “They won’t change overnight, but they will change.”

Evolving Traditions

In the beginning, the scope of communications law was fairly straightforward. It focused on first amendment protection, with libel and defamation among the important issues. Print was the paramount medium of concern.

“With traditional communications law, the questions have been resolved,” says Professor Arthur L. Berney, who has taught the subject at Boston College Law School for many years. “There always are arguments about whether the resolution is the right answer, but the law is on the books, whether people agree with it or not.”

The legal concerns have broadened over time, in large part due to the emer-
gence of broadcasting, Bernays says that among the newer legal and social issues are media responsibility, sensationalism, indecency, and media influence on fair trials.

With the arrival of still newer forms of communication, including the Internet, questions unanswered by traditional law have arisen. For example, how broad should intellectual property law be? Should patents be applied to computer-related inventions? How does an organization prevent its employees from removing intellectual property in their heads, briefcases, or on computer disks? Is everything on the Internet public domain? How do you design contracts in a multimedia environment? Is it possible to restrain sophisticated users of technology, and is it desirable? And, simply, what laws apply to the Internet? Given that the Internet is international, should the United States be able to regulate it according to domestic law? The questions go on and on.

"There is no area of law that computers do not touch," says computer law professor Smith.

Among these areas are not only the expected aspects of intellectual property law - copyright, trademarks, patents, and trade secrets - but also first amendment concerns such as privacy, and antitrust and Uniform Commercial Code issues. Is encryption enough to protect consumers transmitting their social security numbers and credit card information via the Internet? How does electronic communication, both accurate and false, affect financial markets and the rules of insider trading? Are "shrink-wrap" licenses - those requiring users to agree to the terms of software manufacturers before removing any plastic packaging - governed by the Uniform Commercial Code, or is software not a good?

Computers, of course, have influenced intellectual property law most significantly. And Professors Smith and Yen are among those who have been examining technology and law closely. Smith has been researching trademark law and the Internet. She is looking at the application of this law to domain names, which direct a worldwide web user to a specific site, such as bc.edu. Smith says, "Congress has attempted to protect 'famous marks' - IBM, for example -
but not on the internet."

Yen is interested in the relationship between the internet and copyright law. Currently exploring issues presented by the existence of home pages on the worldwide web, he says, "The internet raises all kinds of questions regarding how copyright is employed. Normally, copyright is about controlling the proliferation of copies."

Yen and others in the intellectual property field say that the United States government is attempting to address these questions and has created a "white paper" on copyright and the internet. Though the paper's recommendations have not become law, Yen cautions that the paper eventually "could make a lot of things people do copyright infringement. If you download an interesting article from the internet and e-mail it to a friend, that could be infringement."

Another computer-related copyright question — how similar must the behavior of software be to constitute infringement? — already has had its day in court. In the high-profile case of *Lotus v. Borland*, Lotus charged that Borland, by incorporating an interface in its spreadsheet program that permitted use of commands familiar to anyone accustomed to Lotus 1-2-3, had committed copyright infringement. The United States District Court in Boston agreed with Lotus, but the First Circuit Court of Appeals reversed that decision. The United States Supreme Court then heard arguments, and an equally divided Court affirmed the First Circuit's stand.

"What is being fought over is market share," Yen says. "To the extent that intellectual property law makes it difficult to use a new product, that forces users to incur training costs. That prevents them from switching to a new product."

Marcellino believes that cases such as *Lotus v. Borland* illustrate an underlying conflict in United States public policy. "We want to encourage innovation; that's why America prospers," he says. "On the other hand, we eschew monopolies and want to maximize the use of useful articles."

To some extent, *Lotus v. Borland* muddied matters further by suggesting that patent, not copyright, law is the place to turn for answers. Smith says it is more expensive to obtain a patent than a copyright for a computer-related invention — and that patent law is even less settled on the issue of software menus.

Smith considers the federal circuit courts best able to resolve the legal dilemma. She says, however, that "the courts haven't yet faced the issue — they have faced only the threshold."

Corporations in the United States are scrambling to establish bases and telecommunications networks in other countries and entire regions of the world, many of which are still technologically primitive. It is a matter of smart business. Whoever does so first, says Edward R. Leahy '71, will dominate the market. Under these circumstances, he adds, "there is no way that international telecommunications law can't be one of the top five fields for the practice of law in the next two decades. It has so many tentacles."

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"It is impossible, of course, to nearly separate patent, copyright, and other areas of law when considering technological innovations. As Yen says, "Communications law, technology, and telecommunications are all a seamless web." Further complicating matters is the international focus of such innovations.
Markey ’72, Leahy is sharing his knowledge with Boston College Law School students this year as a distinguished visiting professor.

He views telecommunications law as an ever-expanding universe, one that draws on mature areas of practice yet remains largely untested. Leahy says United States telecommunications law remains in flux, even after being rewritten substantially in 1995. In taking the law beyond the domestic realm, he says, “the challenge is that it evolves in the right way internationally. We have to make sure it is compatible with United States laws and standards. No one will magically create a law of international telecommunications. It will evolve into an amalgam of 10 to 12 different areas of law that people are comfortable with but now have to take to the next dimension.”

TECHNOLOGY IN PRACTICE

Technology, like the law applicable to it, presents both opportunities and questions for lawyers. For example, it has expanded practice areas, as attorneys who understand technology have increased their employment options. “Twenty years ago,” says Yen, “copyright law would not have been affected by technology. Now the copyright bar is split between those involved in entertainment law and technology law. And the two are converging more and more.”

New law firm associates, who typically have gained comfort with computers as students, make the transition to the technological workplace with relative ease. But lawyers who entered the profession in an earlier time may approach their computers more warily.

“How lawyers deal with technology is a subject of some angst,” Marcellino says. “They ask themselves, ‘If I’m a lawyer halfway through my career, am I obsolete?’”

That is not necessarily so, says Marcellino, who feels both old and new ways have a place in law. “New lawyers sometimes think they can dial up any answer. They need to recognize that there is not always an answer, that they also have to exercise judgment. All lawyers need the skills that can give them knowledge and confidence,” he says.

As a trial lawyer, Marcellino is concerned about technology’s impact on trial practice and jury decisions. He wonders whether juries are swayed by information presented as infallible because it was obtained by using the latest technology. And, he asks, how does society ensure that judges fully understand new intellectual property issues? “If the legal system is going to work,” he says, “we need to make an investment in judicial education regarding technology.”

To serve clients effectively, lawyers also need to recognize technology’s role in their work. For example, communicating via electronic mail and the internet draws on mature areas of practice yet remains largely untested. Leahy says United States telecommunications law remains in flux, even after being rewritten substantially in 1995. In taking the law beyond the domestic realm, he says, “the challenge is that it evolves in the right way internationally. We have to make sure it is compatible with United States laws and standards. No one will magically create a law of international telecommunications. It will evolve into an amalgam of 10 to 12 different areas of law that people are comfortable with but now have to take to the next dimension.”

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“The law sometimes moves at glacial speed,” says Marcellino, who nonetheless expects crucial legal questions to be resolved in due time. “All of the issues will be dealt with by case law and, I hope, with some fine-tuning on the legislative front. Then let the courts figure it out. We don’t need radical change in copyright or patent law.”

In contrast, Smith believes answers will be found outside law. “I don’t think law can catch up. By the time Congress decides and the courts hear litigation, technology has changed,” she says. “The telecommunications bill was a clear indication of that.”

In her view, issues of jurisdiction represent a barrier to revising law satisfactorily, especially concerning the internet, because it involves communication across national borders. Noting that any treaty developed to address this would have to be extremely flexible, Smith asks, “Who can declare that something coming to the United States from France is obscene, or that something that came from Switzerland to France via England and New York to Dubuque, Iowa, is obscene? The internet is a community that works not just technically, but socially. Only the internet community has knowledge of how the internet works, and that community will come up with its own norms.”

Perhaps only Yen can be certain that his forecast will prove accurate. “Technology changes so frequently that I hesitate to predict anything,” he says. “Therefore, my only prediction is that we can’t predict anything.”

“This makes attorneys more accurate and more useful, especially if the law has changed. And the internet has changed everything. You can get information from all over the world. That mass of information is something we’ve never had before.”

THE FUTURE

BOSTON COLLEGE LAW SCHOOL MAGAZINE 17
LIBRARIES ON THE LEADING EDGE

In today’s technological era, librarians and their workplace have moved to the forefront.

The wonders of the digital age are at the fingertips of librarians Karen Beck, Sharon Hamby O’Connor, and Susan Sullivan.

By assuming the roles of technology navigators, librarians are changing perceptions — about how people find and use information, about the vast opportunities in "plugging in" the classroom, about the enormous potential of electronic research, and about the role of the library itself within the academic community.

“Libraries are changing. And librarianship, which was viewed as kind of staid, is now where the action is. People are interested in information — how you organize it and how you send it,” says Sharon Hamby O’Connor, Boston College Law School’s library director since 1979. “Libraries are no longer just warehouses for books, and the skills of librarians are no longer only the skills of the past, they are technologically sophisticated skills.”

Indeed, librarians, especially law librarians, have been in the technological forefront for the past 20 years or more, says O’Connor. By the time the Lexis and Westlaw databases debuted, librarians already had automated their circulation and catalog systems to improve users’ access to the collections. Libraries were continuously updating, incorporating various telecommunications and technological advances whenever facilities and financial resources permitted. By the time the internet arrived, libraries found themselves strategically positioned to start to harness the bewildering but powerful resources of the world wide web.

“For librarians there are the walls of the library, but there are no walls with the coming of the internet,” says Susan Sullivan, Law School reference librarian since 1982. “We look for information that is authoritative, reliable, and useful. The world is coming to our doorstep, and we must be able to provide more information and materials.”

With the opening of its new library last January, Boston College Law School found itself in the enviable position of having a technologically skilled library staff and a modern, high-tech facility capable of responding to the growing demands of an increasingly computer-literate law school community.
LIBRARIANS AS TEACHERS

The challenge now, says O'Connor, is one of education. "One of our primary goals is to help students develop sophisticated strategies that allow them efficiently and economically to perform research," she says.

To that end, librarians and the writing faculty team-teach the first-year Legal Reasoning, Research, and Writing program in which students learn research fundamentals, some in a fully computerized library classroom. "The complexity of legal research hasn't changed; there are only so many sources of law. It's more of a format issue," says Sullivan.

She is an instructor of the Advanced Legal Research course, taught in the library for the first time this fall. In the past, she worked out of a room in Stuart House that lacked the necessary tools for on-line instruction.

Law School librarians also frequent classrooms at the invitation of professors who want students to know how manual and on-line research methods bear on their specialized areas of study. And librarians are the professionals who can help faculty develop course material and teaching methods that incorporate technology in their instruction.

In a sense, the entire Law School community is the librarians' classroom. Librarians, for example, are working hard to bring faculty and staff to the same level of computer proficiency that many of the students already possess. "Clearly, we are in a transition period. Students have grown up with computers, but finding and using legal information is still a marvel to them. Faculty and staff are at different levels of proficiency. We need to help them move forward," O'Connor says. "The library staff is going to have to invest time and energy in people who didn't grow up in the computer culture so they can feel comfortable enough to function — and function creatively."

MAKING TECHNOLOGY RELEVANT

Part of the librarians' job is to ensure that technology is used wisely. "We have a role in being realistic about what technology can do. We look for the strengths of technology," says Sullivan. "We're not guarding tradition, but in certain instances, you don't want to use computers. You need to look at a book or talk to a person."

Reference librarian Irene Good '86 says, for instance, that "statutory research is horrible to do on-line. You need books, you need an index — you need the old-fashioned way."

Not only are low-tech methods sometimes preferable, they can also save time, despite the tantalizing speed of more recent technologies. The widespread appeal and easy access to the internet has sent many a student down the wrong research path. "The worst thing is to see a student spend two or three hours on-line when the student could have found the information in a book in five minutes," says reference librarian Joan Shear.

People come to the reference desk and say, 'I have a printout of something but I don't know what it is.' And they want a citation for it," says Mark Sullivan. Just as there was confusion in the early years over citing from databases such as Westlaw and Lexis, "standardization of citations for electronic publications is an issue everyone is struggling with," he adds.

Given the power and range of many of the emerging technologies, it is not surprising that users are much enamored of them.
Given the power and range of many of the emerging technologies, it is not surprising that users are much enamored of them. But it is important to remember that diligence and educated caution are the best tools for excavating what is worthwhile. “Just as the book led to a revolution in its time, so digital information is revolutionizing our time. This is the phase of experimentation,” says O’Connor.

Librarians are bearing witness to that experimentation. “We know that the Law School faculty already is thinking of ways to introduce technology into their teaching. We know that law firms are using electronic means to communicate with clients and to manage cases. We’re beginning to see electronic technology in the courtroom, especially for the presentation of evidence,” she says.

Technology is taking us on an exciting adventure, O’Connor declares. Nobody knows where it is leading, but one thing is sure. Librarians are in the vanguard, ready and willing to guide users safely along the information highway.

Exploring the burgeoning capabilities of computers is part of the fun of librarianship, as Joan Shear, Mark Sullivan, and Deena Frazier can attest.
WHEN COMMUNICATIONS AND TECHNOLOGY CONVERGE

Alumni discover fascinating career opportunities by embracing the cutting edge

INTELLECTUAL PROPERTY, TELECOMMUNICATIONS, TRADITIONAL MEDIA — all offer challenging, multifaceted career opportunities involving communications and law. Each area also is in flux, in large part because of the infusion of technology in business and everyday life. How to make best use of this technology and determine whether and what regulation is appropriate, are key questions for lawyers and legislators. Despite the uncertainty — and the likelihood of still more questions in the future — Boston College Law School alumni are thriving in careers that embrace this environment of change.

BOOMERS IN BROADCASTING

Denise M. Parent '89 and Michael B. Isaacs '74 have taken different paths to the same place: The Providence Journal Company, where each recently assumed increased responsibilities.

Parent, now senior corporate counsel, is in her fourth year with the company. The Rhode Island native initially envisioned a law enforcement career and studied criminal justice at Northeastern University. Instead, corporate law beckoned. Following her second year of law school, Parent worked for Adler, Pollack & Sheehan. She joined that Providence law firm as an associate involved with mergers and acquisitions after graduating from Boston College Law School. The Providence Journal Company is her second employer, the first in the communications industry.

In contrast, Isaacs entered communications law immediately, though he never studied the subject in law school. Originally from Nashville, Tennessee, and a VISTA volunteer in Chicago before law school, Isaacs knew he liked politics, New England, and television. A history and political science major at the University of Rochester, Isaacs says he does what he's doing now “because I always have been politically involved. And I come from the first generation — the baby boomers — who can't remember living in a home without television. I have fond memories of television shows.”

After earning his law degree, Isaacs became a staff attorney, and later general counsel, for the Massachusetts Cable Television Commission. Seeking exposure to federal issues, he then joined the National Cable Television Association in Washington, DC, as assistant general counsel. Isaacs first came to The Providence Journal Company in 1980 to head franchise and government affairs for its cable television subsidiary, Colony Communications.

"I was all over the country, bidding for cable franchises. That was the real period of growth for the cable television business," Isaacs recalls.

Isaacs left for Los Angeles and government relations consulting, though he continued to do work for Colony Communications. He returned to Providence when the parent company decided to expand its television and cable operations. Last April, Isaacs was named vice president for government and corporate relations, overseeing legislative and regu-
latory concerns as well as corporate communications.

Though Isaacs and Parent work for a company most commonly known for its Rhode Island newspaper, their employer actually is largely in broadcasting. The company owns and operates nine network-affiliated television stations spread from Charlotte, North Carolina, to Honolulu, Hawaii; provides programming and marketing for three additional stations; offers interactive and on-line electronic media services, including the Peapod grocery shopping service via computer; and partially owns the Television Food Network and America's Health Network. These varied businesses present Isaacs and Parent with numerous challenges.

Parent counsels the broadcast television stations, including cable, and is involved with both general corporate law and transactional matters. Her work encompasses affiliation agreements, acquisitions, retransmission consent negotiations, and legal aspects of contests, promotions, and advertising. She also advises and reviews the work of investigative reporters to ensure that they operate in accordance with the law.

"I've always been interested in constitutional as well as communication issues," says Parent, who enjoys being able to work on both legal and non-legal projects for the company.

Though Isaacs is not part of the legal department, he and Parent have worked together on efforts such as developing local marketing arrangements. Isaacs also is involved in lobbying Congress, developing positive government relations in Rhode Island, and interacting with the Federal Communications Commission (FCC).

For example, Isaacs and his company supported the Telecommunications Act of 1995, which relaxed limits on television station ownership within a single market and increased the cap on the number of total stations permitted so that independent group owners, not only television networks, are able to enter many markets. Isaacs says the Telecommunications Act "allows us to be stronger, to be more competitive in what has become an increasingly competitive environment. Now we need to look at our competition as direct satellite sys-

Isaacs and Parent also are concerned about copyright and proprietary rights issues resulting from their company's presence on the internet, as well as the potential impact of the "v-chip" and a ratings code for television programming.

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“For me, this is an exciting time with a lot of opportunity,” says Parent. “And I think consumers will benefit from all of the change.”

GROWING WITH TELECOMMUNICATIONS

"Communications is at the heart of much of what we do today," says Anne P. Jones '61.

Communications also has been the heart of Jones' professional life for 17 years, ever since she was named an FCC commissioner by President Jimmy Carter. That appointment also had a Boston College Law School connection: Jones initially was approached by former classmate and FCC chair Charles D. Ferris '61, who inquired about her interest in joining the FCC.

“I think Charlie didn’t know any other female Republicans," jokes Jones, in reference to the underlying political reasons for her selection.

But Jones, a veteran government attorney who had risen to head a division of the Securities and Exchange Commission (SEC) and served as general counsel for the Federal Home Loan Bank Board, was ready for a change. She became an FCC commissioner in 1979, when cable television was barely in its infancy and the dismantling of AT&T's hold on the telephone industry was still to come.

At that time, the FCC had two focal areas: broadcasting and telephone. Among the commissioners, Jones says, “no one liked telephone. The perception was that it was boring and technical, while broadcasting was fun — it involved first amendment issues and the fairness doctrine. But I found the telephone side the most interesting by far. The telephone company was blue suits and the sober exposition of problems, but these were the interesting problems to solve.”

All of the issues were new to Jones, who says this is not unusual for lawyers and non-lawyers who serve as FCC commissioners. But she read profusely and relied on staff to explain the more technical information. She also found that her legal discipline helped in her decision-making. Most of all, Jones sought to present an honest and unbiased viewpoint.

“Some of the things I’m most proud of are those I dissented on,” she says. “I am perceived to have integrity, and I hope I do. Even when I voted against somebody, there never was any question of whether I voted for political reasons.”

Jones served on the FCC for four years. After musing about leaving government work every few years, she finally decided to act. Exactly 15 years after beginning what she expected to be two years away from private practice, Jones announced her resignation from the FCC and became a partner in the Washington, DC, office of the law firm of Sutherland, Asbill & Brennan. She concentrated on communications law, which she considered the “burning issue of the times.”

Jones no longer practices law, but she remains immersed in the telecommuni-
In law school, you learn early that even the placement of a comma can have vast implications for a client.

prevent direct management of the station. Her work takes her all over the United States.

"I'm almost as busy as when I was practicing law," Jones says.

COMMUNICATING TO LAWYERS

Benjamin H. Gerson '79 is not a communications lawyer. Rather, he is a communicator about law. A long-time legal journalist, he currently serves as editor in chief of the National Law Journal.

Gerson was a journalist before he ever considered law. After graduating from Brandeis University, he became an editor for the Boston Phoenix alternative newspaper and a freelance writer. Temporarily disenchanted with journalism, he decided to enroll at Boston College Law School.

"I thought law school would widen my possibilities and introduce me to how law works," Gerson says. "I didn't go to law school with the expectation that I would become a legal journalist. These publications [such as the National Law Journal] didn't exist when I entered law school."

Gerson practiced law briefly before recognizing how much he missed journalism. After devoting substantial time and energy to legal study, however, he was reluctant to abandon law completely. When Gerson learned that American Lawyer needed editors with both legal and journalistic backgrounds, he thought he had found the perfect compromise.

Gerson later moved to the National Law Journal to become a reporter and editor. Five years later, when Long Island's Newsday created a New York edition, he joined that newspaper as op-ed page editor. In eight years with Newsday, Gerson also oversaw the editorial sections of both the Long Island and New York City papers.

Today, back at the National Law Journal, Gerson is involved in everything from proofreading to managing editorial budgets to planning long-term projects. Intended for lawyers practicing in medium and large firms, and increasingly for other segments of the profession as well, the weekly newspaper covers significant cases and settlements, novel arguments, and what Gerson describes as "the ethical and economic health of the profession." Recently, technology and law has become a popular topic.

"My sense is that the legal profession is hungry for information about technology," says Gerson. "People crave guidance."

In response to this interest, the National Law Journal has hired a column and added feature stories on technology. The publication itself is available in both print and electronic formats, though Gerson believes that print will endure and thrive. "Two years ago, there was a sense that the internet would transform journalism, but people still are groping their way," he says.

Noting that even Wired magazine is primarily a print medium, Gerson adds, "If it works for Wired, certainly it will work for the National Law Journal."

Gerson is much more concerned about the content of his publication — how well it covers law and the legal profession — than about its particular format. Yet law is not the training he typically draws upon to serve his readers well.

"I spend more time in this job thinking like a journalist than thinking like a lawyer," Gerson says. "But law school is
excellent preparation for any journalist. It teaches the importance of verbal precision. In law school, you learn early that even the placement of a comma can have vast implications for a client. If you bring that kind of commitment and attention to editing, you will be a very good editor.”

ON THE INFORMATION SUPERHIGHWAY

Both literally and figuratively, Donna M. Sherry ’75 has found her place along America’s technology highway. A computer lawyer for nearly 20 years, Sherry counts leading Massachusetts companies among her neighbors — and clients — lining Route 128.

Now a solo practitioner in Burlington, Massachusetts, Sherry began her legal career with the former Boston law firm of Gaston & Snow. Interested in increasing her knowledge of business, she moved to the Honeywell Corporation and handled the legal needs of the company’s Northeast marketing group. Among her responsibilities, Sherry represented Honeywell in Congressional and regulatory hearings and submitted position papers to the FCC.

Sherry returned to Gaston & Snow’s corporate department three years later, her legal and business acumen very much in demand. She explains, “Venture capital firms were first interested in high technology issues then, and I could speak both languages — business and computers.”

When Sherry opened her own practice, many of her clients followed. She now represents a variety of large companies in their technology contracting, as well as small- and medium-size companies dealing with more general intellectual property legal issues.

The challenge in working with clients involved in technical innovation is understanding new breakthroughs and the legal issues such technology presents. Sherry does not have a technical background — she studied psychology as an undergraduate at Duke University — but she is a willing student with eager teachers. She says, “My clients are so excited about what they are doing that they want to explain it. So getting an education isn’t a problem. It’s harder to find the time to get an education.”

The inventive spirit of her clients ensures that Sherry will be on the technological cutting edge for a long time to come. Sherry says of her clients, “They’re smart and generally have an entrepreneurial sense. I expect them to keep inventing wonderful products and services. The entire technical field will continue to entertain us with legal issues.”

THE LEGAL TECHIE

Alan S. Goldberg ’67 is best known as a guru of health care law, but more recently, he also has become a computer wizard. In fact, he writes a column with that name for Business Law Today, a publication of the American Bar Association’s Business Law Section.

Only six years ago, Goldberg was like many other lawyers: He used computers in his work but lacked any particular expertise in technology. But he and others at his law firm, Boston’s Goulston & Storrs, were frustrated by their computer system, which did not allow them to share documents or communicate in practical ways. To address this problem,
In the process of expanding his own knowledge of technology, Goldberg developed several of what he calls “Goldberg’s theories.”
A LARGE PART OF THE DAY-TO-DAY WORK of the Justices of the United States Supreme Court (and their law clerks) focuses on capital cases. Of the thousands of petitions for certiorari received in the normal course each year, and of the few that are accepted for review, a disproportionate number come from prisoners on death row.
Within the last few hours before the proscription of "cruel and unusual punishments," the Supreme Court may be called upon to sometimes in the late night or early morning. The Court's orders granting or denying these stay applications and petitions sometimes offer hints of heated disagreements within the Court's sanctum.

One of the striking things about these disagreements, however, is how relatively narrow they must be, compared to just a few years ago. Both Justices William Brennan and Thurgood Marshall believed capital punishment was unconstitutional in every instance, and they routinely dissented from denials of requests for stays on that ground. In 1994, Justice Harry Blackmun revealed that he, too, had come to believe that the administration of the death penalty could not meet the demands of the Eighth Amendment's proscription of "cruel and unusual punishments." After his announcement, Justice Blackmun also voted to grant stays of execution in every case that came to the Court. But these "big picture" disagreements over the constitutionality of the death penalty have ceased on the Court ever since Justice Brennan left the Court in 1990, Justice Marshall retired in 1991, and Justice Blackmun stepped down in 1994.

With their departures, the Court is left without a Justice who opposes capital punishment on constitutional grounds in all cases. Of course, capital punishment is not the only issue on which the Court has swung to the right since the departures of Brennan, Marshall, and Blackmun. But the complete absence of a Justice who believes in the unconstitutionality of the death penalty does make this issue seem to be one in which there is little likelihood that the Court will swing back toward the middle anytime soon.

Why is there a dearth of voices who are willing to oppose capital punishment on constitutional grounds? One possible answer is the continued strength of originalist constitutional interpretation on the Court and in the academy. Despite a number of attacks on the use of intentionalism in constitutional discourse, its use is still commonplace. The arguments from original intent that capital punishment is constitutionally permissible are particularly straightforward and powerful. The text of the Constitution appears to assume its availability: The Fifth Amendment provides that "no person shall be held to answer for a capital ... crime, unless on a presentment or indictment of a Grand Jury. ... nor be deprived of life ... without due process of law." Moreover, capital punishment was widely practiced in the states at the time of the ratification of the Constitution.

These intentionalist and textualist arguments have been answered elsewhere, and my purpose here is to evaluate neither the arguments nor the answers. Instead, I offer a script of an imaginary dialogue between two Justices.

The following dialogue is based on "Euthyphro," the first of Plato's four Socratic dialogues known collectively as The Last Days of Socrates. "Euthyphro" takes place as Socrates waits to enter the court, where he is about to be tried for heresy and "corrupting the minds of the young." Socrates encounters an acquaintance, Euthyphro, a religious expert, who is on his way to bring charges against his own father for manslaughter. Socrates is startled by Euthyphro's mission and engages him in a light-hearted exchange.
Setting:
The Supreme Court chambers of Justice Socrates, in the late evening before the latest execution in Texas. The Justices are awaiting a last-minute application for stay contending that the execution will violate the Eighth Amendment proscription of "cruel and unusual" punishments. Justice Euthyphro is visiting with Justice Socrates to pass the time.

Justice Euthyphro:
As always, I am going to vote against the application for stay. A couple of former Justices, and an occasional law clerk, urge me to change position on these matters because they believe it to be cruel and unusual for a state to execute someone. They have a poor comprehension, Socrates, of how the Constitution stands with regard to cruelty.

Justice Socrates:
But tell me, Euthyphro, do you really believe that you understand the meaning of the Constitution, and what is and is not cruel, so accurately that in the circumstances you describe you have no misgivings? Aren't you afraid that in voting to execute this man you may turn out to be condoning a cruel punishment?

Euthyphro:
No, Socrates. I shouldn't be worth much as a judge, and I would be no better than the common run of men, if I didn't have accurate knowledge about all that sort of thing.

Socrates:
In that case, Euthyphro, since you have this remarkable talent, the best thing I can do, I suppose, is to become your pupil. So do tell me what you insist that you definitely know: what you mean by "cruelty," both in terms of executions and in all other constitutional connections. Isn't it true that in every action cruelty is self-identical, and similarly non-cruelty is in every instance the opposite of cruelty, but consistent with itself; in other words that everything that is to be regarded as cruel has a single definite characteristic in respect to its cruelty?

Euthyphro:
No doubt that is quite true, Socrates.

Socrates:
Then tell me, how do you define cruelty and its opposite?

Euthyphro:
Very well. One thing I can say for sure is that it is not cruel for the state to do just what it proposes to do in this case, i.e., execute a murderer. I will cite you a piece of evidence to show that this is how the law stands: I mean that one must not give in to the doer of a murderous act, no matter who he may be. And observe what weighty evidence it is. You yourself believe that you should abide by the Constitution, yet at the same time you must agree that the Constitution assumes that capital punishment was a possible punishment, limited only by the assurance that no life be taken by the state without due process of law. And you must also admit that the Framers supported capital punishment and assumed it to be a punishment that could be meted out constitutionally by the authorities. Yet you take me to task for voting in favor of capital punishment myself; thus contradicting yourself by laying down one rule for the Framers and another for me.

Socrates:
Do you think that that is the reason I am never invited to Federalist Society colloquia, because when I hear anyone tell stories like these about what the Framers thought I somehow find it difficult to accept them? Some would say, I suppose, that my views are simply wrong. And now if you, who are an expert in this sort of thing, also believe these stories, perhaps it is true that people like myself must assent too. What is there to say, when we ourselves admit that we know nothing about the subject? But tell me, in friendship's name, do you really believe that you can know what the Framers thought and believed?

Euthyphro:
Yes, indeed, Socrates. What I know and what ordinary people do not would astonish you.

Socrates:
I shouldn't be surprised. But you shall tell me about that some other time when we have leisure; at the moment I want you to try to answer more precisely the question that I put to you just now. You see, my friend, when I asked you before what cruelty was, you didn't tell me enough; you said that what the state is doing now — executing this prisoner — was not cruel.
Socrates:
An excellent answer, Euthyphro, and in just the form that I wanted. Whether it is true I don’t know yet; but no doubt you will go on to make it clear to me that your statement is correct.

Euthyphro:
Certainly.

Socrates:
Come along then; let’s consider what we are saying. The punishment that the Framers believed was cruel is cruel, and the punishment that the Framers believed was not cruel is not cruel, cruelty not being the same as “not cruelty” but its direct opposite. Isn’t that our position?

But tell me, Euthyphro, do you really believe that you understand the meaning of the Constitution, and what is and is not cruel, so accurately that in the circumstances you describe you have no misgivings?

Euthyphro:
Yes, it is.

Socrates:
And the definition seems satisfactory?

Euthyphro:
I think so, Socrates.

Socrates:
Do you think that the Framers were all of one mind as to what was cruel and what was not cruel?

Euthyphro:
I think it unlikely.

Socrates:
Then there might be some punishments that might be considered by some Framers as cruel and by other Framers as not cruel?

Euthyphro:
Yes, I believe that is correct, Socrates.

Socrates:
So apparently the same punishments were both considered cruel and not considered cruel by the Framers.

Euthyphro:
Apparently.

Socrates:
So by this argument, Euthyphro, the same punishments will also be constitutional and unconstitutional.

Euthyphro:
Perhaps so.

Socrates:
Then you didn’t answer my question, my talented friend. I didn’t ask you to tell me something which is actually at once both cruel and not cruel, and apparently what is Framer-intended and also Framer-unintended. So with regard to your present vote in favor of executing this murderer, it would not be surprising if in doing this you are doing what is agreeable to some Framers but offensive to others.

Euthyphro:
But I imagine, Socrates, that none of the Framers disagreed with another on this point, at any rate: that whoever kills without justification and is found by a jury of his peers to be guilty of murder beyond a reasonable doubt may be constitutionally executed, since such a punishment is not cruel.

Socrates:
I am not sure of your claim, but we can set aside that disagreement, if you like. Let us assume that all Framers would have regarded this punishment as not cruel. But suppose that we now make a correction in our formula, to the effect that what all the Framers intended to be cruel is cruel and what they all intended to be not cruel is not cruel (whereas what some thought was cruel and others thought was not cruel is neither or both). Is this how you would like our definition to stand now with regard to “cruelty” and “not cruelty”?

Euthyphro:
What is there against it, Socrates?

Socrates:
Nothing on my part, Euthyphro. But I want you to consider on yours whether this assumption will make it easiest for you to instruct me as you promised.

Euthyphro:
Very well. I should say that cruelty is what all the Framers believed was cruel, and that the opposite, what all Framers believed was not cruel, is non-cruelty.

Socrates:
Should we then consider this definition in its turn, Euthyphro, to see whether it is satisfactory, or should we let it pass and simply accept both our own and other people’s assumptions, taking the speaker’s word for what he says? Shouldn’t we examine the implications of this statement?

Euthyphro:
Yes, we should. All the same, I think that this definition is now satisfactory.

Socrates:
We shall soon be better able to judge, my good sir. Consider this question: Are those punishments that are constitutionally impermissible cruel because the Framers thought they were cruel, or did the Framers think they were cruel because they were cruel?

Euthyphro:
I don’t understand what you mean, Socrates.

Socrates:
Well, I will try to explain more clearly. Do we speak of things as carried and carrying, led and leading, seen and seeing? And do you understand that in all such pair of terms each is different from the other, and in what way they are different?

Euthyphro:
Yes, I think I understand.

Socrates:
Tell me, then. Is a carried thing carried because one carries it, or for some other reason?
Euthyphro:  
No. The reason is just that.

Socrates:  
And a led thing is led because one leads it, and a seen thing seen because one sees it?

Euthyphro:  
Certainly.

Socrates:  
So we don’t see a thing because it is a seen thing, but on the contrary, it is a seen thing because we see it. And we don’t lead a thing because it is a led thing, but it is a led thing because we lead it. And we don’t carry a thing because it is a carried thing, but it is a carried thing because we carry it. Is my meaning quite plain, Euthyphro? What I mean is this: that if anything is produced, or acted upon in any way, it is not produced because it is a product, but it is a product because it is produced; and it is not acted upon because it is the object of an action, but it is the object of an action because it is acted upon. Don’t you agree that this is so?

Euthyphro:  
Yes, I do.

Socrates:  
Well, then, isn’t an intended thing either a product or an object of some action?

Euthyphro:  
Certainly.

Socrates:  
So it is the same with this as with our other examples: It is not intended by those who intend it because it is an object of intent, but it is an object of intent because it is intended.

Euthyphro:  
Yes, that must be so.

Socrates:  
Then what do we say about constitutionally impermissible punishments? Aren’t they the punishments considered cruel by all the Framers, according to your definition?

Euthyphro:  
Yes.

Socrates:  
Just because they are cruel, or for some other reason?

Euthyphro:  
No. Because they are cruel.

Socrates:  
So they are believed to be cruel because they are cruel, not cruel because they are believed to be cruel?

Euthyphro:  
It seems so.

Socrates:  
But it is because a punishment was believed to be cruel that it is constitutionally prohibited.

Euthyphro:  
Of course.

Socrates:  
Then what is constitutionally prohibited is not the same as what is cruel, Euthyphro, nor is what is cruel the same as what is constitutionally prohibited, as you assert. They are two different things.

Euthyphro:  
How do you make that out, Socrates?

Socrates:  
Because we agree that those punishments believed to be cruel are believed to be cruel because they are cruel, and not cruel because they are believed to be cruel.

Euthyphro:  
Yes.

Socrates:  
And we agree that what is Framer-intended is Framer-intended because the Framers intended it, from the very fact that they intended it; and that they do not intend it because it was already Framer-intended.

Euthyphro:  
That is true.

Socrates:  
But if what is Framer-intended to be cruel were identical with what is cruel, my dear Euthyphro, then if what is cruel were Framer-intended to be cruel because it is cruel, what is Framer-intended would be intended because it was intended. And if what is Framer-intended were Framer-intended because it is intended by the Framers, then what is cruel would be cruel because it is Framer-intended to be cruel. As it is, you can see that the relation between them is just the opposite, which shows that they are entirely different from each other. The one is cruel because it is believed to be cruel. The other is believed to be cruel because it is cruel. And if it is the latter that you believe, as you have said, then it seems to me that something might be cruel and not believed to be such, and something believed to be cruel that is not.

I rather think, Euthyphro, that when I asked you what cruelty is you were unwilling to disclose its essence to me, and merely stated one of its attributes, saying that cruelty has the attribute of being considered cruel by all the Framers. But you have not yet told me what it is that has this attribute. So, if you have no objection, please don’t conceal the truth from me, but make a fresh start and tell me what cruelty is that it is intended by the Framers or has any other attribute — we shan’t quarrel about that. Tell me without reserve what cruelty is.

Euthyphro:  
But, Socrates, I don’t know how to convey to you what I have in mind. Whatever we put forward somehow keeps on shifting its position and refuses to stay where we laid it down. In any event, I have an urgent engagement somewhere, and it’s time for me to be off. I will instruct my clerk to contact me by phone when the application arrives. Goodnight, Socrates.

Assistant Professor Kent Greenfield joined the Boston College Law School faculty in 1995. He is a graduate of Brown University and received his law degree from the University of Chicago. During the United States Supreme Court’s October 1994 term, he clerked for Associate Justice David H. Souter.

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Professor Hugh J. Ault co-authored the 1996 supplement to Federal Income Taxation. In October, Ault and leading Swiss tax officials participated in a Zurich panel discussion of the recent United States-Switzerland tax treaty convention.

In recent months, Professor Charles H. Baron has presented several papers concerning the right to die. He spoke in Montreal, Canada, at a symposium titled “Searching for the Soul of Euthanasia,” presented as part of the International Congress on the Care of the Terminally Ill. He also took part in a conference on physician-assisted suicide and constitutional law, held at Western New England College School of Law. On October 20, he discussed “Physician-Assisted Suicide: Jewish Perspectives” at a conference at Beth Israel Hospital in Boston. In November, he spoke about physician-assisted suicide at the National Hemlock Society conference in Denver, Colorado, as well as at the annual health law and bioethics conference sponsored by Boston University’s Schools of Public Health and Medicine.

During his year-long sabbatical, Professor Arthur Berney visited two Canadian law schools before teaching United States public law to graduate students at East China University in Shanghai. He then served as a scholar-in-residence at Macquarie University Law College in Sydney, Australia, where he participated in classes on the history and philosophy of law and presented a paper titled “Reflections on the Constitutionality of Hate Speech Legislation.” He also discussed comparative freedom of expression at the University of Western Sydney.

Associate Professor of Legal Reasoning, Research, and Writing E. Joan Blum gave a presentation titled “Legal Writing as Reflective Practice” at a conference of the Legal Writing Institute in July.

Professor Mark S. Brodin contributed to the Manual on Innovations in Jury Trial Procedures, published by the American Bar Association (ABA)/State Justice Institute. In addition, the 1996 supplement to the Handbook of Massachusetts Evidence (6th edition), which Brodin co-authored, recently was published.

“Describing Without Circumscribing: Questioning the Construction of Gender in the Discourse of Intimate Violence,” an article by Associate Professor Phyllis Goldfarb, was published in 64 Geo. Wash. L. Rev. 582 (1996).

Assistant Professor Kent Greenfield’s article titled “Cruelty and Original Intent: A Socratic Dialogue,” was published in the Indiana Law Journal and is reprinted with permission in this edition of the Boston College Law School Magazine. Another of his articles, “From Rights to Regulation in Corporate Law,” was excerpted in The Social Report, a publication of Boston College’s Sociology Department. Greenfield also is consulting on behalf of the democratically elected but exiled National Coalition Government of the Union of Burma and The Federation of Trade Unions of Burma in a case against Unocal, Inc. The case is being heard in the United States District Court in Los Angeles, California.


Associate Professor Ruth Arlene W. Howe critiqued the federal Multi-Ethnic Placement Act of 1974 and the National Conference of Commissioners of Uniform State Laws Uniform Adoption Act during the annual conference of the Massachusetts Open Door Society. She served on a panel on transracial adoption held as part of the “Challenging Boundaries” conference at Yale Law School in November. Howe has been appointed to the boards of the Center for Family Connections and Cambridge Family and Children’s Services and recently completed a three-year term as a community representative to the Devotion School [Brookline, Massachusetts] Principal’s Advisory Committee.
With the publication of a report titled "Teaching and Learning Professionalism," Professor Emeritus Richard G. Huber has completed his service on the ABA’s Section of Legal Education Committee on Professionalism.

Professor Sanford N. Katz spoke about the relocation of children in divorce cases at a meeting of the National Council of Juvenile and Family Court Judges in Reno, Nevada, in October. He will be a Visiting Fellow at All Souls College, Oxford, during the spring semester of 1997.

Professor Thomas C. Kohler was a 1995-1996 guest professor at the University of Frankfurt where he was a J. William Fulbright Lecturer in comparative employment law and a Research Fellow of the German-Marshall Fund of the United States. The Marshall Fund allowed him to conduct comparative research in German employment law and employment relations. With Professor Manfred Weiss, he taught a seminar in comparative American labor and employment law. Elsewhere during the year, he participated in the colloquium “Krise des Flächentarifvertrages? (“Is the Collective Bargaining System in Crisis?”). He presented “Labor Law and Labor Relations: Comparative and Historical Perspectives” to the Second Plenary Session of the Pontifical Academy of the Social Sciences at Vatican City and has been named editor of Volume 2 of Acta, the proceedings of that session. His paper was subsequently published in 12 IndJ Comp. Lab. L. & Industrial Rel. (1996). He also presented “Is There a Future for Labor Law in the United States and Does Anyone Care?” at the European University Institute in Florence. In September, he made a statement to the Employment Law Section of the Deutscher Juristentag (German Jurists Meeting). He was a consultant to the Industrial Relations module at the University of Warsaw for the Central European Curriculum Development Project of the American Council of Learned Societies. He lectured at the Law Faculty of the University of Erlangen, the Law Faculty at the University of Jena, and, at the invitation of the German-American Lawyers Association, in a number of other German cities. Recent publications include “The Theology of Community” in Catholic Rural Life (Spring 1995) and the essay “Civic Virtue at Work” in the book Seedbeds of Virtue (1995).

In September, Associate Professor Judith A. McMorrow participated in an ABA symposium on teaching and learning professionalism, held in Chicago in October. An article by Professor Zygmunt J.B. Plater titled “The Assault on Ranger Rick — Political Backlashes against Teaching Environmental Citizenship,” appeared in the November 1996 issue of Environmental Communicator, published by the North American Association of Environmental Education. In October, Plater made two presentations at the American Bar Association’s Section on Natural Resources, Energy, and the Environment: one on why state trustees should not be able to make preemptive settlements against federal claims for natural resources damage in toxic spill cases, and the other on building a law school environmental curriculum. He also has been involved in organizing the La Paloma Network, a national network of nearly 100 environmental law professors serving as resources for journalists.

Assistant Professor Pamela Smith’s article on the effect of the Supreme Court’s decision in United States v. Virginia on six segregated schools for at-risk children has been published in The Federal Lawyer.
Remembering Melba McGrath, December 25, 1908 - September 8, 1996

"Melba McGrath, who was associated with Boston College Law School for 15 years as a researcher and editor, died at the Vermont home of her son on September 8th." began the newspaper obituary. Boston and Washington, D.C., notices went on to list the many posts Melba held during her 87 years. But they provided only a pencil profile of her life. Melba was more than her list of positions — she was an extraordinary woman, a true expert on the English language, and a serious reader of American and English literature. And, although not legally trained, she was an expert legal editor and drafter.

I met Melba in 1959 when I began my teaching career at the Catholic University of America Columbus School of Law in Washington, DC, where she was working as registrar and administrative assistant to the dean. She was to remain my friend for 37 years, until the day of her funeral.

In the late 1960s, having moved to Cambridge, Massachusetts, with her husband, Melba came to work for me at Boston College Law School. She was a special kind of genius who not only enriched my life by being my friend and a valued colleague on my legal projects, but she also had a major impact on the faculty, students, and staff at the Law School.

Melba was a private person. She wouldn’t have said, as her favorite poet Emily Dickinson could have had a conversation with, "I’m nobody. Who are you?" But there was a certain modesty about her. She was secure in who she was. She could have a conversation with the capital’s brightest, as she did when she lived in Washington, and her house was frequented by the likes of Albert Gore, then a student at St. Albans School for Boys where her husband was teaching. Or she could have a lively talk over coffee with a custodian in her small Law School office. She always listened closely and respectfully to what others had to say.

Many, many times Law School students stopped by Room 321 to talk to her about their careers or to ask her to look at something they’d written. One alumnus, upon hearing about Melba’s death, told me that without her support he might never have continued in law school past the first year. Jesuit law students discussed religion (Melba had a serious interest in Catholic theology and the American Protestant movement). Faculty members called to ask if a certain word was correctly used in a manuscript or to read a sentence to her, asking if she could improve it. She always could, while keeping the voice of the author and the rhythm of the sentence intact.

Melba was always available to discuss assigned novels with members of the Law School staff who were studying for their bachelor’s or master’s degrees in English. Occasionally, when I was in the Word Processing Center, I could overhear Melba talking with them about how that English author had influenced this American writer. Her eager students would be taking notes.

Melba was born in 1908 in Bethel, New York. At 15 years of age, she entered Smith College, the youngest freshman ever to have attended the school. She excelled in her freshman year, finishing first in her class.

The following year, she met a charming young Amherst graduate, Frank McGrath, left college, and married him. Frank was a playwright who eventually went into a career in education. During their first years of marriage, Melba accompanied her husband to Paris where he wrote and she perfected her French. (Melba was fluent in French and Spanish. She could read German and "make out" Italian.) While Frank taught at the Country Day School in Troy, New York, she became a reader for Webster’s Dictionary. Her job required her to read novels and discover new words or new meanings of words, and the task deepened her interest in grammar and proper English usage. When Frank taught at Newark Academy, Melba worked for the Griffith Music Foundation in Newark, New Jersey, where she met world-renowned musicians. She herself was an accomplished pianist.

It was Frank’s job as head of the history department at St. Albans that brought Melba to the Columbus School of Law, where she remained until her “first” retirement in 1970. In the same year, Frank retired from St. Albans, and they moved to Cambridge.

I hired Melba to work on family law projects at Boston College Law School that were funded by the federal government and private foundations. Even though she had never studied law, she helped draft the Model State Subsidized Adoption Act and the Model Act to Free Children for Permanent Placement. In addition, she was my administrative assistant on the projects and associate editor of the American Bar Association’s Family Law Quarterly when I was editor in chief. She reviewed books for the Quarterly and co-authored Child Neglect Laws in America with me and Professor Ruth-Arlene Howe.

At the age of 70 and a widow, Melba took a leave of absence from the Law School and joined the Peace Corps. She was stationed in Honduras, where she administered a music school for children. After four years, she returned to the Law School and worked with me until about 11 years ago, when she quietly retired.

To Melba, retirement didn’t mean leaving the world of the thinking and learning. She reread her favorite novels not only for pleasure but for new insights. She walked nearly two miles every day — rain, snow, or sunshine. She worked on her Spanish, played the piano, and tutored children in mathematics and English at the Peabody School in Cambridge.

Melba’s decline over the past four years was very difficult for me to witness. The last time I saw her was in her son’s house in Vermont in early August, about four weeks before she died. Almost totally blind and very hard of hearing, she was extremely weak. I knew the visit would be my last and I would not see her alive again. Even though her eyes were closed from time to time and I thought she was sleeping, her mind was active. She was thinking. Once, she opened her eyes and asked, “What will Father [J. Donald] Monan do now that he has retired? Have you met the new president? I assume he is a Jesuit. We’ve talked about the Jesuits many times. You know about their history...” And then she dozed off. I never said goodbye.

— Professor Sanford N. Katz
News of your professional activities is welcomed for both Boston College Law School Magazine and the Boston College Law School Newsletter. Please send all items to Director of Communications, Boston College Law School, 885 Centre Street, Newton, MA 02159.

1950s

MARGARET C. MAHONEY ’57, an attorney with a practice in Winchester, Massachusetts, has become the first woman to serve as president of the Middlesex County Bar Association.

HON. THOMAS P. SALMON ’57 received an honorary degree from Vermont Law School in May. President of the University of Vermont since 1991, he also is a former governor of Vermont.

THOMAS R. MURTAGH ’69 is serving a two-year term as co-chair of the Boston Bar Association’s Administration of Justice Section. He is an attorney with the Boston law firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.

MITCHELL J. SIKORA, JR. ’69, has been appointed an associate justice of the Massachusetts Superior Court. He is a founding member of the Boston law firm of Ferriter, Scobbo, Sikora, Singal, Caruso & Rodophele, P.C.

1970s

LEO V. BOYLE ’71 has been elected parliamentarian of the Association of Trial Lawyers of America. He is a partner in the Boston law firm of Meehan, Boyle & Cohen, P.C.

FRANK CRONIN ’71 has joined the law firm of Snell & Willmer L.L.P. as a partner in its Orange County, California, office, where he manages the labor and employment practice group. He previously served as the managing partner of the Los Angeles, California, office of the national law firm of Jackson, Lewis, Schnitzler & Krupman.

WALTER A. COSTELLO, JR. ’73 is serving as president of the Essex County [Massachusetts] Bar Association.

RICHARD P. CAMPBELL ’74 recently was named to a three-year term on The Council of the Tort and Insurance Practice Section of the American Bar Association. He is the senior shareholder of Campbell & Associates, a Boston law firm.

WALTER B. PRINCE ’74, a partner in the Boston law firm of Peckham, Lobel, Casey, Prince & Tye, has been appointed to the Boston Bar Association Council.

TERENCE A. MCGINNIS ’75, vice president and senior counsel for Bank of Boston, has been named chair of the board of directors of the Children’s Law Center of Massachusetts. He received the Meritorious Service Medal for his three-year performance as a commanding officer with the United States Navy Reserves.


Laurie Burt ’76 has become the first woman to be elected to the Executive Committee of the Boston law firm of Foley, Hoag & Eliot L.L.P.

Michael Jones ’76 has become the director of the newly created Office of Individual Investor Services of the National Association of Securities Dealers, Inc. Most recently, he was deputy director/counsel for the Securities and Exchange Commission’s Office of Public Affairs.

Maureen A. Brennan ’77, a partner in the Cleveland, Ohio, office of the law firm of Baker & Hostetler, is serving as chair of the Environmental Law Section of the Cleveland Bar Association.

Stephen D. Moore ’77, Cape May County prosecutor, recently was sworn in as secretary of the County Prosecutors Association of New Jersey.

James A. Aloisi, Jr. ’78 has joined the Boston law firm of Hill & Barlow as of counsel and is working with the firm’s Real Estate Department and Public Law Practice Group. He previously had been general counsel for the Massachusetts Turnpike Authority.

JILL NEXON BERMAN ’78, a partner in the Miami, Florida, law firm of Berman Wolfe & Rennert, recently received a certificate of distinguished service from the judges of the United States District Court, Southern District of Florida. She was honored for her work as chair of the advisory committee for rules and procedures from 1992 to 1996.

Bernadette Sabra ’79 has (continued on Page 38)
Classes Celebrate Reunion 1996

Graduates whose class years end in a "1" and a "6" came to the Marriott Hotel at Boston’s Copley Place on Saturday, October 12, for Reunion 1996. The evening’s reception, dinner, and dance gave them an opportunity to become acquainted, remember their days at Boston College Law School, and share a good time.
been appointed an associate justice of the Fall River District Court. She had been a partner in the Somerset, Massachusetts, law firm of Sabra & Aspdin.

SANDFORD F. SCHMIDT '79 has opened a law office in Medford, New Jersey. He previously was a partner in the Haddonfield, New Jersey, law firm of Gerstein, Cohen & Grayson.

1980s

DAVID J. AMES '80 has been named vice president of business banking at Abington Savings Bank in Massachusetts. Earlier, he was a vice president at Fleet Bank in Boston and with Bank of Boston in Worcester, Massachusetts.

ROBERT CARLEO '80 has joined the Boston office of Arthur Andersen L.L.P as a manager in its state and local tax practice. He had been chief of the litigation bureau of the Massachusetts Department of Revenue.

DANIEL N. RECHT '80, a partner in the Denver law firm of Recht & Pepin, recently was elected president of the Colorado criminal defense bar.

PETER A. DELVECCHIO '81 has joined the law firm of White & Case in Tokyo, Japan. He previously had his own law practice in Tokyo.

JOHN A. TARANTINO '81, a member of the law firm of Adler Pollock & Sheehan, Inc., is president-elect of the Rhode Island Bar Association.

PAUL J. GALLAGHER '82 is now county counsel for the County of Atlantic in New Jersey. He had been city solicitor for Atlantic City, New Jersey.

MANUEL A. MOUTINHO III '82 recently was appointed to the position of clerk magistrate of Holyoke District Court. He had been a partner in the Springfield, Massachusetts, law firm of Brundrett & Moutinho.

MARK V. Nuccio '83 has been elected to the board of directors of Associated Industries of Massachusetts. He is a partner in the Boston law firm of Ropes & Gray.

MARK D. SELTZER '83 has been named to a two-year term as co-chair of the Boston Bar Association's Criminal Law Section.

JOHN S. BRENNAN '84 has been named an associate professor at the Thomas M. Cooley Law School in Lansing, Michigan. He previously was a visiting professor at that law school.

CHRISTOPHER M. JEDREY '84, an attorney with the Boston law firm of Choate, Hall & Stewart, has been named to a two-year term as chair of the Boston Bar Association's Health Law Section.

BARBARA O'DONNELL '84 is serving as chair of the Insurance Coverage Litigation Committee of the American Bar Association (ABA) Tort and Insurance Practice Section. A partner in the Boston law firm of Sherin & Lodgen, she also moderated a panel titled “Training the Advocate in Cost-Conscious Times” during the ABA's annual meeting in Chicago, Illinois, in August.

JEAN-CHARLES DIBBS '85 has been elected to the board of governors of Georgetown University, where he earned his undergraduate degree. Dibbs is chairman of admissions for Georgetown in the Miami, Florida, area, where he is an equity partner with the law firm of Shutts & Bowen.

WILLIAM R. HART '86 recently was named County Attorney of the Year for Rockingham County, New Hampshire.

NANCY CHEN '87, previously an attorney with Wernick & Berger in New York City, has opened her own New York law practice focusing on immigration law.

JEFFREY B. RENTON '87 has opened an Andover, Massachusetts, law practice specializing in environmental law and civil litigation. He previously was associated with the Boston office of the law firm of Day, Berry & Howard.

DANIEL G. KAGAN '88, a partner in the Lewiston law firm of Berman & Simmons, has been named to the governing board of the Maine Trial Lawyers Association.

BRUCE W. RAPHAEL '89 has become an associate in the Boston office of the law firm of Edwards & Angell. Previously associated with Updike, Kelly & Spellacy, he practices in the area of corporate law.

ELEANOR C. SInNOTT '89 has been appointed deputy general counsel of the Executive Office of Public Safety for Massachusetts. She previously was an assistant attorney general in the trial division of the Massachusetts Attorney General's office.

ANTHONY VARONA '89, an associate in the Washington, DC, office of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC., received the law firm's 1996 pro bono award for his work with the Human Rights Campaign, a civil rights organization for gay and lesbian Americans.

MARK J. WARNER '89 has become a partner in the Boston law firm now known as Witmer, Karp, Warner & Thuoette.

1990s

MAUREEN E. CURRAN '91 is now an associate with the Boston law firm of Hemenway & Barnes.

ROLAND SANCHEZ-MEDINA, JR. '91 is now an associate in the Miami, Florida, law firm of Zack, Sparber, Kosnitzky, Spratt & Brooks, where his practice focuses on representing domestic and international clients in debt and equity financing as well as mergers and acquisitions.

RODOLFO MATA '93 has been named to the board of directors of the Massachusetts Association of Hispanic Attorneys.

ALICIA L. DOWNEY '93 is serving a two-year term as co-chair of the Boston Bar Association's Young Lawyers Section. She is an associate in the Boston law firm of Bingham, Dana & Gould.

CARMEN PANGIAGUA '94, an associate with The R.L. Hernandez Law Office in Malden, is now president-elect of the Massachusetts Association of Hispanic Attorneys.
Boston College Law School Giving Report 1995-1996

In 1995-1996, alumni and friends again demonstrated their support for the faculty, students, and programs of Boston College Law School by contributing $1,132,550. Significantly, donors giving at the highest levels — $1,000 or more — numbered 191, a new record of participation.

Loyal alumni and friends also continued to give to Phase I of the Building Campaign, a $5 million effort to fund the Law Library, which opened last January. Funds raised to date have put the campaign past the half-way mark.

During the year, the Law School placed renewed emphasis on two other fundraising initiatives: enlarging the $5.3 million Endowment Fund and building the nascent Planned Giving Fund, a means by which donors can remember the Law School in their wills or as a beneficiary of their trusts.

In the following pages, we gratefully acknowledge those who helped the Law School experience another successful year through gifts made between June 1, 1995 and May 31, 1996. The gift of time is equally valuable, and the Law School also is pleased to recognize those who volunteered to serve on a variety of vital fundraising committees.

The Dean's Council

The Dean's Council recognizes the generosity of the many alumni and friends of Boston College Law School who make annual leadership commitments.

Founders Club of the Dean's Council

The Founders Club of the Dean's Council recognizes annual gifts of $5,000 or more.

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Judith Aaron Auerbach
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The new Coopers & Lybrand Scholars Program is an example of how seeds sown by a generous corporation can yield a perennial harvest of young talent. By investing in the futures of a select number of Boston College Law School students through full scholarships and paid summer internships, the firm not only helps aspiring young lawyers, but it also positions itself to attract some of the brightest graduates.

Mike J. Costello (CSOM '71), a Coopers & Lybrand partner in charge of tax services, was instrumental in establishing the scholars program. He did so at the behest of Alan L. LeBovidge '67, vice-chair of taxes.

Costello says the firm has similar relationships with a few schools throughout the country but the scholars program is its most visible in the local community. "While the Boston office has been the beneficiary in the past of candidates coming out of Boston College Law School, we recruit for the national firm, and we are hoping that this will create more opportunities in the long run for tax-interested graduates to go anywhere in the country." He also says the program is especially suited to minorities, multilingual students, and those interested in international affairs.

Because of the school's excellent reputation and because its graduates are among the company's most respected nationally, Coopers & Lybrand has made the Law School one of its top priority schools, says Costello. "We are always trying to find a way to keep a closer relationship with the key priority schools to help them attract the best students, and for us to be able to bring into the firm an increasing number of highly qualified candidates."

The scholars program will in time provide scholarships to three students simultaneously, starting in their second year of law school. Greg Boesel '99 is the first recipient, and he will be eligible for a second year of funding if he maintains an interest in tax law. The Coopers & Lybrand scholars also will be offered summer employment. "They will get excellent exposure to a wide range of tax issues," says Costello.

He looks forward to the day when the program is in full bloom. The scholarship will mean that Boston College Law School can use it to attract applicants, students can use it to cultivate their interest in tax law, and Coopers & Lybrand can use it to educate and recruit a first-rate crop of attorneys who are savvy about tax law.

For information about giving to Boston College Law School, contact the Law School Development Office at 617-552-3734. •