

FALL 2011

# MARYLAND CAREY LAW

UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW MAGAZINE



## Looking Forward:

As the School of Law prepares to enter its third century, a transformative gift marks a path for the future.

**DODD-FRANK: CHANGING THE LEGAL  
LANDSCAPE FOR CORPORATIONS  
AND CONSUMERS**

**SMALL BUSINESS, BIG NEEDS**

**BUSINESS LAW PROGRAM  
NAVIGATES A NEW COURSE**

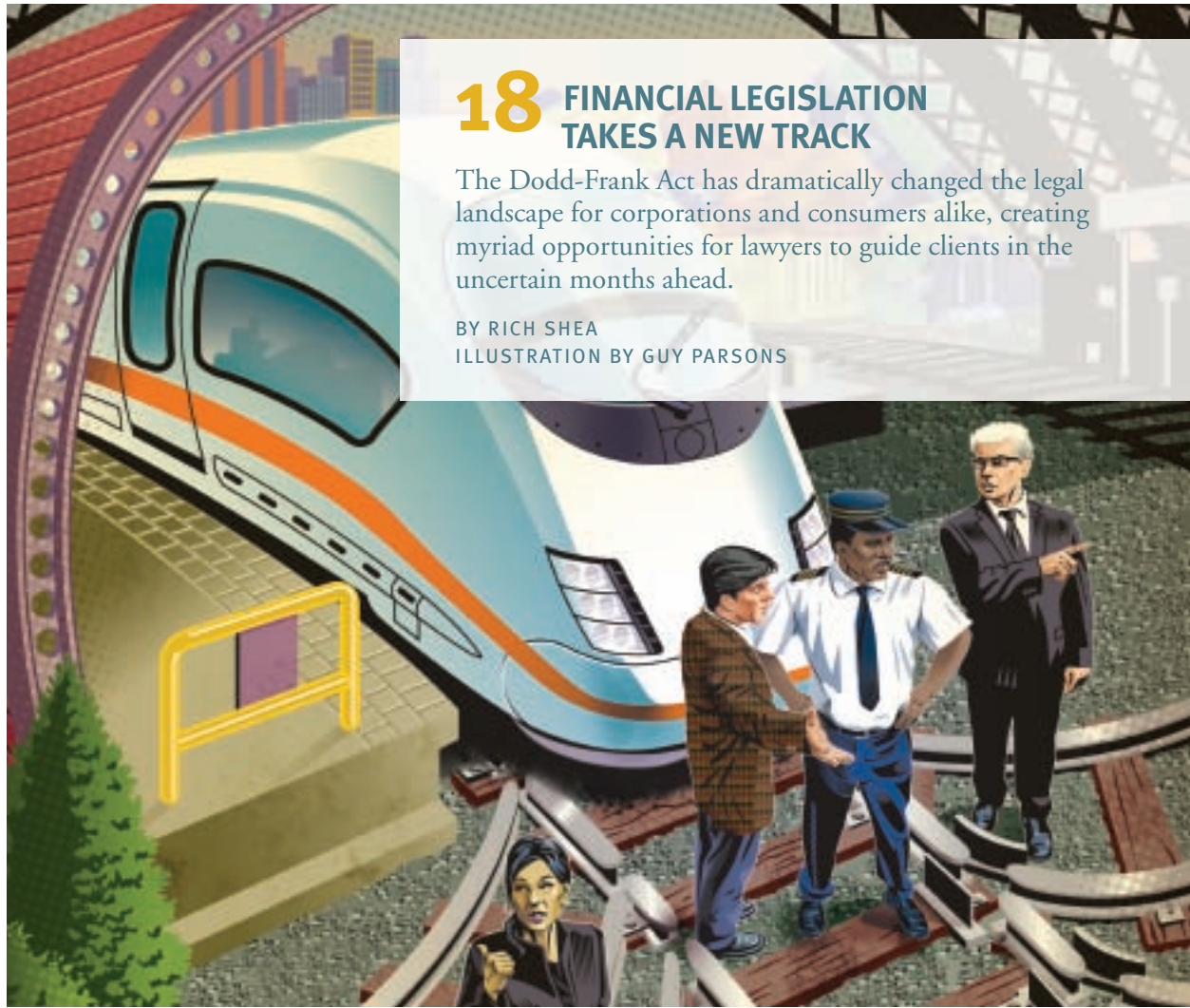
**ON APRIL 25, 2011**, the W. P. Carey Foundation announced a gift of \$30 million to the School of Law. The gift is the largest in the School's history, one of the largest gifts to any law school, public or private, and one of the largest in the history of the University System of Maryland. The gift will establish a permanent endowment to support faculty and programs.

This generous gift is being made in honor of Wm. Polk Carey's grandfather, Francis King Carey, a graduate of the School of Law Class of 1880. In recognition, the law school will become the University of Maryland Francis King Carey School of Law. (See page 10.)

*Learn more at [www.law.umaryland.edu/carey](http://www.law.umaryland.edu/carey)*

**On the Cover, first row (from left):** University President Jay Perman, Baltimore Mayor Stephanie Rawlings-Blake '95, Wm. Polk Carey, UM Carey Law Dean Phoebe Haddon, and Maryland Governor Martin O'Malley '88. **Second row (from left):** University System Chancellor William "Brit" Kirwan, Congressman Elijah Cummings '76, and Francis J. Carey. (Photo by Tracey Brown)





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MARYLAND  
**CAREY LAW**

FALL 2011

UNIVERSITY OF MARYLAND  
FRANCIS KING CAREY SCHOOL  
OF LAW MAGAZINE

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www.altercustommedia.com

**PUBLISHER**

University of Maryland  
Francis King Carey School of Law  
500 West Baltimore Street  
Baltimore, MD 21201  
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School of Law



### *Dear Graduates and Friends,*

As we get ready to welcome the first entering class of the University of Maryland Francis King Carey School of Law, Spain and Italy are flirting with default, Standard & Poor's has lowered the U.S. credit rating, and a chorus of economists is predicting a double-dip recession.

Business has never seemed more vital to our national life—or future.

With impeccable timing, this issue of *Maryland Carey Law* takes a look at business and the reverberations of the 2008 market collapse still humming throughout our legal and economic systems. You'll find articles about the Dodd-Frank Act, a controversial 2,300-page tome aimed at correcting abuses in the financial services industry; the professional challenges of counseling small-business clients in a faltering economy; and our revamped, re-energized Business Law Track

that now includes a “boot camp” and a highly structured series of required courses and simulations to provide students with hands-on experience in business planning and transactions.

Happily, business at the School of Law has been good. During the past year, we were able to respond to our students' concerns about rising debt loads, and we kept tuition stable. Our applications were up as were our rankings, and, most important, we were fortunate enough to receive the largest gift in the School's history—a magnificent \$30 million commitment from the W. P. Carey Foundation, a philanthropic organization whose family has deep roots here in Baltimore.

I invite you to read the profile of Francis King Carey, the School's new namesake. You'll discover a successful lawyer, persevering business executive, engaged citizen, and a public leader of boundless energy, intelligence, and honor who believed—absolutely—in doing good while doing well.

As do many of you. Because of your conviction and generosity, we exceeded the \$50 million goal of the *Making an Impact* campaign. My thanks to all of you who are listed as campaign contributors on our pages. The Carey gift has already generated tremendous interest and enthusiasm from new friends, such as Elizabeth Moser, whose \$1 million gift will endow the School of Law's new Moser Ethics in Action Initiative. The Initiative honors her late husband, Peter, a distinguished Baltimore business, estate, and tax lawyer with a passion for professionalism and ethics that he brought to his support of both the Maryland and American Bar Associations. Thanks to the generosity of the Moser family and other friends, we are making good progress toward raising the \$15 million in matching funds required by the *Carey Challenge*.

Finally, take a moment to review the long list of Gifts of Time and Talent. All of us at the School of Law are grateful to all of you for your work on our Board of Visitors and Alumni Board and for your willingness to coach and judge our competitions, advise our programs, and share your professional experience with our students over lunch or as they shadow you at your office. It is precisely that kind of generosity and personal engagement our students will need to meet the challenges of this daunting economy. We're gratified that they are able to count on you and confident they can continue to do so while our profession's business—and the business of our clients—sorts itself out.

Best wishes,

Phoebe A. Haddon  
Dean and Professor of Law

# Wit and Wisdom

from Faculty on Legal Issues of the Day

“**It was Texaco**, the company Chevron acquired in 2001, that insisted that New York was not a convenient forum and asked that the case be dismissed in favor of litigating it in Ecuador. ... If there was a comedy of legal errors in the case, this was the biggest one, and it is the fault of the oil company defendant, not the plaintiffs’ lawyers.”

—*Professor Robert Percival* in *The Wall Street Journal* on the recent \$8.6 billion judgment against Chevron by a provincial court in Ecuador for its role in environmental damage from oil well drilling.

“**To me, this is a prime example** of what is wrong with just letting companies buy their way out by paying fines. The way you change corporate behavior is if you make people within the entity afraid that if they break the law, they can go to jail.”

—*Professor Jane F. Barrett* to *AOL News* on the possibility of criminal manslaughter charges being filed against BP for the Deepwater Horizon disaster.

“**Potentially, the people writing** are trying to protect other women, but, at the same time, there are huge stakes for folks whose professions are about trust and professionalism and expertise. Reputation and lives are ruined, and it’s searchable and persistent on the Web.”

—*Professor Danielle Citron* on *ABC News*, discussing a plastic surgeon’s suit against a client for negative reviews on Yelp and Citysearch websites.

“**What Chief Justice Roberts** did was say this was not really about funerals—this was a case about speech on public property.”

—*Associate Dean Mark Graber* on *WBAL-TV*, discussing the Supreme Court’s ruling in *Snyder v. Westboro Baptist Church*.

**“It’s another example** of an attack on the integrity of the courts. These affidavits are integral to the honest operating of the foreclosure process.”

—*Professor Peter Holland* in *The Baltimore Sun*, on the practice of “robo-signing” affidavits in pending home foreclosure cases.

**“It’s difficult** to successfully argue one of these because they seem to stretch the purpose of the ‘business premises’ exclusion in the tax code.”

—*Professor Dan Goldberg* on *gothamist.com*, commenting on the practice of some New York City museums having their directors live rent-free in museum-owned properties.

**“It’s sort of a cook book recipe for terrorists** to pick and choose among sites that are vulnerable worldwide not only for the purpose of the United States, but for purposes of our allies. Now it is true that this information could have been collected through research on the Internet, but here it’s assembled all in one place.”

—*Professor Michael Greenberger* on *WTOP-FM*, discussing documents that contained a list of facilities considered vital to U.S. national security that were released by Wikileaks.

**“Ms. Sherrod’s ousting** conveys powerful lessons for the legal profession. These lessons should resonate particularly for lawyers who work on behalf of indigent clients, whether the clients are applying for public benefits, fighting an eviction proceeding, accused of a crime or facing a deportation proceeding. The voices of these clients are often muted by systems that are conditioned to cycle them through expeditiously rather than learning who they are, and whose stories are heard only in fragments, if at all.”

—*Professor Michael Pinard* on the *Colored Demos* blog, discussing the implications of the firing of Shirley Sherrod in 2010.

**“Public health officials** should rely on some of their traditional tools to address this public health problem, particularly educating all involved about the health consequences of ‘playing through’ a concussion or rejoining the team before healing. But more is required here to really effectuate culture change among our youth athletes and their coaches.”

—*Professor Kathleen Dacheille*, on the *Public Health Law Network*, discussing new guidelines for concussion treatment for youth sports.

## Clinical Law International Focus

IN THE LAST TWO DECADES, there has been a deepening convergence of international and domestic law in virtually every substantive area. Law schools have begun to take up the challenge of ensuring that future lawyers are equipped to work effectively in a globalized arena, and international clinics give them the opportunity to learn about the increasingly complex interaction between domestic principles and rules and international customary law. In November 2010, international clinicians and stakeholders gathered at the School of Law for a two-day conference to reimagine the idea of international clinical law.

One of the issues that was discussed was that, while still in place, the more traditional framework of the international clinic—providing a venue for students to work in the classroom setting on international litigation matters—is moving toward models in which the focus of the clinic, its location, the types of projects worked on, the partners and clients involved, and the strategies used to achieve the desired ends have all changed.

Law schools have begun to take up the challenge of ensuring that future lawyers are equipped to work in an increasingly globalized arena.

UM Carey Law is at the forefront of this movement, establishing one of the first clinics of its kind in 2010. The International and Comparative Law Clinic enables students to spend eight weeks working in-country on emerging legal issues in China, Namibia, and Mexico, supervised by School of Law faculty. Students have the opportunity to address important issues such as workers' rights, access to clean drinking water, and microcredit lending.

"It was very important that we were on the ground and were able to go into the community," says Carlos Guevara '11, who traveled to Mexico. "It was instrumental for us to see the merits of our claim."

The Clinic builds on the School of Law's groundbreaking LEAD Initiative, which helps students develop the cross-cultural competence they will need to practice law in today's global arena.



UM Carey Law students Michelle Salomon '11 and John Hart '11, with paralegals of the Namibia Paralegal Association.



(Top to bottom) Yvonne Dasub, Supervising Attorney of the UNAM Legal Aid Clinic at the University of Namibia, gives the keynote address. UM Carey Law Professor Peter Danchin welcomes participants to the panel discussions on the second day. UM Carey Law students Heather Kirkwood '11, Katie D'Adamo '11, Juan Rossi '11, and Carlos Guevara '11 with Mexican workers at Centro de los Derechos del Migrante in Mexico.





Lisa Lindsley of AFSCME boils down the Dodd-Frank legislation for fellow capitalists and non-lawyers: “No casino economy’ is the message.”



## Tough Talk on Dodd-Frank

ON FRIDAY, NOVEMBER 5, 2010, the *Journal of Business & Technology Law*, in cooperation with the Business Law Program, hosted “The Economic Impact of the Dodd-Frank Bill.” Practitioners closely involved in drafting, passing, and implementing Dodd-Frank gathered in Washington, D.C. to examine both the immediate and long-term impacts of this monumental legislation.

Panelists included Barbara Roper of the Consumer Federation of America; Wallace Turbeville of Better Markets; Joshua Rosner of Graham Fisher & Co.; Heather Slavkin, AFL-CIO Legal and Policy Advisor; Peter Holland '96, UM Carey Law Visiting Professor and Consumer Protection Clinic instructor; and Lisa Donner, Executive Director of Americans for Financial Reform.

(Above) Simon Johnson, far right, Professor of Entrepreneurship and Global Economics and Management at the MIT Sloan School of Management, issues a challenge to the White House to advocate on behalf of the newly formed Consumer Protection Agency.

(Left) Calling Dodd-Frank “the greatest restructuring of our financial markets since the New Deal,” UM Carey Law Professor Michael Greenberger opens the morning panel and moderated the afternoon panel.



## Health Care Reform Takes Center Stage

IN AN EFFORT to provide some insight on the new Patient Protection and Affordable Care Act, the Law & Health Care Program recently hosted a year-long speaker series. Its mission: to emphasize critical aspects of the legislation that may have received short shrift by the media but were important issues for both practitioners and consumers to know.

*Support for the speaker series was generously provided by the Leonard C. Homer/Ober, Kaler, Grimes & Shriver Law & Health Care Fund.*

(Above, left) Temple University Professor of Law Emeritus Frank McClellan examines health care disparities.

(Above, right) Joy Pritts, Chief Privacy Officer of the Office of the National Coordinator for Health Information Technology in the U.S. Department of Health and Human Services, discussed the effects health-care reform would have on patient privacy.

(Left) Columbia Law School Professor Gillian Metzger (speaking) and Cato Institute Senior Fellow Ilya Shapiro gives a point/counterpoint lecture on the reform's Constitutional implications.

## UM CAREY LAW Hosts the World

THE SCHOOL OF LAW was the host of the Stetson International Environmental Moot Court on March 17-20, the first time in the prestigious event's 15-year history that it was held outside its Florida home. Sixteen teams from five continents—including a team from Zimbabwe whose members had to raise their own funds to travel to Baltimore—competed over three days before a team from the Law Society of Ireland bested the University of Hawaii William S. Richardson School of Law for the title.

The subject of the competition had a ripped-from-the-headlines quality: an offshore oil spill, government regulation,

and international law. Each team had four preliminary arguments, and half the field advanced to the quarterfinal round. Four teams made it to the semifinals, and the final round was held the afternoon of Sunday, March 20.

In addition to the overall victory by the Law Society of Ireland, the two teams from the Philippines finished first and second in the Best Memorial competition. The team from Zimbabwe, which impressed its fellow competitors with its professionalism and determination to raise money in order to get to the competition, won the Spirit of Stetson award.

—Jeffrey Raymond



(From left) Environmental Law Program Managing Director William Piermattei '99, Environmental Advocacy Adjunct Professors Karla Schaffer '07 and David Mandell '07, Law Society of Ireland team members Denise Daly, Maeve Larkin and Clare McQuillan, Stetson Law Professor Royal Gardner, and Ireland team coach Thomas Patrick Kennedy.

*Support for the competition was provided by the Fedder Environmental Fund, established through the generosity of Joel D. Fedder, Esq., '58, and his wife, Ellen S. Fedder.*

## Students Learn from Public Servants

**RECENTLY**, students at the School of Law learned firsthand from some of Maryland’s most high-profile attorneys and public servants what they can do with a law degree.

U.S. Representative Elijah Cummings ’76, the ranking member of the House of Representative’s Committee on Oversight and Government Reform, brought several committee members—including Chairman Darrell Issa, R-Calif.—to the School of Law for a hearing on the continuing mortgage crisis. Cummings called Baltimore City Mayor Stephanie Rawlings-Blake ’95, and Maryland Governor Martin O’Malley ’88, to testify on the impact foreclosures and troubled mortgage relief programs are having on citizens and communities. The congressional hearing drew intense local media coverage and a packed house in the School’s Ceremonial Moot Court Room.

In the afternoon, the committee heard testimony from Sgt. Kevin Matthews (ret.), a client of UM Carey Law’s Consumer Protection Clinic. Matthews, a retired National Guard member who served a year-long deployment in Iraq, lost his home due to faulty foreclosure practices by GMAC. Now part of the “robo-signing” disputes working their way through Maryland courts, Matthews detailed his struggles to the committee and pleaded with the members to help the tens of thousands of homeowners

still facing foreclosure. “I am an example for everything that can go wrong when lenders abuse the system and are not held accountable,” Matthews said. “Hopefully, through your actions, other homeowners trying to be proactive and do the right thing will not have to endure what I have suffered through.”

Also in early March, at separate events, Baltimore City State’s Attorney Gregg Bernstein ’81 and Assistant Attorney General and former School of Law professor Thomas Perez spoke to School of Law students.

Bernstein said careers in his office are a good way for young lawyers to serve the community while building their own careers. “For those of you who want to learn trial skills, it’s a great place to start.” Bernstein also said he intends to hire a full-time training director to instill professionalism among the hundreds of attorneys who work for his office. Like Bernstein, Perez encouraged the students to consider serving their communities by becoming prosecutors. Both agreed that prosecutors need to use strong legal skills and good judgment in order to achieve justice.

—Jeffrey Raymond

**(Clockwise) Maryland Commissioner of Financial Regulation Mark A. Kaufman (left) testifies alongside Sgt. Kevin Matthews (ret.) and his attorney about the foreclosure crisis in the state of Maryland. Chairman Darrell Issa opens the committee hearing, along with Rep. Cummings. Maryland Governor Martin O’Malley ’88 and Baltimore Mayor Stephanie Rawlings-Blake ’95 are sworn in to testify.**



# Carey *Forward*

By Gynene Sullivan

ON APRIL 25, 2011, faculty, staff, and students were greeted by a balloon arch, bright buttons, and bunting as they entered the atrium of the School of Law. As the morning became afternoon, leaders from the Maryland legislature, bench, and bar joined members of the School of Law community for a very special announcement: a \$30 million gift from the W. P. Carey Foundation.

“This gift is especially meaningful because it profoundly links the past and the future of this institution,” said Dean Phoebe A. Haddon during her remarks to a standing-room-only crowd on all levels the atrium. “At the inaugural event of my deanship, I called for a recommitment to law as a public calling, regardless of one’s chosen career path. These values are part of our history and they now carry us forward.”

Joining Dean Haddon for remarks at the podium was University System of Maryland (USM) Chancellor William “Brit” Kirwan, UM President Jay A. Perman, Governor Martin O’Malley ’88, Baltimore City Mayor Stephanie Rawlings-Blake ’95, Wm. Polk Carey, and Francis J. Carey of the W. P. Carey Foundation. Members of the Carey Foundation Board of Directors, as well as the USM Board of Regents, the UM Carey Law Board of Visitors and the Alumni Board, were among the crowd.

The gift is being made in honor of Wm. Polk Carey’s grandfather, Francis King Carey, who was a graduate of the School of Law Class of 1880. Francis King Carey was a committed public servant who staunchly believed it was his duty to work for the betterment of all. Like many lawyers graduating from the School of Law today, Francis King Carey operated successfully in both the business and legal communities, building bridges between the two in some of Baltimore’s most challenging and interesting times.

In recognition of the Carey Foundation’s support, the School of Law will be renamed the University of Maryland Francis King Carey School of Law. “I want all the faculty and students to know that he’s up there watching you,” said Wm. Polk Carey of his grandfather. “And he will be there with his support that you need to make this the greatest law school in the world.”

To learn more about the intriguing life of Francis King Carey, we invite you to read the story that follows, “Building Bridges: A Forward-Looking Career in Law and Commerce.” ►



Wm. Polk Carey waves to the attendees in the atrium.

Students look at a copy of the commencement program from 1880, the year Francis King Carey graduated.



Maryland Governor Martin O'Malley '88 presents Wm. Polk Carey with a state proclamation.

Former U.S. Senator Joe Tydings '53 offers a toast after the ceremony.

Dean Phoebe A. Haddon



Baltimore City Mayor Stephanie Rawlings-Blake '95

Faculty, staff, students, and guests got involved in the festivities by donning buttons with the "Carey Forward" logo.



Francis J. Carey addresses the standing-room-only crowd.



By Richard Byrne

# BUILDING BRIDGES: A Forward-Looking Career in Law and Commerce

After Baltimore's Great Fire in 1904 and throughout his influential career, Francis King Carey believed that a strong relationship between law and business creates a powerful engine to lift up all citizens.



COURTESY OF ENOCH PRATT FREE LIBRARY, MARYLAND'S  
STATE LIBRARY RESOURCE CENTER, BALTIMORE MARYLAND

Francis King Carey (right) helped lead Baltimore through important municipal improvements after the Great Fire of 1904. Pictured here, the burned-out district of West Falls Avenue, southwest of the Lombard Street Bridge that crossed the Jones Falls.

“Before the fire,” Baltimore lawyer and businessman Francis King Carey told the newest graduates of the University of Maryland’s schools of law, medicine, and pharmacy in a 1906 commencement address. “We date everything in that way now.”

The fire was Baltimore’s Great Fire, which over a mere two days in February 1904 decimated much of the city’s downtown business district, destroying more than 1,500 buildings and 2,500 businesses. More than 35,000 Baltimoreans were left jobless.

Rebuilding Baltimore, and especially its hard hit central business district after its fiery cataclysm, was a stern test for Carey—whose name now graces the University of Maryland School of Law—and other civic leaders. But few Baltimore residents were as well positioned as Carey to provide leadership in a crisis that ravaged not only the city’s commerce, but also its confidence. In the 26 years since his graduation from the School of Law in 1880, Carey’s successes as a corporate lawyer and as a businessman made his voice ring with authority. Many of his achievements—guiding large mergers of public utilities and serving as president of Charleston’s Consolidated Railway Gas and Electric Company—were directly related to the challenges faced by the stricken city.

By 1906, the wheels of Baltimore’s renaissance were already well in motion. So when Carey told the graduates of the professional schools that the calamity had provided a “reveille” to the city, the claim rang true. “The roaring flames, the falling walls, the clanging bells,” he continued, “all cried ‘Awake! Awake!’ to our people. And what an awakening it has been.”

The city’s epochal tragedy occurred as fervor for progressive reform was growing. Carey was one of those progressives, and his eloquence and diligence helped Baltimore effect great municipal changes after the fire—widened and rebuilt streets, the introduction of a sewer system, and a sweeping

plan for the city’s parks and open spaces.

Carey’s effectiveness as a leader was rooted in his ability to operate successfully in the spheres of law and of commerce. Indeed, Carey insisted that strong relationships between law and business were a powerful engine to lift up all citizens. In that 1906 commencement speech, Carey appealed to graduates to “earn their livelihood out of the prosperity rather than the misfortunes of the business community,” and he evoked the perils of not doing so vividly:

“With what pleasure or satisfaction can the lawyer spend or save his miserable receiver’s commissions if they represent the blood money of commercial disaster to which his services either by choice or



PHOTO COURTESY OF EMILY CAREY, CAREY FAMILY HISTORIAN

ignorance or neglect have contributed? Will he ever pass the deserted factory, which once hummed with busy machinery, without a feeling of shame, and will not the chattering ghosts which haunt its ruins step always on his heels? Will he think without remorse of the laborers and clerks thrown out of employment, or of the dead loss of wealth to the community, or of the specific addition to the resistances of life he has helped to make?”

Whether helping to awaken Baltimore after its great fire, or leading a small sugar beet company to survival amid drought and economic depression, or lending his talents to civic reforms, Francis King Carey lived out his ambition that law and business pursue progress as assiduously as profit.

### Making A Modern Lawyer

Francis King Carey was born in 1858 into the family of Baltimore’s famous Careys. His great-grandfather, James Carey, was a prominent merchant in late 18th- and early 19th-century Baltimore, as well as a founder and president of the Bank of Maryland and a member of the city’s first council. His father, also James Carey, was a successful businessman and the first president of Provident Savings Bank.

Family tradition may have suggested a career in commerce, but it was the law that first attracted Carey after attending Haverford College, where he received bachelor’s and master’s degrees and won the college’s gold alumni medal for oration. When Carey began law school at the University of Maryland, the legal profession in the United States was redefining itself—with an emphasis on increasing rigor, reform, and specialization. Indeed, Maryland’s law school itself—founded in 1816 and revived in 1868 after a hiatus of 36 years—was at the vanguard of the changes in legal instruction.

“[The law school] resurfaced because the law, like so many other features of late nineteenth-century American life, no longer permitted haphazard training,” writes Robert J. Brugger in *Maryland, a Middle Temperment 1634-1980*, his epic history of the state. “Commercial and industrial growth, besides creating new fields of legal specialization, demanded regularity and system. Maryland was one of the first law schools in the country to adjust accordingly.”

Upon his graduation from the law school, Carey was drawn precisely to those areas in which law was advancing and coalescing.



ID # Z24.1466, COURTESY OF THE MARYLAND HISTORICAL SOCIETY

**A study in contrasts: Two years after the Great Baltimore Fire (inset), the area west of South Street along Lombard Street was rebuilt and ready for business.**

His practice of corporate law made him a highly regarded and sought-after advocate in Maryland and elsewhere. Carey argued a number of cases before the U.S. Supreme Court and was deeply involved in a lengthy list of corporate reorganizations in the eastern United States at the turn of the century—many involving complex mergers between utilities, railroads, and factories.

Carey was also a founding partner in two prominent law firms that exist to this day. In 1887, Carey joined with John E. Semmes and John N. Steele to form the firm of Steele, Semmes and Carey—which took on its present name of Semmes, Bowen and Semmes in 1909. The multinational firm DLA Piper LLP has its roots in an early 20th-century Baltimore law partnership between Carey, James Piper and J. Bannister Hall Jr., who created the firm of Carey, Piper and Hall.

### Sweet And Savvy

Francis King Carey brought as much energy to commercial pursuits as he did to legal work. Excellence as a corporate lawyer led him to opportunities in business, and most

He collaborated with his elder brother James Carey (who had graduated in 1875) on a widely influential legal textbook, *Forms and Precedents* (1885). He also edited a monthly gazette called *The Civil Service Reformer*, which weighed in on the evils of election fraud and the spoils system.

Other early writings offer a window into other aspects of Carey's varied progressive interests. His first book, *A Digest of the Law of Husband and Wife* (published jointly with classmate David Stewart only a year after his graduation from law school) was a formal essay on women's rights—a topic in which Carey had taken a keen and public interest. In an essay published by the *Princeton Review* in two parts in 1884 called "Women of the Twentieth Century," Carey marshaled vast swaths of history, statistics, and a sense of the brewing evolution of American law to argue presciently that the women's movement would move gradually but inevitably from increasing legal rights to full political franchise.

"As women increase in intellectual and industrial importance and gain intellectual and material independence," wrote Carey, "their individuality of character will be too distinct to be merged in that of their husbands by marriage, and a similar revolt which has newly defined the property rights of husband and wife will divide the parties to the contract into their separate unities and

hear them both as members of the State. The woman's ideas will become strong, sound and valuable, and she will be allowed to express them through the suffrage."

Reading the *Princeton Review* essay, it is hardly surprising that Carey chose in 1886 to marry Anne Galbraith Hall, a strong and capable woman from another prominent local family who pursued social issues throughout her life ranging from food safety to woman's labor. She also founded the

### 1880 Class Ledger for Francis King Carey's graduating class

126	Graduating Class 1880		Law		Literature		Mathematics		Science		Physical	
	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam	Final Exam
	Amos W.S.	94%	100	90	92	379%	90	2				
	Armedy Oliver W.	97%	97	97%	91%	393	85%	6				
	Barnes Wm J.	95%	91	91%	88%	365%	91%	10				
	Carey Francis K.	99%	98%	96	98	371%	92%	9				
	Larrison H. Marant	98%	100	99%	98	396	99	8				
	W. H. ...	100%	100	100	100	400%	100	10				

Gilman School in 1897, pioneering a national movement for country day schools for urban students.

This pursuit of political and social progressivism did not impede Carey's swift rise to the top of Baltimore's legal profession.

of Carey's later years were devoted to business and public service.

Carey became president of South Carolina's Charleston Consolidated Railway Gas and Electric Company in 1899, spending three years in that position. Stories



in the *Baltimore Sun* attest to the vigor with which Carey attempted to build bridges between the two important East Coast port cities. On April 13, 1902, for instance, the *Baltimore Sun* reported on a planned celebration of Maryland Day in Charleston, noting Carey's suggestion that time of the ceremony be pushed back to 4:30 p.m. to "enable the merchants and other business men of

The challenges to the National Sugar Manufacturing Company were many, and the stakes were high. Not only did Carey and other investors put their personal fortunes in the hazard to make sugar, but the survival of Sugar City and its population of more than 1,200 also hung in the balance. Managing the company required much of Carey's skill and attention, but he also provided testimony to

## FRANCIS KING CAREY BROUGHT AS MUCH ENERGY TO COMMERCIAL PURSUITS AS HE DID TO LEGAL WORK. EXCELLENCE AS A CORPORATE LAWYER LED HIM TO OPPORTUNITIES IN BUSINESS.

Charleston to more largely participate in the demonstration than if the hour were earlier, when they would be engaged in their stores and counting rooms."

But the great adventure of Carey's business career was a more than 40-year association with the National Sugar Manufacturing Company. In *The Beet Sugar Industry in Microcosm: The National Sugar Manufacturing Company, 1899 to 1967*, a master's thesis written in 1980, Dina Sabin Markoff gives the best account of Carey's tenure with the company. When Carey was assigned the task of reorganizing the beleaguered beet sugar company for a new set of investors, she observes, the Baltimore attorney had more than a legal fee at stake. The large Corliss engine Carey owned—a German company's idiosyncratic payment for his legal services—was being used in National's beet sugar plant in Sugar City, Colorado.

To protect his investment, Carey quickly assumed control of the company and kept it until his death in 1944, handling much of the company's business from Baltimore. Markoff's narrative—based in great part on an extensive review of the company's correspondence and back issues of the town's newspaper (the aptly named *Saccharine Times*)—makes clear that Carey was the prime mover in the small beet sugar company's survival in a time of intense competition from cane sugar suppliers, interruptions of needed supplies of beet seed by World War I, and the climatic and irrigation challenges of agriculture in the Mountain West.



PHOTO PROVIDED BY CROWLEY COUNTY HERITAGE CENTER MUSEUM, CROWLEY, CO

Francis King Carey took considerable risks—both personal and financial—to ensure the survival of the National Sugar Manufacturing Company in Sugar City, Colorado.

Congressional committees to negotiate political threats to the sugar industry, and he used his political savvy to secure precious water resources and improved infrastructure to irrigate Colorado farms. Obtaining the necessary beet seeds—which before World War I were imported largely from Germany, Austria, and Russia—even required Carey to engage in James Bond-like derring-do in 1914 as war broke out in Europe.

Markoff relates how Carey sailed to Europe with gold bars to pay for 10 million pounds of beet seed and had it shipped through the war-torn waters of the Atlantic back to the United States. On December 6, 1914, the *Baltimore Sun* credited Carey for saving the nation "if not from a sugar famine, then certainly from higher prices than it will have to pay for sugar next year." The article also revealed in the personal risks Carey took on his journey, including the fact that his vessel, the *Noordam*, "struck a mine in the North Sea and narrowly escaped destruction."



### Rebuilding And Relief

As years passed, Carey often volunteered his talents to even larger causes.

After Carey’s family was rocked by an outbreak of typhoid fever in March 1916, which killed his daughter Emily Carey and sickened Carey, his wife Anne, and his son Frank as well, the attorney took up a cause with continuing relevance today: compulsory health insurance.

Addressing a civic committee formed to promulgate the cause, Carey argued the United States had already fallen behind many European nations in adopting universal health insurance. Carey was quoted in the *Baltimore Sun* as telling the committee, “I am strongly of the opinion that there is no form of social insurance that is more humane, sounder in principle and that would confer a greater benefit on large groups of our population and upon the Commonwealth as a whole than health insurance.”

But the entrance of the United States into World War I pushed the health insurance issue to the back burner, and Carey was

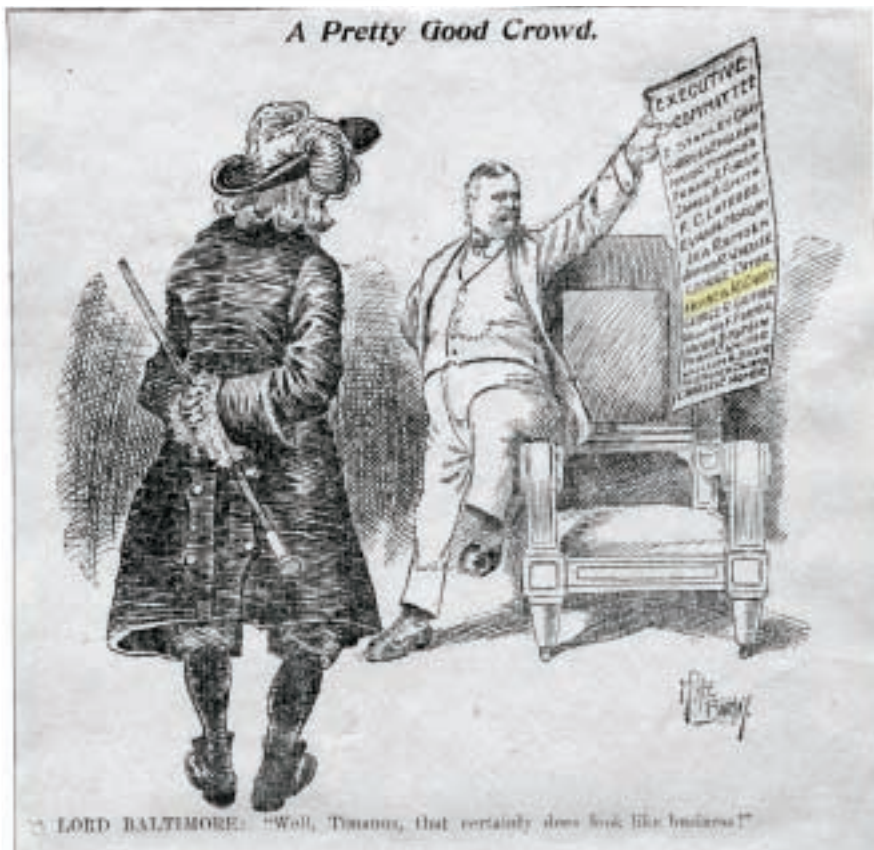
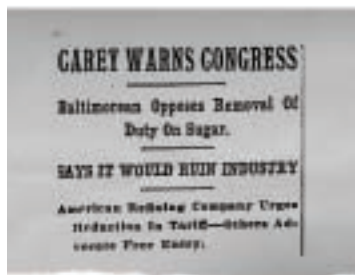
tapped to lead Maryland’s efforts in both the Hoover Food Conservation Campaign and the Red Cross War Fund Campaign during the conflict. When the Great Depression took hold of the nation, Carey became involved in efforts by the Baltimore Emergency Relief Commission to spur commerce by pairing out-of-work craftsmen with those needing home repairs. In a radio broadcast that aired in January 1935, Carey spoke of the “Baltimore Better Housing Program” as a means by which the power of commerce and contract could aid both struggling workers and the value of Baltimore’s real estate.

“We remind you,” Carey said, “that at the present moment there is more actual money in Baltimore than at any time in its history. Our Baltimore banks of deposit have together hundreds of millions of dollars on deposit, but the vast proportion of it sleeps idly, while our home owners who have deposited most of it, sleep idly too, while their homes depreciate for want of modest expenditures or fall further and further ‘out of date.’”

Carey’s radio address also stressed another part of his character that grew more pronounced as he aged. The one-time reform Democrat had become a more bipartisan figure, occasionally supporting Republican candidates and seeking middle ground on hot-button issues such as Prohibition—on which he dubbed himself a “conservative wet” and a “liberal dry.”

“We have yet to hear any criticism of our Program by New or Old Dealers,” he quipped about housing repair effort, “and there can be none, because it is a deal as old as civilization itself—that of bringing buyer and seller together.”

Carey’s push to consensus and the reasonable middle proved essential in work as chairman of a committee to revise Maryland’s corporation laws in 1908 and during two stints as chair of state commissions to revise taxation. It also led him, as a member of the centrist League to Enforce Peace, into efforts to steer America on a middle course between hawks seeking to enter World War I



Highly regarded in the field of corporate law, Francis King Carey was a natural pick for the executive committee appointed by Baltimore City Mayor E. Clay Timanus to oversee the city’s recovery, as depicted in a political cartoon of the time.



**Out of the ashes:** Baltimore's ravaged business district, looking west along Baltimore Street from Calvert Street, was impressively transformed, just two years after the city's Great Fire.



ID # Zz4-352 AND Zz4-344, COURTESY OF THE MARYLAND HISTORICAL SOCIETY

and isolationists and pacifists opposing the conflict. Carey also served as a member of the executive committee of Maryland's branch of the League of Nations Association, which supported President Woodrow Wilson's ultimately failed efforts to have America join the international body.

In his quest for a better, safer, and more prosperous Baltimore, Carey proved a formidable, and even ferocious, advocate who took few prisoners when it came to civic advancement. It was this quality that came to the fore in his efforts to help Baltimore rebuild after the Great Fire of 1904.

As a member of an executive committee appointed by Mayor E. Clay Timanus to oversee the city's recovery, Carey was a key figure in pushing through an ambitious platform of investment in civic infrastructure

Property owners along the street who stood to lose land in the widening were among the main opponents of the plan, but in an impassioned address to a committee hearing arguments on the move, Carey deployed sharp-tongued satire to scold them. "To abandon the widening of Baltimore Street is to leave Hamlet out of the play," Carey jibed. "Every reason which can be brought forward for the widening of other streets applies, it seems to me, with tenfold force to Baltimore Street."

Securing approval for loans to pay for the improvements moved Carey to decry

In an article, "Baltimore Reform and the Baltimore Fire," published in the Spring 1970 edition of the *Maryland Historical Review*, James B. Crooks dubbed Carey "one of the most energetic of the evangelists for planned public improvements" and noted that in a speech on the first anniversary of the fire, Carey had declared that "a city will be great or small in direct ratio to the greatness or smallness of the character of its people."

For the lawyer and businessman and law school alumnus who addressed the commencement of the 1906 class, the fire was a defining moment. And in summarizing the moral that he felt the conflagration had

## IN HIS QUEST FOR A BETTER, SAFER, AND MORE PROSPEROUS BALTIMORE, CAREY PROVED A FORMIDABLE, AND EVEN FEROCIOUS, ADVOCATE WHO TOOK FEW PRISONERS WHEN IT CAME TO CIVIC ADVANCEMENT.

—a sewer system, paved roads to replace cobblestones, new docks and enhanced green spaces—many of which were vigorously opposed by powerful special interests in the city. Among the most contentious of the issues was a proposed widening of Baltimore Street, which was made imperative not only because the narrowness of city streets had aided the spread of the Great Fire, but also because of the persistent congestion in the city's core.

naysayers to the city's rebuilding efforts in terms both biblical and martial in an April 1905 address. "In Heaven's name let us drive into outer darkness the few camp followers who are hanging on the outskirts of our army of progress with no other cry than that of 'I object.' Let us for once forget our differences, political, social, business and sentimental; let us forget our doubts, jealousies and suspicions and stand and stay and fight together in the common cause of the public advancement."

burned into him and into the city, Carey brought his audience back to the vision of a community where business and law and service blended into harmony:

"The extraordinary emergencies of our Great Fire taught our people a lesson in cooperation which they will be slow to forget. We have learned to our infinite satisfaction that no community can be a great one unless each member of it rejoices almost as much in the prosperity of his neighbors as in his own." ■





# Financial Legislation Takes a New Track

By Rich Shea  
Illustration by Guy Parsons

The Dodd-Frank Act, considered the most far-reaching piece of financial legislation in 80 years, has dramatically changed the legal landscape for corporations and consumers alike. And while it may be too early to tell what direction it will take, one thing's for sure: Lawyers will need to help clients deal with uncertainty.

**On** a Tuesday morning in late March, Peter Holland '92 is projecting a chart on the classroom screen in the Consumer Protection Clinic class he is teaching as a visiting professor at UM Carey Law. An unpretentious native New Yorker, Holland has devoted the last 18 years to helping “the little guy”—mostly disadvantaged clients trying to pry themselves from the tenacious grips of debt collectors and predatory lending agencies. So it makes sense that he should explain on both the macro and micro levels the ways in which the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 will affect consumers and, thus, their prospective lawyers.

The chart he is using resembles a spider web with more than 100 red and black lines crisscrossing each other as they extend from left to right. The chart was created by a former student who had worked at one of the eight federal agencies listed on it. “She became so disillusioned, she quit and went to law school,” Holland explains.

Part of the problem is there are too many government agencies supposedly enforcing 16 separate pieces of legislation

aimed at protecting consumers. The Truth in Lending Act, for instance, is pierced by five red arrows, meaning that all of the pertinent agencies are charged with enforcing it: the OCC, the FDIC, the OTS, the NCUA, and the FTC. “How many people have ever even heard of the NCUA?” Holland asks. He scans the classroom, sees no hands raised. “Good,” he says, “honest answer: nobody. And here you are, in a consumer protection class, and you never heard of it.” So how, he asks, is your average consumer going to know that the National Credit Union Administration is, in theory at least, a potential legal resource?

Below the red and black spaghetti is another chart that the former student created. It lists the same 16 pieces of legislation in two tidy rows and links all to just one central agency. As part of the new Dodd-Frank Act, named for primary authors U.S. Representative Barney Frank and former U.S. Senator Christopher Dodd, the Consumer Financial Protection Bureau, or CFPB, should be up and running Summer 2011.

Dodd-Frank is described by UM Carey Law Professor Michael Greenberger as “the most far-reaching piece of financial legislation” in 80 years. As Holland points out, the CFPB will write the rules for and enforce consumer protection laws, but it won’t, like those agencies listed in the first chart, be beholden to financial institutions that, as a matter of practice, help fund their operations.

“We are finally going to have an autonomous federal agency whose sole mission is consumer protection,” Holland said prior to his class. “And that,” he added, “has never happened before.”

**Dodd-Frank, if fully implemented, would mean the end of “toxic” loans, one of the many types of subprime loans that became such a large part of financial institutions’ portfolios in the 2000s that, when the housing market tanked, almost caused a “second Great Depression,” according to Greenberger.**

Dodd-Frank, if fully implemented, would mean the end of “toxic” loans, one of the many types of subprime loans that became such a large part of financial institutions’ portfolios in the 2000s that, when the housing market tanked, almost caused a “second Great Depression,” according to Greenberger. It also put people like Holland’s clients out on the street.

“The [Dodd-Frank] Act,” Greenberger says, “would require lenders to verify the ability of the borrower to repay. That’s huge.”

Dodd-Frank is unique from traditional legislation in one very important respect, say those most familiar with it. While many pieces of legislation come in response to in-depth studies of the problem, Dodd-Frank implements legislation and then directs studies to be done to determine if the scope of regulation is appropriate or

whether more or less action needs to be taken. This unprecedented procedure of “implement first, review later,” places both lawyers and businesses affected by the Dodd-Frank Act in a sort of legal limbo. On Capitol Hill, the pro-business lobby is trying to scale back regulation, and there’s speculation that, because the oversight agencies have to be federally funded, a now Republican-controlled Congress might “starve it” financially.

“The assault from the House majority on financial reform has been pretty relentless. And so, there is a lot of work to be done,” says Lisa Donner, executive director of the advocacy coalition Americans for Financial Reform.

On the other hand, Thomas Quaadman, vice president of the U.S. Chamber of Commerce’s Center for Capital Markets Competitiveness, is among those who believe that the CFPB will simply add to an already complex network of agencies that, prior to the crisis, failed to enforce regulations that might have kept irresponsible financial institutions in check. Dodd-Frank, Quaadman says, will “adversely impact the ability of companies to go out and raise the capital that they need to expand their businesses and create jobs.”

Whether or not the act is gutted, starved, or brought to full fruition, the legal landscape has been altered. For several years to come, figuring out which parts of the act will or won’t stick will be a fluid process. This is expected to pose a major challenge to lawyers advising financial institutions or businesses that deal with financial institutions—or even consumers. Whoever’s paying, one thing’s for sure: Lawyers will need to help clients deal with all the uncertainty.

### **ONE TRAIN, LOTS OF CARGO**

Dodd-Frank, at 2,300-plus pages, is so comprehensive that what gets highlighted depends on to whom you’re talking. In general, it purports to do a few big things: 1) consolidate and strengthen government oversight, ensuring that financial institutions don’t pose systemic risk; 2) provide transparency in once-unregulated markets; 3) put a stop, via a liquidation process, to institutions whose collapse threatens the



economy; and 4) protect the consumer. It's also supposed to protect taxpayers from ever having to bail out financial institutions again.

Greenberger, a former official of the Commodities Futures Trading Commission who teaches a seminar on derivatives, helped shape what Dodd-Frank looks like by serving on Congressional advisory committees and testifying on Capitol Hill. So it's no surprise that his focus is Title VII, or "Wall Street Transparency and Accountability." These provisions regulate a market that grew at such precipitous rates that, by 2007, it accounted for more than \$600 trillion in trade, exceeding the stocks and bonds markets worldwide, according to Greenberger. And because the market was unregulated, it operated without oversight or transparency.

Among the derivatives, which include options and futures, were over-the-counter "swaps," or quasi forms of insurance that investors financed to back mortgages they were "betting" would be repaid. As the housing and subprime markets grew, however, and loans were made available to those who had never qualified before, credit default swaps, or insurance paid by investors betting on the default of those loans, started to pop up—and grow exponentially.

Ethical questions aside, the insurance companies backing these bets didn't have to

show they had the capital to cover potential losses. And, like many, they believed the housing market would stay robust. It didn't, and the subprime-loan market collapsed, ruining scores of financial institutions and investors.

"The failure to have a regulatory format for that market was the principal—not the only, but the principal—reason for the meltdown," Greenberger explains. It started the dominoes tumbling, which is why Title VII takes up almost a third of Dodd-Frank, requiring that those who enter the over-the-counter swaps market "must enter it with sufficient capital to sustain your business operation," Greenberger says. So any type of swaps transaction—of which there are many, including interest-rate, currency, foreign-exchange, and energy—must be covered "so the taxpayer is not forced to bail out parties that make mistaken and reckless investments."

In addition, 90 percent of the transactions will have to be cleared by an exchange-like trading vehicle, meaning, Greenberger says, "that there must be a central guarantor on both sides of the contract." Had these rules been in place previously, an insurance company like AIG, which lost \$85 billion it didn't have, probably wouldn't have gotten into the subprime mortgage game to begin with.

Among the materials Greenberger assigns to his UM Carey Law students



(including the Academy Award-winning documentary *Inside Job* and the best-selling book *The Big Short*) is the PBS Frontline episode *The Warning*. It recounts the time he spent working, in the late 1990s, for the federal Commodity Futures Trading Commission (CFTC), where Chairperson Brooksley Born, foreseeing what eventually would occur, pushed for extensive regulation of the derivatives industry. But to no avail.

“The power of Wall Street, in terms of lobbying, is overwhelming,” Greenberger says. “And in the absence of a crisis, they convinced Congress—and they were aided by people like Alan Greenspan, who was [Chairman of the Federal Reserve], and Larry Summers, who was Secretary of the Treasury—that this was a market that presented no risk.” That, he says, was obviously a mistake. “It not only presented risk, it presented systemic risk that almost brought the economy down.”

There are specific provisions in the new law aimed at preventing system-wide failure in the future. Title II, or “Orderly Liquidation Authority,” for example, enables the government to monitor companies’ operations and force them into bankruptcy should their activities threaten the economy. Those familiar with this provision note that it provides the government an important mechanism—not in place before—for dealing with systemic risk.

Quadman, at the U.S. Chamber of Commerce, says that portions of the derivatives and liquidation provisions in Dodd-Frank make a lot of sense. He worries, however, that other provisions will “take risk out of the equation, and that’s exactly the wrong thing to do. If you’re talking about excessive risk-taking, that’s one thing. But if you look at the financial crisis, you have companies that were looking at the same economic data and making different strategic decisions. Some people made smart decisions; some people made not-so-smart decisions. . . . But you can’t grow a free-enterprise economy without risk.”

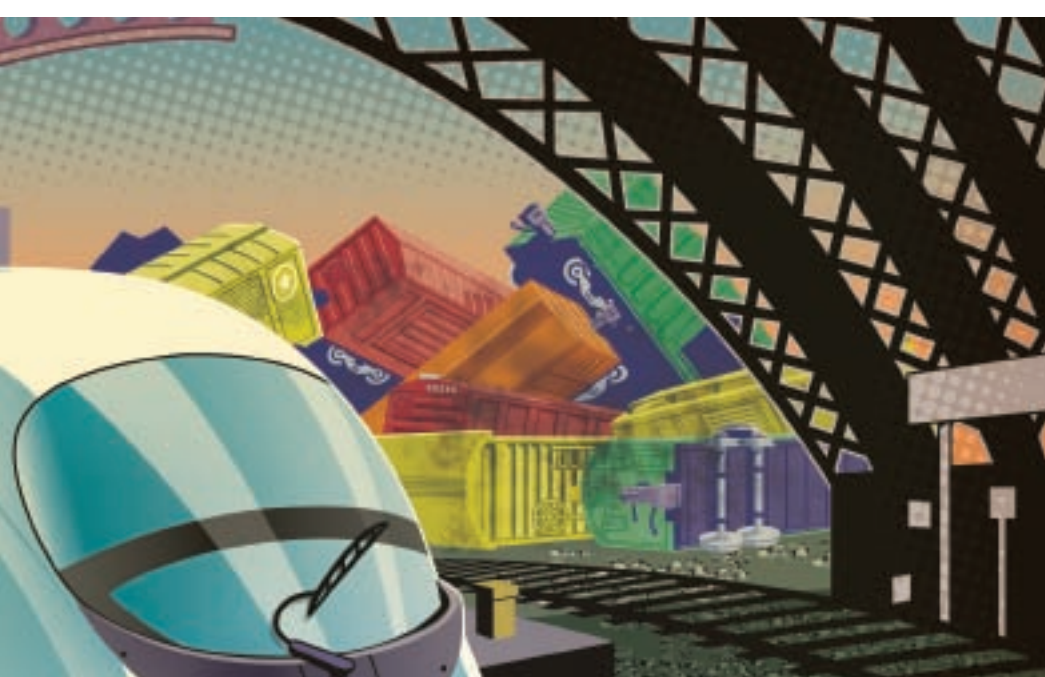
Excessive, not reasonable, risk-taking was the norm for too long, according to Donner, at Americans for Financial Reform. Dodd-Frank, she believes, steers financial policy-making in a new direction. Prior to the crisis, she says, “there were laws passed or policies made, at the behest of special interests, to remove regulation or prevent oversight. And the consequence of that was a series of failures.”

Like Donner, Holland and Greenberger are concerned that current lobbying efforts, backed by the same forces that shut down the CFTC’s attempt to regulate derivatives trading in the late ’90s, may all but gut Dodd-Frank. “My message to students,” Greenberger says, “is that this thing could become completely unwound within the next year.”

Having studied the derivatives market for 15 years, Greenberger can’t help but get passionate about the subject. “We have seen conduct that almost put us into a second Great Depression,” he says. “Unemployment is as high and sustained as it’s ever been. People are insecure in their jobs, if they have them. Pension funds have been depleted.” State and city budgets, he adds, are in terrible shape. “So that, to me, is the deluge—stunted economic growth on steroids.”

## PROTECTING CONSUMERS

Holland sounds a similar theme, saying, “Dodd-Frank is about increasing transparency. And we know what happens when things are not transparent: the mortgage meltdown. Also, the act is very pro-Capitalist and very pro-business.





## With more than 2,300 pages of regulations in Dodd-Frank, “there’s a lot there for lawyers to work on.”

—Professor Michael Greenberger



When you let people get away with deceptive practices, then the honest, transparent business is put at a competitive disadvantage.” Which is one reason he and his clinic students, who aid mostly economically disadvantaged victims of unfair or deceptive trade practices, are so excited today. On April 1, a Dodd-Frank regulation created by the Federal Reserve kicked in, banning what’s known as the “yield-spread premium.” The YSP is the extra percentage point or two a mortgage broker tacks on to a client’s interest rate, and which he or she splits with the lending institution.

A common source of profit, the YSP is indicative of the larger problem that lawyers like Holland and his protégés had to face pre-Dodd-Frank—legal loopholes allowing financial institutions to gouge the public. Another upcoming Dodd-Frank ban, on prepayment penalties, is just as significant, Holland tells his students. Then he asks, “Can anybody explain this?”

One young man volunteers, noting that 30 years ago when banks both loaned and collected money for mortgages, they ensured the borrower was able to pay by engaging in due diligence. But once lending and collecting were separated, and the desire to lure greater numbers into the market grew, financial institutions began promising no-interest loans—at least for the first couple years—to those who had never before hoped to own a house. Once the initial period was over, the ARM, or adjustable-rate mortgage, would kick in at more than 10 percent. When the borrower would try to refinance with a better loan, he or she would then discover a prepayment penalty buried in the contract’s fine print that made it all but impossible to get out from under the original loan.

“So, you’re locked in, you’re a prisoner, because you can’t afford the penalty,” Holland explains. “Banning that is huge; it’s a huge reform that will directly impact the consumers that we represent in this clinic.”

There seems little doubt that Dodd-Frank will impact the practices of lawyers throughout the profession—whether they are advising large businesses on provisions dealing with derivatives and disclosures or small businesses that use consumer financial products to finance their businesses and thus must understand Title X and the Consumer Financial Protection Bureau.

As for law students, those who want to go into government will now have more opportunities because federal agencies need assistance with the new charges of the legislation. Greenberger believes that the move toward increased regulation has prompted law schools—UM Carey Law, included—to better prepare students for working in both the agencies and the financial industry. “For those going into investment-banking or securities law, they have to understand how the market operates,” he says. And with more than 2,300 pages of regulations in Dodd-Frank, “there’s a lot there for lawyers to work on.”

As for Holland, he advises students to look at any major law firm’s website. Dodd-Frank, he says, is the hot topic. “And if you could become an expert in some aspect of the law—whether it’s consumer protection or something else—you’re going to be way ahead of the game. It’s going to affect people whether it totally flops or goes a hundred percent. Regardless of what the end game looks like, you have the opportunity to seize this thing.” ■

# Small Business, Big Needs

During tough financial times, small firms look to their lawyers for wide-ranging expertise to pilot them through rough waters.

**By Barry Rascover**  
**Illustration by Peter Ferguson**

As the United States tries to claw its way out of the worst economic collapse since the 1930s—not with a V-shaped bounce-back as politicians had hoped but with an aching slow U-shaped recovery bordering on a double-dip recession—small businesses continue to feel the pain.

Firms with annual sales of less than \$10 million were hit the hardest during the Great Recession, losing a combined \$2 *trillion* in profits. These smaller companies accounted for almost 60 percent of the nation's layoffs, according to Barlow Research Associates' Quarterly Economic Pulse Survey.

While monthly unemployment figures are wavering up and down and big businesses are cautiously hiring, small-sized firms remain in the doldrums. It's what Steve King, a partner at the California consulting firm Emergent Research, calls a "trickle-down economic recovery" with large corporations "leading the way and small businesses lagging and mired in the downturn."





For those in the legal field, representing small firms requires broad legal skills even in boom years. It becomes even more of a test for these attorneys when the economy tanks. What can they offer small clients who are struggling to stay afloat?

Since small businesses lack in-house counsel or personnel offices, the attorney's job often covers a wide array of topics. "You have to hone your skills," says Michelle Harner, a professor at UM Carey Law and co-director of the Business Law Program, "so that you know what to be sensitive to in order to meet the client's needs."

"It's a more intimate scale for the attorney, who must quickly understand the client's story and anticipate the needs and potential problems."

**"Most attorneys who have small-business clients also work with larger clients. This gives them a very broad view of business and the economy and puts them in good position to counsel smaller companies."**

—Anirban Basu '03, CEO of Sage Policy Group

Aaron Ghais '96, a business transactions lawyer with Shulman, Rogers, Gandel, Pordy & Ecker in Potomac, Md., has found this to be true. "Small firms need the most hand-holding. You educate them to business realities," he says. One of his clients recently sought institutional financing from angel investors for the first time. Ghais coached the client on what was about to happen. "He had no idea of the financial process. He had no idea what he should agree to or how much control to give to the investor group."

"Lawyers are referred to as counselors for a reason," says Anirban Basu '03, chairman and CEO of Sage Policy Group, an economic and policy consulting firm in Baltimore. "Most attorneys who have small-business clients also work with larger clients. This gives them a very broad view of business and the economy and puts them in good position to counsel smaller companies."

In a recession, says Stephen A. Goldberg '76, a general business lawyer with Gallagher, Evelius & Jones in Baltimore, small owners are desperate for advice from a trusted source. "It's ironic that the more a company's business is off, the more the owners need your help. You have to work even more closely with the client—and know the company better than you ever have before."

"A recession is a squeeze on money," he notes. A small company loses customers; payments arrive late, if at all, and banks tighten their financing. Yet employees—and the government—must be paid and material purchased. "Do you advise the client to sue his best customers? Will that help or hurt in the long run?" Goldberg says he might suggest ways to keep financing in place through additional collateral or negotiations with the bank. Or he might offer ways the owner can lower expenses so the firm can tread water. "It's a case-by-case situation," he says. "If you have a collaborative relationship with the client, your suggestions will be welcomed."

It's particularly important during tough financial times for the small-business lawyer to play multiple roles, agrees Carolyn Jacobs '85, who practices health-care law with Rifkin, Livingston, Levitan and Silver in Towson, Md. Questions pop up on a wide range of topics, such as employment law, workers compensation, tax implications, state and federal regulations, contract law, insurance issues, corporate law, and—in the end—bankruptcy law. All of this makes it crucial for any attorney representing a small business "to have a generalist mentality."

If a medical practitioner, for instance, is setting up a practice, Jacobs says she will establish the doctor's corporate entity, review office and equipment leases, advise the doctor on malpractice insurance as well as "slip-and-fall" insurance, submit regulatory filings, and raise personnel and tax issues.

As the economic cycle heads south, Jacobs' tasks change. She may become "an old-style counselor"—suggesting ways for the physician to economize by outsourcing parts of the

business, trimming staff, reorganizing benefits, or taking on a partner.

If income continues to decline, she might raise unpleasant options like merging with a larger medical group or selling the practice to a hospital.

“Your job is to be the cynic,” she says. “You have got to look ahead for the client.”

### Hands-on Experience for Students

At UM Carey Law, elements applicable to smaller firms are embedded in many courses, such as Business Associations, Tax Planning, Employment Law, the Intellectual Property Survey course, and the Intellectual Property Clinic, which works with entrepreneurs and technology start-ups.

“We see a lot of small biotech companies, computer software companies, Internet-based firms, companies in electronic and mechanical arts, and firms selling consumer products,” says School of Law Associate Professor Patricia Campbell, who is director of the UM Carey Law’s Intellectual Property Legal Resource Center in College Park. Twelve students participated in the School of Law’s IP Clinic this summer, where they worked on preliminary patent and trademark matters for small businesses seeking help.

During the most recent recession, “there’s been a marked increase in our number of clients,” says Campbell. “We have many more than we can assist. There are so many people out of work who are looking to start a new business. I could easily keep five to 10 more students busy this summer.”

On-the-ground legal training while at UM Carey Law has become much more important to students, as legal practices face their own recession-related constraints, according to Campbell.

“It used to be that law firms wouldn’t expect much in the way of practical skills from their new attorneys for a few years,” she says. “Now, they want attorneys who know what they are doing and can create value right away. They demand real, practical experience.”

### Playing Outside the Box

Christopher Steer ’01, a business partner at PA & Associates of Timonium, Md., a company that helps negotiate lower shipping rates for large and small companies, says his legal training has given him ideal skills to help clients weather rough seas.

“In law school, you are taught to adapt, to think critically and strategically. You are taught to solve problems. Those are the same skills you need in business”—especially in a recession.

“There are so many people out of work who are looking to start a new business. I could easily keep five to 10 more students busy.”

—Patricia Campbell, director of UM Carey Law’s Intellectual Property Legal Resource Center



“In a recession, you get to use that great adaptive quality of the legal mind. You can be strategic and help business owners solve their problems.”

—Christopher Steer '01

“Lawyers underestimate themselves,” he says. “They are really powerful when they must be creative” for clients during difficult economic periods. “You crystallize your focus on how to improve the company. You focus your attention on the core business and develop ideas.”

Basu notes that lawyers often “invest their intellectual capital” analyzing basic aspects of how a business is being run, not only “to protect the organization from harmful litigation,” but also to provide strategic advice clients might overlook.

The key, notes Campbell, is for attorneys advising cash-strapped small companies “to make smart decisions and deliver value to the client.”

“Start-ups and small, family-run companies have very limited resources for attorney fees,” she says. This means the lawyer might file just one patent application right away rather than four separate ones, to save the company money. The attorney “must minimize the time spent on certain legal matters” and perhaps consider a reduced fee until the company is in better financial shape.

Entrepreneurial firms are thinly capitalized. In a recession, they can't afford big legal bills. “It's a bit of a challenge,”

## Modernizing the Maryland LLC

In 1992, Maryland became the fifth state to create an unincorporated form of business known as a limited liability company. “People were skeptical of the LLC's value,” recalls Marshall Paul '72, a co-author of the statute.

Today, the LLC is ubiquitous, especially among small businesses. According to Paul, a partner at Saul, Ewing in Baltimore, the LLC “has become the most widely used form of business organization in this country.”

And why not? It fits the needs of smaller companies. The LLC Act is simple, practical, and straightforward. As Michelle Harner, UM Carey Law professor and co-director of the Business Law Program, notes, “It gives you the flexibility of a partnership, but the partners generally have limited liability absent wrongful conduct.”

To keep pace with business trends and court rulings, the original statute has undergone fine-tuning from time to time. Last year, the Maryland State Bar's Committee on Unincorporated Business Associations offered comprehensive revisions to the LLC Act that were approved in April by the Maryland General Assembly.

The changes remove “ambiguities and uncertainties that created some confusion,” says Harner, who served as vice-chair of the bar committee. “We wanted to make the LLC Act more user friendly.”

One of the revisions places added emphasis on the validity of an LLC member's operating agreement, regardless of the language of external contracts. “If the parties take the time to negotiate a contract, we should respect the results between those contracting parties even if it is not what we would have done,” says Harner.



Ghais admits. He says attorneys must make their own business decisions about a client's prospects and whether it is worthwhile to defer payment, not bill the full amount of hours worked, or write off the account.

Steve Goldberg sees a silver lining in economic hard times for smaller legal firms. "In prosperous years, there's a box everyone must play in." But during a recession, he says lawyers "can play outside the box because the normal rules of financing don't apply. You have to look for ideas that work, not simply what's typical." Lawyers can use their creativity and analytical skills to great advantage.

Ghais, for one, finds working with smaller companies and start-up entrepreneurs invigorating—and, in a recession, challenging. "One of the fun things is the variety of legal work you do for small companies. The owners involve you much more in the business end of things. They bounce ideas off you

and you can throw out suggestions, too. You're not confined to one narrow aspect of the law."

Steer concurs. "In a recession, you get to use that great adaptive quality of the legal mind," he says. "You can be strategic and help business owners solve their problems."

Adds Basu, "The best lawyers view their role as broader than legal matters. They help the client see the bigger picture and that there is light at the end of the tunnel—even when the client sees only darkness." ■

Two other key enhancements to the LLC Act are as follows:

- **The rights of creditors are refined.** They can obtain a charging order to collect a partner's distributions, but the creditors do not gain voting rights in the LLC. "We didn't want one member's creditors having the ability to affect other members' interests in the business," Harner says. Creditors obtaining a charging order against a single-member LLC, though, can take over the business and liquidate its assets.
- **A partner's voting rights are not automatically passed along, protected or retained.** When a partner assigns his economic interests in an LLC to a third party, the partner's voting rights are not included. That requires approval from the other LLC members. "If there is a change of business partners in

ownership, all have to agree to it," adds Harner. "Since the old partner no longer has any economic rights, why should he retain his voting rights?" explains Paul.

With these and other modest changes to Maryland's LLC Act, Paul and Harner believe the form of business entity most favored by smaller companies continues to make a great deal of sense.

—Barry Rascovar



# Business Law Program Navigates a New Course

**By Rich Shea** **LAST FALL**, a start-up company in Baltimore found itself on the fast track to financial success, thanks in large part to a law firm it had hired to help navigate complex legal waters. The firm drafted a business plan, served as counsel whenever growth challenges arose, and guided the company through its initial public offering.

That is, it pretended to.

The exercise is part of a revamped Business Planning seminar taught by Professors Michelle Harner and Daniel Goldberg, during which third-year students, playing the roles of corporate associates, “see and counsel a hypothetical client at every stage most businesses work through,” Harner explains. But the seminar is also just a hint of what’s in store for the school’s revamped Business Law Program—a program, which Harner co-directs with Robert Rhee, that promises to be more hands-on.

“Based on my own experience,” says Harner, a former corporate restructuring lawyer, “there is a noticeable gap in the knowledge base of recent law school graduates

and what they need to know to work in the business law context. So, to the extent this school can help fill that gap without giving up the already great value we provide on theoretical-concept components, that’s a good place to be.”

Starting this fall, students will be able to enroll in the Business Law Track, comprised of required courses—including Business Associations, Corporate Finance, and Business Planning—totaling 13 credits. “It’s very much like a college major,” says Rhee, a graduate of University of Pennsylvania’s Wharton School of Business and a former vice president in institutional investment banking. In addition to program co-directors Rhee and Harner, a new tenure-track faculty hire, Urska Velikonja, who specializes in securities regulations and corporate governance, will join the School of Law this fall.

Before the fall semester even begins, however, Rhee will teach a week-long summer course, Business 101, “for those who don’t have a business or finance background and need to understand the terminology and concepts to practice in the business context,” says

Harner. The course will cover three subjects: accounting, finance, and financial markets.

Rhee has written a 400-page book specially tailored to teach the course, and it will be published by a leading academic publisher.

“Some students come into law school with little knowledge of accounting or finance,” explains Rhee. “If you’re going to work with corporations or a large firm that does transactional work, you’ll have to know at least some basic level of accounting and finance.”

In addition, all business-track students with or without a business background will go through Business Law Boot Camp, during which practitioners “walk students through what business lawyers do, what





they need to know, what a deal looks like. It's those basic, hands-on concepts you don't necessarily get in a [standard] law school course," says Harner.

Among the practitioners who will be tapped to share their expertise in the program will be alumni, some of whom, in late March, participated in what Harner hopes will be an annual event: the Business Law Mentoring Initiative.

Over the course of a week, alumni and friends of the school opened their offices to students who have an interest in business law; some 40 students participated. The goal, says Harner is for students "to see what [business lawyers] do during the work day and talk to them about their career paths and their experiences and how they're utilizing their JDs and the skill sets they developed in law school."

The School of Law already has in place an externship program through which students earn credits clerking for judges or working in government agencies or legal departments. As part of the revamped program, Harner and Rhee hope to offer more business-related opportunities—working, for instance, for the Securities and Exchange Commission.

They would also like their students to meet, and possibly work on projects, with non-law majors at the



(From left) Michelle Harner, Daniel Goldberg, and Robert Rhee

into, they're going to have to learn how to be global problem-solvers. They'll have international aspects to their cases or international clients, or, in many ways, they'll have to deal with cross-border issues."

Last but not least, business-track students will be encouraged to enter competitions—both moot court and transactional, including an annual event that recently took place at Drexel University, where the focus was "on doing deals, doing transactions," says Rhee. UM Carey Law students were among 30 two-person teams that competed in the event and were judged on their problem-solving and contract-drafting skills, their knowledge of corporate and securities law, and their ability to create innovative solutions.

For second- and third-year law students, especially those who have gone into law school without much working experience, the Business Law Track provides

### As part of the revamped program, Harner and Rhee hope to offer more business-related opportunities—working, for instance, for the Securities and Exchange Commission.

University of Maryland—those in the business and biotech programs, for example. Already, they've recruited Professor Shruti Rana, who's helping to develop the School of Law's International and Comparative Law Clinic, to provide support. Rana teaches contract writing and comparative commercial law, "and I do a lot of exercises designed to expose students to all aspects of business practice," she explains.

As for the international scope, she says: "I think that whatever area of business law our students go

a structured curriculum, explains Rhee. "This has two big benefits: They're able to focus their studies; and it is a signaling device to potential recruiters—this is a student seriously committed to a particular area of the law."

In fact, those who have met all business-track requirements will receive a letter co-signed by Rhee and Harner. It will detail courses and activities completed as well as areas covered. "Basically," says Rhee, "it'll be a personalized letter of reference." ■

# Never Unprepared

By Christine Grillo

**T**hirty-nine years ago, Professor Robert Keller gave up a promising career at a large firm so he could teach tax law. “I loved teaching from the first day,” he says, as he heads into semiretirement. “There’s never been a single, solitary moment in my life when I regretted the choice.”

His story begins in Philadelphia in 1963, when he graduated with honors from the Wharton School, University of Pennsylvania, with a BS in economics. Three years later, he finished Harvard Law cum laude, and in 1966 he returned to Philadelphia to work in the tax department of the law firm of Wolf, Block, Schorr and Solis-Cohen. Over the course of his six years there, he came to suspect that the ideal life for him would not involve law practice, but instead, teaching. The problem? Keller believed he was too shy to teach. “I had this image that anyone who taught should be like William Buckley,” he says.

But his mentor at the firm, Jerome Kurtz, who was later the IRS Commissioner under President Jimmy Carter and who “had a whole new way of thinking about tax theory and policy,” pushed him to deliver presentations on new tax laws to different groups in the firm. Keller soon found himself going from luncheon to luncheon to give talks, and in the process discovered that he didn’t have to channel William Buckley to teach. All he had to do, he says, was prepare. Eventually, he says, “I knew I was much better at explaining tax law than I was at practicing it.”

In 1972, he joined the faculty of the School of Law and was promised by then Dean Cunningham a light load in his first year.

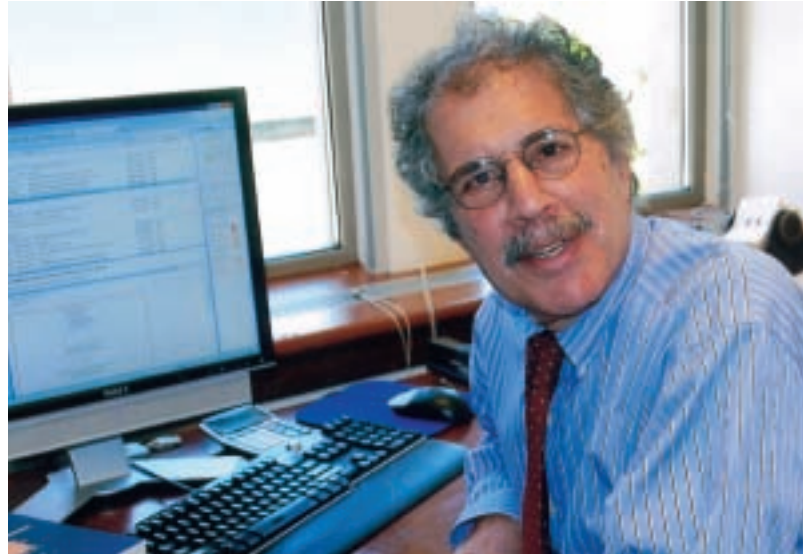
Keller recalls that the “light load” comprised courses in estate and gift tax, corporate tax, tax policy, and two sections of basic income tax. “I wondered what a heavy load would have looked like,” he jokes.

Nearly four decades later, he’s still uncomfortable if he has to talk about something spontaneously—but he’s never walked into a classroom without being thoroughly prepared.

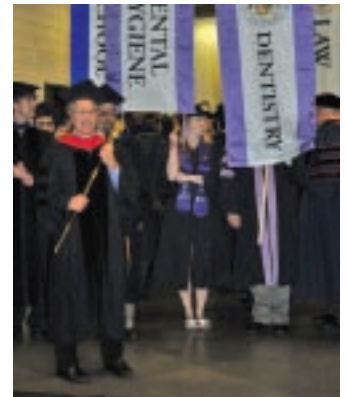
Intellectually invigorated by tax policy, Keller admits to a long-standing fascination with numbers. “It’s just incredible to explain to people that while our tax system may look chaotic, it

**“THERE’S A LOGIC to what a tax system should look like, and every time Congress enacts legislation that moves away from that logic, one must ask why?”**

—Professor Robert Keller



**Professor Keller was chosen to serve as honorary student marshal for the University of Maryland Commencement on May 20 and led the parade of students from all six graduate schools to their seats in 1st Mariner Arena.**



doesn’t have to be that way,” he says. “There’s a logic to what a tax system should look like, and every time Congress enacts legislation that moves away from that logic, one must ask why?” Keller believes that his students become some of the few people who actually “get” the tax system.

Richard Levine, one of Keller’s former students who is an attorney at DLA Piper, wrote recently in a tribute to Keller, “Several words come to mind when I think of Bob—enthusiastic, smart, charismatic, inspirational, approachable, intelligent, entertaining, fun, and intellectually curious. Once I took my first course from Bob, I couldn’t get enough.”

“Bob is one of a kind,” says David Abramson, a former student who practiced law for 25 years and is now president of Martek Biosciences Corporation. “To me, he was the single best teacher I had in college or law school. Period.”

Keller is humble about his story, providing a short version of it: “I taught for a long time, I wrote some articles, my students liked me, and then I left.”

He doubts he’ll be able to retire completely and will probably continue to teach one or two classes every year. “I still get a charge every time a student comes into my basic tax class gritting his or her teeth, and leaves with thoughts of becoming a tax lawyer,” he says.



## In Appreciation: Hungdah Chiu

By Professor Emeritus  
David Bogen (1936-2011)

In 1974 the School of Law decided that it could finally afford to hire full-time faculty who focused on courses beyond the required curriculum. We needed a scholar. And Hungdah Chiu was a scholar *par excellence*. On the day we hired him, his publication record already exceeded that of the rest of the faculty. He continued this extraordinary productivity until illness led to his retirement, publishing at least 27 books in English and Chinese and more than 130 articles, a record of scholarship unmatched in the history of the school.

Professor Chiu created the international law program at the school—helping found the first international law journal here, advising the Jessup competition and the international law society,

Right: Professor Chiu receives the Order of the Brilliant Star from the Republic of China, Taiwan's President Ma Ying-jeou.  
Far right: Professor Chiu, early in his career.



and sharing his knowledge across a wide range of international and comparative law areas. He retained his traditional formality and strong accent, but students who took the time to know him found a real “*mensch*” who delighted in offering a helping hand. He and his wife Yuan-Yuan invited students far from home to dinner at his house over the holidays. Several of his students published books under the auspices of the East Asia Legal Studies Program.

Hungdah and the East Asia Legal Studies Program hosted a number of research scholars who became leaders in education and government in Taiwan, including its current president Ma Ying-jeou. Professor Chiu's humility belied his extraordinary contributions to the Republic of China and through that to the world. His advice and counsel played a critical role in three stages—the move from martial law to a democratic government under new amendments to the Constitution, the establishment of a framework for operating in the United States and internationally after the U.S. recognized the People's Republic on the mainland as the government of China, and the rapprochement between the Republic of China, Taiwan and the People's Republic. He spent the 1993-94 academic year in Taiwan as minister without portfolio advising the government on a broad range of matters. After his return to Maryland, the Republic of China, Taiwan appointed him an ambassador-at-large. In recognition of his service, the Republic of China awarded him the Order of the Brilliant Star with Special Grand Cordon in 2009, one of the highest awards in the nation.

Professor Chiu led several academic associations, serving as president of four of them: the Association of Chinese Social Scientists in North America, the American Association for Chinese Studies, the Chinese (Taiwan) Society of International Law, and the Chinese (Taiwan) Branch of the International Law Association. An avid traveler and stamp collector, he particularly enjoyed the stamp issued at his urging by the Republic of China, Taiwan to honor the biannual conference of the International Law Association in Taiwan.

Hungdah Chiu combined prodigious scholarship with public service, and he did it with integrity, generosity, reason, and patience. We will miss him.

## THE RISE OF OUTSTANDING SCHOLARS at the School of Law further strengthens programs and enhances the school's outstanding academic reputation.

### New Faculty



**Urska Velikonja**, *Assistant Professor of Law*  
JD, *magna cum laude*, and LL.M., Harvard Law School  
LLB, with honors, University of Ljubljana  
School of Law

Urska Velikonja joins the School of Law after clerking for the Honorable Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit. Her current research interests include corporate law and corporate malfeasance. She has authored or co-authored more than a dozen articles about alternative dispute resolution, corporate governance, freedom of expression, and the right to privacy.

After completing her LLB at the University of Ljubljana School of Law in Slovenia, she clerked and practiced at an international firm before coming to the United States to earn her JD. At Harvard, Professor Velikonja served as Senior Editor of the *Harvard Environmental Law Review* and Article Editor of the *Harvard Journal of Law and Technology*. In addition, Velikonja was a Teaching Fellow for the Harvard Economics Department and a Post-Graduate Research Fellow at Harvard Law. In 2009, she was selected as one of two O'Connor Fellows at the Arizona State University Sandra Day O'Connor College of Law, where she taught a corporate law seminar.

**Lee Kovarsky**, *Assistant Professor of Law*  
JD, University of Virginia School of Law  
BA, with honors and with distinction, Yale University

Lee Kovarsky joins the School of Law after a three-year appointment as the Acting Assistant Professor of Law at New York University School of Law. His scholarship involves habeas corpus, criminal procedure, civil procedure, criminal law, federal courts and jurisdiction, Supreme Court jurisdiction, intellectual property, telecommunications, and Internet law. Before joining NYU, Professor Kovarsky was a Supreme Court and appellate practitioner in private practice. After law school, he clerked for the Honorable Jerry E. Smith on the United

States Court of Appeals for the Fifth Circuit. He graduated from the University of Virginia School of Law, where he was an Articles Editor for the *Virginia Law Review* and a John M. Olin Scholar. He received his undergraduate degree from Yale, earning awards of Academic Distinction in both Political Science and Economics. Professor Kovarsky continues to represent various clients in capital post-conviction proceedings at all levels of the federal and state judicial hierarchy.



### Appointments



**DEBORAH EISENBERG** joins the full-time faculty of the School of Law as an Assistant Professor of Law and Director of the Center for Dispute Resolution (C-DRUM) after serving as a Visiting Assistant Professor of Law since 2007. Prior to joining the full-time faculty, Professor Eisenberg was a partner with Baltimore law firm of Brown, Goldstein & Levy, LLP, litigating complex civil and appellate matters in state and federal courts, with particular emphasis on employment law on behalf of employees, disability law and other

civil rights matters. Professor Eisenberg also worked at the Public Justice Center, serving as Director of the PJC's Appellate Advocacy Clinic and litigating cases on behalf of low-wage workers, individuals with disabilities, tenants, and other underrepresented persons. Professor Eisenberg graduated from Yale Law School in 1994, where she was an editor of the *Yale Law Journal*, an editor of the *Yale Law & Policy Review*, a Supervising Student in the Poverty Clinic, and a Trial Director for the Barristers' Union.

## Promotions



**JANE F. BARRETT '76**, Director of the Environmental Law Clinic, was promoted to Law School Professor. Professor Barrett most recently was in private practice at Blank Rome, LLP in Washington, D.C. While at Blank Rome, and before that while at Dyer Ellis and Joseph, PC, Prof. Barrett chaired the White Collar, Internal and Government Investigations Group. In addition to

litigating complex criminal and civil environmental cases, she also conducted many corporate internal investigations, and advised clients on the implementation of corporate compliance programs and the effective use of audits and federal and state environmental self-disclosure programs. Previously Professor Barrett was an Assistant United States Attorney for the District of Maryland where she tried numerous criminal cases, including several key environmental criminal cases. She was also Chief, Environmental Litigation and supervised environmental litigation within the District of Maryland and worked with various state and county Environmental Crimes Task Forces within the State. Prior to joining the United States Attorney's Office, Professor Barrett was an Attorney General for the State of Maryland for the Hazardous Waste Strike Force/Environmental Crimes Unit and an attorney with the U.S. Environmental Protection Agency. Prof. Barrett is the author of numerous articles in the areas of her expertise and has served in leadership and other positions in professional organizations.

Promoted to Professor and tenured, **PETER DANCHIN** is the Director of the International & Comparative Law Program. Before joining the faculty at UM Carey Law, he was lecturer and director of the human rights program at Columbia University's School of International and Public Affairs. He has served as a foreign law clerk to Chief Justice Arthur Chaskalson of the Constitutional Court of South Africa, worked as a foreign associate at the New York law firm of Skadden, Arps, Slate, Meagher and Flom, and was as an associate at the Australian law firm of Allens Arthur Robinson.

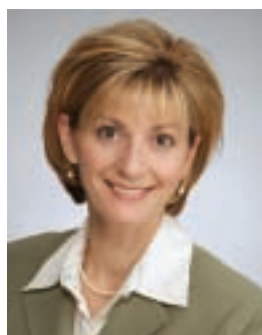
His areas of interest are international law, human rights law, and comparative constitutionalism. He earned his B.A. and LL.B. with First Class Honors from Melbourne University, where he was Editor-in-Chief of the Melbourne University Law Review, and his LL.M. and J.S.D. from Columbia Law School, where he was a Bretzfelder International Law Fellow.



**DAVID GRAY** was promoted to Associate Professor of Law. His scholarly interests are eclectic, but focus on transitional justice, criminal law, criminal procedure, and constitutional theory. His recent publications have appeared or are forthcoming in the *Vanderbilt Law Review*, the *California Law Review*, the *Alabama Law*



*Review*, the *Washington University Law Review*, the *Stanford Law Review*, *Law & Contemporary Problems*, the *Fordham Law Review*, and in prominent volumes edited by leading scholars. In addition to his own scholarship, Professor Gray works closely with students to develop and publish their work. Professor Gray frequently provides expert commentary for local and national media outlets. Prior to joining the School of Law, Professor Gray practiced law at Williams & Connolly LLP, was a Visiting Assistant Professor at Duke University School of Law, clerked for The Honorable Chester J. Straub, U.S. Court of Appeals for the Second Circuit, and for The Honorable Charles S. Haight, Jr., U.S. District Court for the Southern District of New York.



Promoted to Professor and tenured, **MICHELLE HARNER** is Co-Director of the Business Law Program. She teaches courses in Bankruptcy and Creditors' Rights, Business Associations, Corporate Finance, and Governance and Professional Responsibility. Professor Harner is widely published and lectures frequently on various topics involving

financially distressed entities and related legal issues. Her current research interests include shareholder and creditor activism and its impact on corporate value; legislative responses to serial business failures and related implications for discrete industries; and the ethical implications of insolvency for directors, officers and other fiduciaries. Before joining the UM Carey Law faculty in 2009, Professor Harner was in private practice in the business restructuring, insolvency, bankruptcy and related transactional fields, most recently as a partner at the Chicago office of the international law firm Jones Day. Before joining that firm, Professor Harner served as law clerk to Judge William T. Bodoh of the United States Bankruptcy Court for the Northern District of Ohio. Professor Harner received her JD from the Moritz College of Law at Ohio State University, where she served as Executive Editor of the Ohio State Law Journal and was also a member of the Order of the Coif. She earned her B.A. in English and Political Science at Boston College, and is admitted to practice law in Illinois and Ohio. Professor Harner is a member of the American Bankruptcy Institute, the American Bar Association and the International Association of Restructuring, Insolvency & Bankruptcy Professionals.

# Publications, Presentations, and Honors

The School of Law's faculty has a well-deserved reputation for producing outstanding legal scholarship, as evidenced by the rich array of books, articles, working papers, and conference presentations its members complete each year. The entries on the following pages represent only a sampling of the diverse scholarly activities of our academic community. For a more complete listing and actual links to articles, visit [www.law.umaryland.edu/scholarship](http://www.law.umaryland.edu/scholarship).

**Taunya Lovell Banks** published the article "Justice Thurgood Marshall, the Race Man, and Gender Equality in the Courts," 18 *VIRGINIA JOURNAL OF SOCIAL POLICY AND THE LAW* 15 (2010), and reviewed the book *What Comes Naturally: Miscengenation Law and the Making of Race in America* (by Peggy Pascoe), 44 *LAW & SOCIETY REVIEW* 881 (2010).

**Jane F. Barrett** will publish "When Business Conduct Turns Violent: Bringing BP, Massey & Others to Justice," 48 *AMERICAN CRIMINAL LAW REVIEW* (forthcoming 2011), and presented "The Clean Water Act and the Chesapeake Bay" at Washington College in Chestertown, Md., "Criminal Law & the Response to Catastrophe: A Statutory Framework" at the University of Houston Law School, and "Citizen Suits Litigation Under the Clean Water Act" at the Waterkeepers International Conference in Chicago.

**Pamela Bluh** published "If the Shoe Fits: Institutional Repositories and Technical Services," 36 *TECHNICAL SERVICES LAW LIBRARIAN* 28 (2010), and presented "It's All in a Day's Work: Managing the Institutional Repository" at the Managing Changing Collections ASTG/ECTG Forum of the University System of Maryland & Affiliated Institutions (USMAI), University of Maryland University College Academic Center, Largo, Md.

**Barbara Bezdek** was appointed a Fulbright Scholar in 2010, and served as Distinguished Lecturer in Law at the Shanghai University of Finance and Economics during the spring of 2011. She presented a paper at a conference in Beijing on China's emerging "third sector" of not-for-profit organizations and social enterprises, and delivered guest lectures on topics in community development at universities throughout China, including Changchun, Guangzhou, Hefei, Lanzhou, and Xi'an. She published the article "Community Recovery Lawyering: Hard Lessons from Post-Katrina Mississippi," *DePaul Journal of Social Justice* (Fall 2010) (with co-authors), co-edited *Housing & Community Development* (4th ed. 2010) (with Kushner et al.), and contributed the chapter "Community Development and Revitalization" to that textbook.

**Brenda Bratton Blom** published the article "Community Voice and Justice: An Essay on Problem-Solving Courts as a Proxy for Change," 10 *UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER & CLASS* 25 (2010) (with others), and will publish *Community Economic Development Law: A Text for Engaged Learning* (Carolina Academic Press, forthcoming 2011) (with others).

**David Bogen** published the article "Rebuilding the Slaughter-House: The Cases' Support for Civil Rights," 42 *AKRON LAW REVIEW* 1129 (2009), and presented "The



**RICHARD BOLDT**

Common Law Impact of the 13th Amendment" at the Maryland Constitutional Law Schmooze at the University of Maryland Francis King Carey School of Law.

**Richard Boldt** published the articles "Drug Policy in Context: Rhetoric and Practice in the United States and United Kingdom," 62 *SOUTH CAROLINA LAW REVIEW* 261 (2011), "Confidentiality of Alcohol and Other Drug Abuse Treatment Information for Emergency Department and Trauma Center Patients," 20 *HEALTH MATRIX: JOURNAL OF LAW-MEDICINE* 325 (2010), "Introduction: Obstacles to the Development and Use of Pharmacotherapies for Addiction," 13 *JOURNAL OF HEALTH CARE LAW & POLICY* 1 (2010), and "The 'Tomahawk' and the 'Healing Balm': Drug Treatment Courts in Theory and Practice," 9 *UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER & CLASS* 1 (2010). He also presented "Balancing Public Health

and Individual Liberties: Exploring New Options in Outpatient Treatment, An Overview of State Laws,” at the University of Maryland Francis King Carey School of Law and the UM Schools of Medicine and Social Work in Baltimore, and was a panelist for “Legal Perspective on Addiction Treatment and Mental Health,” at a Roundtable on Adolescent Decision-Making sponsored by the University of Maryland School of Law’s Law & Health Care Program and the Johns Hopkins Berman Institute of Bioethics in Baltimore.

**Maxwell Chibundu** published the article “International Human Rights and the International Law Project: The Revolving Door of Academic Discourse and Practitioner Politics,” 24 MARYLAND JOURNAL OF INTERNATIONAL LAW 309 (2009).

**Danielle Citron** published the articles “Fulfilling Government 2.0’s Promise with Robust Privacy Protection,” 78 GEORGE WASHINGTON LAW REVIEW A-101 (2010), “Book Review, Visionary Pragmatism and the Value of Privacy in the Twenty-First Century,” 108 MICHIGAN LAW REVIEW 1107 (2010) (reviewing Daniel J. Solove, *Understanding Privacy* (2008) with Leslie Meltzer Henry), “Government Speech 2.0,” 88 DENVER UNIVERSITY LAW REVIEW 899 (2010) (with Helen Norton), “Mainstreaming Privacy Torts,” 98 CALIFORNIA LAW REVIEW 1805 (2010), contributed the book chapter “Civil Rights in the Information Age,” in *The Offensive Internet: Speech, Privacy and Reputation* (Martha Nussbaum & Saul Levmore eds., 2011), will publish the articles “Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age,” 91 BOSTON UNIVERSITY LAW REVIEW (forthcoming 2011) (with Helen Norton), and “Network Accountability for the Domestic Intelligence Apparatus,” 62 HASTINGS LAW JOURNAL (forthcoming 2011) (with Frank Pasquale). She served as moderator at the WILLIAM AND MARY JOURNAL OF THE BILL OF RIGHTS E-voting, Privacy, and Democracy Conference at the William and Mary Law School, served as a panelist on “My Not So Private Life—Minority Report,” Facebook, and Google panel at the 2010 Odyssey Exploring Science and Law Alumni Weekend at Yale Law

School, and was an invited speaker for Columbia University Computer Science Department Distinguished Lecture Series. She was also named an Affiliated Fellow to the Stanford Law Center on Internet and Society and to the Advisory Board of Teach Privacy.

**Robert Condlin** published the article “Legal Bargaining Theory’s New ‘Prospecting’ Agenda: It May Be Social Science, But Is It News?,” 10 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 215 (2010), and will publish “Bargaining Without Law,” 55 NEW YORK LAW SCHOOL LAW REVIEW (forthcoming 2011).

**Karen Czapanskiy** co-authored the 5th edition of *Family Law: Cases, Text, Problems* (LexisNexis, 2010) (with others), and published the article “Chalimony: Seeking Equity Between Parents of Children with Disabilities and Chronic Illnesses,” 34 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 253 (2010).

**Peter Danchin** edited the book *United Nations Reform and the New Collective Security* (with Horst Fischer) (Cambridge University Press, 2010), contributed the book chapters “Introduction: The New Collective Security” and “Things Fall Apart: The Concept of Collective Security in International Law” in *United Nations Reform and the New Collective Security* (Peter Danchin & Horst Fischer eds., 2010), published the article “Defaming Muhammad: Dignity, Harm and Incitement to Religious Hatred,” 2 DUKE FORUM FOR LAW AND SOCIAL CHANGE 5 (2010), and will publish “Islam in the Secular Nomos of the European Court of Human Rights,” 32 MICHIGAN JOURNAL OF INTERNATIONAL LAW (forthcoming, 2011).

**Deborah Thompson Eisenberg** published the articles “Shattering the Equal Pay Act’s Glass Ceiling,” 63 SOUTHERN METHODIST UNIVERSITY LAW REVIEW 17 (2010) and “Opening the Doors to the Local Courthouse: Maryland’s New Private Right of Action for Employment Discrimination,” 9 UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER, AND CLASS 7 (2009), presented “Overview of Civil Procedure in

U.S. Courts” to judges from Jiangsu, China, served as a panelist for “Hot Topics in Unemployment Insurance” at the Labor and Employment Relations Association 63rd Annual Meeting in Denver, and moderated a Works-in-Progress Session about Clinical Pedagogy at the AALS Clinical Law Conference in Seattle.

**Martha Ertman** published the article “Race Treason: The Untold Story of America’s Ban on Polygamy,” 19 COLUMBIA JOURNAL OF GENDER AND LAW 287 (2010), contributed the book chapters “The Upside of Baby Markets,” in *Baby Markets: Money and the New Politics of Creating Families* 23 (Michele Bratcher Goodwin ed., 2010) and “The Productive Tension between Official and Unofficial Stories of Fault in Contract Law,” in *Fault in American Contract Law* (Omri Ben-Shahar & Ariel Porot eds., 2011), and provided the expert report “Reference re: Constitutionality of S. 293 of Criminal Code of Canada,” for a case in the British Columbia Supreme Court (Canada). She is working on a book called *Love and Contracts*, parts of which she has presented at faculty workshops at Loyola Law School Los Angeles, Western New England College, Stetson University, and Tel Aviv University in Israel.

**Donald Gifford** published the articles “Climate Change and the Public Law Model of Torts: Reinvigorating Judicial Restraint Doctrines,” 62 SOUTH CAROLINA LAW REVIEW 201 (2011), “No Ordinary Tort: Climate Change and Judicial Restraint,” 53 FOR THE DEFENSE 10 (February 2011), and “No ‘Ordinary Tort’—Climate Change Tort Actions and the Supreme Court” on Tortsprof Blog. He also presented “Climate Change and the Limits of the Judicial Function” at the Monsanto Conference on Civil Litigation as a Tool for Regulating Climate Change, Valparaiso University School of Law. Most recently, he served as moderator and a discussant of a mock Supreme Court argument on climate change litigation at the annual meeting of the International Association of Defense Counsel in Whistler, British Columbia.

**Daniel Goldberg** published the article “E-VAT—An Electronically Collected Progressive Consumption Tax,” 128 TAX



### SHERRILYN IFILL

Professor Sherrilyn Ifill has been appointed board chair of U.S. Programs for the Open Society Foundations. She previously served on the boards of U.S. Programs and the Open Society Institute in Baltimore.

NOTES 1351 (2010), and presented “Tax Issues in Leaving an LLC or Terminating Its Business: The Good, the Bad and the Ugly” at the 2011 Business Law Institute, sponsored by Maryland State Bar Association, Columbia, Md.

**David Gray** published the articles “Beyond Experience: Getting Retributive Justice Right,” 98 CALIFORNIA LAW REVIEW 605 (2011) (with Dan Markel and Chad Flanders), “Punishment as Suffering,” 63 VANDERBILT LAW REVIEW 1619 (2010), “A No-Excuse Approach to Transitional Justice,” 87 WASHINGTON UNIVERSITY LAW REVIEW 1043 (2010), “Extraordinary Justice,” 62 ALABAMA LAW REVIEW 55 (2010), “Progressive Retribution?,” 70 MARYLAND LAW REVIEW 141 (2010) (with Jonathan Huber), “A Modest Appeal for Decent Respect,” 22 *Federal Sentencing Reporter* (2010) (with Jessica Olive), and contributed the book chapters “Transitional Disclosures: What Transitional Justice Reveals About ‘Law,’” in *Transitions* (Austin Sarat ed., 2010) and “Feminist Perspective on Extraordinary Justice” in *Conflict and Transitional Justice: Feminist Approaches* (Martha Fineman & Estell Zinsstag eds.) (forthcoming 2011).

**Oscar Gray** published a revised Volume 6 and Supplement 2009 No. 2 to Vols. 1-5 of *Harper, James and Gray on Torts* (2006-2009) (with Fowler, V. Harper, Fleming, James, Jr.) (2009), and published *Cases and Materials on the Law of Torts, Shulman, James, Gray & Gifford* (with Donald Gifford) (5th ed., Foundation Press 2010).

**Michael Greenberger** published the articles “Overwhelming a Financial Regulatory Black Hole with Legislative Sunlight: Dodd-Frank’s Attack on Systemic Economic Destabilization Caused by an Unregulated Multi-Trillion Dollar Derivatives Market,” 6 JOURNAL OF BUSINESS & TECHNOLOGY LAW 125 (2011), and “Governance and Biosecurity: Strengthening Security and Oversight of the Nation’s Biological Agent Laboratories,” 13 DEPAUL JOURNAL OF HEALTH CARE LAW 77 (2010) (with Talley Kovacks & Marita Mike), and presented “The Impact of Financial Reforms on Energy Markets,” at the New York Energy Forum, and “Environmental Disasters and National Security” at the National Strategy Forum Speaker Series in Chicago.

**Phoebe Haddon** received the 2011 Great Teacher Award from the Society of American Law Teachers; was named to the board of The Constitution Project, a national nonpartisan effort to promote and safeguard the nation’s founding charter; and was chosen to participate in Leadership Maryland, a highly selective nonprofit program committed to fostering leadership ability that can be applied with power, influence, and authority for the greater good of Maryland. She published the article “Educating Lawyers with a Global Vision,” 25 MARYLAND JOURNAL OF INTERNATIONAL LAW 2 (2010) and delivered the 2010 Clifford Scott Green Lecture, “A Public Calling: Lessons from the Lives of Judges of Color in Pennsylvania” at Temple University, Philadelphia. Dean Haddon also served as a panelist at several professional meetings including “Women in Higher Education: A New Era of Leadership” at the Women in Higher Education: Power, Progress, and the Promise of Equality Conference, University of Minnesota, Minneapolis; “Readiness for the Profession” at the 2011 Conference on the Future of the Law School Curriculum, American Association of Law Schools, Seattle; and “Adjusting to the New

Normal,” part of the 2011 Roundtable on the Future of Lawyer Hiring, Development and Advancement, National Association for Law Placement, Washington, D.C. She moderated “Gender and the Justice System” and “Reshaping Institutions” concurrent and general sessions respectively, at the 2011 Workshop on Women Rethinking Equality, American Association of Law Schools, Washington, D.C.

**Susan Hankin** published the articles “Statutory Interpretation in the Age of Grammatical Permissiveness: An Object Lesson for Teaching Why Grammar Matters,” 18 PERSPECTIVES: TEACHING LEGAL RESEARCH AND WRITING 105 (2010), and “What is the Scope of the Duty to Provide Veterinary Care?,” 43 MARYLAND BAR JOURNAL 18 (2010) presented “The Property Status of Animals and Its Effect on Animal Law Practice,” Maryland State Bar Association Animal Law Section Welcome Dinner, “Bridging the Legal Writing Gap: Teaching Transitions Between Types of Legal Writing” (with Sherri Lee Keene) at the 2010 Legal Writing Institute Conference, Marco Island, Fla., and “The Continuing Fight Against Animal Cruelty: What Anti-Cruelty Statutes Are (and Are Not) Accomplishing,” Animal Law Section Educational Program, Maryland State Bar Association Annual Meeting, Ocean City, Md.

**Michelle Harner** published the articles “The Value of ‘Thinking Like a Lawyer,’” 70 MARYLAND LAW REVIEW 101 (2011), “Committee Capture? An Empirical Analysis of the Role of Creditors’ Committees in Business Reorganization,” 64 VANDERBILT LAW REVIEW 749 (2011) (with Jamie Marincic) “Behind Closed Doors: the Influence of Creditors in Business Reorganizations,” 34 SEATTLE UNIVERSITY LAW REVIEW 1155 (2011) (with Jamie Marincic), “Corporate Control and the Need for Meaningful Board Accountability,” 94 MINNESOTA LAW REVIEW 541 (2010), “Ignoring the Writing on the Wall: The Role of Enterprise Risk Management in the Economic Crisis,” 5 JOURNAL OF BUSINESS & TECHNOLOGY LAW 45 (2010), Barriers to Effective Risk Management, 40 SETON HALL LAW REVIEW 1323 (2010), “The Search for an Unbiased Fiduciary in Corporate



Reorganizations,” 86 NOTRE DAME LAW REVIEW 469 (2011), and will publish “Activist Distressed Debtholders: The New Barbarians at the Gate?” 89 WASHINGTON UNIVERSITY LAW REVIEW (forthcoming 2011). She presented “Committee Capture? An Empirical Analysis of the Role of Creditors’ Committees in Business Reorganizations” at the Villanova University School of Law Workshop and Michigan State University College of Law Workshop, “Chapter 11 Creditors’ Committees and Examiners: Are they Effective?” at the American Bankruptcy Institute Annual Spring Meeting, “Mitigating Financial Risk for Entrepreneurs” at the Law and Society Association Annual Meeting, and “Behind Closed Doors: the Influence of Creditors in Business Reorganizations” at the Adolf A. Berle, Jr. Center on Corporations, Law & Society Conference.

**Deborah Hellman** published the article “Money Talks but It Isn’t Speech,” 95 MINNESOTA LAW REVIEW 953 (2011), contributed the book chapter “Money and Rights” in *Money, Politics and the Constitution: Beyond Citizens United* (Century Foundation and Brennan Center for Justice, 2011), presented “Corruption as a Derivative Concept: Implications for Campaign Finance Law” at a Faculty Workshop at the University of Virginia, served as a panelist for “*Christian Legal Society v. Martinez*: Discrimination, Free Speech, Homosexuality and Christianity” at the University of Maryland, and commented on Michel Rosenfeld’s “The Identity of the Constitutional Subject” at Cardozo Law School.

**Leslie Meltzer Henry** recently published “Visionary Pragmatism and the Value of Privacy in the Twenty-First Century,” 108 MICHIGAN LAW REVIEW 1107 (2010) (with Danielle Keats Citron), “Deciphering Dignity,” 10 AMERICAN JOURNAL OF BIOETHICS 59 (2010), and will publish “The Jurisprudence of Dignity,” 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW (forthcoming 2011). She also served as a panelist for “Health Care Reform and the U.S. Constitution” at the Constitution Day 2010 Program co-sponsored by the Maryland League of Women Voters and the University of Maryland Francis King Carey School of Law; served as a moderator for the law school’s

Health Reform Speaker Series on “Health Privacy and Issues in Cost-Containment”; and was co-organizer and moderator of the Adolescent Decision Making Conference, which was co-sponsored by the UM Carey Law and the Johns Hopkins Berman Institute of Bioethics. She is continuing as an Associate Faculty member at the Johns Hopkins Berman Institute of Bioethics and also was appointed as an Associate to the Consortium for Emerging Technologies, Military Operations, and National Security.

**Diane Hoffmann** published the articles “Legal Impediments to the Diffusion of Telemedicine,” 14 JOURNAL OF HEALTH CARE LAW & POLICY 1 (2011) (with Virginia Rowthorn) and “Medical Marijuana and the Law: Perspective,” 362 NEW ENGLAND JOURNAL OF MEDICINE 1453 (2010) (with Ellen Weber) and contributed the chapter “Dying as a Public Health Issue” in *Reconsidering Law and Policy Debates: A Public Health Perspective* (John Culhane ed.) (2010). She also presented The Annual Paul A. Pumpian Lecture, “The Evolving Medical Marijuana Legal Landscape,” Department of Pharmaceutical Health Services Research, University of Maryland School of Pharmacy, Baltimore; “Federal Regulation of Probiotics: An Analysis of the Existing Regulatory Framework and Recommendations for Alternative Frameworks” to the Probiotics and Clinical Metagenomics Working Group, Cleveland Clinic & Case Western Reserve, Cleveland and at the 34th Annual Health Law Professors Conference in Chicago; and “Legal Obstacles to the Treatment of Pain” to the Barriers to Pain Management Staff Briefing for the California Legislative Women’s Caucus via webcast.

**Sherri Lee Keene** published the article “It Was the Best of Practice, It Was the Worst of Practice: Moving Successfully from the Courtroom to the Classroom,” 48 DUQUESNE LAW REVIEW 533 (2010).

**Lee Kovarsky** published the articles “Deal Ineligibility and Habeas Corpus,” 95 CORNELL LAW REVIEW 329 (2010) and “Original Habeas Redux,” 97 VIRGINIA LAW REVIEW (61 2011).

**Susan Leviton** received the Margaret Brent-Juanita Jackson Mitchell Award from the Bar Association of Baltimore City. The award recognizes women lawyers and judges who have surmounted substantial barriers to achieve professional excellence.

**Paula Monopoli** published the book *Contemporary Approaches to Trusts and Estates* (Aspen Publishers 2011) (with others) and contributed the book chapter “Women and the Gendered State” in *Feminist Constitutionalism* (Cambridge University Press, forthcoming 2012) (with E. McDonagh). Professor Monopoli also presented papers at Emory University School of Law, University College Dublin and the University of Texas School of Law.

**Robert Percival** authored nine publications including a book, two law review articles, two book chapters, a book review, a policy report, and two magazine articles. His publications included: “Who’s in Charge? Does the President Have Directive Authority over Agency Regulatory Decisions?” 79 FORDHAM LAW REVIEW 2487 (2011); “Law, Society and the Environment,” in *Law, Society and History: Themes in the Legal Sociology and Legal History of Lawrence M. Friedman* (R. W. Gordon & M. J. Horowitz, eds., Cambridge University Press 2011); “Environmental Law Goes Global: Taking Back Eden: Eight Environmental Cases that Changed the World,” 41 ENVIRONMENTAL LAW REPORT 10194 (March 2011); “Strategies for Promoting Green Energy Innovation, Deployment & Technology Transfer” in *American Institute for Contemporary German Studies, Intellectual Property Rights and Green Technology Transfer: German and U.S. Perspectives, Policy Report #45* at 7-59 (2010); “Liability for Environmental Harm and Emerging Global Environmental Law,” 25 MARYLAND JOURNAL OF INTERNATIONAL LAW 37 (2010); and “La Responsabilidad por Daño Ambiental Global y la Evolución en las Relaciones entre el Derecho Público y Privado (Liability for Global Environmental Damage and the Evolution in the Relationship Between Public and Private Law)” in *Derecho Ambiental en Tiempos de Reformas (Environmental Law in Times of Reform)* 99 (V. Duran Medina, et al., eds.) (AbeledoPerrot

Publishing (Chile) 2010). He gave 32 presentations in eight countries, including guest lectures at eight U.S. universities, one U.S. government agency and two laws schools in China. He spoke at international conferences in Belgium, Canada, Chile, Germany, South Africa, Spain and the U.S. and conducted workshops on water law, forest protection, and environmental and natural resources law for three delegations of visiting Chinese officials.

**Michael Pinard** published the articles “Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity,” 85 *NEW YORK UNIVERSITY LAW REVIEW* 457 (2010) and “Reflections and Perspectives on Reentry and Collateral Consequences,” 100 *JOURNAL OF CRIMINAL LAW & CRIMINOLOGY* 1213 (2010) (Centennial Symposium issue), presented “Collateral Consequences of Criminal Convictions” to the Mayor’s Office of Employment Development, Re-entry Center Partnership Meeting, Baltimore, participated in the Access to Justice Forum at Stanford Law School, and served as a panelist for “Bridging the Traditional Clinical/Doctrinal Divide,” at the Southeastern Association of Law Schools 2010 Annual Conference.

**Garrett Power** received the Lord Baltimore Fellowship from the Maryland Historical Society during the Spring Term of 2011 and presented “Land Tenure and the Cityscape: Baltimore Maryland’s Ground Rent System 1745-1830” at the Fifth International Conference, Planning Law and Property Rights in Edmonton, Alberta.

**Amanda Pustilnik** published the article “Violence on the Brain: A Critique of Neuroscience in Criminal Law,” 44 *WAKE FOREST LAW REVIEW* 183 (2009).

**Peter Quint** published the articles “A Return to Lüth,” 16 *ROGER WILLIAMS UNIVERSITY LAW REVIEW* 73 (2011), “60 Years of the Basic Law and its Interpretation: An American Perspective,” 57 *JAHRBUCH DES OEFFENTLICHEN RECHTS DER GEGENWART* 1 (2009), and “The Universal Declaration and South African Constitutional Law: A Response to Justice Arthur Chaskalson,” 24 *MARYLAND JOURNAL OF INTERNATIONAL*

*LAW* 40 (2009). He also presented “The Influence of the United States Supreme Court on Judicial Review in Europe” at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany, and served as Chair for the Session on Constitutional Law: Foreign Voters at the XVIII International Congress of the International Academy of Comparative Law in Washington, D.C.

**Shruti Rana** published the article “Streamlining’ the Rule of Law: How the Department of Justice is Undermining Judicial Review of Agency Action,” 2009 *UNIVERSITY OF ILLINOIS LAW REVIEW* 829 (2009) and participated in the Author-Meets-Critics Panel: Anna Law’s “The Immigration Battle in American Courts,” at the Midwest Political Science Association National Conference in Chicago.

**William Reynolds** published the articles “Back to the Future in Law Schools,” 70 *MARYLAND LAW REVIEW* (2011) and “What’s Software Got To Do With It? The ALI Principles of the Law of Software Contracting,” 84 *TULANE LAW REVIEW* 1541 (2010) (with Juliet M. Moringiello) and presented “Where We Are in Electronic Contracting,” at the Sixth International Conference on Contracts, Stetson Law School.

**Robert Rhee** published the articles “A Production Theory of Pure Economic Loss,” 104 *NORTHWESTERN UNIVERSITY LAW REVIEW* 49 (2010), “Bonding Limited Liability,” 51 *WILLIAM & MARY LAW REVIEW* 1417 (2010), “Fiduciary Exemption for Public Necessity: Shareholder Profit, Public Good, and the Hobson’s Choice during a National Crisis,” 17 *GEORGE MASON LAW REVIEW* 661 (2010), “The Decline of Investment Banking: Preliminary Thoughts on the Evolution of the Industry 1996-2008,” 5 *JOURNAL OF BUSINESS & TECHNOLOGY LAW* 75 (2010), “On Legal Education and Reform: One View Formed from Diverse Perspectives,” 70 *MARYLAND LAW REVIEW* 310 (2010), and “The Stand Alone Course Approach to Teaching Business Ethics,” 12 *TENNESSEE JOURNAL OF BUSINESS LAW* 39 (2011) (presentation transcript), and he contributed the book chapter “Crisis, Rescue, and Corporate Social



**JANA SINGER**

Responsibility under American Corporate Law,” in *Reframing Corporate Social Responsibility: Lessons from the Global Financial Crisis*, (William Sun et al. eds.) (Emerald Group Publishing, UK, 2010).

**Karen Rothenberg** published the articles “From Eugenics to the “New” Genetics: The Play’s The Thing,” 79 *FORDHAM LAW REVIEW* 407 (2010), and “NIH Guidelines on Human Embryonic Stem Cell Research in Context: Clarity or Confusion?,” 2010 *WORLD STEM CELL REPORT* 89 (with Michael Ulrich) and presented “From Plays to Policy: Reflections on How to Make an Impact” at the Program in Bioethics at Columbia University and “Back to the Future: Research Ethics for the Genomics Era” for the DIR Seminar Series at the National Human Genome Research Institute, National Institutes of Health in Bethesda. She was also appointed to the Legal Advisory Board of the Genetics Policy Institute and served as a member on the Institutional Review Board, National Institute of Child Health and Human Development at the National Institutes of Health for the 2010-2011 term.

**Jana Singer** published the article “Dispute Resolution and the Post-Divorce Family: Implications of a Paradigm Shift,” 47 *FAMILY COURT REVIEW* 363 (2009), and presented “Parenting, Separation and Divorce: What’s Gender Got to do with it?” as the plenary speaker at the 48th Annual Conference of the Association of Family and Conciliation Courts

(AFCC) in Orlando, Fla., “The Paradigm Shift in Family Dispute Resolution,” at the Divorce Roundtable of Montgomery County, Rockville, Md., and “Family Feuds: From Adversary Justice to Problem-Solving Courts,” at the University of Richmond School of Law Faculty Colloquium.

**Maxwell Stearns** contributed the book chapter “An Introduction to Social Choice,” in *The Elgar Handbook on Public Choice* (Dan Farber & Anne O’Connell eds.) (Elgar, 2010); published the book *Teachers Manual to Public Choice Concepts and Applications in Law* (West Publishing Company, 2010) (with Todd Zywicki), and published the article “McDonald Typifies Need for Consensus,” *NATIONAL LAW JOURNAL* 35 (July 2010) (with David S. Cohen). He also presented “Direct (Anti-) Democracy” at the University of Canterbury Department of Economics and Finance and the School of Law, Christchurch, New Zealand, the Law and Economics Society, Auckland, New Zealand, the University of Illinois School of Law, Urbana-Champaign, and George Mason University School of Law.

**Rena Steinzor** published the book *The People’s Agents and the Battle to Protect the American Public: Special Interests and Threats to Health, Safety, and the Environment* (with Sidney Shapiro) (University of Chicago Press, 2010), the article “High Crimes, Not Misdemeanors: Deterring the Production of Unsafe Food,” 20 *HEALTH MATRIX* 175

## MAXWELL STEARNS



(2010), contributed the book chapter “The Constitution and Our Debt to the Future” in *Beyond Environmental Law: Policy Proposals for a Better Environmental Future* (Alison Flournoy & David Driesen eds.) (Cambridge University Press, 2010) and presented “Saving Science from Politics” to the class of Masters in Science students enrolled in a Multidisciplinary Course at Georgetown University Medical School, Department of Microbiology.

**Maureen Sweeney** published the article “Where do we go from *Padilla v. Kentucky*? Thoughts on Implementation and Future Directions,” 45 *NEW ENGLAND LAW REVIEW* 353 (2011) and served as a panelist for “*Padilla v. Kentucky*, Crossing the Border: The Future of Immigration Law and Its Impact on Lawyers” at the *NEW ENGLAND LAW REVIEW* Symposium in Boston. She also presented “Responding to ICE Enforcement in 2010: How to Assist Immigrants Following an ICE Enforcement Action” at a training sponsored by CLINIC (Catholic Legal Immigration Network, Inc.) and Catholic Charities Immigration Legal Services in Washington, D.C., “Penalty and Proportionality in Deportation for Crimes” at The Aftermath of *Padilla v. Kentucky*: A New Era for Plea Bargaining and Sentencing?, Saint Louis University School of Law Public Law Review and the ABA Criminal Justice Section in St. Louis, “Representing Your Non-Citizen Client” for the Maryland Office of the Public Defender in Rockville, Md. and Baltimore, and moderated “Protecting Clients and Communities in Immigration Enforcement,” at the Maryland Partners for Justice Conference in Baltimore.

**Lawrence Sung** published the books 2011 Medical Device Patents (Thomson/West, 2011), *2011 Patent Infringement Remedies* (BNA Books, 2011), *The Patent Law Handbook* (Thomson/West, 2011) and *Contemporary Debates in Bioethics, Part Five: Is it Ethical to Patent or Copyright Genes, Embryos, or Their Parts?* (Wiley-Blackwell, 2011). He also published the article “Medical Alert: Alarming Challenges Facing Medical Technology Innovation,” 6 *JOURNAL OF BUSINESS & TECHNOLOGY LAW* 35 (2011).

**Michael Van Alstine** contributed the book chapter “Treaties and the Court: 1900-1945,” in *The U.S. Supreme Court and International Law: Continuity or Change?* (D. Sloss et al. eds.) (Cambridge University Press, 2010), published a book review, “Constitutional Necessity and Presidential Prerogative: Does Presidential Discretion Undergird or Undermine the Constitution?,” 45 *TULSA LAW REVIEW* 631 (2010) (reviewing two books), and will publish the article “*Stare Decisis* and Foreign Affairs,” 61 *DUKE LAW JOURNAL* (forthcoming, 2011) as well as the casebook *International Business Transactions: A Problem Oriented Coursebook* (West, 11th ed., forthcoming 2012) (with Folsom, Gordon, Spanogle and Fitzgerald).

**Urska Velikonja** published the articles “Negotiating Executive Compensation in Lieu of Regulation,” 25 *OHIO STATE JOURNAL ON DISPUTE RESOLUTION* 621 (2010) and “Leverage, Sanctions and Deterrence of Accounting Fraud,” 44 *U.C. DAVIS LAW REVIEW* 1281 (2011).

**Ellen Weber** published the articles “Failure of Physicians to Prescribe Pharmacotherapies for Addiction: Regulatory Restrictions and Physician Resistance,” 13 *JOURNAL OF HEALTH CARE LAW & POLICY* 101 (2010), and “Medical Marijuana and the Law: Perspective,” 362 *NEW ENGLAND JOURNAL OF MEDICINE* 1453 (2010) (with Diane Hoffmann). She also presented “Mental Health Parity and Addiction Equity Act,” Affordable Care Act, One Year Anniversary, Baltimore Health Care Access, Baltimore, “The Parity Law: Implications for Addiction Treatment Under Health Care Reform,” National Council on Alcoholism and Drug Dependence Tuerk Conference, Baltimore, “Health Privacy – Issues and Opportunities,” Federally Qualified Health Center Summit on Behavioral Health and Primary Care Service Integration, Maryland Department of Health and Mental Hygiene and Milbank Memorial Fund, Columbia, Md., and served as a moderator for “Addiction Treatment and Mental Health,” at the Roundtable on Adolescent Decision-Making, University of Maryland Francis King Carey School of Law, Baltimore.

## CLASSROOM ENCOUNTERS

# In Corporate Ethics, No Easy Answers

By Joe Sugarman

It's 1994 and IKEA, one of the world's largest furniture sellers, is embroiled in controversy. It's been revealed that the company has been buying rugs in India and Pakistan that were produced by child labor. For a company that prides itself on its "do-good" corporate creed, the fallout could be devastating.

Now a German TV station wants to do a live interview, and corporate is looking for a damage-control strategy. As the company's lead attorney, what do you advise?

That was the scenario recently played out in Professor Robert Rhee's Corporate Ethics Seminar. Rhee had the 15 students in the class break into groups, with each assuming the role of a board member, a manager, and an attorney. The questions at hand: Should IKEA accept an invitation to discuss the problem on live TV? Has IKEA's response to the problem been adequate? And, what should the plan be moving forward?

"This case study shows the full context of the problem, not just as a discrete legal problem concerning private contracting between the corporation and its suppliers but as a large scale, unavoidable social problem that modern corporations routinely confront," says Rhee. "This case fully contextualizes the issue of child labor, and it goes beyond the legal issues: Have the suppliers complied with IKEA's contract? Is there a violation of United Nations human rights declarations? What about local Indian laws? The students see the problem from the perspective of the corporation and what factors or goals should influence the corporation's actions and responses."

Once the students break into their groups, they debate possible courses of action. "You can get destroyed during a live TV interview," says second-year student Brian Hoffman. "Maybe we should issue a statement first or do a press conference."

"Wait, we need to find out all the facts first," says Michael Raykher, also in his second year. "Is it systemic? What if the same issue pops up elsewhere?"

"Good, you're thinking like a lawyer," interjects Rhee, who wanders around the room visiting each group. "As good lawyers, we want the facts straight."

"What about getting a third-party auditor to oversee and ensure the producers aren't using child labor?" suggests Saiga Atta, a third-year student.

"But we just discussed issues of bribery in different cultures," notes classmate John Stant, "and it's more prevalent in India. A local person might never say something is wrong."



**Professor Robert Rhee brings a wealth of business experience to his corporate ethics course.**

Rhee, a former vice president in investment banking at Fox-Pitt, Kelton (a unit of Swiss Re) in New York and an M&A investment banker at UBS Warburg in London, brings a wealth of experience to the classroom. He typically employs in his seminars Harvard Business School case studies, which, he says, "are rich in facts and do not have nice, prepackaged solutions and analyses of the problem found in appellate case opinions." Other recent cases the class has studied include the Hewlett-Packard board spying scandal, the Ford Pinto case, the Bank of America-Merrill Lynch merger during the financial crisis, and the collapse of Enron.

"These cases always make for very interesting classroom discussion," notes Rhee. "We discuss the problems in a broader context, and we try to figure out the role of lawyers, the law, and legal advice. For example, legal advice in the boardroom is typically connected to some transaction, such as a merger or acquisition, but in the Hewlett-Packard case [the 2006 board spying scandal], we talked about how a lawyer in that situation can use legal advice on fiduciary duty strategically to reorient the board toward a healthier social norm and dynamic." Students seem to enjoy the scenarios. "The case studies show real-world implications in a corporate context," says Raykher. "And Professor Rhee is always bringing his experiences into the context of the story." Experiences, he hopes, that will make his students more effective lawyers in the business world.

"At the end of this course, I hope that students understand the social impact of large public corporations," Rhee says. "Some corporations are the size of some countries and they have significant social impact. I hope that my course contextualizes the problem of corporate ethics beyond discrete legal rules and doctrines."



PHOTO BY ED FISHEL

Hera Hashmi '11 with Dean Phoebe Haddon at the UM Diversity Recognition Awards Ceremony.

## At the Intersection of Human Rights and Islamic Law

By Christine Grillo

Hera Hashmi '11 was honored in February with UM's Dr. Martin Luther King Jr. Diversity Recognition Award.

As more than a dozen U.S. states attempt to pass controversial bans of Islamic law, Hera Hashmi '11 encourages conversation on the touchy subject. Recently, she helped to organize "Confronting Islam," a symposium that drew more than 100 members of the University of Maryland (UM) community to discuss topics including recent developments regarding Islamic law in the U.S., and American Muslim civil rights.

The symposium was a follow-up to an earlier conference that aimed not only to explain Islamic law, known in Arabic as Shari'ah, but also to tackle questions about whether secular constitutions and religious law conflict. Participants also discussed the civil rights issues facing American Muslims in the current climate.

Hashmi notes that some American Muslims turn to Shari'ah in civil matters such as marriage contracts and wills. Secular judges may take into account these contracts as they make rulings. Thirteen states, however, have introduced anti-Shari'ah bills: "These states are trying to ban judges from even considering Islamic law," she says.

In February, Hashmi received UM's annual Dr. Martin Luther King Jr. Diversity Recognition Award, mostly for her work in organizing the symposium. She was particularly thrilled to receive the award, she says, because it was in eighth grade, while studying the American Civil Rights Movement, that she discovered her passion for justice. "I admired Dr. King from a very young age," she says.

With a background in government and politics and studio art, Hashmi also supports the Muslim Interscholastic Tournament—D.C. branch, which organizes competitions in fine arts, poetry, debate, and more for Muslim high school students. While at UM Carey Law, she helped judge the competitions and presented workshops on Muslim Americans and civil rights.

Hashmi has been especially interested in the intersection of human rights and Islamic law in her research and academic writing in law school. There are often two interpretations of Islamic law, she explains. One is the law based on the Quran and other divine sources. The other is what Muslim countries claim to be Islamic law. For example, a country may punish men and women who have sex outside of marriage by imprisoning them. In criminalizing adultery and fornication, the country may cite Shari'ah—but if proper evidentiary standards are not upheld, she says, doling out harsh punishments and claiming they are Islamically mandated is incorrect. In many cases, she says, "Islamic law has been misused as a patriarchal tool by men who are unhappy with their daughter's choices [in marriage or other relationships]."

When Hashmi did an externship for a human rights organization in Turkey, a secular democracy, she saw another side of the civil rights issue. With a Muslim majority of 99 percent, "Turkey is going through its own civil rights struggle," she says. While there she worked with advocates for Kurdish and Christian minorities. During her stay, at one point she was prohibited from entering a university because she was wearing a headscarf. The experience inspired her to research the way secular democracies treat the headscarf in France, Turkey, and the United States. She used the research to write a paper that was published in the *Maryland Law Journal of Race, Religion, Gender, and Class*.

After graduation, Hashmi plans to work in the international human rights field.



PHOTOGRAPH COURTESY OF ACLU OF SOUTHERN CALIFORNIA

Through a Soros Justice Fellowship, Ronald Chatters III is working this year and next to advocate for prison and criminal justice reform in Los Angeles.

## Focused on Criminal Justice

By Jeffrey Raymond

Some kids grow up thinking about spending their lives in sports or entertainment. Ronald Chatters III grew up thinking about prisons and criminal justice.

His father was one of several people close to him who served time during Chatters' childhood in Southern California. He saw that prisons were focused more on punishment than rehabilitation and began asking himself, "What are we doing as a society to help prisoners return to the community so they don't go back to prison?"

Backed by a Soros Justice Fellowship, Chatters, 28, is taking two years to help the American Civil Liberties Union of Southern California address that question before returning to the School of Law for his third

and final year in 2012-13. Prison reform and broader criminal justice reform have been unpopular crusades in recent decades, but Chatters thinks the time is right to press the issue.

"With federal and state governments running deficits, people are thinking about how governments are spending their money," Chatters says. "You can inspire people to think about things in a different way."

Chatters landed at the School of Law when he was named a Leadership Scholar, an honor that provides tuition assistance to selected students. That award helped persuade him to attend the University of Maryland over other institutions. Plus, with the School of Law's tradition of public service, he's been able to balance classes as well as work in local clinics that address criminal justice.

Before arriving in Baltimore, he earned a Masters in Public Affairs from Princeton University's Woodrow Wilson School of Public and International Affairs and a Bachelor of Arts from Columbia University. Both schools gave Chatters full tuition scholarships. "I wouldn't be where I am if people didn't believe in me and the work I've done," he says.

The Soros Justice Fellowship will allow him to advocate for Los Angeles County inmates with disabilities who must reapply to have their Social Security benefits restored after they are released. California's Board of Corrections has determined that even a short gap between release and the resumption of benefits strains former inmates' ability to adjust to society and contributes to recidivism. Chatters will work to bring agencies and communities together to address this challenging issue. He also will organize communities most impacted by incarceration in Greater Los Angeles by training them in advocacy strategies to bring about policy changes. "It's time that everyone has a seat at the policy-making table," Chatters says.

Upon earning his JD, he would like to become a consultant on prison and criminal justice reform. "I see myself going where the causes are," he says, "where the need is."

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# A Family Affair

By Joe Sugarman

Growing up, Peter Naugle heard his fair share of debate over dinner. Both of his parents are lawyers, and his mother is a Democrat, his father a Republican. “Dinner conversation was always pretty engaging,” says Naugle. “But it taught me that there were two sides to every story. In an environment like that, it was hard not to develop an affinity for debate and compromise.”

Now Naugle is a third-year student at the School of Law—and is on track to be the fifth generation in his family to receive a degree from the school.

His great-great-grandfather, James McSherry “read the law” from 1861 to 1864 before going into practice and was bestowed an honorary degree by the school in 1907, just before his death. (He served as chief judge of the Court of Appeals and was the first president of the Maryland State Bar Association.) Naugle’s great-grandfather, W. Clinton McSherry, graduated in 1910, and his grandfather, also James McSherry, graduated in 1948. Both of his parents, Natalie McSherry and Kip Naugle, received their law degrees from UM Carey Law in 1974.

So it was only natural that when Naugle decided to study law, he would follow in the family’s footsteps, right? Surprisingly, he says, “I knew that my mother and father went, but I honestly wasn’t aware of the rest of the family history until this February.” He adds, “I can’t say it was a conscious choice. If anything, it was in my blood.”

Naugle, who attended Dickinson College as an undergraduate, spent a year working at the Maryland Volunteer Lawyers Service, a nonprofit organization that connects low-income Marylanders in need of civil legal assistance with pro bono attorneys. There, he says, he “got a glimpse at the state level at how people need lawyers and what lawyers can do for them.”

Now that he’s in law school and living with his mom, he admits that he often consults with her about issues pertaining to lawyering. “She’s been a great resource, whether I have questions about law or law school in general,” he says. “It’s almost like having someone at home with office hours.”



Natalie McSherry '74 with son Peter Naugle '12, her family's fifth generation at the School of Law.

Says Natalie McSherry, who specializes in commercial litigation and medical malpractice cases as a principal attorney at Kramon and Graham in Baltimore, “I love that he’s studying law, but I feel like I’m reliving the stress of law school all over again. It’s almost worse the second time around,” she says. “It’s much harder to see your son work that hard.”

McSherry, who grew up in Frederick, Md., watched her father and grandfather practice law out of an office attached to their downtown rowhome. “My father loved to refer to himself as a country lawyer; he did a little bit of everything,” says McSherry, one of 12 children. “People would deliver vegetables and eggs, which is frequently what he took as payment.”

She says she and her siblings worked in the office as kids, searching titles and inserting pocket parts into the backs of law books. “My father would pay us a penny a pocket part, so if you did 300, you’d get three bucks!”

Of the family’s dozen children, four of them went on to earn law degrees. Two of her sisters, Christine McSherry and Padraic McSherry Morton, received their degrees from UM Carey Law.

When it came time to apply to law school, Natalie McSherry says she chose the School of Law “not necessarily because my father went there, but for the obvious advantages that are still true today: It’s a really good law school with affordability on its side. I told Pete the same thing: You can go to law school and come out with a big debt or go to Maryland and get the best educational value in the country.”

Peter Naugle says he’s more than happy with his choice—family history notwithstanding. And what does he think his great-great-grandfather would say about the family legacy he began?

“I’d imagine he would be quite surprised,” says Naugle. “What are the odds of having that many generations with at least one member who enjoys the study of law and has the privilege of being able to pursue it? He would also probably tell me I’m not working hard enough.

“But I would remind him that there were fewer laws back then.”



(From left) Chief Judge James McSherry, W. Clinton McSherry Class of 1910, and James McSherry '48





## Students Make Winning Arguments

**MARCH 9** was a day devoted to appellate advocacy. At 12:30, the final round of the 42th annual Morris Brown Myerowitz Moot Court Competition took place in the Ceremonial Courtroom, with Marie Maas earning the nod for best oral argument from judges Gregory M. Sleet, Chief Judge of the U.S. District Court for the District of Delaware, Gerald Bruce Lee of the U.S. District Court for the Eastern District of Virginia, and Kathryn G. Graeff of the Court of Special Appeals of Maryland. Matt Haven was runner-up for best argument, and Derek Simonsen was awarded the prize for best brief.

**Clockwise: Marie Maas (left) receives the best oral argument award from last year's winner, Rachel Simmons.**

**Matt Haven argues for the defense.**

**Judge Gregory M. Sleet gives the students feedback after the awards.**

## UM Carey Law Day in Annapolis

SOME 20 SCHOOL OF LAW STUDENTS, together with faculty, administrators, and staff—including Dean Phoebe Haddon and University of Maryland President Jay A. Perman—braved a blustery winter morning this past January to head to the state capital in Annapolis to spend a few hours meeting with close to 50 delegates and senators. The meetings weren't aimed at asking for anything from the legislators—though funding for financial aid and the Loan Assistance Repayment Program were mentioned. Instead, the intent was to thank them for supporting the School of Law and higher education over the years, and to remind them of the important ways the School's students, professors, and alumni serve the state.

Several lawyer/legislators—some of whom are UM Carey Law alumni—discussed how the students could put their legal education and commitment to public service in the political arena. Some noted how their legal training helped them understand and write better bills. Others said it made them more aware of all sides of an issue that is under consideration.



**Dean Phoebe Haddon (center, in purple) with students at the Maryland State House.**

PHOTO BY STEVE BERBERICH

One UM Carey Law alumnus who is particularly attuned to all sides of an issue is Daniel Friedman '94, counsel to the General Assembly. As the students finished lunch after their morning with legislators, Friedman shared insights into how he balances politics—but not partisanship—as he represents delegates and senators from both parties in their official duties. It is a balance, he said, that he strives to maintain every day.



# Class of 2011 Celebrates Commencement

THE UM CAREY SCHOOL OF LAW celebrated the commencement of the Class of 2011 with a Hooding Ceremony on May 20 in the Hippodrome Theatre, which was brimming with excitement, buzz, and just a little angst. Brooksley Born, former chair of the Commodity Futures Trading Commission (CFTC) gave the commencement address. Among their peers, friends, and family, the members of the Class of 2011 proudly walked across the Hippodrome stage as newly minted graduates of the nation's third-oldest law school. Any butterflies in their stomachs came from the knowledge that the hurdle of the bar exam is just around the corner.



## LAW PROFESSORS HONORED AT UM COMMENCEMENT

Longtime faculty member and professor emeritus Clinton Bamberger received an honorary doctor of laws degree at the UM Commencement ceremony. Professor Bamberger came

to the law school in the 1980s as director of the Clinical Program, which quickly became—and remains today—among the nation's top-ranked clinical law programs. Professor Bamberger has enjoyed a long and successful career in which he has served as an attorney in public and private practice, a law school dean, a public administrator, and the first director of the federal program to provide legal assistance for the poor.

Also honored at this commencement exercise was retiring law school professor Robert Keller, a tax policy expert who joined the University of Maryland law faculty in 1972. He was chosen to serve as the honorary student marshal and led all of the graduates into the First Mariner Arena.

—Philip Little



## Alumni Board Focuses on Connections

### A Note from Board President Heather Clark '98:

The primary objective of the Alumni Board this academic year is to create connections. Whether it's connections among alumni, connections between students and alumni, or connections outside the UM Carey Law network, each of us understands the importance of building a professional network.

Helping students and recent graduates to both understand the importance of building a network and provide opportunities to make connections is a key focus of the Board this year. **Meet Up** events in Baltimore and Washington D.C. have been hugely successful at attracting alumni ... to the point that we outgrow most spaces now. And the School of Law is having annual receptions in major cities all over the U.S. as well.

The Alumni Board has served as a pilot group to test and evaluate new projects—projects like the **Alumni Board Lunch Series** through which different Board members met with students nearly once a week through the spring semester to give career perspectives. Or **Lunch with a Lawyer**, where alumni treat three or four students to lunch, allowing students to gain real-world advice.

This year, Alumni Board members will try a new concept of **Mentor Groups**—matching three students with two or three practicing attorneys (a newer attorney graduating in the last five years with a more seasoned attorney). The goal is to create additional connections—both for students and alumni.

We all can benefit from strengthening UM Carey Law networking, but building a network requires participation. I encourage you to get involved—volunteer with a student, attend a Meet Up or some other law school reception, give a student or alum your business card, and keep the connections strong.

## Board Updates

**Elizabeth “Liz” Kameen '83** completed her term as President of the Board, and will serve as Past-President for the 2010-2011 term.

**J. Manuel “Manny” Ocasio '02** has been elected Vice President of the Board. He is the Vice President for Human Resources at *Holy Cross Hospital*.

### NEW BOARD MEMBERS:

**Joseph L. Beavers '03** is an associate at Miles & Stockbridge, P.C.

**Nicole K. Brown '10** is an attorney at the law office of Fred S. London

**Bonnie M. Muschett '10** is in-house counsel at Connections Education, LLC

**Thaila K. Sundaresan '08** is a law clerk for the U.S. Court of Appeals for the Third Circuit

**The Alumni Board would like to thank the following retired Board members for their service:**

**N. Gordon Knox '98** is a principal at Miles & Stockbridge, P.C.

**Matthew G. Hjortsberg '96** is managing member at Bowie & Jensen, LLC

**Deborah Lynne Potter '90** is a partner at The Jaklitsch Law Group

## Opportunities to Volunteer

**First Year Mentor**—Help shape the professional foundation of a future member of the Bar by mentoring a student during his or her first year of law school.

**Lunch with a Lawyer**—Treat three or four students to lunch (or dinner) to build connections between alumni and students in an informal but personal setting.

**Job Shadow**—Spend a half or full day with a law student to show him or her “a day on the job.” The job shadow takes place during the spring semester to help students see the range of opportunities available with a law degree.

**JustAdvice®**—Work with current students to provide low-cost legal consultation to low-income Baltimore residents.

**Student Organization Alumni Liaison**—Meet with and advise leaders of a particular student organization. Students are always looking for ways to involve alumni in their organization.

**Email [alumni@law.umaryland.edu](mailto:alumni@law.umaryland.edu) to volunteer.**

## Alumni Board Lunch Series

THE INAUGURAL ALUMNI BOARD LUNCH SERIES is building connections between alumni and current students in an informal, but personal setting. Students met with one or two UM Carey Law Alumni Board members over a casual box lunch to discuss topics ranging from what to do with a business card to the billable hour. The program utilizes the vast experience and expertise of alumni to help students as they prepare for life after law school. At these informal lunches, alumni fielded questions and offered advice on a wide range of legal and non-legal subjects and issues.

“The Lunch and the Legal Profession’ series is effective because it allows for an open dialogue where students are more likely to ask pointed, meaningful questions,” notes Christopher Steer '01, “unlike the interview room where ripe questions are often not put forth for fear that it will impact the student’s performance.”



## Reconnecting Across the Country

FOR THE FIRST TIME, the School of Law hosted “Meet Ups” in Atlanta, Miami, Baltimore, New York, Chicago, D.C., and San Francisco, where alumni, faculty, and current students were able to mix and mingle.



Members of the Class of 1961



## Celebrating Golden Graduates

**ON MAY 11**, Dean Phoebe Haddon welcomed members of the Class of 1961 to a lunch celebrating the golden anniversary of their graduation, as well as others who had already celebrated their 50th reunions. The Hon. Daniel W. Moylan '61 and Daria C. Awusah '11 gave remarks at the lunch. Afterward, the Class of 1961 assembled in the Krongard Board Room for dessert and reminiscing.



Christine Edwards '83

## High Energy, High Impact

By J.J. Schnabel

Christine Edwards '83, one of the most accomplished attorneys in the financial industry today and the newly elected chair of the School of Law's Board of Visitors, has been a rising star since her days as a law student. During those years, she took classes at night while holding down a day job in the credit card department at Sears, Roebuck & Co. in College Park, Md. She recalls fondly that she would sequester herself during lunch with a pile of law books.

While still in law school, she talked her way into a job with Sears' government relations office, a position that had always been held by a licensed attorney. "I had to promise to graduate on time and pass the bar on the first try, which fortunately I did," says Edwards. She spent the next five years working on Capitol Hill, monitoring rules and legislation that impacted Sears' growing financial businesses.

**Christine Edwards '83, newly elected chair of the School of Law's Board of Visitors, is one of the financial industry's most accomplished attorneys.**

In 1988, when she was still only in her mid-30s, Sears named her general counsel for its expanding Discover credit card operation and later for Discover's parent business, the Wall Street firm Dean Witter. The positions required her to undertake heavy organizational restructuring, major antitrust litigation against Visa and Mastercard, and then a new set of challenges when Sears took Dean Witter public in 1993.

"It was a bit scary for us as a management team to be independent of the big parent company suddenly, but it was also nice to be able to set our own path," she remembers.

Edwards stayed at Dean Witter through its merger with Morgan Stanley and left in 1999 to serve as general counsel for ABN-AMRO North America as the first female general counsel on Wall Street. She was subsequently recruited by incoming Bank One CEO Jamie Dimon to help turn around that troubled company.

In 2003 Edwards became a partner at the large Chicago firm of Winston & Strawn, where she now serves as outside counsel for a variety of boards and financial organizations.

Throughout the course of her high-profile career, Edwards has never lost touch with the School of Law. "I was so happy with the experience that I had there. They teach you how to think creatively; it was out of my comfort zone entirely, and I absolutely loved it," she says.

Edwards joined the law school's Board of Visitors in 1997, and quietly set up a three-year scholarship in 1999. Today, in addition to being the first woman to chair the Board of Visitors, the Chicago resident is also the first chair to live outside Maryland. At board meetings, she is known for lobbying to maintain greater parity between day and evening law school programs. "I've been tireless in supporting that, and I know that it's not easy, but there are people who need a good evening program option—as I did, way back when."

## Building Momentum on the Alumni Board

By J.J. Schnabel

“I really want to give back something to the School of Law because it has given me so much,” says Heather Clark ’98, newly elected President of the Alumni Board. Clark has served on the Board for the past five years and is in one sense unusually well qualified for the presidency: She’s not too busy handling cases. “My law practice is on hiatus just now, while I look after my three young children,” she says. “Being a mom is a job in itself, but I have more time and energy to spare for Board work than I would if I were in a full-time legal practice.”

In recent years, the Board has been increasingly active in trying to connect with current students “in the hopes that they will stay connected to the law school as alumni,” Clark says. “To that end, we have promoted opportunities for alumni to meet with students to network and share their experiences through a mentoring program, our ‘Lunch with a Lawyer’ program, and informal ‘meet and greets’ between alumni and students.

“There’s a real momentum that we’re going to build on in the coming years,” she adds.

After graduating from Bucknell with an English degree, Clark worked briefly as a writer and editor before deciding that the law was her metier. During law school, she served as Notes & Comments editor of the *Maryland Law Review*, and completed her degree with honors in 1998.

Initially she joined the Baltimore litigation firm Goodell, DeVries, Leech and Dann, where she handled a variety of litigation including product liability and insurance defense cases—and also met her future husband, a lawyer with the firm. In 2000, Clark moved to Steptoe & Johnson in Washington, D.C., and took part in two long-running environmental cases pitting large industrial firms against Steptoe’s client, a major insurer. “These were complex, high-stakes cases involving novel legal theories, and I was able to work extensively with the clients and witnesses, which is always rewarding to a litigator,” says Clark. “I wasn’t even in law school when these cases started, but I was there for the end, when—in both instances—the parties settled.”

In 2006, when her first child was a toddler, she switched to part-time work, clerking for Marvin J. Garbis, a U.S. District



Heather Doherty Clark ’98

Court judge in Baltimore. “I already had courtroom experience, but there’s still a lot that you can learn from working for a high-profile judge and being in the courtroom on such a regular basis. It was a great experience, and Judge Garbis is a great mentor,” she says. Clark turned to parenting full time in 2007 with the birth of her second child—whose arrival was followed last summer by her third.

In her new role as President of the Alumni Board, Clark has a full agenda. She plans to continue efforts to keep recent graduates connected to the School of Law, through the Recent Graduate Committee, and to encourage alumni to volunteer with students at UM Carey Law’s fall and spring service days and through the JustAdvice® program—a low-cost legal services program offered by the School.

To help elevate the School of Law’s profile, Clark says, the Alumni Board is working to identify and nominate worthy alumni for professional awards given by *The Daily Record*, the Maryland Bar Association, and other organizations.

In addition, each year the Alumni Board presents three awards of its own to worthy alumni for excellence in the legal profession. This year, says

Clark, those awards were presented at the Dean’s Convocation in September.

“This will be a fantastic opportunity to connect alumni with each other and with the School and to provide a high-profile platform for the presentation of the Alumni Awards,” she says.

**IN RECENT YEARS, the Board has been increasingly active in trying to connect with current students “in the hopes that they will stay connected to the law school as alumni,” Clark says.**

## GRADUATES AND FRIENDS

## MAKE AN IMPACT!

By Teresa K. LaMaster '95

**THANKS** to the generosity of alumni and friends across the country, this fall UM Carey Law surpassed the \$50 million goal set for its historic *Making an Impact* campaign. Co-chaired by Henry Hopkins '68 and Joanne Pollak '76, *Making an Impact* has been a catalyst for launching the school into its third century of training leaders who can advance justice in society.

Dean Phoebe Haddon announced that the school's fund-raising total for the *Making an Impact* reached \$54 million this fall, including \$15 million from last spring's transformative \$30 million gift from the W. P. Carey Foundation. With the Carey gift came UM Carey Law's commitment to raise \$15 million in matching funds, which formed the kernel of the forward-looking *Carey Challenge*: a new initiative focused on securing matching gifts to support additional priorities.

The many gifts received during the *Making an Impact* campaign will help UM Carey Law continue to attract and retain top-notch scholars who bring their diverse expertise in law, academia, government, business, and the bench to bear in the classroom. These gifts will also help the school recruit promising students who will ultimately go on to establish outstanding careers as lawyers, business leaders, judges, policy analysts, activists, legislators, and entrepreneurs.

*Making an Impact*, launched in 2007, significantly expanded resources for student scholarships and fellowships, helping keep the cost of legal education in reach. More than 150 gift commitments were made during the campaign, and more than 40 percent of the funds raised were for student support. Our Leadership Scholars program, now in its eighth year, has provided more than \$9 million in scholarships to more than 200 students. Major scholarship endowments were created by several members of the UM Carey Law's Board of Visitors. The Dean's Award program for returning students, summer public interest fellowships and loan repayment programs all expanded through private philanthropy.

UM Carey Law's specialty programs in law and health care, environmental law, business law, intellectual property, and international law were all strengthened by new endowed funds established during the *Making an Impact* campaign. As the third-oldest law school in the nation, UM Carey Law is pleased to be able to enhance our tradition of excellence and innovation in legal education and scholarship. Major foundations also supported key initiatives in areas as diverse as leadership, public health, mediation, public interest law, drug policy, and environmental litigation.

By any measure, *Making an Impact* has set the stage as UM Carey Law enters its third century. The school received 12 principal gifts of \$1 million or more during the campaign. The number of members of our legacy council (planned and estate gifts) has more than doubled. Gifts to the Annual Fund (gifts from \$1 to \$999), a tremendous core of support, have increased by 50 percent from 1,100 to almost 1,800 supporters each year. More than 40 new named endowments honor leaders in law, business, and civil society for their service. Student giving grew exponentially as a new Class Gift program blossomed.

"The *Making an Impact* campaign helped build a culture of philanthropy in our community," said Dean Haddon. "All of us at the UM Carey Law are grateful for the leadership of Henry and Joanne in making our dream of reaching our \$50 million goal a reality. These gifts continue to move us forward on our trajectory of excellence."



Joanne Pollak '76 and Henry Hopkins '68





# Philanthropy Spotlights by Barbara Pash

Stories of generosity and lessons in giving



## Elizabeth and M. Peter Moser

When M. Peter Moser died in 2008, Elizabeth Moser, his widow, thought long and hard about how best to memorialize him. Her husband of almost 60 years, a Baltimore attorney in private practice, was a recognized expert in business, estate and tax law. But his passion was professionalism and ethics.

“His grandfather and father had been judges in Baltimore City,” Moser said of her husband. “He loved the law, and he wanted lawyers to hold themselves to the highest standards.”

To that end, Moser was active in local, state, and national attorney groups. He served as president of the Baltimore City and Maryland State Bar Associations, treasurer of the American Bar Association and president of the American Bar Foundation. He was involved in an ongoing basis with committees of the

organized Bar to update and revise ethical guidelines for the profession.

“He had a mission—how to put ethical principles into reality. I wanted to keep his work alive and to develop it further, and the University of Maryland School of Law is an excellent home” for his legacy, said Moser whose husband, though not a graduate of UM Carey Law, actively participated in the School of Law’s legal clinics.

In 2011, Moser, with the support of all family members, used the Moser Family Philanthropic Fund to endow the \$1 million Moser Ethics in Action Initiative. Ideas range from creating a new and specific course on ethics to integrating ethical issues throughout the curriculum.

Susan Leviton ’72, a UM Carey Law professor who teaches in the children’s law clinic, knew the Mosers for 20 years. She describes them as “a wonderful team who truly cared about Baltimore City.”

While the idea for the gift was Moser’s, Leviton said the two spent many hours discussing where the money would go and how it would be spent. Said Leviton: “She was clear about the goal, and her gift addresses that—specifically, training young lawyers in how to exercise good judgment and in the hard analytical thinking about the right thing to do.”



“[My husband] had a mission—how to put ethical principles into reality. I wanted to keep his work alive and to develop it further, and the University of Maryland School of Law is an excellent home” for his legacy.

—Elizabeth Moser



## Yitai Hu

Class of 1994

When Yitai Hu was attending the School of Law, he hardly envisioned that one day he would be ranked as a leading intellectual property (IP) attorney. IP wasn't as prominent as it is now, and Maryland offered a single course in the subject, on patents, trademarks, and copyrights.

But for Hu, who has a background in science, it was a natural fit.

"You work on cutting-edge technological issues, and you have to understand the underlying technology in order to make your argument in court," said Hu, whose clients have included such marquee names as Haier Group, Elan Microelectronics, Richtek Technology, and Optoma Technology.

Hu, a native of Taiwan, has an undergraduate degree in physics. He worked for a few years as an engineer before deciding to pursue a long-time interest in the law.

During winter break of his final year, Hu visited Taiwan, the first time since he had left. An introduction to the biggest law firm in the country led to a job offer.

"It was a good opportunity. They wanted someone with a dual background in science and law," said Hu, who worked there for two years before joining an IP law firm in Washington, D.C.

In 2003, Hu moved to Menlo Park, Calif., in Silicon Valley, a hotbed of IP cases and an easier commute to Asia, where he is recognized as an expert on U.S.-based intellectual property. In 2011, the *San Francisco Daily Journal* named Hu, a partner at Alston & Bird, one of the top 75 IP litigators in California.

In 2008, then-School of Law Dean Karen Rothenberg contacted Hu, a regular donor to his alma mater, about something dear to his heart. The School of Law was establishing an IP program, and Hu was quick to respond. His six-figure gift is used for student scholarships and the IP curriculum. He has since added to that gift after meeting Dean Phoebe Haddon, who emphasized the school's ongoing commitment to the IP program.

"I am fortunate to have done well and to give back to the law school that gave me this education," said Hu.

A leading intellectual property lawyer, Yitai Hu '94 has made generous gifts to support the establishment and growth of the School's IP program.



Stanley Rohd and his wife Deborah have provided endowed support for a program that offers students an "awareness of the diverse ethical issues" facing lawyers today.

## Stanley B. Rohd

Class of 1966

Since Stanley B. Rohd retired from the practice of law in 2008, he has become an active volunteer at his alma mater. He is a member of the Alumni Board, mentors a first-year student annually, coaches the school's trial competition teams, has lectured on law office management and economics in a course on that subject, and spends two days a week in the Clinical Law Program.

Rohd participates in JustAdvice®, part of the Clinical Law Program, where he oversees students who meet with clients of modest means and provide free legal advice.

Problems range from expunction of a criminal record to the threat of eviction, from perceived harassment to a disputed security deposit refund. "The program gives me a relationship with the students, provides a public service, and contributes to the clinical experience of the students," he said.

No such program existed when Rohd attended the School of Law. A Baltimore native and University of Maryland, College Park



graduate, Rohd was selected as one of the editors of the *Maryland Law Review* in his final year.

After graduation, he did a year's clerkship for a United States District Court judge in Maryland before embarking on his career as a civil litigator.

Rohd has worked as a partner in local firms, a solo practitioner and of counsel to a law firm. His cases included a Constitutional challenge to a state law prohibiting oil companies from owning

and operating retail outlets that ultimately went to the U.S. Supreme Court and another involving trade secrets and non-compete covenants.

"Civil litigation exposes you to many different areas," said Rohd.

In 2010, Rohd and his wife Deborah gifted a percentage of their estate to the School of Law.

"It was my idea. Nobody solicited it," said Rohd, whose gift, earmarked for the Clinical Law Program, serves a dual purpose.

The gift creates endowed support for the Clinical Law Program that offers students "real world experiences" and an "awareness of the diverse ethical issues" facing lawyers today, he said. The gift also recognizes the significant role the school played in his career. Said Rohd, "I feel that I owe a great deal to the school."

# UM CAREY LAW ANNUAL

## MAJOR GIFTS TO THE MAKING AN IMPACT CAMPAIGN

From students providing vital legal services to Baltimore citizens to faculty shaping state and federal legislation and providing scholarly expertise to governments around the globe, the School of Law is improving law and society through teaching, scholarship, and public service. To expand these efforts, the School of Law embarked upon an ambitious \$50 million **Making An Impact** campaign, and the School of Law extends its deepest appreciation to the generous supporters whose major gifts led the Campaign to completion.

*(Deceased\*)*

### **\$5 million or more**

Hamish & Christine Osborne  
W. P. Carey Foundation

### **\$1,000,000 - \$4,999,999**

Anonymous (2)  
Mr. & Mrs. Paul Bekman  
Howard S. Brown  
Comcast  
The John E. Fetzer Institute, Inc.  
Henry & Nancy Hopkins  
Alan D. & Brenda Hornstein  
William H. Murphy, Jr. &  
William H. Murphy, III  
The Estate of Louis Riehl  
The Moser Family  
Philanthropic Fund,  
A Component Fund of The  
Associated Jewish Charities  
of Baltimore

### **\$500,000 - \$999,999**

Anonymous (3)  
Beins, Goldberg & Gleiberman  
Charles Crane Family  
Foundation, Inc.  
DLA Piper  
Joseph R. Hardiman  
The Campbell Foundation  
Robert Wood Johnson Foundation  
The Estate of Helen Seidman

### **\$250,000 - \$499,999**

Anonymous (4)  
The Estate of John H. Barrett  
Mary Elizabeth Kurz Bright

Danoff & King / Legg Law Firm  
Willard Hackerman  
Maryland Legal Services  
Corporation  
Jaylee Mead & the late  
Gilbert Mead  
Miles & Stockbridge  
Open Society Institute  
Charles P. Revoile  
Stuart M. & Suzanne B. Salsbury  
Venable LLP

### **\$100,000 - \$249,999**

Anonymous (2)  
June Auerbach  
Donna R. Blaustein  
Frank & Elisabeth Burch  
Joel D. & Ellen S. Fedder  
Marjorie Cook Foundation  
Christine A. Edwards  
Joseph G. Finnerty III  
France-Merrick Foundation, Inc.  
Fubon Cultural &  
Educational Foundation  
The Hon. Joel A. Harmatz  
The Hon. Ellen M. Heller &  
Shale D. Stiller  
Edward F. Houff  
Yitai Hu  
The Macht Philanthropic Fund  
of The Associated: Jewish  
Community Federation  
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Kenneth S. Aneckstein '96  
DLA Piper

Joseph L. Beavers '03  
Miles & Stockbridge P.C.

James R. Benjamin, Jr. '01  
Hodes, Pessin & Katz, P.A.

Richard Bloch '71  
Shiling, Bloch and Hirsch, P.A.

Nicole K. Brown '10  
The Law Office of Fred S. London

Justin A. Browne '08  
Janet, Jenner & Suggs, LLC

Ellen A. Callegary '78  
Callegary & Steedman, P.A.

Dan Friedman '94  
Counsel to the General  
Assembly, Office of the  
Attorney General

The Hon. Karen C. Friedman '97  
Judge, District Court of Maryland

Arielle A. Harry-Bess '04  
Monumental Life Insurance  
Company

James "Trey" R. Hart III '09  
Greenspring Associates

Veronica R. Jennings '06  
Schertler & Onorato, L.L.P.

Jonathan M. Kucskar '08  
U.S. Government  
Accountability Office

Kathryn "Kate" Christensen  
Mills '02  
Deputy Director, U.S.  
Department of Homeland  
Security, U.S. Immigration and  
Customs Enforcement, Office of  
Congressional Relations

Denis C. Mitchell '00  
Stein, Mitchell & Muse LLP

Bonnie M. Muschett '10  
Connections Education LLC

Brett D. Rogers '02  
Brown Advisory

Stanley "Stan" Rohd '66

David A. Roth '85  
Grenbaum Rowe Smith &  
Davis LLP

Bryan K. Saxton '09  
Tydings & Rosenberg LLP

Martin "Marty" H. Schreiber, II '92  
Law Offices of Martin H.  
Schreiber, II LLC

Reena K. Shah '07  
Maryland Legal Aid Bureau, Inc.

Indira K. Sharma '06  
Saul Ewing LLP

Cori M. Shepherd '08  
McGuireWoods LLP

Christopher M. Steer '01  
Chief Strategy Officer, PA  
& Associates, Inc.  
Director, 20 North Online, Inc.  
Partner/Owner, Marcodi  
Musical Products  
Board Member, Taharka Brothers

William C. Stifler, III '67

Thaila K. Sundaresan '08  
WilmerHale

C. Diane Wallace Booker '96  
U.S. Dream Academy, Inc.



### National Trial Team

Ramsay Whitworth '99  
Marnell Cooper '02,  
Palmer & Cooper, LLC  
Ben Salisbury '07,  
Scott Richman '07  
Christopher Madaio '10  
Jessica Butkera '07,  
Chason, Rosner, Leary  
& Marshall LLC  
Erin Frazee '09  
Julia Carolan '06,  
Astrachan Gunst Thomas PC  
Peter Nothstein '05,  
United States Attorney's Office  
Mark Edelson '10  
John Everett '10  
The Honorable Benson E. Legg,  
Chief Judge, United States  
District Court for the District  
of Maryland  
The Honorable John Fader '68,  
Associate Judge,  
Baltimore County Circuit  
Court, 3rd Judicial Circuit  
The Honorable Diane O. Leisure,  
Circuit Administrative Judge,  
5th Judicial Circuit  
The Honorable Emanuel  
Brown '84, Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit  
The Honorable Robert Dugan '66,  
Associate Judge,  
Baltimore County Circuit  
Court, 3rd Judicial Circuit  
The Honorable Timothy Martin,  
Associate Judge,  
Baltimore County Circuit  
Court, 3rd Judicial Circuit  
The Honorable Sylvester Cox '83,  
Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit  
The Honorable Gale Rasin,  
Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit  
The Honorable Marcus Shar '76,  
Associate Judge,  
Baltimore City Circuit,  
8th Judicial Circuit  
The Honorable Richard  
Bernhardt '83,  
Associate Judge,  
Howard County Circuit Court,  
5th Judicial Circuit  
The Honorable W. Michel  
Pierson '73, Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit  
The Honorable Yvette Bryant '86,  
Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit

The Honorable Ronald Silkworth,  
Associate Judge,  
Anne Arundel County Circuit  
Court, 5th Judicial Circuit  
The Honorable Paul Hackner,  
Associate Judge,  
Anne Arundel County Circuit  
Court, 5th Judicial Circuit  
The Honorable Sharon Burrell,  
Associate Judge,  
Montgomery County Circuit  
Court, 6th Judicial Circuit  
The Honorable Althea Handy,  
Associate Judge,  
Baltimore City Circuit Court,  
8th Judicial Circuit  
E. Dale Adkins '71  
Stanley "Stan" Rohd '66  
Raymond G. Mullady '83,  
Blank Rome LLP  
David Pyle  
Jim Chason  
Gerry Volatile  
Jerry Peyton Braden  
Nichole Nesbitt '99, Goodell,  
DeVries, Leech & Dann, LLP  
Melissa Bilchik '08,  
Hunton & Williams  
Charles Blomquist  
Kevin Mahoney  
Peter Gunst '69,  
Astrachan Gunst Thomas PC  
Neil Dilloff, DLA Piper

### Guest Lecturer: Tobacco and the Law Seminar

Dan O'Brien  
Assistant Attorney General,  
Office of the Attorney General

### Jessup Moot Court Team

Rachel Micah-Jones  
Centro de los Derechos del  
Migrante, Inc.

### Active LEAD Steering Committee Members

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Baltimore City Circuit Court,  
8th Judicial Circuit  
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The Law Office of Beth Pepper  
Rachel Wohl '88,  
Maryland Judiciary's  
Mediation and Conflict  
Resolution Office  
John Frisch '83,  
Miles & Stockbridge P.C.

### Guest Speaker: Women, Leadership & Equality Seminar

Scott E. Ray, U.S. Attorney,  
Deputy Chief, Major Crimes  
Section

### Presenters, Leadership Forums

Dr. Larry Richard,  
LawyerBrain, LLC  
Professor Leary Davis,  
Elon Law School  
Bonnie Allen,  
Mississippi Center for Justice  
Lydia Nussbaum '09,  
Associate Professor,  
University of Baltimore  
School of Law, Family  
Mediation Clinic  
Dorcas Gilmore '07, NAACP  
Alexina Jackson '07,  
Crowell & Moring

### Law and Public Leadership for Social Change Seminar

Steven Hanlon,  
Holland & Knight's  
Community Services Team  
Tom Perez, Assistant U.S.  
Attorney General, Civil Rights  
Division, DOJ  
Douglas Gansler,  
Maryland Attorney General  
Anthony Brown, Lieutenant  
Governor of Maryland

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Mississippi Center for Justice  
Adam Connolly, Hogan Lovells  
Diane D'Aiutolo,  
Tydings & Rosenberg LLP  
Suzanne Decker,  
Miles & Stockbridge P.C.  
Leah Durant, Progressives for  
Immigration Reform  
Robert Gonzales,  
Hylton & Gonzales  
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Assistant Professor, St. Louis  
University Law School  
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Deborah Jennings, DLA Piper LLP  
Laurie Norris,  
DHHS, Center for Medicaid  
and Medicare Services in the  
Family and Children's Health  
Group  
The Honorable Irma Raker,  
Judge (retired), Maryland  
Court of Appeals  
Donna Hill Staton,  
Adjunct Professor  
UM Carey Law

### Realities of Public Interest Law Practice

Corey Shdaimah LL.M/PhD,  
Assistant Professor,  
UM School of Social Work  
Peter Holland '96,  
Founding Partner,  
Law Offices of Peter Holland  
Ellen Callegary '78,  
Callegary & Steedman, P.A.

### Comparative Public Policy and Law Reform

Commissioner David Omerod,  
UK Law Commission  
Donna Green,  
UK Law Commission  
Patricia Hughes,  
Law Commission of Ontario  
Lisette McCormick,  
Pennsylvania Interbranch  
Commission

### Externship Supervisors

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Public Broadcasting System  
Caridad Berdud,  
United States Patent and  
Trademark Office  
Rachael Boyd,  
World Jurist Association  
David Blank,  
US Department of Health and  
Human Services, Office of the  
Inspector General  
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Johns Hopkins University  
Office of Research  
Administration, School  
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Dale Cantone, Maryland  
Attorney General's Office  
Jeffrey Childers,  
JHU Tech Transfer  
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Office of Thrift Supervision  
Kimberly Clemens,  
Office of the Chief Counsel,  
US Citizenship and  
Immigration Service  
Benjamin Cohen,  
Centers for Medicare and  
Medicaid Service, Office of  
Hearings, USDOJ  
Roxana Cruz-Rivera,  
Puerto Rico Industrial  
Development Co.  
Laurice DeAnne Royal,  
Johns Hopkins Health  
System Corp. Office of the  
General Counsel  
Amy J. Dilcher,  
University of Maryland  
Medical System Office of  
General Counsel

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Anne Arundel County  
Nina Finston,  
Division of Enforcement, SEC  
Donna Folkemer,  
The Hilltop Institute  
Guido Galvez, JHU Tech Transfer  
Elizabeth Gardner,  
US Attorney's Office for the  
District of Maryland  
Meg Garrett '83, Johns Hopkins  
Health System Corp. Office of  
the General Counsel  
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Office of Chief Counsel, IRS  
Yolanda Gruendel,  
Federal Trade Commission  
Florence Harmon, SEC  
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Office of International  
Business, Operations  
Compliance  
Elizabeth Jacobs,  
Deputy Director, SEC  
Carl Jean-Baptiste '97,  
Medstar Health  
Gail Johnson,  
US DOJ Civil Division,  
Torts Branch, FTCA Office  
The Honorable Duncan W. Keir,  
Chief Judge, US Bankruptcy  
Court, Baltimore  
R. Jeff Knight '08,  
Office of Chief Counsel, IRS  
Michelle Martin,  
Baltimore City State's  
Attorney's Office  
Douglas McAllister, SEC  
Robert McCarthy,  
UM Commercial Ventures and  
Intellectual Property  
William D. McColl '95,  
AIDS Action  
Debra McGhee,  
Baltimore FHEO Center  
Director, US Dept. of Housing  
and Urban Development  
Matthew Meisner,  
Financial Industry Regulatory  
Authority  
Karen Meister,  
Food and Drug Administration,  
Office of Legislation  
Chuck Milligan,  
The Hilltop Institute  
Ilene J. Nathan '78,  
Medicaid Fraud Control Unit,  
Office of the Attorney General  
Trish Nemore, Center for  
Medicare Advocacy, Inc.  
Katherine Newberger,  
Federal Public Defender

Roann Nichols '83,  
Office of the Attorney General,  
Civil Division

Chris Naoum, Bracy Tucker  
Brown & Valanzano

David Norken '77,  
Administrative Judge,  
Equal Employment  
Opportunity Commission

Dan O'Brien, DHMH

Beth Palmer,  
Administrative Judge,  
Equal Employment  
Opportunity Commission,  
Baltimore Division

Teri Patterson,  
National Football League  
Players Association

James Peterson,  
US Agency for International  
Development

Candyce Pare, SEC

Sandra Pressman '94,  
Office of General Counsel,  
US Department of Health and  
Human Services, Public  
Health Division

Alicia Reynolds,  
University of Maryland  
Medical System Office of  
Risk Management

Suzanne Rollins,  
Centers for Medicare and  
Medicaid Service, Office of  
Hearings, USDJ

Victoria Rostow,  
National Association of  
Bond Lawyers

Laura Rogers,  
Navy Judge Advocate  
General's Office

Michelle Saffan '07,  
University Physicians, Inc.

Joe Sandillo, Commerce Law  
Development Program,  
US Dept. of Commerce

Mona Shah '06

Robin Siegel,  
University Physicians, Inc.

Howard Sims,  
US Dept. of Housing and  
Urban Development

Niki Sollinger, Octagon Inc.

Mary Beth Sullivan, SEC

B. Adam Suri,  
Maryland Dept. of Business  
and Economic Development

Thomas Swiers, SEC

Angela Sykes '87,  
Equal Employment  
Opportunity Commission

Donald Tannenbaum,  
Maryland Office of the  
Attorney General, Health  
Education and Advocacy Unit

Robert Turk, FINRA

Howard Varney,  
International Center for  
Transitional Justice

Joel Verdi, Electronic Privacy  
Information Center

Thiruvendran Vignarajah,  
District of Maryland,  
US Attorney's Office

Jacqueline Wells,  
JHU Applied Physics

Natasha S. Wesker,  
Health Occupation Boards

Jennifer Williams,  
Women's Legal Centre

Benjamin Wu,  
Maryland Department of  
Business and Economic  
Development

Joel Yang,  
US Department of Commerce

Lauren Young '85,  
Maryland Disability Law Center

**Mediation Clinic**

Vicki and Dusty Rhodes

Michele Ennis-Benn,  
Community Mediation  
Initiative of the Lower Eastern  
Shore (CMILES)

Lauren Abramson,  
Community Conferencing  
Center, Baltimore City

Steve Smitson,  
Maryland Home Improvement  
Commission, Dept. of Labor,  
Licensing and Regulation

Charles Shubow,  
Administrative Judge,  
Equal Employment  
Opportunity Commission,  
Baltimore Division

Rachel Wohl '88,  
Maryland Judiciary Mediation  
and Conflict Resolution Office

Stanley "Stan" Rohd '66

**ADR Team Coaches**

Barry Gogel '97, Law Offices of  
Arnold M. Weiner

Nicholas Scull '10,  
Hostetter Strent, LLC

**Moot Court Board**

The Honorable Diane O. Leisure,  
Circuit Administrative Judge,  
5th Judicial Circuit

The Honorable Clayton  
Greene, Jr. '76, Judge, Court  
of Appeals, 5th Judicial Circuit

Marc DeSimone '04,  
Appellate Division Maryland  
Office of Public Defender

Ryan Dietrich '04,  
Criminal Appeals Division,  
Office of the Attorney General  
of Maryland

Kathryn Frey-Balter,  
Office of the Federal Public  
Defender for the District  
of Maryland

Thiruvendran Vignarajah,  
Assistant United States  
Attorney, District of Maryland,  
US Attorney's Office

The Honorable Benson E. Legg,  
Chief Judge, US District Court  
for the District of Maryland

**Myerowitz Competition**

Ben Miller, Appellate Division  
of the Maryland Office of the  
Public Defender

Susannah Prucka '06,  
Criminal Appeals Division  
of the Office of the Maryland  
Attorney General

Andrew Torrez,  
Zuckerman Spaeder, LLP

Peter Nothstein '05

The Honorable Gregory M. Sleet,  
Chief Judge, United States  
District Court for the District  
of Delaware

The Honorable Gerald Bruce Lee,  
Judge, United States District  
Court for the Eastern District  
of Virginia

The Honorable Kathryn G.  
Graeff '86, Judge,  
Court of Special Appeals  
of Maryland, 3rd Appellate  
Judicial Circuit

**Moot Court Fall Competition**

The Honorable Timothy J.  
McCrone, Associate Judge,  
Howard County Circuit Court

Maury Epner, Miller & Canby

Ryan Dietrich '04,  
Criminal Appeals Division,  
Office of the Attorney General  
of Maryland

Charles Butler,  
Office of the Attorney General

Mark Davis,  
Department of Health and  
Mental Hygiene

Thiruvendran Vignarajah,  
District of Maryland,  
US Attorney's Office

Neil Dilloff, DLA Piper LLP (US)

Hope Tipton, Project HEAL

**Moot Court Team Coaches,  
Outside Competitions**

Marc DeSimone '04  
(National Team), Appellate  
Division Maryland Office of  
Public Defender

Susannah Prucka '06  
(Gibbons Competition),  
Criminal Appeals Division  
of the Office of the Maryland  
Attorney General

Ryan Dietrich '04  
Criminal Appeals Division,  
Office of the Attorney General  
of Maryland

George Zokle  
(Craven Competition),  
Whitworth Smith

**Mooted Teams for  
Outside Competitions  
Health Law Competition**

M. Natalie McSherry '74

Benjamin Salsbury '07

Jack Schwartz

**National Team**

The Honorable Diane O.  
Leisure, Circuit  
Administrative Judge,  
5th Judicial Circuit

The Honorable Andre  
Davis '78, Judge,  
US District Court for  
the District of Maryland

Jerome Nelson, FINRA

**Howard Civil Rights  
Competition**

Thiruvendran Vignarajah,  
District of Maryland  
US Attorney's Office

**Craven Competition**

The Honorable Andre Davis  
'78, Judge, US District  
Court for the District of  
Maryland

**Guest Speakers  
Business Law Program**

David Eberhardt '85,  
Miles & Stockbridge

Kelly Hardy '96,  
DLA Piper LLP (US)

Ava E. Lias-Booker '86,  
McGuireWoods LLP

Robin Weyand,  
Stanley Black & Decker, Inc.

William Schwitter,  
Paul Hastings

The Honorable Thomas Catliota,  
Federal Bankruptcy Judge,  
US Bankruptcy Court District  
for Maryland

The Honorable Robert Gordon,  
Appellate Judge, First District,  
6th Division, US Bankruptcy  
Court

Judge-Designate David Rice,  
US Bankruptcy Court

The Honorable Duncan W. Kier,  
Chief Judge, US  
Bankruptcy Court

The Honorable Lynne A.  
Battaglia '74, Chief Judge,  
Court of Appeals for the  
Third Circuit

The Honorable James Schneider,  
US Bankruptcy Court

**Business Law Program Job  
Shadow Program**

David Abramson, Martek

Carmela Bell

Jodie Buchman, DLA Piper

Frank Buckley, Allegis Group

Jerome Carr

Joan Deoul, Ameritrade

Maureen Dry-Wasson,  
Allegis Group

Lynne Durbin,  
AR Global Solutions

Eric Eller

Farah Esmail,  
Connections Academy

Jennifer Eyler, Allegis Group

David Finch, Corporate Office  
Properties Trust

Andrew Greenspan

Kathryn Hickey, Saul Ewing

David Kuntz, American Office

Gary Leibowitz, Cole Schotz

Cara Lewis, Tydings & Rosenberg

Mark Neal, US Department  
of Justice

Eric Orlinsky, Saul Ewing

Jim Peppe, West & Feinberg

Thomas Pilkerton, DLA Piper

Christine Poulon, PayPal Inc./  
Bill Me Later Inc.

Chris Rahl, M&T Bank

Richard Ransom,  
Constellation Energy

Lauren Rexroat,  
Capital Funding Group

Brett Rogers '02, Brown Advisory

Michael Sawicki, Prometric

Dan Shealer,  
Johns Hopkins Medicine

Mark Shelnitz, W.R. Grace & Co.

Chris Steer '01, PA & Associates

Gerard Vetter,  
US Department of Justice

Clolita Vitale,  
Constellation Energy

Joseph Weikel, PHH Arval

David McL. Williams,  
Gorman & Williams

David Wolfe, Alex Brown Realty

Bryant Young, Hopkins & Young

Carmella Bell,  
David S. Brown Enterprises

Jerome Carr, University of  
Maryland School of Medicine

Andrew Greenspan, Nationwide

Kelly Hardy, DLA Piper

Indira Sharma '06, Saul Ewing

**Drexel Meet Volunteers**

Philip Diamond, Gallagher  
Evelius & Jones LLP  
Matthew Palmer, Palmer Cooper  
Bryan Saxton '09, Tydings &  
Rosenberg  
Robert McCarthy,  
UM Commercial Ventures and  
Intellectual Property

**"Fortnightly IP"  
Guest Speakers**

James Astrachan,  
Astrachan, Gunst, Thomas  
& Rubin  
Elizabeth Cropper, Dean,  
Center for Advanced Studies  
in the Visual Arts, National  
Gallery of Art  
Alex Hanna '06,  
Morgan Lewis & Bockius  
Mike Klipper,  
Meyer Klipper & Mohr  
Nadine Chien,  
Furiex Pharmaceuticals  
Paul Rothstein, Blackboard Inc.  
Raymond Chen, United States  
Patent and Trademark Office  
Cynthia Sanders, Ober Kaler  
Ira Wexler, IRA Wexler  
Photography Inc.

**Drug Policy Clinic**

William Anderson,  
Crowell & Moring  
Vivian Arias, Crowell & Moring  
Sarah Bordelon,  
Crowell & Moring  
Leslie Davis, Crowell & Moring  
Christopher Flynn,  
Crowell & Moring  
Andrew Marks,  
Crowell & Moring  
Ruby Smith, Crowell & Moring  
Amy Tridgell, Crowell & Moring

**Guest Speaker:****Environmental Law Program**

Sarah Albert '05, Beveridge  
& Diamond  
Apple Chapman '99,  
Air Enforcement Division,  
U.S. Environmental Protection  
Agency  
Nicole Folks, Black Dog Law, LLC  
Jonathan Nwagbaraocha,  
EHS Regulatory Consultant,  
Enhesa Inc.  
Khushi Desai, EarthJustice  
Mike Walker, US Environmental  
Protection Agency

**Guest Speaker: Summer Clinic**

Clinton Bamberger,  
Professor Emeritus,  
UM Carey Law

Sharon Benzil,  
Maryland Transportation  
Authority Police  
Rich Buccheri,  
Community Mediation  
Antonia K. Fasenelli,  
Homeless Persons  
Representation Project  
Philip Robinson,  
Civil Justice, Inc.  
Lydia Nussbaum '09,  
Associate Professor,  
University of Baltimore Law,  
Family Mediation Clinic

**Guest Speaker:****Workers Rights Clinic**

Andrew Dansicker,  
Law Office of Andrew M.  
Dansicker, LLC  
Nicole Jassie, Legal Aid Bureau  
Maria Roeper,  
International Association of  
Machinists and Aerospace  
Workers  
Rachel Micah-Jones,  
Centro de los Derecho del  
Migrante

**Guest Speaker:****Immigration Law Clinic**

Deepa Bijpuria, The Women's  
Law Center of Maryland  
Sunita Boyce Iyer,  
Law Office of Sunita S.Iyer, LLC  
Patricia Chiriboga-Roby,  
Catholic Charities of Baltimore,  
Immigration Legal Service  
Mara Come  
Maureen Essex,  
Office of the Public Defender  
The Honorable John F. Gossart, Jr.,  
US Immigration Judge,  
Baltimore Immigration Court  
Lisa Marquardt,  
Marquardt Law Firm P.C.  
Mary Ryan, Taylor & Ryan, LLC  
Billy Sapp  
Frances Taylor, Taylor & Ryan, LLC  
Mary Ann Berlin,  
Berlin & Associates, P.A.  
Adam Crandell,  
Berlin & Associates, P.A.  
Van Doan,  
Law Office of Van T. Doan, LLC

**Guest Speaker:****Health Law Program**

Meg Garrett, Johns Hopkins  
Health System Corp. Office  
of the General Counsel  
Carl Jean-Baptiste,  
Medstar Health  
Chuck Milligan,  
The Hilltop Institute

Michelle Saffan,  
University Physicians, Inc.  
Mona Shah  
Robin Siegel,  
University Physicians, Inc.  
Ellen L. Barton,  
St. Joseph Medical Center  
William England,  
Universal Service  
Administrative Company,  
Rural Health Division  
Barbara Fuller '96,  
National Human Genome  
Research Institute  
Anjali Downs,  
Epstein Becker & Green  
Marni Greenspoon,  
Maryland Disability Law Center  
Nancy Gregor, Johns Hopkins  
Health System Corp. Office of  
the General Counsel  
Frank Huber,  
Social Security Administration  
Carolyn Jacobs, Rifkin, Livingston,  
Levitan & Silver  
Amy Lerman,  
Epstein Becker & Green  
Laura Odwazny,  
Department of Health and  
Human Services, Public  
Health Division, Office of the  
General Counsel  
Delora Sanchez, State Affairs,  
Johns Hopkins Institutions  
Cathy Surace,  
Maryland Disability Law Center  
Natalie McSherry '74,  
Kramon & Graham  
Erin Hopwood,  
Dept. of Legislative Services,  
Maryland General Assembly

**Stetson International Moot  
Court Competition Judges**

Steve Adler '07,  
Administrative Commissioner,  
District Court of Maryland  
Joey Tsu-Yi Chen '10  
Jeremiah Chiappelli,  
The Chiappelli Law Firm  
Lauren Ciarra  
Sean Coleman  
John Connolly,  
Zuckerman Spaeder LLP  
Chris Corzine  
Jonathan Cusson,  
Anderson, Coe & King, LLP  
Kim DeGross,  
Thomson Reuters IP Science  
Jeremy Dykes,  
Niles, Barton & Wilmer, LLP  
Catherine Faint, US Patent and  
Trademark Office  
Aminah Famili, Enhesa Inc.

Whitney Faust,  
Senior Policy Group,  
National Capital Region  
Joel Fedder, Fedder and Garten  
Dan Fruchter, Civil Frauds  
Section, US Dept. of Justice  
Brett Grosko  
Julie Grufferman,  
Maryland Office of the  
Attorney General  
Irene Hantman, ABA, Pesticide,  
Chemical Regulation, and  
Right-to-Know Committee  
Roberta "Bobbie" James,  
Maryland Department of  
the Environment  
Heidi Knight '08,  
Beveridge & Diamond  
Michael Kroopnick, Law Office  
of G. Macy Nelson, LLC  
Jon Kucsar '08  
Anna Kuperstein,  
Keller & Heckman, LLP  
Katie Ladewski,  
US District Court for the  
District of Maryland  
Jayni Lanham,  
Beveridge & Diamond  
Elizabeth Lee, US Food and  
Drug Administration  
Jennifer Lewis  
Aaron Marr Page  
Karyn Marsh, Gibson Dunn  
Mark McCurdy,  
Maryland Automobile  
Insurance Fund  
Karen McGullum Farrell  
Dave McMurray,  
Social Security Administration  
Bob Means  
Alan Miller, Principal Climate  
Change Specialist, Climate  
Change Unit  
Phil Moffat, Verdant Law PLLC  
Dawn O'Croinin,  
The Ruckdeschel Firm LLC  
Jennifer Peterson  
Todd Phelan,  
Snyder Kearney LLC  
Jennifer Pollard '03,  
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Tom Prevas '08, DLA Piper  
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Denver, Sturm College of Law  
Catherine "Kitty" Pring,  
Mediator and Director,  
Resolution Resources, LLC  
Rob Scott, Ballard Spahr, LLP  
Chris Segal  
Tim Sellers, University of  
Baltimore Law School  
Robert Shaffer, III,  
Zuckerman Spaeder LLP  
Julie Simon

Bill Sinclair,  
Beveridge & Diamond  
Frank Skiba, Enhesa Inc.  
Nellie Staker,  
DC Office of Human Rights  
Michael Strande '01  
Lewis Taylor, Venable, LLP  
Michael Turner  
Paul Versace '99,  
US Environmental Protection  
Agency  
Katie Wainwright,  
US Army Corps of Engineers  
Mary Beth West  
Sarah Widman, Maryland  
Department of Natural  
Resources Fisheries Service  
Tseming Yang, Office of General  
Counsel, US Environmental  
Protection Agency  
Erica Zilioli '06,  
Beveridge & Diamond  
Christine Jochim Boote '08,  
US Nuclear Regulatory  
Commission  
Khushi Desai, EarthJustice  
Mike Walker, US Environmental  
Protection Agency

**Pro Bono Immigration  
Consultation Project**

Fr. David Brooks, SJ  
Jeffrey Erickson,  
The Greene Law Firm  
Jonathon Greene,  
The Greene Law Firm  
Sandra Grossman,  
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**Criminal Appeals Seminar**

Brian Kleinbord,  
Appellate Division Office of  
the Attorney General  
The Honorable Joseph F.  
Murphy Jr. '69,  
Court of Appeals,  
2nd Appellate Circuit  
Brian Saccenti '00,  
Deputy Chief, Appellate  
Division, Office of the  
Public Defender  
Geraldine Sweeney '72,  
Chief, Appellate Division,  
Office of the Public Defender

## MAKING AN IMPACT

*Every effort has been made to ensure the accuracy and completeness of the information in this publication. Names are listed according to the preference of contributors. Gifts to the School of Law received between July 1, 2010 and June 30, 2011 are recorded with the heartfelt thanks of the entire Law School community. Should you find an error or omission, please contact:*

*Erik Fulwider | Director for Alumni Relations | 410-706-0526 | efulwider@law.umaryland.edu*



## In His Own Words: Francis King Carey

*On June 4, 1906, Francis King Carey delivered the Commencement Address for the University of Maryland Schools of Law, Medicine, and Pharmacy. Entitled “Professional Men and Public Enterprise,” Carey attempted to put into words the radically shifted landscape of Baltimore—in law, business, and medicine—that graduates would find themselves in just two years after the Great Baltimore Fire of 1904. This is an excerpt of his address.*

“This is the day of cooperation. It was never so true as now that men succeed or fail together rather than as individuals, and generosity in lending your own opportunities, and tact and ability in borrowing the opportunities of other people, are distinctly among the elements of personal progress. A community can move mountains if its members act together, while if they pull apart their very numbers constitute a source of weakness. The extraordinary emergencies of our great fire taught our people a lesson in cooperation which they will be slow to forget. We have learned to our infinite satisfaction that no community can be a great one unless each member of it rejoices almost as much in the prosperity of his neighbors as in his own.

“It is into such a community, in which it is an actual pleasure to live and work, that the members of these graduating classes step tonight. It will do no harm if that

step is taken with a little excess of enthusiasm and a somewhat sentimental view of life’s possibilities and relations. No man with even a small share of business knowledge or experience will say that there is no sentiment in business, because a man without sentiment is a man without imagination, and a man without imagination is doomed to small things, mentally, morally and commercially. Let no man fool you into believing that the road to success lies in the direction of doing what is called “sticking to your own business” to the exclusion of all other interests. Be generous with your time, your sympathy and your interest in any matters, public or private, where your time, sympathy and interest will tell. That does not mean that you must scatter what brains you possess over too much territory. The greenhorn who tries to kill a quail by shooting into the whole covey can teach you better than that, but open your mind and your heart wide to your fellow men, and I prophesy that you will get back more than you give out.

“If you have not yet caught and understood the spirit which is making Baltimore a great commercial city and turning a village community into a metropolitan one, you had better leave it. There are still prophets of evil and apostles of despair who, unfortunately, were outside of the ‘burnt district’ and escaped with their worse-than-useless lives. Turn your backs upon them. There are still people who will tell you that this or that enterprise is too big for Baltimore. Believe me, the truth is not in them. I say again that no well-conceived, wisely planned and prudently managed business enterprise, large or small, has ever failed to succeed in Baltimore, nor is it an answer to point to failure, where enthusiasm without money, or money and ability without knowledge and training have paved an easy roadway to misfortune. The population opportunities of a city of over half a million people are enormous, and Baltimore’s opportunities are in many ways undeveloped. Save your money for railroad tickets (borrow it if necessary) and travel to other wide-awake towns less fortunately situated and with smaller populations; take a cattle ship and visit European towns, and you will come back with a fuller realization of this fact.

“This, then, is the message which I have tried to carry to the members of these graduating classes tonight, and it is the message of the city of Baltimore to all of her people. Our city needs, and will warmly welcome and reward, as every worthwhile community at all times needs, welcomes and rewards, honorable, brave, well-trained and efficient men, but the price you must pay for her good will is to keep step to the music of her progress and fight under the banners of hope and confidence which she has flung boldly to the breeze, and which the spirit of her people has nailed tightly to her flagstaffs.”

**For Francis King Carey’s full address, please visit <http://digitalcommons.law.umaryland.edu>.**



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Fall/Winter 2011-2012

# Campus Happenings

## September 16

2011 Dean's Convocation

## September 21

Meet Up at McGarvey's in Annapolis, Md.

## October 3

*Journal of Business and Technology Law*  
Fall Symposium, co-hosted by the Entertainment,  
Arts, and Sports Law Association

## October 5-6

Maryland Journal of International Law Symposium:  
"China, Taiwan and International Law: A Symposium  
in Honor of Professor Hungdah Chiu"

## October 11

Meet Up at RFD Washington in Washington, D.C.

## October 12

"Fortnightly IP" Speaker Series

## October 19

Pro Bono Lawyers Reception, sponsored by the Maryland  
Volunteer Lawyers Service, Leadership in Public Service,  
University of Maryland School of Law Career Development  
Office and Maryland Public Interest Law Project, Inc.

## October 21

2011 Ward Kershaw Conference

## November 1

Meet Up at B&O American Brasserie in Baltimore, Md.

## November 3-4

Law, Social Work, and ISS-USA Conference on  
North/South Cooperation in Child Welfare

## November 18

20th Annual Environmental Law Wine Tasting

## February 24

Black Law Student Association Annual Banquet

## March 7

2012 Myerowitz Moot Court Competition