

PENNSTATE



The Dickinson  
School of Law

# LEXICON

WINTER 2013

## JOURNEYS *to and from* The Law

Ira Wagler:  
All that you Can't  
Leave Behind

Tom VanKirk:  
A Career  
Well-Planned

First-year Students  
Share their Journeys  
to the Law School





# LEXICON

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*Lexicon* is published for alumni, students, faculty, staff, and friends of The Dickinson School of Law of The Pennsylvania State University. Correspondence may be addressed to the editor at [alumni@law.psu.edu](mailto:alumni@law.psu.edu).

Portions of this magazine may be reprinted if credit is given to The Dickinson School of Law, *Lexicon*, and the author.



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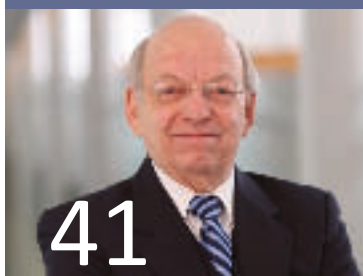
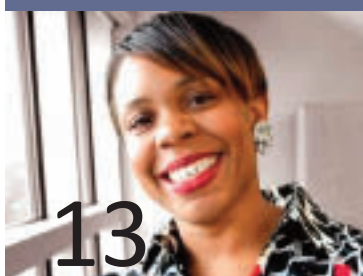
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**This publication is available in alternative media on request.**

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## FROM THE DEAN



The theme of this issue is journeys to and from the law. As you may know, I am about to embark on a new journey of my own, as dean of Peking University's School of Transnational Law. My assignment there will be to continue the work of bringing American-style J.D. legal education to the People's Republic of China, alongside a traditional Chinese law Juris Master. The opportunity interests me because of its uniqueness and my longstanding interest in Asian affairs and cross-border law practice. Peking University is China's best, so the potential impact on the future of international law practice and U.S.-China relations is significant. The experience will dovetail with our efforts to expand the international footprint of The Dickinson School of Law.

My experience at Penn State has been rewarding beyond my expectations. We have achieved much as a law school, thanks to the excellence, diversity, and dedication of our faculty, staff, students, and a very supportive University. Our accomplishments include the creation of a new Law School campus on Penn State's flagship University Park campus, the appointment of more than 50 internationally

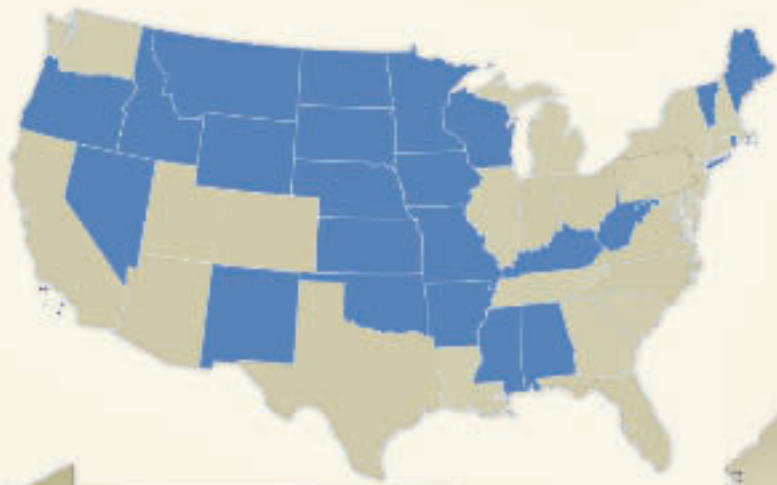
renowned scholars and advocates, dramatic improvements in student body diversity and academic credentials, a \$130 million investment in elegant new LEED certified facilities, a significant expansion of the Law School's international programs and curriculum, a clinical education and experiential learning program second to none in the United States, and the development of a nationally acclaimed distance education program made possible by specially designed classrooms equipped with advanced audiovisual technology. We all should be proud of these distinctions.

As I leave, The Dickinson School of Law begins the next phase of its journey as two separate law schools operating under the Penn State University banner. This new direction will allow our Carlisle and University Park campuses to pursue the strategies each needs to be successful in an environment very different from the one that existed when the merger took place. Each school will have a new dean to navigate the challenges ahead and I look forward to celebrating the new milestones of each.

With thanks and my very best wishes.

A handwritten signature in dark ink, reading "Philip J. McCormack". The signature is fluid and cursive, with a large, stylized 'P' and 'M'.

## BY THE NUMBERS



***The CLASS of 2012***  
**EXCELLED on their**  
**BAR EXAMS**

They passed bar exams in 25 states nationwide with an overall pass rate of **91%**.

## PENNSYLVANIA

Statewide first-time pass rate:  
83.01%

Penn State Law first-time pass rate: 95.8%

## NEW YORK

Statewide first-time pass rate: 83%

Penn State Law first-time pass rate: 88.46%



**8 Months Nicole Anderson '14 has to learn Mandarin in Taiwan, where she is studying as a Boren Fellow**

(See page 4)



10,074

**Downloads of  
articles published by  
*Penn State Journal  
of Law and Interna-  
tional Affairs* as of  
January 15, 2013**

(See page 14)

**6** *Number of miles John Clough '65 hiked, in courtroom attire, to petition Supreme Court Justice William O. Douglas, who was sitting as the Circuit Justice for the Ninth Circuit (See page 28)*



### Law School Named One of 20 Most Innovative by *National Jurist*

The Law School's connection with the Penn State School of International Affairs and the ability for a law student to earn a J.D. and M.I.A. in just four years landed Penn State Law on the *National Jurist* list of 20 most innovative law schools, published in the September 2012 issue.

### PDAA Rings in its 100<sup>th</sup> Birthday

The Pennsylvania District Attorneys Association hosted its centennial celebration on campus in September with a panel on the role of the modern prosecutor. Pennsylvania Supreme Court **Justice J. Michael Eakin '75** moderated the panel.



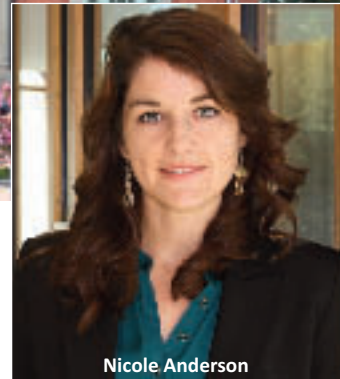
Nancy Welsh

### Nancy Welsh Tapped to Lead *Dispute Resolution Magazine*

Nancy A. Welsh, William Trickett Faculty Scholar and Professor of Law, has replaced Harvard Law School Professor Emeritus Frank E.A. Sander as editorial board chair. She will be joined by co-chair Joseph B. Stulberg, the Michael E. Moritz Chair in Alternative Dispute Resolution at Ohio State's Moritz College of Law. Published quarterly by the American Bar Association, the magazine covers developments, news, and trends

in dispute resolution.

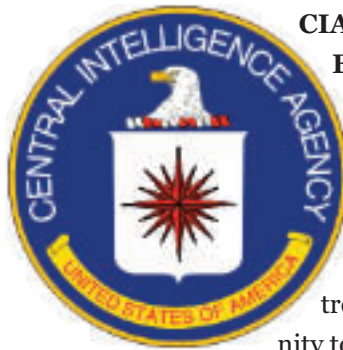
National Taiwan University



Nicole Anderson

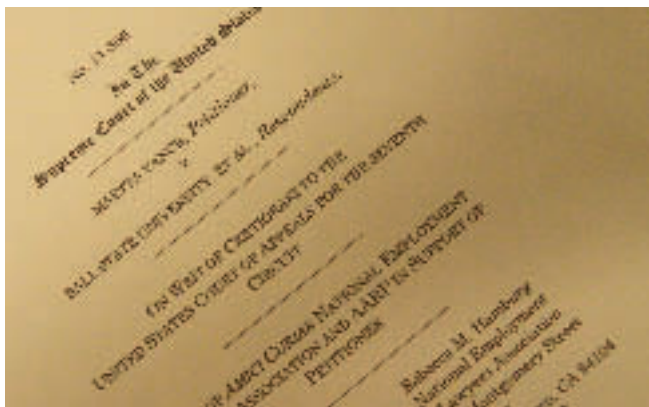
### U.S. Marine Nicole Anderson '14 Selected for a Boren Fellowship

Having finished U.S. Marine Corps Officer Candidate School and one year of law school, Nicole Anderson '14 has another challenge in mind: learning Mandarin Chinese in eight months. She is a 2012-2013 Boren Fellow at National Taiwan University. The fellowship provides funding for Anderson to take 415 hours of language instruction in addition to an independent study course, classes in maritime and international law, and volunteer work. The Law School and National Taiwan University have an exchange agreement; Anderson's credits from NTU will count toward her law degree.



### CIA Legal Chief Talks About Balancing Security and Liberty

Stephen W. Preston, chief legal counsel to the CIA, spoke with students in an exclusive closed-door session about national security and CIA recruitment. "Students were extremely privileged to have an opportunity to talk directly with the general counsel to the Central Intelligence Agency," said Vice Admiral (Ret.) James W. Houck, Distinguished Scholar in Residence, who was instrumental in bringing Preston to the Law School. "This was a rare opportunity for Penn State students to gain insight into the real world challenges of ensuring that our government strikes the right balance between security and liberty."



### Civil Rights Appellate Clinic Students are Waiting on SCOTUS

Clinic students wait for a decision in *Vance v. Ball State University*, which could have a widespread impact on how employment discrimination cases are handled nationwide. At issue is who qualifies as a supervisor under Title VII of the 1964 Civil Rights Act. Representing the National Employment Lawyers Association and AARP, the Clinic filed an amicus brief arguing that the Supreme Court should adopt as its rule of law the guidance set forth by the EEOC on how to define who is a supervisor for Title VII purposes.



### Clinic Acts as Friend to the Third Circuit Court of Appeals

The Civil Rights Appellate Clinic was appointed as amicus in a suit under the Americans with Disabilities Act last semester. In the months following the Third Circuit's appointment, clinic students Heather Bennett '13, Jessica Brown '13, Alexander Kahn '13, Christopher Polchin '13, Ramandeep Singh '13, and Mallery Willatt '13, as well as clinical fellow **Wes Corning '12**, parsed their way through nearly 1,400 pages of transcripts, examined exhibits, and analyzed pre- and post-trial briefs to gain a better understanding of the issues involved. While not officially representing the plaintiff, who had been successful at the trial court level, the clinic is representing her interests and the correct rule of law in the amicus brief. "You're basically a party without being bound to represent all of her interests. You operate under party rules," explained clinic director Professor Michael Foreman.

## NEW SCHOLARS JOIN LAW SCHOOL FACULTY

New faculty members joined the Law School this year, bringing their perspectives on law, life, leadership, the practice of law, and everything in between.



### Clark Asay

J.D., Stanford  
Master's in Philosophy, Cambridge  
B.A., Brigham Young University

Clark Asay studies the Internet and technology, particularly whether laws around open source software and information privacy and whether they help or hinder innovation. Prior to his academic career he was corporate counsel for Lab126, an Amazon company that develops and designs con-

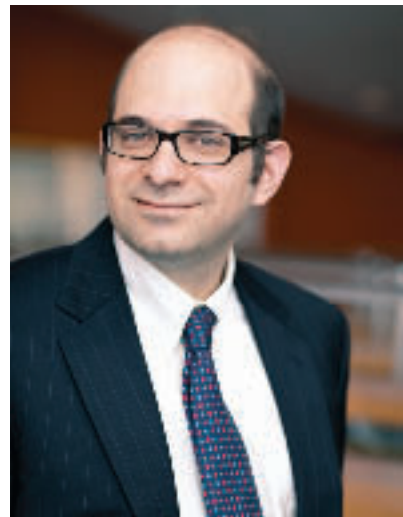
sumer electronic products such as the Kindle Fire. Before that he was an associate in the Technology Transactions Group at **Wilson Sonsini Goodrich & Rosati**.

\*\*\*

### Seth Chertok

J.D., University of Pennsylvania  
B.A., University of Chicago

Seth Chertok joined the Law School from **Morrison & Foerster LLP** in San Francisco, where he worked on the corporate, business and securities matters. He is interested in the impact of Title IV of the Dodd-Frank Act and related SEC rules on investment advisers and plans to expand his scholarship to include torts and mergers and acquisitions.



“Joining Penn State has given me the opportunity to expand the focus of my research from corporate and securities law to include tort law. The high-

light of my year has been becoming an expert in tort law, and rekindling my love for a subject that I left behind in law school.”

\*\*\*

### Lt. Gen. (Ret.) James Dubik

M.A., Command and General Staff College  
M.A., Johns Hopkins University  
B.A., Gannon University

Lt. Gen. James Dubik accepted the General Omar N. Bradley Chair in Strategic Leadership in July and shares his cross-cultural and leadership experience with law and international affairs students. Before retiring from the Army in 2008, Lt. Gen. Dubik commanded I Corps in Iraq and the Multinational Security Transition Command. He was the senior U.S. official responsible for training and equipping the Iraqi military and police forces. He also commanded



Carl Sandor Socolow  
Dickinson College



the I U.S. Corps in Fort Lewis, Washington, where he was responsible for training 40,000 soldiers for war and developing or continuing military relationships

with Korea, Japan, and Thailand.

The Omar Bradley Chair is a joint initiative among the United States Army War College, Dickinson College, Penn State School of International Affairs, and the Law School designed to advance the study of strategic leadership and enhance civilian-military dialogue.

\*\*\*

**VADM (Ret.) James W. Houck**

LL.M., Georgetown University Law Center  
J.D., University of Michigan Law School  
B.S., U.S. Naval Academy



Vice Admiral James W. Houck retired from his position as the 41st Judge Advocate General of the U.S. Navy and joined the Law School a

few days later as a Distinguished Scholar in Res-

idence. He focuses his teaching and scholarship on international and national security law as well as maritime law and policy.

After graduating from the U.S. Naval Academy, he qualified as a surface warfare officer aboard a destroyer before attending the University of Michigan for his law degree. Among his assignments as a Navy JAG, he served as Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff, and as principal legal counsel to the Commander, U.S. Atlantic Fleet, and the Commander, U.S. Naval Forces Central Command in Bahrain. VADM Houck also served in the Navy's Office of Legislative Affairs, and has been a Navy prosecutor and defense attorney.

\*\*\*

**James Puckett**

LL.M., New York University  
J.D., B.A., University of Virginia

Tax scholar James Puckett is a fan of distributive justice. "I examine perspectives on how resources should be distributed in society and their implementation in the tax system," he said. "This is an interdisciplinary approach, and it sometimes challenges classical notions of happiness, such as the idea that everyone maximizes their happiness if left alone." His recent research focuses on personal expenses and how the tax code treats differently situated people. He pays close attention to low and moderate-income taxpayers.

Prior to his academic career, Puckett was a tax associate at the Washington, D.C., office of **Fried, Frank, Harris, Shriver & Jacobson LLP**, where he analyzed tax aspects of mergers, acquisitions, spin-offs, private equity, and financial products. ■



A group of students and actors are gathered in a rehearsal space with stone walls. A woman in a maroon cardigan is gesturing with her hands while speaking to a group of people. Several men are standing behind her, some looking at her and others looking towards the camera. The scene is lit with warm, stage-like lighting.

# ALL THE WORLD'S A STAGE

## Shakespearean Actors Visit Advocacy I

Advocacy students learn the importance of warm-up exercises to release tension.

A recent Gary Gildin Advocacy class started with a game of catch—with an imaginary ball, led by Noel White and Henry Everett, members of the Actors from the London Stage. The exercise was designed to get students to center themselves and connect with the present.

It's all about presentation, according to White. "The ability to be in the present is the most important skill an actor has in his toolbox," he said. "The key to a winning performance for both lawyers and actors is not just about what they say, but how they say and present it."

"One very useful tool they taught us was how to individually look at each member of the audience (jury) and make meaningful, but friendly, eye contact," said third-year student Sarah Hyser. "I think that's an important tool to have because too often as young lawyers we are intimidated in the courtroom, and I think we pass that on to the jury if we're not careful. The actors relayed that it's important to be professional but also inviting in your demeanor, because you want to embody someone who others want to listen to."

After learning several warm-up techniques, including how to relax, breathe properly, and improve posture with an imaginary string, student “volunteers” were summoned to center stage to deliver opening statements for an advocacy assignment. “I felt pretty silly doing all of the warm-up exercises but was surprised at how much more comfortable I felt speaking in front of everyone, after I had taken the time to center myself and focus on my breathing,” Hyser explained.

#### **Sound Advice**

Following each student presentation, classmates critiqued one another’s performances while actors Everett and White suggested methods for improving their delivery. Students were then given a second chance to present their cases.

“Acting helps individuals increase their self-awareness and expression; improve their memorization skills; and control and alter their posture, body language, and tone of voice,” explained White. “By improving public speaking skills, law students will improve self-confidence. Confidence, and of course hard work and preparation, are key to success whether it’s on stage or in a courtroom.”

AFTLS is based in England with academic tours through the national outreach program of Shakespeare at Notre Dame. Each residency is highlighted by performances of a full-length Shakespeare production. During their visit to Penn State, which was arranged by the Center for Performing Arts at Penn State, the five-member ensemble also visited several theatre and English classes and performed *The Merchant of Venice*. ■

## The Docket

### **February 28, 2013**

Hon. Sylvia H. Rambo Award Ceremony  
honoring Ramona E. Romero, General Counsel,  
U.S. Department of Agriculture  
Lewis Katz Hall, Carlisle • 6:00 p.m.

### **March 14, 2013**

Law & Education Day  
A discussion of issues in education law with Professor Lucy Johnston-Walsh '97, Hon. Cheryl Allen of the Pennsylvania Superior Court, Stuart Knade, and David Andrews  
Lewis Katz Building, University Park • 9:00 a.m.

### **March 15, 2013**

“Developing the Trial Story: Lessons from *Thinking Fast and Slow* and the Art of Filmmaking”  
organized by Professor Gary Gildin  
Lewis Katz Hall, Carlisle • 9:00 a.m.

### **April 5, 2013**

“Developments in Forensic Science and the Law,”  
featuring the basics on forensic DNA and pattern evidence analysis, best practices for treatment and inclusion of forensic evidence, and a discussion of recent and upcoming cases before the Supreme Court.  
Lewis Katz Building, University Park

### **April 20, 2013**

Alumni CLE & Tailgate  
Blue-White Weekend  
Lewis Katz Building, University Park

### **April 29, 2013**

U.S. Supreme Court Admission Ceremony  
Supreme Court Building, Washington D.C.  
8:00 a.m.

Visit [law.psu.edu/events](http://law.psu.edu/events) to register.



# CEO LISA HOOK EXPLAINS HOW LAWYERS ARE NEEDED TO CREATE CERTAINTY IN DIGITAL ECONOMY

**Lisa Hook '83**, president and CEO of Neustar, Inc., talked with students and faculty about her career and opportunities created for lawyers by the digital age. Hook visited with law students in University Park on October 16, 2012, when she was in town to accept the Penn State Alumni Fellow Award, the most prestigious award given by the Penn State Alumni Association, in recognition of outstanding work in her field.

She described the attributes she considers most helpful for a career in the tech world: critical thinking, the ability to sift through vast quantities of information and develop a salient argument, creativity, and a willingness to take up a challenge.

“What we need to innovate,” Hook said, “is global certainty. The rule of law creates certainty.” Hook pointed out that there is substantial work to do in resolving the many areas of “uncertainty” in the digital world—specifically security, privacy, and copyright. Her presentation is available for review in the multimedia area of the Law School website: [law.psu.edu/multimedia](http://law.psu.edu/multimedia).

With more than twenty-five years of senior executive experience spanning the communications, media, and entertainment industries, Hook has held leadership positions at a number of Fortune 500 companies, including president of AOL Broadband and AOL Anywhere; chief operating officer for Time Warner Telecommunications, and chief counsel for Viacom Cable. She was a partner at Brera Capital Partners, LLC, a New York-based private equity fund, and managing director at Alpine Capital Group, LLC.



Mike Morgan Photos

Hook serves on the boards of directors of Reed Elsevier PLC (a FTSE 100 Company) and Reed Elsevier NV; is a director of the Ocean Foundation; and serves on the Board of Directors of the Greater Washington Board of Trade. Previously, she served on the boards of Covad Communications Group Inc., Time Warner Telecom Inc., National Geographic Ventures, and K-12, Inc., and on the Board of Trustees of the National Public Radio Foundation.

In 2011, President Barack Obama named Hook to the National Security Telecommunications Advisory Committee, a group that advises the White House on national security and emergency preparedness issues relating to telecommunication services. ■



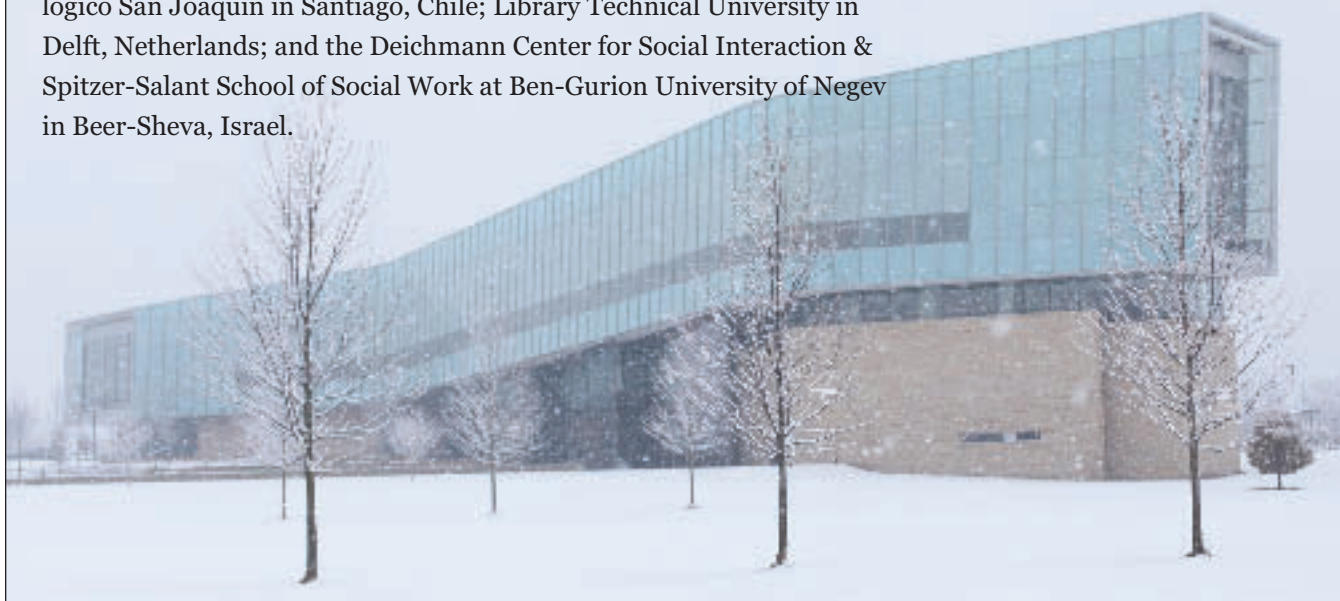
Lawyers from Belgium, Brazil, Cameroon, China, France, Germany, India, Iraq, Italy, Japan, Kazakhstan, Korea, Lebanon, The Netherlands, Nigeria, Pakistan, Palestine, Saudi Arabia, South Africa, Spain, Taiwan, Turkey, Poland, Tanzania, Panama, Togo & Uzbekistan arrived at the Law School for LL.M. study in August 2012.



**Katherine Parr** and **Chad Zimmermann**, both members of the Class of 2012, were married at the Pennsylvania State Capitol by **Justice J. Michael Eakin '75** on November 12, 2012. They brought the bridal party to Trickett Hall to capture a few memories.

### Sense of Place

Architizer, a blog dedicated to architecture, named Lewis Katz Building to its list of "Top 10 University Buildings that Actually Make you Want to go to Class." Lewis Katz Building was in company of Centro tecnologico San Joaquin in Santiago, Chile; Library Technical University in Delft, Netherlands; and the Deichmann Center for Social Interaction & Spitzer-Salant School of Social Work at Ben-Gurion University of Negev in Beer-Sheva, Israel.



## U.S. SENATE UNANIMOUSLY CONFIRMS MATTHEW W. BRANN TO FEDERAL BENCH



The U.S. Senate confirmed the nomination of **Matthew W. Brann '90** to the U.S. District Court for the Middle District of Pennsylvania on December 27, 2012. Brann joins the company of **Judge Christopher Conner '82** and **Judge John E. Jones III '80**, who also sit on the U.S. District Court for the Middle District of Pennsylvania, and senior judges **William W. Caldwell '51**, **Edwin M. Kosik '51**, and **Sylvia H. Rambo '62**.

Prior to his nomination, Brann was a partner at **Brann, Williams, Caldwell & Sheetz**, where his practice focused on tort, contract, commercial and real property litigation, and estate planning and probate matters. As a law stu-



dent Brann was editor-in-chief of the *Dickinson Journal of International Law*, which is now the *Penn State Journal of Law and International Affairs*. In addition to his legal work, Brann served on the Board of Directors of Martha Lloyd Community Services, the Board of Directors of the Five Rivers Council of the Boy Scouts of America, and the Board of Trustees of the Guthrie Healthcare System. He is a 1987 graduate of the University of Notre Dame.



## PENNSYLVANIA BAR ASSOCIATION HONORS SAMARA GOMEZ



Photo by Jadrian Klinger

**Samara A. Gomez '07** is assistant counsel for the Pennsylvania Housing Finance Agency, where she works on affordable housing, Low-Income Housing Tax Credits, consumer lending, community development programs, tax, foreclosure, real estate, employment matters, contracts, and procurement. In May she received the Michael K. Smith Excellence in Service Award in recognition for her efforts to establish a pilot bar passage program for the Young Lawyers Division of the Pennsylvania Bar Association. Launched in 2011, the program pairs lawyer mentors with bar candidates who would like help preparing for the essay portion of the bar exam.

Gomez is a graduate of Howard University and was a Family Law Clinic student.

## PAUL V. CARLIN RECEIVES MOST ADMIRED CEO AWARD

The Most Admired CEO award recognizes Maryland business executives for tremendous career accomplishments.

Carlin has served as executive director of the Maryland State Bar Association since 1985. Under his direction, MSBA has seen its membership grow exponentially. Carlin's focus on access to legal services for underprivileged groups, something he identifies as the organization's "core value," led to the establishment of the Pro Bono Resource Center of Maryland.

Carlin previously held the position of president of the National Association of Bar Executives and was honored with its Bolton Award for Professional Excellence in 1996. The Bolton Award honors an executive who "demonstrates outstanding professional leadership and effective management skills and displays humanitarianism, character, congeniality, and service to the community."

Following graduation from The Dickinson School of Law, Carlin became director of legal services for the Philadelphia Bar Association in 1975. He later served as the District of Columbia Bar's director of public service activities and as executive director of the Bar Association of Baltimore City and the Connecticut Bar Association.



Photo: Maryland State Bar Association



# The PENN STATE JOURNAL of LAW and INTERNATIONAL AFFAIRS

## SCOPE

To promote scholarship and public commentary at the intersection of law and international affairs. Its online format provides a forum for scholars and policymakers to explore global challenges as they unfold.

## CONTRIBUTORS

P.J. Crowley, Anne-Marie Slaughter, Flynt Leverett, Ronald Deibert, Harold James and other leading thinkers in the fields of national security and foreign policy contributed to the current issue.

## STAFF

JLIA is jointly edited by students of Penn State Law and the School of International Affairs

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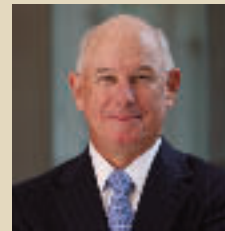
WATCH: *Watch recent programs online, including:*



**Anne-Marie Slaughter**  
"The Big Picture: Beyond Hot Spots & Crises in Our Interconnected World"



**Flynt Leverett**  
"The Balance of Power: Public Goods, and the Lost Art of Grand Strategy: American Policy toward the Persian Gulf and Rising Asia in the 21st Century"



**PJ Crowley**  
"The Rise of Transparency and the Decline of Secrecy in the Age of Global and Social Media"

## WATCH

JLIA hosted The U.S.-Iranian Relationship and the Future of International Order on February 15, 2013. The symposium examined the nature of the current U.S.-Iranian relations and explored how the two states' strategic choices will affect the international order in the future. The program featured Hillary Mann Leverett of Yale University's Jackson Institute for Global Affairs, Ambassador Richard Butler of Penn State's School of International Affairs, Daniel Joyner of the University of Alabama School of Law, Vice Admiral James Houck of Penn State Law and Penn State School of International Affairs, Mary Ellen O'Connell of the University of Notre Dame Law School, Flynt Leverett of Penn State's School of International Affairs, and other distinguished scholars.

<http://law.psu.edu/multimedia>

## FROM THE LAST ISSUE

In a world increasingly animated by the Internet, Facebook, Twitter and cellphone cameras—as politicians are discovering—what might be considered secret or privileged is visible to more people. People are sharing what they see and hear and think with a wider audience, and acting and reacting in real time. . . . In this real-time, complex and unpredictable environment, the temptation within government is to communicate less. In fact, it needs to communicate more. Going forward, the United States will never act alone. Whatever it does, billions will be watching, and reacting, in real time. If the United States fails to keep pace, it will struggle to gain the international understanding and support required to succeed. Global public opinion is becoming more strategic. The United States cannot afford to lead from behind.

—P.J. Crowley

*“Wikileaks: One Year Later”*

Cyberspace—the global environment of digital communications—surrounds and embodies us entirely, 24 hours a day, 7 days a week. We are always on, always connected: emailing, texting, searching, networking, and sharing are all now as commonplace as eating, breathing, and sleeping. . . . But there is a dark side to cyberspace—hidden contests and malicious threats—that is growing like a disease from the inside-out. . . . As ominous as the dark side of cyberspace may be, our collective reactions to it are just as ominous—and can easily become the darkest driving force of them all should we over-react. . . . We are at a watershed moment, where decisions could take us down a path where cyberspace continues to evolve into a global commons that empowers individuals through access to information, freedom of speech and association, or down another towards its eventual demise. Developing models of cyber security that deal with the dark side, while preserving our highest aspirations as citizens, is now an urgent imperative on a planetary scale.

—Ronald Deibert

*The Growing Dark Side of Cyberspace ( . . . and What To Do About It)*



**KEEP READING AT:**

[www.elibrary.law.psu.edu/jlia](http://www.elibrary.law.psu.edu/jlia)

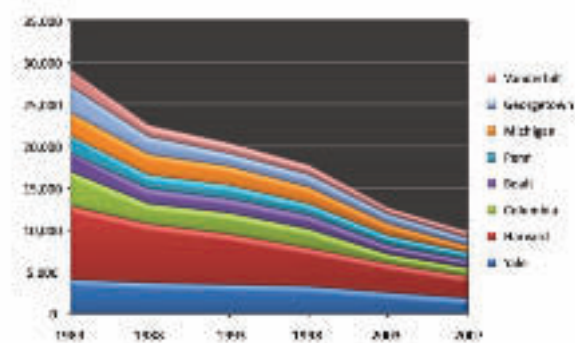
### LOOK FOR UPCOMING ISSUES:

A collaborative effort with the Folke Bernadotte Academy exploring the policy implications resulting from analytical research on peacemaking

An examination of the evolution and future of the field of international criminal justice on the tenth anniversary of the International Criminal Court

## ON-LINE REVOLUTION— LAW JOURNALS GO DIGITAL

### *Subscriptions to Law Journals in Decline*



Number of subscribers to top eight law journals

Source: *Twenty-Five Year Decline in Law Review Subscriptions*, Law Librarian Blog, February 18, 2009

### 2009

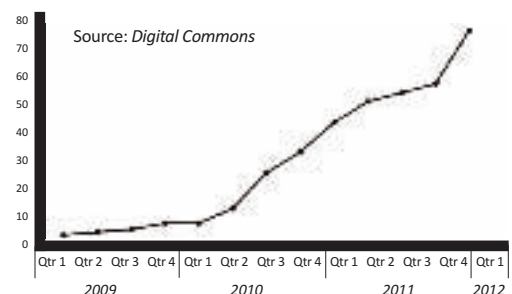
Law Librarian group calls for ending publication of law reviews in print format.

### 2011

Penn State begins working with Digital Commons to create e-library and first fully online journal.

### 2009-2012

Growth of online journals at Digital Commons, one of several digital publishers.



### 2012

Penn State launched JLIA, a multimedia experience.

## What is digital publishing?

- JLIA is in good company. Most major law schools are launching or have launched digital journals.
- Publishing online means that scholarship will be highly discoverable, generating more traffic and more downloads.
- Studies indicate that open access scholarship receives higher citation counts than non-open access scholarship.
- More visibility, more usage, and more dissemination—leads to more recognition of the *Penn State Journal of Law and International Affairs*.
- Redundant printed journals add costs to library budgets, take up physical space, and have a deleterious effect on the environment.

Source:

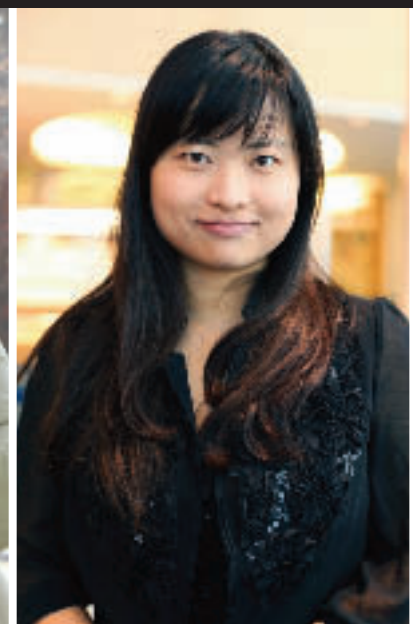
*Durham Statement on Open Access to Legal Publishing*, 2009; *Journal Publishing: Libraries Making a Difference*, University of South Florida, 2012; *Digital Commons*





# *Meet The Class of* **2015**

By LSAT and GPA they comprise one of the most qualified classes we've ever admitted. But who are these 164 people who have chosen to dedicate the next three years of their lives to studying law? Eight first-year students share their journeys to law school.



Immigrant, refugee, Armenian, American, daughter, friend, student, hopeful; these are the names to which I answer, given to me by experience and circumstance. Born in Soviet Armenia, I am a child of refugees, who, fearing for their lives, left their home in Azerbaijan and spent my lifetime building a new one. After escaping a genocide twenty years ago that has not yet been recognized, and may never be, my parents instilled within me a burning ambition to succeed and make my circumstances my own. Difficult and never what one could call “normal,” my childhood memories are highlighted by embarrassment over my parents’ accents, shame over being an immigrant, shame over trying to hide it, a struggle to merge and reconcile two cultures, and stretches of poverty. I have fought for each of my names so that they are no longer just names; schoolyard taunts and teases or the inability to afford the latest and greatest, the new and improved, served only to brand them in shining letters on my heart. I am many, and they are one. As Whitman said far more eloquently than I, “I am large, I contain multitudes.”

The battles of my young life and the sight of my parents’ battles have taught me lessons and given me an understanding of the world I would not be privy to without them. I know that one cannot guarantee the circumstances of one’s life; one must do the best to prepare for the storm but bend to the wind (like my parents, the doctor and the professor, who no longer practice their professions but who learned English and new trades). I know that even after all the hard work has been done, one must thank lucky stars and kind people, like when the U.S. Embassy opened its doors after we spent a year in a refugee camp. I know that after everything is gone, there is determination and there is perseverance (like my parents’ new house, bought nearly twenty years after locking the door to their old one for the last time). I am grateful to have learned these lessons; and though it would be disingenuous to say that I am glad these



## SUSANNA BAGDASAROVA

**Hometown:** Born in Yerevan, Armenia; raised in Camp Hill, Pennsylvania

**Degree:** B.A., History and Political Science, University of Pittsburgh

**Work experience:** Intern, Dress for Success in Harrisburg, PA; Intern, Boyle, Autry and Murphy in Camp Hill, PA.

**For fun:** Reading, traveling, and painting

things happened, I am glad of who I became because of them.

Law school will allow me to pursue international and humanitarian law in order to affect the legal processes of the world that have so affected my life. I hope to bring aid and comfort to others, inspired by and as a thank you to those who did so for my family. Perhaps I am meant to do it, perhaps my experiences have nudged me toward it, but upholding the words of justice in an unjust world is my calling. ■



My experience working in a girls' shelter in Costa Rica—and my experience with their ineffective legal system that provided no measure of justice to any victims of violent crime—made me realize how often people are treated as subhuman. My own family had been treated unjustly. My maternal grandmother told me about the hardships she and my grandfather experienced in Dallas, Texas, during the 1960s. My grandmother is white and my grandfather is an African American who played drums for the house band at a club that my grandmother frequented. At this time miscegenation laws were still in place in

## RONALD BRYAN BRASHEARS

**Hometown:** Austin, Texas

**Degree:** B.B.A., Edwards University

**Work experience:** Volunteer at a shelter for victims of domestic violence in Costa Rica

**For fun:** Playing guitar



“After my uncle was born the nurses wrapped him in newspaper, because they didn’t think he deserved a blanket, and told my grandparents to leave through the back doors because they didn’t want other patients to know that they had helped an interracial couple.”

Texas to keep interracial relationships from occurring, but my grandparents kept their relationship a secret to avoid prosecution. It wasn’t until 1965, when my grandmother was pregnant with my uncle, that they were forced go public with their relationship. When my grandmother went into labor my grandfather took her to the hospital, only to be told by the doctors that they would not deliver a biracial baby. They traveled hospital to hospital, until they finally found a doctor that agreed to the delivery. After my uncle was born the nurses wrapped him in newspaper, because they didn’t think he deserved a blanket, and told my grandparents to leave through the back doors because they didn’t want other patients to know that they had helped an interracial couple.

It has been my exposure to the corrupt judicial system in Costa Rica and my family’s connection to unjust laws in America that have inspired me to become an attorney. I believe that everyone, despite their nationality, race, creed, or sexual preference, is entitled to the fundamental humane liberties of equality and a life free of prosecution. As a future attorney, it is my goal to one day to be able to secure such liberties for those who have been victimized and are need of defense. Admission to the Penn State Dickinson School of Law and its focus on public service will allow me to develop the skills needed to protect and ensure these essential liberties. ■



For the past eight years I have been a student and an activist in the movement towards ending sexual and domestic violence. It may seem like an impossible goal to many, but as a movement we have a dream of creating the world we want to live in, one without sexual and domestic violence, and it is my commitment to the achievement of this dream that will continue to push me forward through any adversity I may face. As an attorney I will hold the tools and credibility necessary to continue working toward my goal of contributing to the movement.

Since the age of 14, I have worked very closely with sexual and domestic violence victims of all ages. I began by founding a nonprofit organization called A.C.H.E. (Abused Children Heard Everywhere), which aims to support victims and encourage them to share their story with the hope that doing so will give other survivors the strength to do the same. Upon my arrival at UCLA, I quickly recognized that there was a need for college students across the state to come together and felt by combining efforts we could increase the efficiency of work done at

each of our schools. Consequently, I helped to create and became vice chair of S.P.E.A.C. (Students Preventing, Educating, and Acting in California), the first coalition of students working on issues regarding sexual, gender, and domestic violence on each University of California campus. In addition to these organizations, I spent a year working with victims of sexual and domestic abuse as a part of the prosecution team in the Family Violence Division of the Los Angeles County District Attorney's Office. I have listened to hundreds of victims share their stories, learned the ins and outs of the criminal justice system, attended conferences to learn from experts in the field, and have supported victims in interviews with law enforcement and attorneys, and through countless trials, at times even sitting with young children while they take the stand. I am 100 percent committed to the work I do and dedicated to making a difference in any and every way possible.

Attending law school is my next step. There is no doubt in my mind that it is the field I am meant to go in to and after all of my experience working with sexual and domestic violence, I cannot imagine doing anything else. I know that I can make a difference and can handle working with intense cases that most others would not want to even touch. To me, law is a commitment to improving society, and that is a fight I will never give up on. ■

## COURTNEY KIEHL

**Hometown:** Fremont, California

**Degree:** B.S., Psychology, University of California, Los Angeles

**Work experience:** President and Co-founder, A.C.H.E. Foundation (Abused Children Heard Everywhere); Victim Service Representative Assistant, Los Angeles County District Attorney's Office Victim-Witness Assistance Program

**For fun:** Traveling, cooking, baking.



If you look for an illustration of “persevering,” you would probably find a picture of me there, since I am the kind of person who could devote 100 percent energy to what I do. Ever since my entrance into Law School of China University of Public Law, I have been immersing myself into legal study. Access to branches of law, and miscellaneous cases endowed me with a wealth of legal knowledge, and fostered my logic and dialectical ability. With a sound legal basis, I actively joined legal practice, wishing to learn more outside the classroom. In the medical department of Lanshi Hospital, in handling real medical disputes, I barely slept in the two and half days as I assisted the lawyers in collecting evidence, discussing the strategies and working out the defense. In the summer of my junior year, I began an unforgettable practice in Changping People’s court. I organized files, prepared legal documents, sent indictments and court verdicts, and guided clients on the legal procedures, their rights and so on. In my spare time, I also took the initiative to read the cases. Dozens of cases, big or small, deepened my understanding about law’s function, and how judges decided the facts and responsibilities and the criminal procedures. Meanwhile, the close interaction with the criminals taught me the importance of legal publicity, the obligation to protect their rights and motivated me to apply law impartially in the future.

In August 2011, for my academic excellence, I won the honor of exchanging in American University through Washington Semester Program, broadening my horizon to international law. Over five months’ study and practice in America, I have been greatly enchanted by the American education. Penn State Law, for the unmatched depth in international law, rich curriculum, and clinics and externships, attracts me most. Meanwhile, extracurricular activities such as law reviews, journals, and moot court also contribute to my improvement of professional skills. I be-

lieve such efforts made would make Penn State Law an ideal place to pursue my legal study. I am also fully aware of the challenges associated with studying in a renowned university like the Pennsylvania State University, and I will dedicate as much as it takes to become a better student and a better legal professional. ■



## YUN LI

**Hometown:** Beijing, People’s Republic of China.

**Degree:** First degree in law, China University of Political Science and Law

**Work experience:** Intern, Criminal Court of Changping; Intern, Medical Department, Lanzhou City Hospital



## SEAN MILLER

**Hometown:** Houston, Texas

**Degree:** B.A., History, Political Science,  
University of Houston

**Work experience:** Co-founder, Cavalier Cigars

**For fun:** Learning to play golf

Midway through my freshman year at the University of Houston, the idea started off as a joke. One night my friend Jess and I were smoking cigars at one of our favorite Houston shops. Jess mentioned that there was not a single real tobacconist in College Station, and I jokingly told him he should open up a store. “We should open up a store,” he corrected me. Three hours later our joke had evolved into fifteen pages of budgeting, store design ideas, and a huge network of contacts in a yellow legal pad.

The cigar industry is like a family, and several shop owners in Houston were happy to sit down with us and lay out the hard facts. Antoinette, who ran a store with her husband, told us, “a few

people in the business see new stores as cutting into their piece of the pie but most of us realize that new stores only make that pie bigger.” We were put in contact with sales representatives, state tax offices, and given a step-by-step design of what would be necessary. We brought our respective folks a business proposal and a budget, we incorporated, and they quickly co-signed on a small business loan. Six months later we signed the lease to our 2,400 square-foot retail space.

Through three years of operation we encountered successes and failures. One employee had been with us for nearly a year and a half when we discovered that he had stolen several thousand dollars. I took this as an opportunity to examine where I was not doing my job well enough, and from then on our accountant was shocked at how airtight we kept our books. The long hours and never-ending flurry of paperwork gave me a lesson on organizing my professional life down to the smallest details.

Owning a successful business at such a young age also earned us the respect of our community, as our customers watched two guys in their early twenties work sixty to eighty hour weeks while attending school full-time. Dealing with clients twice my age—clients who took me seriously—built my confidence and gave me the ability to speak clearly and knowledgeably about my area of expertise.

This level of commitment came at a cost—I watched my “traditional,” college-aged friends graduating year after year as I floundered away at community college, and I realized that I needed to make education my highest priority. I had a long heart-to-heart with Jess about turning over my half to him. It was hard to walk away from the shop, but it was made bearable by realizing that I had given it my all and come out of it a success. After returning to the life of a full-time student, I learned to love my academics as much as I loved owning and running our business. I am also happy to say that Cavalier Cigars has continued to grow, just as it helped me to do the same. ■



I am the volunteer coordinator, a crisis counselor, and a court advocate at the Capital Area Family Violence Intervention Center, Inc. One client in particular will probably stick with me forever.

I'll call her Annabel. Annabel was a mother and wife who came to Louisiana from her home country several years ago, though she hadn't yet picked up the language. We communicated through an interpreter. Her husband, also from the same country, had lived in Louisiana since his childhood. The level of control her husband had over her was unique. He did not allow her to go anywhere without him (which was why she didn't speak English after years in the United States). He controlled the way she walked, how often she blinked, and how she interacted with

her children. The only place she was allowed to go to on a regular basis was church—with him, of course. Once, at church, one of their children cried for Annabel to pick her up. Her husband forbade this because it would require her to bend over in public and because it would require her to show affection to the child, something he limited. Her husband slapped the little girl, and she began to bleed. Annabel walked her daughter to the bathroom to clean her up, where a fellow parishioner helped them.

A Spanish-speaking couple in

Annabel's congregation came to her aid and took her in. They kept her safe. I met her at court, and when I first spoke with her, I recall feeling surprise at how pretty she is. From far away, she seemed dowdy. Her hair was in her face and she was wearing an ankle-length skirt and button-down shirt in various shades of brown and beige. But up close, I saw she was young, with a pretty smile, though I didn't need the interpreter to tell me how anxious she was.

The trial was the most emotionally wrenching experience of my professional life. Annabel had to recount the physical, emotional, and sexual abuse she encountered during her marriage. After a trial that lasted two afternoons, the judge granted an unusual order: the husband was prohibited from coming near her and their children. The order allowed Annabel to legally move away with her children. She and the children now live thousands of miles from the man who made her life such hell, with family she had been prevented from seeing for years.

Two weeks after the trial, Annabel was back in court for alimony and child support. I did not recognize the woman I saw that day. She was smiling, she looked at me when I spoke to her, and she seemed comfortable, almost jubilant. When I said good-bye as she was leaving, she hugged me and said "Thank you"—her one English phrase. Annabel is one of the few happy endings I've seen.

Because of the free representation she received from the attorneys with whom I work, her life has changed. My experiences thus far have led me to the decision to apply for law school. With a law degree, I would be able to do my part in making the world a better place—not just for victims of domestic violence, but for everyone. My eyes have been opened to a variety of legal issues faced by people who are members of oppressed groups, and I have the desire and the ability to assist them. ■

## SUMMER SWANSON

**Hometown:** Hammond, Louisiana

**Degree:** B.S., Psychology,  
Louisiana State University

**Work experience:** Volunteer Coordinator, Capital Area Family Violence Intervention Center

**For fun:** Hiking, cooking, and reading



Two years ago I graduated from college and returned home to Saudi Arabia to work in a major oil company, Saudi Aramco. As I started my professional experience, I realized how little my knowledge from school helped. Much of the academic information I had acquired became outdated in the rapidly evolving industry. There were so many new technologies to discover and new methods to master. However, before I got the chance to panic, I was told by my supervisor that I displayed high potential. This made me even more confused as I did not have the experience or the up-to-date knowledge to display anything. It did not take me long though to figure out what he really meant.

As I came to understand my strengths, I started to effectively utilize them at work. I use my strong English language and writing skills to write instructions and procedures for the processes we go through. I wrote the department's complex budgeting procedures that passed the corporate auditing process in 2010. Due to my attention to detail, I was nominated to work on multiple analytical projects like KPIs (Key Performance Indicators) with a team of petroleum engineers. I make use of my communication skills and international cultural experiences to successfully interact with the multinational body of employees we have as I work in teams within and outside of Saudi Aramco.

One interesting part of my work is reviewing operational contracts. I am one of a few employees in our department who has the petroleum engineering technical background combined with a strong mastery of the English language to qualify for such extensive reviews of dry and long contracts. An example of this is Halliburton's LSTK, Lump Sum Turnkey, contract with Saudi Aramco in 2010. I was on the committee that reviewed the multi-million dollar contract. We spent many late nights at work making sure that the contract covered all operational requirements for our company with the help of the company's lawyers to clarify the legal language. After the

company signed the contract we started to see the effect of our work on multiple levels, as the drilling operations between the two companies were so successful that an extension of the contract is expected to be done in 2012.

I was fascinated by the lawyers' work and how their contribution affected our deal with the other company in order to maximize our profit while making sure both sides got a fair deal. I expressed my desire to join the company's law program and was approved to pursue a J.D. on a full scholarship. I am very motivated and excited to be on the lawyers' side of the table next time I am negotiating a contract for Saudi Aramco. ■

## TALAL AL UFAISAN

**Hometown:** Ad Dammam, Ash Shariqiya, Saudi Arabia

**Degree:** B.S., Petroleum engineering, University of Louisiana at Lafayette

**Work experience:** Petroleum Engineer

**For fun:** Solving puzzles of all kinds, watching soccer



At high school graduation I had my life planned: private undergraduate college, Army ROTC, active duty, and law school, focusing on issues in women's justice and child advocacy during my inactive duty. And then three weeks later I was grappling with the biggest decision I

**“My daughter is a shining light for everyone who knows her. She made me a fighter. I fight for her, for me, and I fight for that in which I believe. She made me devoted to her, to myself, and to a world that no longer systemically denies women and children justice and protection.”**

had ever had to make: what to do about my surprise pregnancy. After many tears, careful thought, and intense self-reflection, I altered the plans I had so meticulously outlined for myself and began my new life as a working, student mother.

That decision affected much more than I imagined it might. My daughter is a shining light for everyone who knows her. She made me a fighter. I fight for her, for me, and I fight for that in which I believe. She made me devoted to her, to myself, and to a world that no longer systemically denies women and children justice and protection. Nothing that I do is for me alone. I am her example. I am Mommy. I hope that she pays attention.

She will never see me stop. Through a difficult pregnancy at 18, a brief cancer scare at 20, and bills to pay all the while, I made it this far. I made it for her. But I am not finished. While nearly all of my original life plans have changed, one thing has always remained a beacon on the horizon: law school. I have dreamed of it for most of my 25 years. She will not, nor will anyone else, see her mother give up, give in, fall away, or make excuses. She will watch her

mother walk to her dreams, become a prosecutor, and fight for those who need to be fought for. I pray she takes notice that I have shown every person who has ever told me I can't, that I can. I have allowed nothing to stop me. I am loving, I am strong, and I am exactly who I am supposed to be, going exactly where I am supposed to go, to do exactly what I am supposed to do. ■



## **MEGAN WELLS**

**Hometown:** Elkland, Pennsylvania

**Degree:** B.A., Philosophy, Mansfield University of Pennsylvania

**Work experience:** Manager, Dandy Mini Mart

**For fun:** Hunting, fishing, and taking wine tours



# HIGHMARK CHIEF LEGAL OFFICER TOM VANKIRK '70: *A Career Well-Planned*

By Ellen Foreman



If Tom VanKirk '70, could point to only one management practice that has led to the successes he has experienced in his career, it would have to be strategic planning.

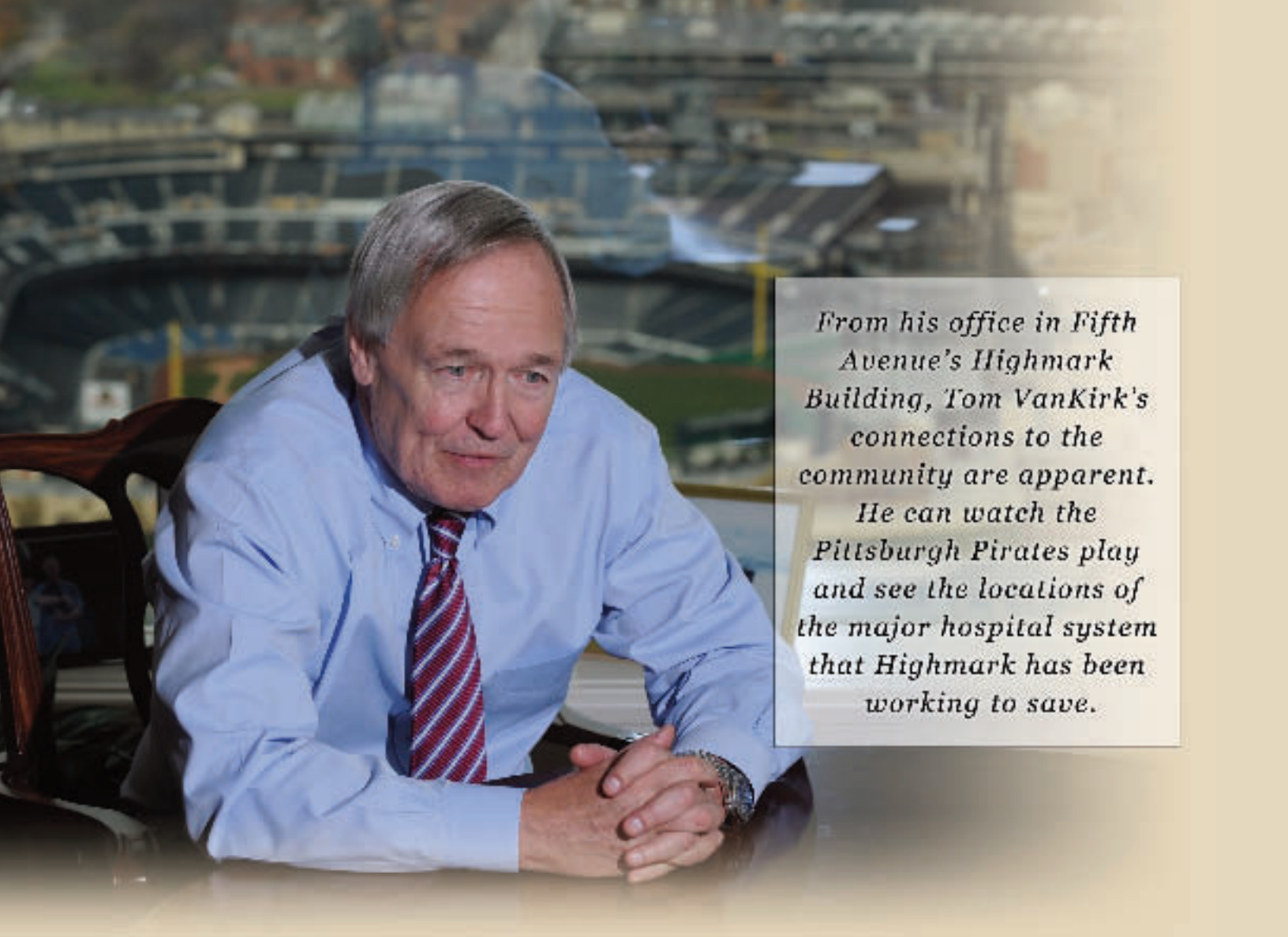
**"Buchanan**

**(Ingersoll & Rooney)** was one of the first law firms to develop a strategic plan back in 1985," VanKirk remembers. At the time, he was chief operating officer and the firm was trying to determine the geographic region in which it was to become a leader. "We decided we wanted to be a dominant firm in the Commonwealth of Pennsylvania. We could have gone in a more regional direction but that initial plan served us well."

Over the course of the next twenty-five years, Buchanan updated its strategic plan every three years and developed operating plans each year. In his first year as CEO, VanKirk said he led Buchanan through another strategic planning process and the resulting plan led the firm to focus on "delivering what the client wants and not necessarily what we wanted to deliver. That again worked well for us." Today the Pittsburgh-based firm is ranked 115 by *American Lawyer* with more than \$250 million in revenues.

VanKirk had been at Buchanan for forty-one years and was in his last year as chairman of the firm when he got the call from Highmark, Inc., a \$15 billion in revenue diversified health and wellness company based in Pittsburgh that serves 34.4 million people across the United States through its businesses in health insurance, dental insurance, vision care, information technology, and integrated health care delivery. "I joined as chief

continued on page 26



*From his office in Fifth Avenue's Highmark Building, Tom VanKirk's connections to the community are apparent. He can watch the Pittsburgh Pirates play and see the locations of the major hospital system that Highmark has been working to save.*

## *Career Highlights*

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- Liberal arts degree from Bucknell
- Began law school in 1967 during the Vietnam War; Future Pennsylvania Governor Tom Ridge was his classmate
- Joined the Superior Court of Pennsylvania for a one-year clerkship with Justice Robert Jacobs
- Joined Buchanan Ingersoll & Rooney in 1971; elected COO in 1985, CEO in 2003, and Chairman in 2009
- Appointed Highmark Chief Legal Officer and Executive VP in 2012

## *Serves the following organizations:*

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Pittsburgh Cultural Trust  
Pennsylvania State Economy League  
Pennsylvania Business Council  
YMCA of Greater Pittsburgh

United Way of Allegheny County  
Women and Girls Foundation  
University of Pittsburgh Cancer Institute  
Board of Trustees at the University of Pittsburgh

legal officer and executive vice president and am one of seven direct reports to the CEO, so the role is a real part of the overall management that is shaping the direction of the company,” he said.

Less than a month after starting the job, Highmark’s CEO became embroiled in a scandal that led to the CEO’s termination. “It was amazing how quickly the senior management team just started meeting every other day and going about their job keeping the strategic direction in place. I was very proud of the board for acting as quickly as they did and taking the action that I definitely thought was important and necessary for the company,” he said. He pointed out that it was the strategic plan that enabled the organization to move forward. “It wasn’t the CEO’s strategic plan, it was Highmark’s strategic plan and that is what enabled us to continue.”

What made VanKirk attractive to Highmark was his experience in handling high-profile anti-trust and corporate takeover cases which often had him dealing with boards, CEOs, and COOs. “They also wanted someone who knows their way around the community and who knew Highmark. I have admired what Highmark is trying to accomplish in developing an integrated delivery network and reaching out and trying to save a local hospital system.”

Looking ahead, VanKirk believes it is important for students and recent graduates to be very focused on what they want to accomplish and to do everything possible to support that objective. “There are lots of opportunities for law school graduates, but they have to stop enrolling in law

schools thinking that 75 percent of them will get \$125,000-a-year jobs.” As a hiring manager VanKirk said he relies a lot on a personal interview. “If a person has passion and enthusiasm for something they want to do, that’s what I look for. Over and above that, academics are important, but I don’t put as much credence in only hiring from the top 5 percent. I’m willing to reach down as far as the top 40 percent so long as their resume indicates that they have had other experiences.”

VanKirk looks back on his own decision to attend law school. “I was weighing an offer of \$6,800 and a car from P&G against attending law school. It seemed almost impossible to pass up. But I made the right decision.” He said he appreciated the small class sizes at Dickinson and the practical approach to law his professors, like Lou

Del Duca, proffered. “I learned to look at statutes in the context of where and why they were passed, and it helped me to understand what the law was intended to accomplish....it was also nice to be in a safe community and close to opportunities to work part-time.”

Now that VanKirk has switched chairs and is purchasing legal services, his perspective has changed as well. “When I was with Buchanan, I would have wanted clients to use Buchanan exclusively. I can see why you turn to different firms for their particular skills, and it would be foolish just using one firm. Not every case is a major case, and you ought to look for a lower price firm to do those tasks,” he said, concluding with a laugh, “And I do hate paying legal bills.” ■

“I have admired what Highmark is trying to accomplish in developing an integrated delivery network and reaching out and trying to save a local hospital system.”





# AN UPHILL CLIMB:

## Emergency Petition Sets Lawyers in Motion

By John H. “Jack” Clough ’65 \* © J.H. Clough, 2012



In August of 1970, I was a young lawyer and director of the Trial and Appellate Division of the Legal Aid Society of Multnomah County in Portland, Oregon. It was a turbulent year. Authorities around the country used riot

batons to hit anti-war protesters, mostly young people, with overhead strikes; blood literally flowed in the streets. Four anti-war protesters were killed at Kent State on May 4. Portland State University students protested on May 11, and police used batons first as prods and then as clubs. The ACLU was concerned that this use of excessive force was reflective of a settled pattern and, unless enjoined, would continue at the forthcoming national American Legion convention planned with speaker President Richard Nixon set for August 30.

The ACLU first applied for federal injunctive relief, which was denied. It next appealed to the Ninth Circuit Court of Appeals. Although the

Court agreed to expedite the appeal, the ACLU’s application for an injunction pending appeal was denied. Time was running out. ACLU lawyers sought preliminary injunctive relief from Supreme Court Justice William O. Douglas as the Circuit Justice for the Ninth Circuit. In mid-August, I was asked to work with them through the application process.

In days, the team of ACLU attorneys and I put together a petition. When I called the court to arrange presentment of the petition to Justice Douglas in chambers, I learned that he was vacationing at his cabin in Goose Prairie, Washington, which was then a small crossroads near Yakima about a three-hour drive from our offices in Portland. There was one small hitch: Douglas’ cabin had no telephone. Justice Douglas was legendary for entertaining motion applications for one type of relief or another at his Goose Prairie retreat. Many such stories were floating around the Northwest legal community gossip network. The protocol for such efforts was to just show up on his doorstep and ask.

Given the action of the police during the last protest at Portland State University, we were concerned that a Convention protest, if it occurred, would result in an even greater bloodbath. We finished the Petition on August 28, two days before the start of the American Legion Convention. We decided to follow the “show up on his doorstep” protocol. Opposing counsel instructed us to say they opposed our motion but declined to join us at Douglas’ cabin. Five of us piled into two cars and headed for Goose Prairie.

When we arrived the cabin was dark and dusk was upon us. We inquired at a local eatery and learned that Justice Douglas had just left on a camping trip two days before. He would be gone ten

days. Crestfallen, we found the local Forest Service Station and inquired as to Douglas’ whereabouts. The forest rangers were aware of the Douglas camping party and knew roughly where they were. They told us that they would have their plane up the next morning and would look for the campers and would have some word for us if we came back then. So we found a motel and stayed the night. As impoverished legal aid attorneys, none of us had much ready cash. With the help of a sympathetic motel owner and a few roll-a-way beds, the five of us shared one room.

The next morning we were on the doorstep of the Forest Service office at the appointed time. Indeed, Douglas’ group had settled in for the day at a campsite on the slopes of Mt. Aix, about six miles from the end of a gravel road into the national forest. The Forest Service people supplied us with maps and directions. We

were told to follow a well-marked horse trail into the woods and that the grade was not too steep. Naturally we decided to make the hike. Three of us went on the search for Douglas because two of us had to return to Portland to honor other prior commitments.

We drove to the end of the road and found the entrance to the horse trail, totally unprepared for this venture. We had not brought a

change of clothes or even an overnight kit. We were dressed for a “day in court,” wearing suits and ties and carrying briefcases. The grade was general and constant, but the last two miles were more like continually climbing stairs, and it took us longer than anticipated to get to Douglas’ campsite. We

finally saw a large party of people and, as we approached, we could sense a mix of surprise, anticipation, and apprehension. Clearly, the last thing the campers would expect to see was three people in business suits walking into the campsite. Justice Douglas was easy to spot, although he held back under the large tarpaulin set up for group activities. Once we identified ourselves, Justice Douglas came over almost with a sense of relief, shook our hands, and asked, “What can I do for you fellows?”

It was quite an experience to see Justice Douglas in his element as an outdoorsman. Although he was a towering figure in the legal community, he bespoke great personal strength dressed in his red flannel shirt at a campsite in the mountains. We explained our purpose, pre-

“Given the action of the police during the last protest at Portland State University, we were concerned that a Convention protest, if it occurred, would result in an even greater bloodbath.”

continued on page 30





sented our petition, and discussed the case for about fifteen minutes. Douglas then reached for my briefcase, which I gladly gave him, and said, “I’ll read it tonight and leave my decision on that tree stump over there,” pointing to a large tree stump in the middle of the meadow. “Come back tomorrow and pick it up.”

We thanked him and returned the way we came. The next morning a colleague trekked back to the spot and found my briefcase on the stump where Douglas said he would leave it, but there was no sign of the camping party. He picked up my briefcase and noticed, as he was walking away, that the fire pit was smoldering. He put out the fire completely before any damage had occurred. When he arrived back at the motel, we all gathered around to read the opinion. In a short, handwritten note, Douglas had denied the petition. We were totally deflated. So, tired, grimy, and looking forward to a shower and clean clothes, we piled into our car and drove back to Portland. In a word, we had done what we could and we were “stumped.”

Meanwhile, the press had learned of our exploits, and soon an article on the event appeared in *The Portland Oregonian* and was then picked up by the wire services. Two weeks later, *Time* magazine also ran an article in its People Section. We had no idea that what we did would ever be noteworthy or remembered.

Several weeks afterward, I wrote to Justice Douglas to apologize for interrupting his camping trip and thank him for his time. I mentioned the smoldering fire pit. Douglas wrote back to say he would tell the wrangler that he should be most grateful to us for ensuring the fire was completely out—adding a personal note that it wasn’t his party, he was only a guest. Later, I had an occasion to speak with Douglas’ wife, Cathy Douglas, who mentioned that the camping party had at first thought we were reporters because someone was making another effort to impeach Douglas; the entire group was actually relieved when we told them who we were and why we were there. These were politically disturbing times, the unrest of the Sixties was not yet over and no one, even Justice Douglas, was immune to rash actions.

As for the excessive police force we feared, it came to nothing. The governor of Oregon authorized a rock festival called Vortex I to play in McIver State Park near Portland on the same day as the American Legion conference. The Portland State students must have preferred a party and music to politics; most of them were off enjoying the concert. There were no incidents at the convention.

Some thirty-four years later, I found myself working on the defense of an Albuquerque supervising police officer over the manner in which his police officers had conducted themselves in dispersing an anti-war demonstration on March 20, 2003, at the University of New Mexico (UNM). The situation at UNM was a far cry from that which occurred in Portland. However, in general, police practices with respect to crowd control have changed greatly for the better since 1970. My ACLU experience enabled me to obtain a window to see the other side of the situation in such issues of great moment. ■

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\*Member of the New Mexico State Bar (1987), Pennsylvania State Bar (1965), and Montana State Bar (1989). Former member of the Oregon State Bar (1969-2003), Arizona State Bar (1988-2003) and the Navajo Nation Bar (1987-2003). He is now a practicing attorney in Taos, New Mexico and may be reached at [jackclough@aol.com](mailto:jackclough@aol.com).



# THE MIND UNDER THE HAT

**Jane Alexander '54** shares her career path, professional advice, and the origin of her hat habit.

By Pamela Knowlton

After more than fifty years of practicing law, Jane Alexander's advice to lawyers is the same as it would have been when she was starting her career: "Conduct yourself professionally wherever you go because you never know who you might run into." Alexander has met Dr. Martin Luther King Jr., Queen Elizabeth II, Prince Rainier of Monaco, Wayne "The Great One" Gretzky, and every president of the United States since Franklin Roosevelt.

"I have been very fortunate along the way in being at the right—or wrong—place at the right time," Alexander said. While she credits many of her encounters to chance, others attribute her professional, considerate and respectful approach to making her stand out in a crowd—that and the distinctive hats she wears.

From the age of 5, Alexander knew that she was going to become a lawyer. Not because it was a dream of hers, but because her grandfather, the magistrate of York County, told her so. "One day while I was playing with my dog in the yard, my grandfather who was chatting with his friend Dr. Baker, head of the local school district, called me over and said, 'We've decided that you are going to be a lawyer. We know that women aren't supposed to be lawyers, but we'll get around that.' That night at dinner Grandpa announced to the family that I was going to be a lawyer." She remembers her grandpa standing 6 feet tall with a handlebar mustache and being quite a formidable presence. From that day on, her grandfather, Alexander Lehmer, required her to sit and listen to the cases he heard and



## Career Highlights

- First female from York County elected to the Pennsylvania Legislature
- First female to join the York County Bar Association
- First female Deputy Secretary of Agriculture in Pennsylvania
- Founder and President of J&J Agri-Products & Services, Inc.
- Vice President of Mesco, Inc., sewage disposal company

ruled on as magistrate. Afterwards, he'd explain why he ruled the way he did.

Education was important to Alexander's parents. After graduating from high school, she enrolled in the 3-and-3 law program at Dickinson College and The Dickinson School of Law. She was one of five female students in her Law School class. While at Dickinson she became involved in the Intercollegiate Conference on Gov-

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ernment (ICG), was named gavel girl for her exceptional debating skills, and earned a spot as one of two students in the country to be a representative to the United Nations.

Having learned of Alexander's future career path, Dr. Martha Bailey, a family practitioner in Dillsburg, Pennsylvania, gave her some professional advice. "Never learn to type and always wear a hat." The reasoning she explained was simple. "If you learn to type, you'll always be treated as a secretary—not a lawyer. And always wear a hat because if you wear a good hat and a nice pair of shoes, nobody cares what is in between." From that day on, Alexander said she has worn a hat.

Even the rules of the York County Courthouse recognize that her hats are as much a part of her attire as the business suit she wears in court, Alexander joked, "No one is allowed to wear a hat in the courthouse except for religious reasons or if you're Jane Alexander."

More than once Alexander's hats have served as conversation pieces with presidents of the United States. During one of Perle Mesta's cocktail parties in the Rose Garden, President Jimmy Carter asked Alexander why she was wearing such a large hat. She replied, "Well, Mr. President, I thought it was going to rain today and the flowers needed watering." On another occasion while going through a reception line at a parade in Red Lion, Pennsylvania, President Lyndon B. Johnson asked Alexander if he could pet her hat. "I'm standing there with the president of the United States shaking my hand and petting my hat," she said, laughing.

**"Never learn to  
type and always  
wear a hat."**

### **Developing the mind under the hat**

Alexander gives a lot of credit to the mentors she encountered over the years. Through her activities as with ICG, Alexander met attorney Genevieve Blatt, an active politician and former Pennsylvania Supreme Court Justice, who introduced many high-ranking politicians.

Alexander's courteous and professional treatment of people really took hold after a conversation with Blatt, who told her that it can be very lonely at the top. "I took that to heart. If I ever saw someone standing off to the side looking lonely, I'd go over and ask how they were doing. I met a lot of different people that way," she said.

"You must be careful about how you choose to treat people and situations in life," Alexander said. Take, for example, Alexander's awareness that a little humility goes a long way. During a business trip to Ethiopia, Alexander insisted on staying in a small, locally run hotel as opposed to the Hilton that was originally reserved for her. From that point on, Alexander was treated like royalty, with a personal tour of Haile Selassie's Palace, including the house pit where she was offered the chance to hand-feed four Ethiopian lions—an offer she respectfully declined. The trip ended with a farewell tea in the throne room.

Alexander lives on Green Vistas farm in Adams County, Pennsylvania, with her 120-pound German Shepherd Gunther, who makes sure she's out of bed by 6:00 every morning. While Gunther no longer accompanies Alexander to work because of his size, she does share her law office with a pesky parrot named Jake, who's been with her for thirty-two years. ■

# ALL THAT YOU CAN'T LEAVE BEHIND:

Ira Wagler '97 pens a best-selling memoir on leaving the Old Order Amish community

By Crystal Stryker

Ira Wagler has tended cattle in the hills of Nebraska, lived with electricity and without, fit in among a family of eleven children, twice taken the sacrament of confirmation as a member of the Old Order Amish, practiced law, and left it all behind.

And now, in his *New York Times* best-selling memoir, *Growing up Amish*, Ira Wagler '97 shares his story of ordering a life for himself. Wagler began blogging about his experiences in 2007; Tyndale eventually approached him about writing a memoir.

Wagler's memoir begins in early childhood. He remembers that his mother, Ida Mae, was uncommonly beautiful; his father, David, was uncommonly intellectual. Contrary to community norms, David insisted on finishing grades 9 through 12 through a correspondence program. He was especially well-read and soon became editor and writer of *Family Life*, a community magazine, earning him a level of fame among his peers. Seeking an environment with fewer restrictions, David led his family in a move away from Daviess County, Indiana, to a new Old Order community in Aylmer, Ontario. When Wagler was 15, the family relocated again to Bloomfield, Iowa.

The memoir focuses largely on his mother, Ida Mae (Yoder) Wagler, bearer in chief of the family's decisions. She organized the children. She wept when her youngest son walked to a one-room schoolhouse for first grade, stopping every 100 yards to turn around and wave to her. She stood heartbroken and called after that same son as he walked away at the tender age of 17. Some of her children left in broad daylight, with notice, carrying a suitcase. Others slipped out under cover of night. Ira left both ways. He dedicates his memoir to his mother, "who never wavered in her deep love for all her children, even—and maybe especially—for her wayward sons, who broke her heart again and again."

After four attempts at life and work outside the Old Order ended and he returned home, Wagler became a full-fledged member of the community, taking the sacrament of membership in 1982. In his early twenties, he began courting a woman in the community and eventually proposed marriage. When the couple had to set a

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# GROWING UP AMISH

By Ira Wagler

My father was a man of many gifts and skills.  
Farming was not one of them.

He dutifully tilled the earth and planted the seeds each year, and they produced. But his heart was not in such work. And it showed about the farm. Fences in a state of semi-repair, rusting skeletal hulks of old junk machinery parked about, willy-nilly, in the field just south of the barn. We didn't realize it then, but our farm was just plain trashy.

That's not saying my father was a lazy man or that he didn't provide for the family. Far from it. Dad was a born salesman who loved the art of the deal. He sold nursery stock, fresh produce, and raised and sold purebred Landrace hogs.

Dad was also a gifted dowser, or "water witch"—although he stridently rejected that label. Dowsing has always had a bit of a shady reputation. During the Middle Ages, it was even believed to be from the devil. All he knew was that he had the gift and he could use it.

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But when it came to passion and purpose, my father was committed to the one true calling of his heart. He wrote.

For decades he was a scribe for *The Budget*, a weekly newsletter for the Amish and Mennonites, and he developed quite a large fan base. By the time I was born he was already widely known throughout the vast majority of Amish and Mennonite communities in North America—and even overseas. But after he cofounded Pathway Publishers in the late sixties and launched the monthly magazine *Family Life*, his name became legend. Aylmer had been well known before, but after the launch of *Family Life*, it became something akin to a pilgrimage destination for Amish families from other communities.

*Family Life* was Dad's baby. His dream. His impossible vision. A magazine published by the Amish, for the Amish. To fund it, he mortgaged the farm (despite my mother's protests).

He must have seemed insane. Such a thing had never been attempted before. But he plodded determinedly forward. He placed ads for subscriptions in *The Budget*, formatted and published the inaugural issue, and then sent it out free to thousands of Amish households across the United States and Canada. Amazingly enough, it worked. Subscriptions poured in, eventually reaching thirty thousand.

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Dad wrote steadily for many decades, producing many thousands of pages. Some of his stuff was good, some was okay, and some was, well, hard-core Amish polemics. Writing was his life's focus, and he neglected many other important things in pursuit of his passion—including, to a large extent, his wife and children. That's not judgment. It's just a fact.

He was a strong, driven man, and I deeply respect his accomplishments. But I wonder sometimes how far he could have gone had he not been hampered by Amish rules and restrictions. And whether he could have found a broader audience for his writings.

I have often tried to imagine what my father would have been like as a young man. Knowing him for the dreamer he is, I have wondered what he thought as he listened to his friends share local gossip and their meager dreams and humble goals.

Like me, I am sure he was painfully aware of how much there was beyond the boundaries of his unsophisticated world.

Perhaps, lured by the modern conveniences of the surrounding society, he longed to drive one of the roaring roadsters that passed his plodding team and wagon in the heat, leaving him strangled and choking in swirling clouds of dust.

Perhaps, tempted by the throbbing dance music wafting from the pool hall in town, he allowed himself to briefly roam far and free from the mental chains that bound him.

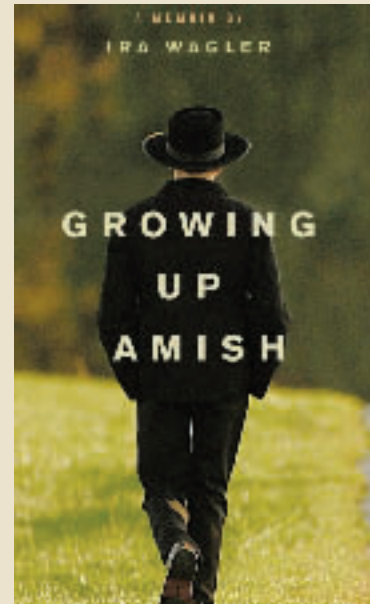
Perhaps at times he questioned his roots and his background and the value of the traditions his elders clung to so tenaciously.

Perhaps he chafed at the narrow confines of the simple, unquestioning Amish theology that demanded his abject submissions to an ageless tradition that taught any other path would lead to eternal damnation in the fires of hell.

Perhaps all these things and more occurred, calling to him, daring him to forsake forever the seemingly senseless traditions that confined him.

Perhaps.

But unlike me, in the end, he chose to stay. ■



Taken from Chapter 7 *Growing Up Amish* by Ira Wagler. Copyright © 2011 by Ira Wagler. Used by permission of Tyndale House Publishers, Inc. All rights reserved.

date he realized that he just could not make the commitment to an Old Order Amish future—children, farm work, and conformity—and that leaving was his next step. “There is no human penance anywhere that can ever atone for the wrong I did to her that night,” he writes of the night he ended their relationship. At the mention of her alias in the memoir, Wagler becomes quiet. “She is one of the three names I had to change in the book. This has been emotionally hard on her,” he said. The woman is now a married mother of eight. Wagler’s memoir ends after he leaves the Old Order for the last time.

Of the Wagler siblings, three remain in the Old Order community. Titus and Rosemary live with their spouses and families, Titus in Bloomfield and Rosemary near the old family home in Aylmer. His brother Joseph is a leader in an Amish community in Kentucky, chosen long ago to serve by a process recounted in the book—a procedure best described as part prayer, part chance, and part popular vote. The other eight Wagler siblings left the Old Order community and live across the United States.

### The Jurist

Wagler enrolled at The Dickinson School of Law in 1994. Wagler enjoyed the law school experience, even if it was stressful from time to time. “I was and still am a libertarian,” he said with a smile. “I loved to rile up Les MacRae’s class in land use. That was a lot of fun.” He appreciated the challenge of studying law. While he did not have the benefit of a typical high school education, he said that he felt that being a good ten years older than most of his classmates helped. “In college, I think I was a little more serious, a little more focused than perhaps a typical student,” he said. “In law school, everyone was focused, so age had few advantages.”

He practiced for four years in Lancaster, Pennsylvania taking general civil litigation, adoption, and family law work. Soon after the practice of law began, he felt a familiar sensation; his daily life was just not a good fit. “Somebody has



Ira Wagler '97 enrolled at the Law School planning to help both Amish and “English” people with legal issues.

to be aggressive and get out there. It’s all so confrontational. I just am not crazy about being that person. I don’t miss that at all.”

### A Quiet Life

A friend of his opened a building supply company and invited Ira to manage the business. Graber Building Supply is in Atglen, Pennsylvania, outside of Lancaster. Wagler handles sales, customer service, and a variety of other tasks. His day brings him into contact with all kinds of people, and even a few stray fans who stop by the office to request an autograph.

“This really is more my style, working with my hands,” he said, during a tour of the warehouse on a cold and rainy fall day. At work, he keeps his legal training under his hat. “I tell almost nobody in business that I’m a lawyer. It just doesn’t come up. But I can write one heck of a demand letter.”

Being a bestselling writer did not bring a radical lifestyle change for Wagler. He lives alone and blogs every two weeks. He may work on a sequel covering the last twenty years. “It doesn’t feel ready yet,” he said.

Now, Wagler is the kind of person who frequents the local Pennsylvania Dutch diner and knows every server by name. He is not a parent but relishes the role of being an uncle to fifty-nine nieces and nephews and attending all of their graduations, weddings, and other special events as he can. He takes a few media calls about his book and ponders the business of a sequel.

He has some advice for anybody who feels stuck in life, in a way of thinking, or stuck in any way. “If you don’t like it, leave. There’s a whole other life out there.” ■

# FOREVER FRIENDS:

## Catching up with Marion Welp, Mercedes Guzman & Jackie Busterna

By Pamela Knowlton

Sixteen years ago, Marion Welp, Mercedes Guzman, and Jacqueline Busterna had little in common, except one goal—earning an LL.M. in comparative law. One year together in Carlisle forged a friendship of a lifetime.

A snapshot of their time together during 2012 Alumni & Reunion Weekend this past September conveys the core of their friendship. Anxiously awaiting the arrival of her friends on the steps of Trickett Hall Guzman exclaimed, “Here come my sisters,” as Busterna and Welp approached. “It’s been a year since we last saw each other, but it seems like only yesterday. We are as much sisters as if we were born into the same family,” said Guzman.

Post-LL.M., Guzman, who was born in New York but lived in the Dominican Republic, and Busterna, who is from England, settled in the United States while Welp returned to her home in Germany. Guzman lives in Metuchen, New Jersey, and works as an attorney in the area of corporate law. Busterna, who lives in Pennsylvania and works primarily in New Jersey, is a senior claim representative defending medical malpractice claims at Coverys, a medical professional liability insurance company. Welp is senior vice president and general counsel for the fashion company Esprit in Düsseldorf, Germany.

### The Beginning

Guzman and Welp roomed across from each other on campus and became best friends. “We did everything together. We had classes together, studied together, and ate meals together,” said Guzman. “After Marion got a car, we went on trips together.”

After spending some time with Guzman and Welp, Busterna decided she wanted to become part of the club. “I wasn’t invited in,” she joked, “but I managed to slowly poke my way into the friendship.”

Welp recalls Busterna’s keen method of working her way into the friendship like it was yesterday. “Jackie’s husband, **Stephen Busterna**, a 1982 J.D. graduate who she was dating at the time, was an excellent cook so she would casually invite Mercedes and me over for dinner. That was her way of conning me into giving her a ride home to Camp Hill,” Welp said.

“Since Marion agreed to drive me home from Carlisle to Camp Hill, I figured the least I could do was feed her and Mercedes,” Busterna joked. **Johannes Schulte ’96**, an LL.M. student from Germany, often joined in the fellowship, too.

“We had each other in good times and bad times,” said Busterna, who insisted that Guzman and Welp be in the bridal party of her wedding to Stephen. Whether it was her legal training showing through or the fact that she didn’t want to spend money on a new dress, Welp’s acceptance did not come without some negotiation. “Marion told me that she would love to be in my wedding but my bridesmaids’ dresses had to be





**"We are as much sisters as if we were born into the same family," says Guzman, pictured with Jackie Busterna (center) and Marion Welp (right) at Alumni and Reunion Weekend.**

blue. She only had one dress, which was blue, and she had no intentions of buying another one. It was a small sacrifice to pay to have Marion and Mercedes be part of my day," Busterna said.

For Busterna, who is from London, the path to The Dickinson School of Law was an easy one. "I wanted to study law abroad, and I was too scared to go somewhere I didn't know anyone. My aunt lives here and told me to get on the plane. That's how I ended up at Dickinson."

The road was a little more circuitous for Welp. "In Germany, we have a code law system, so there is no arguing about cases. We don't have a jury. We just talk professionally to the judge," Welp explained. "Then I saw all these American movies with people speaking to a jury. I found the element of psychology that is needed to talk to the jury very interesting, and I thought that it would be useful in negotiating contracts."

Welp learned about the Ambassadorial Scholar Program through Rotary, which awards \$15,000 a year for use in the United States in exchange for some speaking obligations on behalf of the organization. "Thanks to a professor's recommendation, I got the scholarship," said Welp, who explained that she would not have been able

to afford law school tuition without the scholarship. "When I told them that I wanted to use it for a university, they picked Harrisburg as the territory. That is how I ended up at Dickinson."

After attending a large public university in Germany, enrolling at a law school with a population of approximately 500 was a welcome change. "In Germany, I started with 1,500 students in my class. We didn't even fit in the room. We only had seats for 600, so we needed to be there an hour early to get a seat. Being able to come to a small law school and live in the dorm was nice because it was all so personal," Welp said.

Like Welp, Guzman chose Dickinson School of Law because she was looking for a different atmosphere. "Initially, I was planning to study in France for my master's degree, because it's a civil law system and our system is based on the French. Then I thought, if I go there, it's going to be the same thing. When I started doing my research looking for schools, I found The Dickinson School of Law. I liked the small town and safe atmosphere. I have never once regretted coming here." Guzman divides her time between New York City, where she works, and New Jersey, where she lives with her three kids and husband Paul. ■

*Featured  
Faculty  
Scholarship*

# LOCATION, LOCATION, LOCATION: USING COST OF LIVING TO ACHIEVE TAX EQUITY



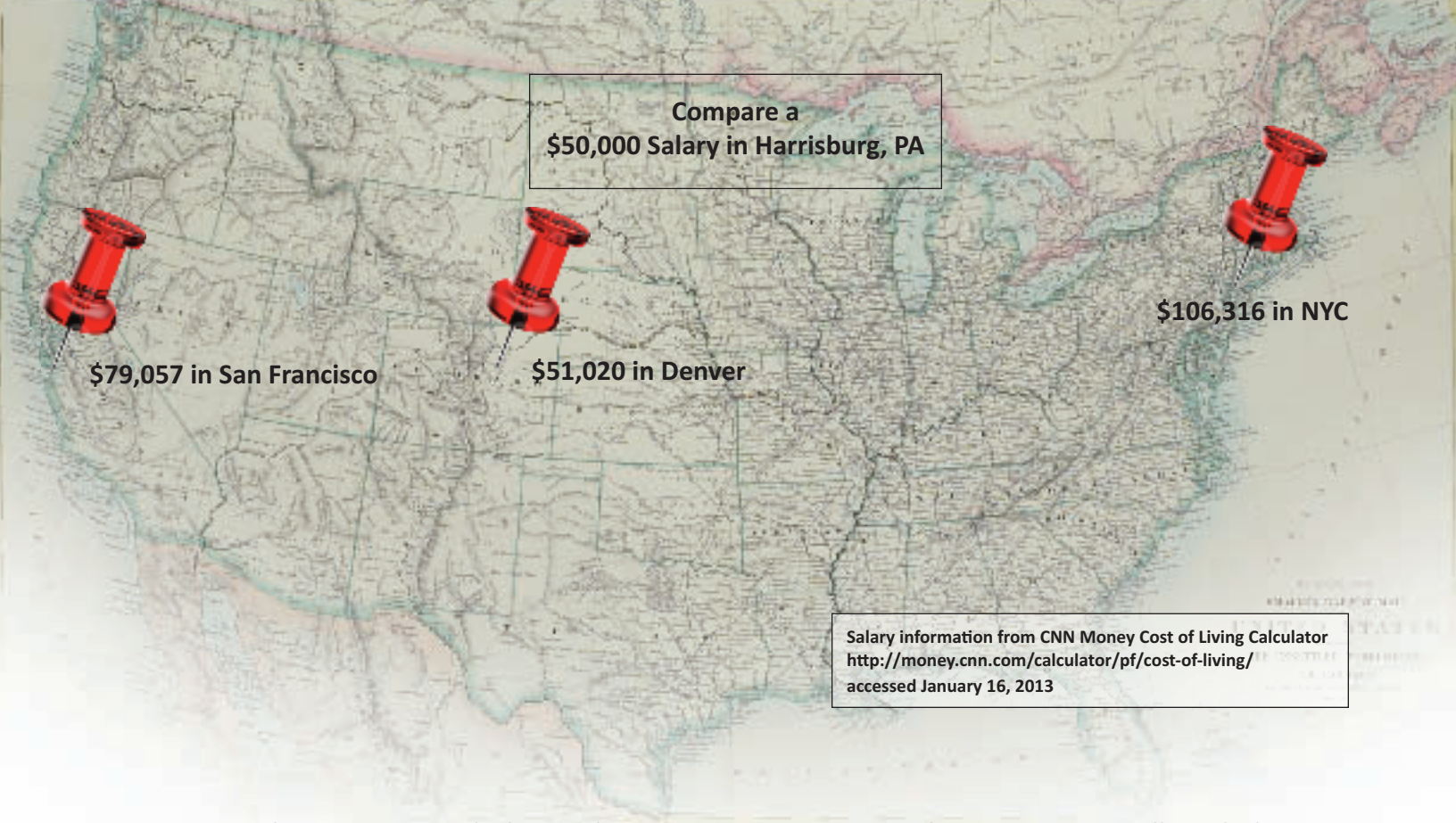
James Puckett joined the Law School in 2012. A scholar of tax administration and distributive justice, his research explores the intersection of taxation and federal and state administrative law and professional responsibility, especially relating to uncertain tax positions.

By James Puckett

All other things being equal, the federal income tax ignores whether the taxpayer lives in a relatively affordable or expensive location. This approach can lead to unfairness; moreover, special deductions for the taxpayer's actual living expenses, such as home mortgage interest and state and local taxes, do not solve the problem. Tax law scholars have generally been quick to dismiss the equity issues based on assumptions about taxpayer mobility.

Taxable income is subject to tax brackets with rates currently ranging from 0% at low incomes (counting the standard deduction and personal exemption together as a zero-rate bracket) to 39.6% at the highest incomes. The application of higher tax rates at higher incomes is known as progressivity. The progressive rate structure is grounded in the fundamental tax fairness norm that the tax burden should be "allocated among resident taxpayers in relation to their taxpaying capacities, often referred to as the principle of ability-to-pay."





The equity issue is whether it is fair to ignore what the taxpayer can afford to purchase with the taxpayer's income in determining the taxpayer's ability to pay tax. Two workers who earn the same salary may have different purchasing power depending on where they reside. This is because the prices of housing, food, transportation, and other living expenses vary from place to place. The federal income tax generally disregards these variations. For example, a \$50,000 salary generally bears the same federal income tax burden in affordable Mississippi as in unaffordable Manhattan. Residents of high-cost areas have claimed that their incomes are subjected to higher tax rates too quickly given their cost of living.

The idea that ability to pay should take the taxpayer's purchasing power into account has somewhat carelessly percolated into the federal income tax system. Inflation adjustments increase the standard deduction, personal exemption, and the tax brackets to reflect purchasing power. Such adjustments prevent year-to-year increases in income from pushing a taxpayer into a higher tax bracket, if the taxpayer's purchasing power has not changed. Inflation adjust-


ments are not, however, systematically applied throughout the tax system. Moreover, despite the recognized importance of purchasing power to ability to pay, the tax system generally has not extended the linkage to take into account differences in purchasing power that depend on where—as opposed to when—the taxpayer earns income.

A comparison of incomes does not provide a complete picture of inequality when local cost of living structures differ. A taxpayer in a low-cost location may be wealthier at a lower income than a taxpayer in a high-cost location with a higher income. Framing wealth in this way implicitly values certain forms of wealth higher than others. Basic needs such as food, housing, and transportation are important. This should not be undercut because some taxpayers in high-cost locations have better access to a warm, sunny climate or other local amenities.

Some would undoubtedly respond that if a taxpayer in a high-cost location feels unfairly taxed, they could simply move to a low-cost location. But, particularly at low incomes, moving or staying in place may not be a completely volun-

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tary decision. It is true that migration is possible, and many people move even under financial distress, but there are important challenges. Moving may involve significant fixed costs relative to the means of a person who subsists paycheck-to-paycheck. Assuming she has the money, how will a poor Bay Area resident predict her job opportunities in Cleveland? What if she manages to move but does not actually secure the job of her dreams, or she misjudges the local cost structure? It seems unlikely that the government will assist much if a move fails but will charge her with the ability to move successfully if she does not. Family and social connections at home may make child care more affordable and may help with sharing other costs, such as housing or transportation.

Even at higher incomes, relocation presents a risk. Perhaps the costs of conducting a move are less significant as income increases (or more likely to be borne by a new employer), but the issue of predicting happiness at a potential new home remains. How does the taxpayer confidently predict how a new social environment will work for her; how she will react to a different climate; how she will feel about being away from family and old friends; intangible aspects of a new job; and myriad other factors? If a whole family has to move, informational issues (predicting employment, happiness, or both, at the new location) multiply.

Moreover, some living costs have little to do with personal enjoyment. Living costs theoretically comprise two components: production amenities, which are valued by businesses, and consumption amenities, which are valued by consumers. Compensation may, therefore, partially adjust for production amenities. A skilled worker pursuing a high paying job, which is fundamentally a productive endeavor, cannot opt out of the weather or the local culture.

It would be unfair and incomplete to give residents of low-cost areas a free pass in this analysis. Even if residents of low-cost areas sacrifice pleasure for purchasing power, they should be taxed on their purchasing power. There does not, however, appear to be such a sacrifice; residents of low-cost areas often appear to be happier than residents of high-cost areas. In addition, it is quite possible that residents of low-cost areas are getting more than what they pay for, because many low-cost locations are low-density. Low-density locations may have substantial environmental externalities.

It is easy to assume, for purposes of analytical clarity, that people will move with the winds of economic opportunity, but in the real world, people find themselves, if not literally tied to the land, at least tied to each other in ways that significantly complicate worker mobility. Notwithstanding these concerns, one might balk at the idea of a potential subsidy for consumer amenities in high-cost areas. Past some income threshold, it may be more reasonable to assume that the taxpayer is simply paying for consumer amenities. This approach has the virtue of simplicity and would prevent abuse or the appearance of abuse. There is a risk to taxpayer morale of an unfair subsidy, or even the appearance of an unfair subsidy. This risk presumably increases as taxpayers at higher income levels receive benefits. Taxpayers in or near poverty by local standards should receive a local cost of living adjustment, but whether the adjustment should extend beyond that income level is far more debatable. ■

To read the complete article and its citations, please see Volume 63 of the *Alabama Law Review*.

# WHY I TEACH

*Q&A with William Fox*

William F. Fox is a Distinguished Scholar in Residence. He holds an LL.M. from Harvard Law School, a J.D. from Catholic University of America and a B.A. from George Washington. Before coming to Penn State, he was dean of Catholic University of America School of Law and served on that faculty for 31 years. He is also a member of the Centre for Energy, Mineral & Petroleum Law and Policy global faculty at the University of Dundee, Scotland, a position he has held for nearly 20 years.



## **How do you bring practice experience into the classroom?**

That's really important to me. I've always thought that if you can illustrate some of the things you are teaching with stuff that you have actually done, it's a very effective teaching technique. That way you don't have to teach things in the abstract.

I hope that I give students a sense of judgment by showing them how a fairly experienced practicing lawyer goes about making all the decisions that he or she is forced to make in handling a case or a transaction. The longer I teach, the more I'd like to think that it's the judgment more than the doctrine that sticks with my students once they get into practice. Doctrine can be

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learned from books and lectures; teaching judgment is much more elusive and much more difficult to convey in the classroom.

One aspect of my work as a practicing lawyer that I'm proudest of is the work I do with disabled veterans. I just filed an amicus brief with the Supreme Court on behalf of the widow of an Army veteran who's having real problems with the VA. I've been doing veterans work for more than 20 years. I was an enlisted man in the U.S. army infantry a long time ago. By coincidence I also happen to be a disabled vet, so for me the veterans' work is both very emotional and very rewarding.

#### **What do you enjoy most about teaching?**

It's amazing how much I learn from the students particularly when I teach classes like negotiation and can watch them in action. It's extraordinarily pleasing to watch students go from total beginners to fairly sophisticated almost-lawyers. I do a lot of that in international business law, a course that I refer to as a "bridge the gap" course. In my upper level courses, I try to get my students to stop thinking of themselves as law students and start thinking of themselves as lawyers—a radically different frame of mind. With the state of the legal market today, students have to make that transition a whole lot quicker than might have been the case even a few years ago. Increasingly, law firms and government agencies don't have a lot of time for apprenticeship training like they may have had 40 years ago.

#### **What is your favorite course to teach?**

I don't like just teaching one course. I like teaching a variety of things. Dean Reilly has really indulged me in that aspect and is using me as a kind of utility infielder. Since coming to Penn State in 2008, I've taught International Business Transactions, Criminal Law, Criminal

Procedure, Contracts, Elements of Law, and Administrative Law. I'm also teaching a new course in energy law. Being able to teach all these courses brings a smile to my face. It's one of the nice things about being toward the end of my career rather than the beginning.

#### **What advice would you give to young lawyers?**

Hit the ground running and work really hard at making the transition from student to lawyer. Also, be ethical. You've got to have a sense of ethics. It's why I teach a component of ethics in every single course. In my courses, the ethics element is required and non-negotiable.

#### **What skills do you consider universal?**

The ability to negotiate and the ability to talk to and get along with people. I tell all my law students, "It's ok to read the books and master all the doctrine, but when you get into practice, you are going to be absolutely amazed at how much of a successful practice involves dealing effectively with people." Some of them already know that. For others I think it's a little bit of a tough transition—going from just reading cases in books to actually looking across the desk and talking to somebody, dealing with a client who's scared or angry, and working with opposing counsel. That's the people component in the practice of law and it's absolutely vital.

#### **What do you do for fun?**

Woodworking and flying airplanes. When I was on active duty I spent a lot of time sitting in Huey helicopters and occasionally jumping out of airplanes. For some reason, I always identified with the pilots. So I took flying lessons right after I was discharged and have been flying off and on for almost 50 years. The woodworking always calms me down and keeps me sane. ■





William E. Butler



Louis Del Duca



Jill Engle



Amy Gaudion



Gary Gildin

The Supreme Court of Ukraine awarded **Professor William E. Butler**, John Edward Fowler Distinguished Professor of Law and International Affairs, its highest medal “For Fidelity to Law” on October 26 at the U.S. Embassy in Kiev. The citation reads “for high professionalism, significant contributions to the development of the system of court organization and proceedings, ensuring the protection of the rights and freedoms of man and citizen, and in commemoration of the 90th anniversary of the legal journal *Law of Ukraine*”. Presiding at the event was Senior Trial Attorney Mary K. Butler, on behalf of the U.S. Department of Justice, and academician Alexander D. Sviatotskiy, who presented the medal on behalf of the Supreme Court of Ukraine.

**Professor Louis F. Del Duca** contributed a chapter titled “Developing Global Transnational Harmonization Procedures for the Twenty-First Century: The Accelerating Pace of Common and Civil Law Convergence—First Decade Update” to *Unification and Harmonization of International Commercial Law—Interaction or Deharmonization?* (Kluwer Law International BV, 2012). Along with co-authors Albert Kritzer and Daniel Nagel, he published a chapter titled “Achieving Optimal Use of Harmonisation Techniques In An Increasingly Interrelated Twenty-First Century World—Consumer Sales: Moving The EU Harmonisation Process To A Global Plane” in *Theory and Practice of Harmonisation* (Edward Elgar 2012). A chapter titled Unifica-

tion of Laws in Federal Systems—Italy: National Report co-authored by Professor Del Duca and his son Patrick, has been published in *Federalism and Legal Unification: A Comparative Empirical Investigation of Twenty Systems*. He also published *Facilitating a Cost Free Path to Economic Recovery—Implementing a Global Uniform Receivables Financing Law*, co-authored with Richard Kohn and Spiros Bazinas, in the *Uniform Commercial Code Law Journal*.

**Professor Jill Engle** published “Promoting the General Welfare: Legal Reform to Lift Women and Children in the United States Out of Poverty” in the University of Iowa *Journal of Gender, Race & Justice*.

At the International Competition Network (ICN) Advocacy Workshop in Paris in November 2012, **Professor Beth Farmer**, McQuaide Blasko Faculty Scholar Professor of Law and International Affairs, worked with fellow panelists Seppo Reimavuo, director of the Finnish Competition Authority, and Shri S.L. Bunker, secretary of the Competition Commission of India and moderator Caldwell Harrop, Foreign Commerce Section of the U.S. Department of Justice, to help define the role of the ICN in competition advocacy.

**Professor Amy Gaudion**, Assistant Dean for Academic Affairs, appeared on WHYY in Philadelphia to discuss the evolving role of the vice president.

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James W. Houck



David Kaye



Flynt Leverett



Hon. D. Brooks Smith

**Professor Gary Gildin**, Hon. G. Thomas and Anne G. Miller Chair in Advocacy, published “Cross-Examination at Trial: Strategies for the Deposition,” the lead article in the spring 2012 issue of the *American Journal of Trial Advocacy* and “Redressing Deprivations of Rights Secured by State Constitutions Outside the Shadow of the Supreme Court’s Remedies Jurisprudence,” published in the *Penn State Law Review*. He was also selected as a fellow of the American Bar Foundation.

Vice Admiral (Retired) **James W. Houck**, Distinguished Scholar in Residence at Penn State Law and School of International Affairs, appeared before the board of directors of the Navy League of the United States on October 19 to urge U.S. accession to the United Nations Convention on the Law of the Sea.

**Professor David Kaye**, Distinguished Professor of Law and Weiss Family Faculty Scholar, published “Drawing Lines: Unrelated Probable Cause as a Prerequisite to Early DNA Collection” in the *North Carolina Law Review Addendum* and “Beyond Uniqueness: The Birthday Paradox, Source Attribution, and Individualization in Forensic Science Testimony,” in the Oxford University Press interdisciplinary journal, *Law, Probability and Risk*. He is a contributing author of *McCormick on Evidence*, whose updated seventh edition is in press. Also in press are entries for two encyclopedias of forensic science; a

chapter on “Expert and Scientific Evidence” for a Reader in American Law for Chinese Law Students being published in Chinese by Peking University Press; essays on “Chimeric Criminals” in the *Minnesota Journal of Law, Science and Technology*, and on “Likelihoodism, Bayesianism, and a Pair of Shoes” in *Jurimetrics: The Journal of Law, Science, and Technology*; and articles entitled “The Genealogy Detectives: A Constitutional Analysis of Familial Searching” in the *American Criminal Law Review* and “A Fourth Amendment Theory for Arrestee DNA and Other Biometric Databases” in the *University of Pennsylvania Journal of Constitutional Law*. The U.S. Supreme Court cited and pondered *The New Wigmore, A Treatise on Evidence: Expert Evidence* (2d ed. 2011), a volume edited by Professor Kaye, in *Williams v. Illinois*, decided on June 18, 2012. There was no majority opinion, but every one of the four opinions cited the treatise.

**Professor Flynt Leverett**, who holds a joint appointment with the School of International Affairs, appeared on Al-Jazeera English to discuss the Syrian opposition and has published *Going to Tehran: Why the United State Must Come to Terms with the Islamic Republic of Tehran*.

**The Hon. D. Brooks Smith** ’76 and **Professor John Lopatka**, A. Robert Noll Distinguished Professor of Law, published “Class Action Professional Objectors: What to Do About Them?” in the *Florida State University Law Review*.



Katherine Pearson



Catherine Rogers



Samuel C. Thompson Jr.



Laurel Terry

**Professor Katherine Pearson** appeared on WITF Radio *Smart Talk* to discuss her research on nursing home debt collection and was quoted in the *Wall Street Journal*, FoxBusiness.com, and ABCNews.com. She also appeared on Australian national radio to discuss filial support laws.

**Professor Robert Rains** published “A Minimalist Approach to Same-Sex Divorce: Respecting States that Permit Same-Sex Marriage and States that Refuse to Recognize Them,” in the *Utah Law Review*. He has also written a chapter entitled “The American Bar Association Rejects Collaborative Law Guidelines: A Temporary Setback or a Sign of Things to Come?” for the forthcoming book, *Le Ragioni degli Altri: Mediazione e Famiglia tra Conflitto e Dialogo* (Italy). His article “Marriage in the Time of Internet Ministers” has been reprinted in abridged format in a Ukrainian law journal.

The International Judicial Academy (IJA) appointed **Professor Catherine Rogers**, Paul and Marjorie Price Faculty Scholar and Professor of Law, to its board of directors. The non-profit organization provides education programs for judges, court administrators, ministry of justice officials, and other legal professionals from countries around the world. Earlier this year she traveled with a group of U.S. federal judges to China which included a visit to the Supreme People’s Court. She is also working with IJA on training for Middle East and Palestinian judges.

**Professor Stephen Ross**, Lewis H. Vovakis Distinguished Faculty Scholar, is on a sabbatical research leave as a Sproul Fellow in Canadian Studies and visiting scholar at his alma mater, the University of California (Berkeley). Lexis/Nexis will be publishing his forthcoming casebook, *Comparative Constitutional Law: A Contextual Perspective*, which focuses on the U.S., Canada, Australia, and South Africa (with co-authors Heinz Klug from Wisconsin and Helen Irving from Sydney).

**Professor Geoffrey Scott** co-authored “Kryptonite, Duff Beer and the Protection of Fictional Characters and Products in the Global Community,” in the *Monash University Law Review*.

**Professor Samuel C. Thompson Jr.**, Arthur Weiss Distinguished Faculty Scholar, published a book on the economic plans of presidential candidates Mitt Romney and Barack Obama in which he analyzed the tax implications of each candidate’s policies.

**Professor Laurel Terry**, the Harvey A. Feldman Distinguished Faculty Scholar, attended the first of its kind International Conference of Legal Regulators in September that ended with a commitment to set up an international network of lawyer regulators. Legal regulators from jurisdictions around the world met to exchange ideas, compare practices, and explore ways to improve collaboration in the future. ■



# WHY WE GIVE:

## Class of 1997 Classmates Join Efforts to Endow Scholarship

**F**our friends and Dickinson School of Law classmates made a pact as third-year students in September 1996: *to never cook a meal on their own.*

**Dave Farsiou, Wayne Mowery, John Phoebus, and Jeff Yelen**, all members of the Class of 1997, lived on campus, bought a meal plan at Dickinson College, and created a schedule for lunch and dinner at various diners in town. “I am proud that I cooked not a single meal,” said Phoebus, who now enjoys a career in criminal defense and litigation in Crisfield, Maryland, and the surrounding area.

Fifteen years later, the 1997 classmates entered another pact: to create a scholarship benefiting Dickinson School of Law students of superior academic achievement.

The group’s “ringleader”, Yelen, was seeking to make a meaningful contribution to the Law School when he conceived of the idea to pool resources and establish a scholarship fund. Yelen, who practices with **Yelen Law Offices** in Wilkes-Barre, Pennsylvania, recruited Phoebus, Mowery, an intellectual property attorney in State College, Pennsylvania, and Farsiou, a partner in the Philadelphia office of **Woodcock Washburn LLP**, to join him in making a significant commitment to the school. Together, the friends pledged to make lead gifts—a combined total of more than \$40,000—toward the creation of a student scholarship.

Although the group originally planned to endow the scholarship in their names, they soon agreed that by naming it for their class, they could help to encourage classmates to also make significant commitments, particularly as the class prepared to celebrate its 15th reunion in Carlisle last September. To promote the scholarship and assist with soliciting additional gifts, each agreed to serve alongside other classmates on their Class of 1997 Reunion Challenge Committee. The foursome is asking classmates to make a minimum pledge of \$5,000, payable over a period of up to five years.

Phoebus encourages his classmates and fellow alumni to think of their gifts as taking one client’s payment and using that to benefit the Law School each year. “That’s how I think of it,” said Phoebus. “Fifteen years out, I’m glad to be able to do this. I am happy to give back to the law school that’s made me the lawyer I am today.”

Yelen, a longtime Law School volunteer and member of the inaugural board of the newly established Dickinson School of Law Alumni Society, hopes that his classmates will see the scholarship as a way to make a tangible impact. He also hopes that their efforts will inspire other individuals and/or classes to find ways to give back in recognition of the education that prepared them for their careers.



From left to right: Dave Farsiou, John Phoebus, Wayne Mowery, and Jeff Yelen, led a classwide effort to establish a scholarship fund.

Yelen emphasized that all gifts made to the Law School benefit its students. “Sometimes people need a little push to think about the importance of their law school and a way for them to get involved. I’m happy to say that I benefitted from this school and it’s worthwhile,” said Yelen, one of several members of his family to graduate from The Dickinson School of Law including his father, **Sandor Yelen ’56**; his uncle, **Barry Yelen ’66, PSU ’62**; his brother, **Michael Yelen ’95**; and cousins **Hannah Greenwald ’98** and **Rebekah Saidman-Krauss ’12**.

Gifts and pledges to the **Class of 1997 Scholarship for Academic Excellence** now total approximately \$54,000. The scholarship will be activated when the fund reaches \$50,000 in realized gifts, the minimum level required for a scholarship endowment. The scholarship will benefit incoming and current students “who have achieved superior academic records or who manifest promise of outstanding academic success.” ■

## Ways to Give to The Dickinson School of Law: *Making a Pledge Commitment*

Alumni and friends sometimes choose to make significant contributions to The Dickinson School of Law in the form of pledge agreements. Pledges may be paid over not more than five years; the fiscal year (and pledge year) runs from July 1 to June 30.

Payments can be paid in equal or unequal installments, as donors prefer and/or indicate on their pledge agreements. Typically, payments are made on an annual basis, but payments can also be made in quarterly, semi-annual, or annual installments. In order to qualify for automatic reminders to be produced by the Office of Donor Services, annual payments must be at least \$500.

Pledge commitments are intended to reflect personal commitments and investments in the Law School. Any matching gifts received will be designated to the same purpose identified in a donor’s pledge agreement, but will not be applied to outstanding pledge balances.

For more information on making a pledge commitment or other ways to make a gift to The Dickinson School of Law, please contact Kelly Rimmer, director of development and alumni affairs, at [krimmer@psu.edu](mailto:krimmer@psu.edu) or 717-240-5217.

Send your Class Notes updates to [alumni@law.psu.edu](mailto:alumni@law.psu.edu)

## 1960s

**William F. Hoffmeyer '61**, senior partner of **Hoffmeyer & Semmelman, LLP**, has been named one of the top attorneys in Pennsylvania for 2012 by *Pennsylvania Super Lawyers*.

**Marshall S. Jacobson '62** was honored at the 167<sup>th</sup> anniversary dinner of Temple B'nai B'rith of Wilkes-Barre. He is of counsel at **Rosenn Jenkins and Greenwald**, where he has been a partner for 42 years.

**Gregory D. Saputelli '68** of **Obermayer Rebmann Maxwell & Hippel, LLP**, has been named one of the top attorneys in New Jersey for 2012 by *New Jersey Super Lawyers*.

At a November dinner, **Grove Stoddard '66** was honored by his Connecticut Law Firm **Pullman & Comley, LLC**, for over forty years of practice.

## 1970s

**James S. Gkonos '79**, vice chair of **Saul Ewing's** insurance practice, has been selected to join the membership of the Federation of Regulatory Counsel (FORC). He focuses his practice on insurance and reinsurance regulatory matters, contract and treaty interpretation and drafting, insurance insolvency, and reinsurance disputes.

**Jack Hannman '73** writes that he still lives in Unionville, Chester County, PA. He is general counsel at **Goldberg, Meaniz, McCullen & Muth**. He is an active member of the Chester County Bar Foundation and serves on the pro bono committee.

**Jane Lewis Volk '76** of **Meyer, Unkovic & Scott, LLP**, in Pittsburgh was elected to the board of directors of the Pittsburgh Chapter of the National Association of Women in Construction. She will serve a one-year term.

**Mary Ann Ross '79**, a senior partner with the Chester County law firm **MacElree Harvey**, has been named to the *Pennsylvania Super Lawyers* list as one of the top land use/zoning attorneys in Pennsylvania for 2012. Super Lawyers selects no more than 5 percent of the lawyers in the state. Ms. Rossi's practice includes zoning and land use, real estate and commercial litigation.

## 1980s



**Margaret J. Amoroso '82** of the Pennsylvania labor union and employment law firm **Willig, Williams**

**& Davidson**, has been appointed as an interim member of the Township Council of Middeltown Township in Delaware County, PA.



**William J. Leonard '84** of **Obermayer Rebmann Maxwell & Hippel LLP** has been named to the Pennsylvania Rising

Stars list as one of the top up-and-coming attorneys in Pennsylvania for 2012.

**Lieutenant Colonel Robert J. DeSousa '85**, was Awarded the Meritorious Service medal by COL Patrick Barnett, Chief of Trial Defense, National Guard Bureau. Barnett presented the award to DeSousa, who is a traditional

Pennsylvania Guardsman and serves in his civilian occupation as State Director for US Senator Pat Toomey, for DeSousa's work in setting up the first ever trial Defense Service in the National Guard. DeSousa set up a team of lawyers to provide National Guard Soldiers with defense services for nine states including Pennsylvania. The citation reads, "...DeSousa consistently demonstrated unparalleled leadership, professionalism, and judgment..."

Delaware Superior Court **Judge Jan R. Jurden '85** was awarded the 2011 Outstanding Service to the Courts and the Bar Award. The yearly award is presented to the Delaware judge or lawyer who "by exemplary service to the Delaware Courts and Delaware Bar has substantially assisted the Courts and the Bar and strengthened public trust and confidence in the State's court system and the administration of justice." One of the many reasons Judge Jurden received the 2011 Award was for her leadership in establishing the Superior Court Mental Health Court.

**Michael Kahn '85** is the co-founder of ReelTime CLE, which provides continuing legal education ethics courses and uses mainstream films to facilitate dialogue and raise insights. Its programs focus on the impact of stress on the decision making process.

**Verne R. Smith '85**, assistant dean for business and administration at Widener University School of Law, where he also teaches a course in animal law, was recently reappointed as chair of the Pennsylvania Bar Association's Animal Law Committee. He also serves on the executive committee of the Association of American Law Schools' Animal Law Section. He welcomes



hearing from Law School alumni who have animal law questions or issues; he can be reached at [vrsmith@widener.edu](mailto:vrsmith@widener.edu).

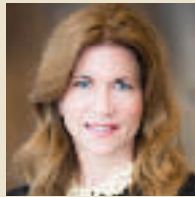


**Elaine P. Stanko '85** has joined **McNees Wallace and Nurick LLC**. Elaine has gained her

legal experience with the local and regional law firms of Rhoda, Stoudt & Bradley, Roland & Schlegel, P.C. and Fox Rothschild LLP, where she developed many relationships with local lenders and created her niche in the areas of financial services and general business counseling. Elaine serves on the Board of Trustees at The Janus School in Mount Joy, the Board of Directors of Easter Seals Eastern Pennsylvania and as an Allocation Volunteer for the United Way of Berks County.

**Frank Chmielewski '86** authored "Reserving 101: An Introduction for Defense Attorneys and Adjusters," for the August 2012 issue of *Counter Point*, the official publication of the Pennsylvania Defense Institute. He is director of assessments at The Institutes, an organization dedicated to insurance and risk management education and training.

**Tom Profy '86**, a member of the estates and elder law practice at **Begley Carlin and Mandio, LLP**, recently spoke to several Rotary Clubs in Bucks County, PA, on "Estate Planning Documents you Can't Live Without!"



**Melissa A. Scartelli '87** of Scartelli Olaszewski, P.C., has been recognized as one of the "Top Attorneys in Pennsylvania," by American Registry, LLC.



**Catherine A. Christian '88**, past president of the New York County Lawyers' Association, was honored at a ceremony recently for her role as NYCLA's first African American, the youngest person, and the second woman to be inducted as NYCLA's President. A portrait was created in her honor. A member of NYCLA since 1990, during her presidency (May 2007-May 2008), she was instrumental in helping to establish pro bono programs to assist formerly incarcerated individuals with successful reentry into the workforce and low-income persons plagued by consumer debt. She is an assistant district attorney in the New York County District Attorney's Office where she serves as chief of the Alternative Sentencing Division and counsel to the Trial Division for the Office of the Special Narcotics Prosecutor.

**The Hon. Nancy L. Ridgeway '88** was appointed to the Superior Court of New Jersey on January 10, 2012, and assigned to the Family Division, Atlantic County.

**David E. Schwager '88** has been appointed to serve on The Disciplinary Board of the Supreme Court of Pennsylvania and has been

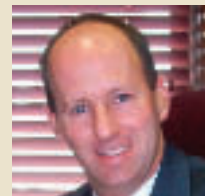
elected to serve on the board of directors of the Pennsylvania Bar Institute. A partner at **Chariton, Schwager & Malak** in Wilkes-Barre, PA, his practice focuses on real estate, title insurance, real estate taxation, business law, commercial litigation, municipal law, and creditors' rights.

## 1990s

**Denise M. Bierly '90, PSU '87** was recently named to a one-year term as President of the American Academy of Adoption Attorneys, the national not-for-profit accredited organization of lawyers, judges, and law professors who specialize in adoption. Denise has focused her practice on family formation for over 20 years and has assisted with more than 2,000 adoption and assisted-reproduction situations. She is a parent both by birth and adoption.

**Julie L. Von Spreckelsen '91 of Eastburn and Gray, P.C.**, a shareholder in the firm's Land Use and Zoning and Family Law practice groups, was recently elected to the board of the Ambler Area YMCA, a branch of the Philadelphia & Vicinity YMCA.

**Daniel E. Cummins '93** of the Scranton, PA, law firm of **Foley, Comerford & Cummins** is the



author of Tort Talk. Editors of the ABA Journal announced in their December edition that they have selected Tort Talk ([www.torttalk.com](http://www.torttalk.com)) as one of the top 100 best blogs in the United States for a legal audience.

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**Judith Watts '94** has joined **Yergey Daylor Allebach Scheffey Picardi** in Pottstown, PA, where she will concentrate her practice on criminal defense, family law, personal injury, and administration of wills and estates.



**Ronald P. Kalyan, Jr. '95** has joined **McNees Wallace and Nurick LLC**, and previously practiced with

the regional law firms of Stevens & Lee, P.C. and Fox Rothschild LLP, where he developed his well-rounded real estate practice. Ron serves on the Board of Directors of Neighborhood Housing Services of Greater Berks County and is also professionally affiliated with the Berks County, Chester/Delaware County Home Builders Associations, and the Berks County Real Estate Investors Association.

**Amy C. Foerster '96**, a partner in **Saul Ewing's** commercial litigation practice group and co-chair of its



higher education practice group, received the National Association of College and University Attorneys' (NACUA) "First Decade"

Award for 2011-2012. The First Decade award recognizes an individual who has made extraordinary contributions to NACUA in her first 10 years as a member. She has been a member of NACUA since 2008.

**Gregory S. Skibitsky, Jr. '96** and **Gene M. Molino '04** established **Skibitsky & Molino**, a general civil practice located in Pittston, PA, in October 2011. Their firm focuses on personal injury, workers' compensation, family law, bankruptcy, civil litigation, municipal law and estate planning/administration.

**Andrew L. Josephson '97** has been elected to the Alaska State House of Representatives, representing the people of the 15<sup>th</sup> District.



**Anson H. Asbury '98** recently published two articles about aspects of his practice area,

federal income taxation. The *Journal of Accountancy* published "Schedule UTP: The Early Returns Are In" and *The Verdict*, a publication of the Georgia Trial Lawyers Association, published "Ten Tax Tips for Every Litigator." Anson is the founder of Asbury Law Firm located in Atlanta, GA.

**Matthew J. Kloiber '99** earned an LL.M. in Trial Advocacy from Temple University in May 2012. He is an attorney with **Michael J. O'Connor & Associates** in Frackville, PA, where he focuses his practice on personal injury law and nursing home abuse. He recently completed the Leadership Lehigh Valley program and serves on the board of the Volunteer Center of the Lehigh Valley. He and his wife, Mary Ann, recently welcomed a son, Jack, who joins three older sisters Anneliese, Bridgett, and Kathryn.

**David Zambito '97** joined the Harrisburg office of **Cozen O'Connor**, where he focuses on regulatory and commercial issues involving utilities. He practices before state and federal regulatory agencies, representing clients in the energy, telecommunications, water, wastewater, and transportation industries.

## 2000s



**Lisa M. Bruderly '01, PSU '89** a lawyer at regional law firm **Babst Calland**, was named by

*Pennsylvania Super Lawyers* magazine as one of the top lawyers in Pennsylvania for 2012. Ms. Bruderly was named in the environmental section.

**Eckert Seamans Cherin and Mellott, LLC**, elected **Ryan B. Caboot '01** to partnership.

**Matthew Esworthy '01** of **Shapiro Sher Guinot & Sandler** in York, PA, was recognized by the *York Daily Record* on its list of "Very Important Professionals Successful by 40" 2012 Award.

**Amanda Lorenz '02** was named partner at Cozen O'Connor in January 2012. Her practice focuses on commercial law, defense litigation, and product liability.

**Jonathan K. Moore '02** is an elected partner and of counsel at **Blank Rome, LLP**, in Philadelphia. He concentrates his practice in the areas of financial services and corporate law.

**Leah Copeland '03**, an attorney with the 633rd Air Base Wing, Office of the Staff Judge Advocate, Joint Base Langley-Eustis, VA, is the Air Force's 2011 LAMP (Legal Assistance for Military Personnel) Distinguished Service Award winner, awarded by the American Bar Association.

**Terence N. Cushing '03** recently joined the law firm **Quintairos, Prieto, Wood & Boyer, P.A.** as a partner in the firm's Phoenix office. His practice focuses on commercial litigation including banking and real estate, product liability, and personal injury defense.

**Kimberly Gill '03**, associate in **Morris Nichols'** trusts, estates and tax Group, was chosen for inclusion on the 2012 Delaware Rising Stars list.

**Beth A. Johns '05**, an associate at **Rawle & Henderson, LLP**, was selected as a "2012 Pennsylvania Ris-

ing Star" by *Law & Politics Magazine*. She concentrates her practice on medical malpractice, aviation, product liability, and toxic tort matters.

**Lauren Abbott '05** joined the Philadelphia office of **Reed Smith, LLP**, where she is a member of the financial industry group.

**Brooke E.D. Say '05** of **Stock and Leader, LLP** in York, PA, has been named to the Pennsylvania Rising Stars list as one of the top up-and-coming attorneys for 2012.



**Kerry May '07** joined the Philadelphia office of **Rawle & Henderson, LLP**. She concentrates her practice on

the defense of commercial motor vehicle companies and their insurers. She began her legal career as a judicial law clerk for the Honorable Carol L. Van Horn in the Franklin County Court of Common Pleas.

**Ethan K. Stone '07** opened the **Law Offices of Ethan K. Stone** in Camp Hill, PA, a general and personal injury practice.



**Jonathan L. Phillips '08** founded **Jonathan Phillips, P.C.**, an I.T.-focused criminal defense and

civil litigation firm in Northern Virginia. The opening of the solo pri-

vate practice comes on the heels of four years of service as an assistant commonwealth attorney in Fairfax County, VA.

**Brian Mains '10** joined the Harrisburg law firm **Skalatos Zonarich, LLC**.

After completing a clerkship in the Office of the Governor of New Jersey, **Hillary Hewitt '11** was promoted to assistant counsel to Governor Chris Christie.

**Daniel L. Puskar '11** joined **Turo Robinson** in Carlisle, PA, in November 2011. He focuses on criminal defense, civil litigation, and contract law.

**Hannah Suhr '11** joined **The Morgan Law Firm** in June 2012. She is the firm's chief ARD attorney and appellate advocate.

**Adam R. Hracho '11** is serving in the **U.S. Air Force JAG Corps** and welcomes those interested in the JAG Corps to contact him for additional information.

**Kevin J. Hayes '12**, PSU '09 recently joined **Mette, Evans & Woodside** as an associate. He will concentrate his practice on litigation, banking, and business law.

**Christopher L. Ryder '12** joined **Stock and Leader, LLP**, in August 2012 and is a member of the firm's environmental law group, focusing his practice in the areas of federal and state environmental and agricultural laws, municipal law, and related regulatory actions. ■

## IN MEMORIAM EDWIN KLETT

**Edwin L. Klett '62** passed away in Mount Lebanon, PA, on October 7, 2012. A graduate of Bucknell University and The Dickinson School of Law, he inspired all five of his children—**David S. Klett '87**, **Lauren Klett Kroeger '89**, **Krista Klett '08**, and **Kirk T. Klett '10**, and **Keenan L. Klett '11**—to pursue careers in law. He is survived by his wife Janis and four granddaughters.

Klett was a partner at **Eckert, Seamans, Cherin & Mellot LLC** before founding Klett, Rooney, Lieber & Schorling in 1988, which then merged with Buchanan Ingersoll PC. He specialized in trial work, corporate law, banking, securities, and business matters, appearing on the *Pennsylvania Super Lawyers* list every year since 2006. He served on the Board of Counselors for The Dickinson School of Law and as president of the Academy of Trial Lawyers of Allegheny County.

"Ed always will be remembered because he gave back to the profession and the community—and never because it enhanced his practice but because as he said 'lawyers should.' I served with him on the Board of the Dickinson School of Law, the Pennsylvania Civil Rules Committee as well as many Pennsylvania Supreme Court ad hoc Committees where his judgment and talent were known and sought after. Truly, Ed was a great lawyer and will be missed by all of us because of his commitment and leadership," said **William R. Caroselli '66**.

## IN MEMORIAM

**D. Fenton Adams '49**  
South Padasena, Florida

**Joseph J. Armao III '75**  
Tiboron, California

**Jack H. Barton '53**  
York, Pennsylvania

**Charles L. Board '49**  
Hockessin, Delaware

**Patrick Lee Boyle '04**  
Vancouver, Washington

**Ralph G. Clouser '49, PSU '43**  
Valley Forge, Pennsylvania

**Karen M. Cunningham '83**  
Elsmere, Delaware

**Francis "Joey" Goulart '11**  
Ebensberg, Pennsylvania

**Roger J. Hertz '69**  
Bowie, Maryland

**The Hon. Jeffrey Edward Leber '72**  
Manns Choice, Pennsylvania

**John "Jack" P. Merlo '73**  
Indiana, Pennsylvania

**William D. Morgan '53**  
Bradenton, Florida

**The Honorable John W. Keller '51**  
DuPage County, Illinois

**Joseph Zaffiro '40**  
Wyomissing, Pennsylvania



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## ALUMNI & REUNION WEEKEND 2013

*Celebrating reunions for classes ending in 3 and 8*

**Friday, September 27 and  
Saturday, September 28, 2013**

Lewis Katz Hall  
Carlisle, PA

# Save *the* Dates

ANNUAL ALUMNI CLE & TAILGATE

BLUE-WHITE WEEKEND

**Saturday, April 20, 2013**

Lewis Katz Building  
University Park, PA

