

Northeastern

THE INTERNATIONAL LAW ISSUE

Winter 2007

I L A W

M A G A Z I N E

Within Our Reach

As globalization transforms the world, the Northeastern community is embracing a new model of lawyering.

- A Worldly Approach
- Beyond Borders
- Living by the Rule
- Here, There and Everywhere

The View from Kansas + Responsible Business + From Despair to Hope



Responding to the New World Order

TODAY'S LAW STUDENTS will practice on the world stage as well as in local venues; it is no longer simply enough to know US state and federal law. And so we devote this issue of our magazine to globalization and its impact on the School of Law and our graduates. Twenty years ago, it was a rare lawyer who knew — or needed to know — about international treaties, international conflict of laws or international norms. Today, international law touches every lawyer, in every field, in every place. There is a growing integration of law across borders, as capital and people move about the globe — sometimes with astonishing ease and sometimes by overcoming extraordinary barriers, as the article on immigration in this issue reveals. As Professor Martha Davis so clearly articulates in the Faculty Deliberations column, we have entered an era in which there is, in fact, a world wide web of law — from the trust and estates lawyer in Kansas to the immigration lawyer in Boston and from mergers and acquisitions lawyers in Hong Kong or London to human rights activists in Bosnia or New Orleans.

This is nothing short of a new world order ... and Northeastern faculty, students and graduates are already deeply rooted in it. The articles in this magazine give you an introduction to what is already happening, but only an introduction. The graduates who are profiled are merely the tip of the iceberg. Students have already gone on co-ops to more than 50 countries. Faculty are deeply involved in international projects, from civil law to labor law to poverty law to refugee and human rights law to international business regulation. Our Program on Human Rights and the Global Economy has taken root, and, in addition to many other activities, sponsors an interdisciplinary online journal, *Human Rights and the Global Economy*. International law courses have proliferated, so that our curriculum now includes courses like international tax, international law, international human rights, comparative law, comparative constitutional law, and international criminal law.

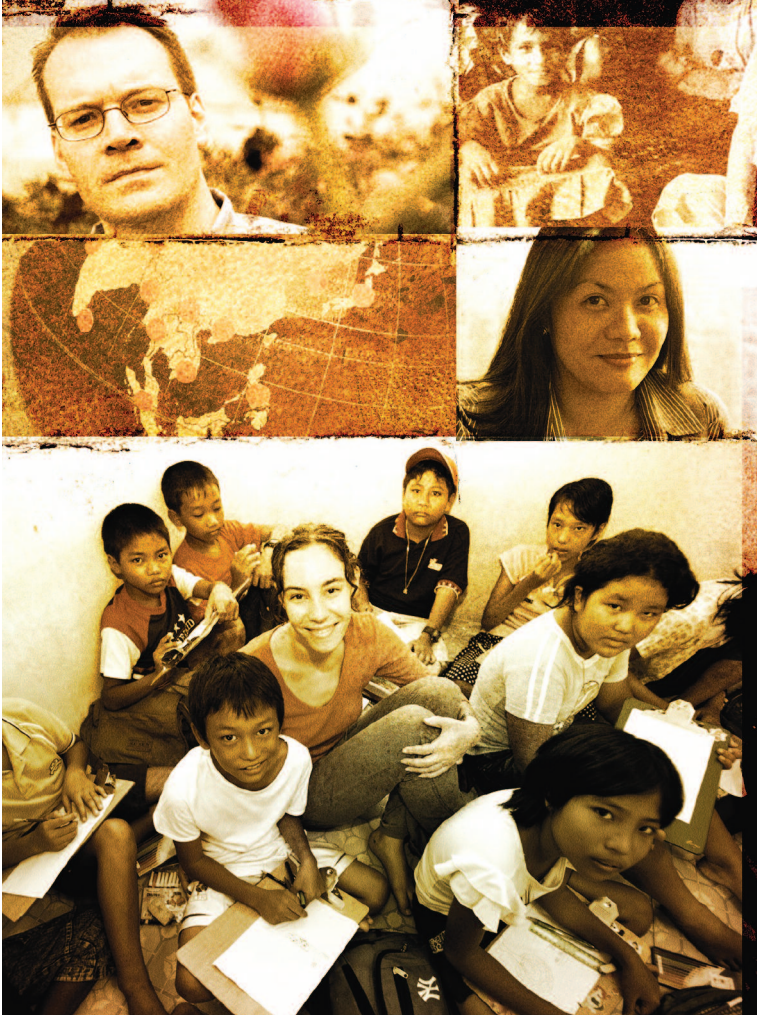
But there is still much to be done. At a faculty retreat in December, we explored issues of international curriculum. More than two-thirds of the faculty answered in the affirmative when asked whether they incorporate international law and norms into their domestic courses. In other words, change is happening organically, as we all recognize the extent to which our world is changing. We agreed that we need to incorporate international law into core courses, including in the first year, and to offer critical basic courses that focus on international law, while not in any way weakening our core domestic curriculum.

But it was clear to all of us that our unique co-op experience provides the most powerful tool for educating our students deeply in international law. The faculty embraced the idea of expanding opportunities for co-ops, both outside the US as well as domestic placements in which students apply international law. We would like to be able to guarantee every student the possibility of an international law co-op, but we have a long way to go. We are now fundraising to provide travel and stipend support for international as well as domestic human rights co-ops. If we cannot provide this support, then students will not have equal access to these opportunities. We are also working hard to expand co-op opportunities in international business and trade.

And so, while we continue to hone the values that make this law school unique, we also continue to grow. As this issue of our magazine demonstrates, we remain committed to our roots, but our branches reach the entire globe.

Best regards,

Emily A. Spieler
Dean and Hadley Professor of Law



Within Our Reach

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In Praise of Enrich

Whether or not one supports state tax incentives, interested parties on both sides favorably acknowledge the effort that Professor Enrich put forth in the *Cuno* case. His commitment to his cause and his students deserves commendation.

Unfortunately, had the Sixth Circuit opinion held up on cert, congressional action likely would have paved the way for continuation of the current system of state tax incentives. Regardless, states can continue to grant non-tax incentives such as preferential financial and infrastructure build out.

State and local governments as well as corporate America both face the challenge of unfair competition presented by cheap labor and lack of regulatory oversight available overseas. For American workers and stakeholders alike to prosper in the future, luminaries like Professor Enrich will be needed to level the global playing field as well.

Jeffrey M. Brown '92
Senior Principal, KPMG LLP
Toronto, Ontario, Canada

Write to us!

Northeastern Law Magazine welcomes letters to the editor. Send your comments, criticisms or kudos to:

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Don't make us start making jokes about city dwellers who actually have to pay to park their cars!

Chad Thorne '90
Farmer
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On the Money

I really enjoyed reading Elaine McArdle's "Going For Broke" [summer 2006]. She captured the essence of the bankruptcy bar's angst over BAPCPA (also known as the 2006 "bankruptcy reform" act). And I am personally very grateful to her for portraying me as what I strive to be, a zealous advocate making a difference in the lives of my clients.

Susan Grossberg '92
Law Offices of Susan Grossberg
Boston, Massachusetts

Driving Consumerism

Since 1998, I have served as the Chapter 13 bankruptcy trustee for southwest Washington state, and have administered hundreds of Chapter 13 bankruptcy cases. From my perspective, although filings have decreased with the passage of "reform" legislation, bankruptcy continues to be available for those in need of a fresh financial start. In fact, some debtors with income above the state median may fare better in Chapter 13 under the new

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Take Me Home, Country Roads

I'm just looking at the summer [2006] issue and seeing the cartoon about livestock being "driven," with pictures of cows in cars. This betrays a decidedly urban bias. We who live in rural/agricultural areas know

about animals "being driven" along a roadside, i.e., some person or persons walking along behind them, coaxing them to walk in the direction of new pasture, back to the barn, etc. The Wisconsin statute cited is thus hardly a quaint relic of a bygone era but living reality for many of us.



Writing Our Opus

We are pleased to announce that the Publications Management Magnum Opus awards, in cooperation with the Missouri School of Journalism and McMurtry, honored *Northeastern Law Magazine* with a silver award for best cover, "Death Wish," in the winter 2005 issue, and a bronze award for best use of black-and-white photography in "Bar None" in the summer 2005 issue.



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By Martha F. Davis

Notes from the Wheat Field

WAS BORN AND RAISED IN KANSAS, about as far into the US interior as one can get. Trends generally don't begin in Kansas; they end there. So when I was asked to write this essay on the general theme "everything is global," I thought I should check with my family first.

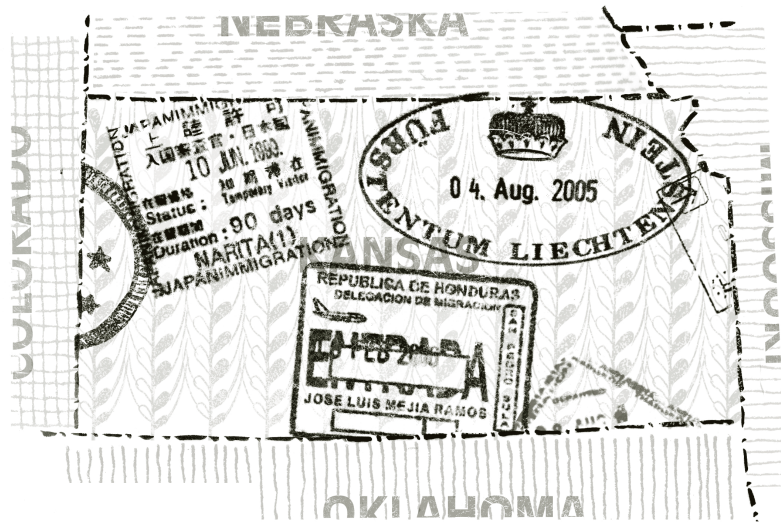
To test the extent of globalization in American law practice, I conducted a highly scientific poll of the members of my father's four-lawyer firm on Maple Street in Wichita, Kansas.

I reached my brother-in-law, a patent lawyer, first. Turns out he'd just gotten off the phone with local counsel in London, discussing European patent applications that he was filing. Nearly half of his patent clients, he said, participate in the international market.

Next I called my brother, a federal bankruptcy trustee, who reported that he is regularly involved in recovery of foreign assets, and is currently trying to determine the value of property in Germany and Uzbekistan. My cousin, a family law and personal injury practitioner, regularly deals with the Hague Convention on Child Abduction, immigration issues and even occasionally with international discovery issues. Even my father, a trusts and estates lawyer representing families in central Kansas, often confronts international property and taxation issues.

In other words, in 2007, even lawyers in south central Kansas, who never had any intention of practicing transnational law, cannot maintain a purely domestic practice. My own experience is not so different. Planning to be a domestic public interest lawyer, I nevertheless found that I needed to know about a range of international human rights issues — from comparative welfare laws to US obligations under international treaties — in order to do my job properly.

When members of my family and I attended law school more than 20 years ago, we were not given the tools to practice law in a global market. We've had to acquire the necessary knowledge and skills as we go along. But in the competitive legal job market of today, new lawyers cannot get by — and



may not be able to get a foot in the door — with such minimal preparation. They must be ready to handle the international aspects of their practices from day one, and to be in a position to cultivate and grow their international business.

OVER THE RAINBOW

How should legal education reflect these changes and prepare students for the challenges of a global practice?

The law school curricular shifts are an obvious starting point. Comparative and international law issues can be addressed in every existing first-year course, as well as most upper-level courses. Northeastern strives to do this, and even Harvard Law School recently revamped its first-year core curriculum, adding a required course on international and comparative law. Just as important as changes to the substantive curriculum, students can be instructed in comparative law research skills along with the standard fare of F. Supps and F.3ds.

Northeastern is also stepping up its efforts to encourage and facilitate international co-op placements, providing students with direct experience with transnational issues and a strong platform from which to launch their practices. Such placements, however, are often costly. Many students cannot

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Forum Welcomes Farmer and Frank



Dr. Paul Farmer

By Susan Saik

The Northeastern Law Forum: Discussions on Contemporary Legal Issues welcomed a dynamic series of lecturers to the law school this fall.

Public health hero Dr. Paul Farmer called upon law school students to embrace the concept that all AIDS

patients worldwide, no matter how destitute or grim their circumstances, have the right to proper medical care.

Speaking at the law school in September, Farmer urged the audience of 200 to consider how unfair it is that AIDS treatments are so successful in extending life, yet far out of reach for the majority of impoverished citizens of Sub-Saharan Africa.

"When you think of rights, most people think about our civil rights," Farmer said. "But what's most salient to doctors and nurses is the right to health care."

Farmer implored the audience to picture facing the end of life with zero support: "Imagine what it would be like to get sick and not have any assistance at all."

A strong proponent of the Universal Declaration of Human Rights, which guarantees worldwide citizens the right to adequate medical care, among other things, Farmer said AIDS patients should

be treated for free, similar to the care administered to tuberculosis patients.

Farmer, the founding director of Partners In Health, an international charity organization that provides direct health care services and advocacy, has dedicated his life to treating the world's poorest populations. Called a hero in many quarters, Farmer has helped build hospitals in forgotten regions of the world, improved access to health care and is the focus of author Tracy Kidders'

book, *Mountains Beyond Mountains: The Quest of Dr. Paul Farmer, A Man Who Would Cure the World*.

Days before the November election, US Rep. Barney Frank, D-Mass., predicted the Democrats would regain seats lost in the 2004 election, and with the rise to power, usher in more liberal legislation.

An increased minimum wage, "more sensible" immigration policies and a better climate for unions were among the issues Frank said would top the agenda for Democrats after they bested Republicans in various races. He also promised more support for same-sex marriage and a cessation of "intrusive" morality-driven legislation.

Speaking to law school students on November 2, Frank proclaimed an end to the "gloom and doom" of the 2004 election.

"Those predictions have proven to be untrue," said Frank, referring to opinion that the Democratic Party shriveled in the last election.

Republicans had it wrong when they took their '04 victory as an endorsement of their agenda, Frank said. The public voted more out of fear, spawned

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Congressman Barney Frank

Celebrating 15 Years of DVI

The law school's dynamic Domestic Violence Institute (DVI) celebrated its 15th anniversary with festivities in October. More than 80 DVI participants — past and present — gathered for a reception and dinner that included a tribute to Professor Clare Dalton, who founded the institute and served as its first executive director. DVI's annual fall conference, attended by an additional 60 law students the following day, covered current controversies in domestic violence and sexual assault prevention.

"When DVI began in 1991, few lawyers were working on behalf of battered women, and none were working to coordinate multidisciplinary services within low-income communities," said Professor Lois Kanter, current DVI executive director. "Partnering first with Casa Myrna Vazquez, and later with Dorchester District Court, DVI secured funding for Boston's first coordinated community response to domestic violence in 1996, which has in turn led to the formation of the Dorchester Domestic Violence Court in 1999 and provided an early impetus for Boston's Family Justice Center, which opened in 2005."

Throughout its history, DVI has established strong ties with local legal services programs and pro bono projects. Perhaps most significantly, DVI was the first law school program to establish a medical-legal collaboration. Since 1993, DVI faculty and students have worked with the medical staff of the emergency department of Boston Medical Center (BMC) to provide on-site advocacy services, and DVI is the only legal program in the domestic violence committee of the Conference of Boston Area Teaching Hospitals.

Most recently, DVI has been at the forefront of a new movement to provide civil legal services to victims who have been sexually assaulted not by intimate partners, but by acquaintances,



Professor Clare Dalton was honored during the DVI festivities.

casual contacts and strangers. DVI faculty and students have supported the development of the Victim Rights Law Center, the nation's first program to focus on the needs of rape victims, which is now being replicated throughout the country.

The festivities included many tributes to Dalton and to the work of the institute, including a video message from US District Court Judge Nancy Gertner. Karin Raye '98, a former DVI clinical fellow, spoke of Dalton's lasting impact on a generation of NUSL students. Two of DVI's most significant community partners, Judge Sydney Hanlon of the Dorchester District Court and Dr. Barbara Herbert, formerly at BMC, paid tribute to the tireless efforts of DVI staff and students.

Read All About It – Law School Launches Online Journals

Professor Wendy Parmet sits alone in her office working on an article about free speech and public health. Somewhere, in Chicago or London or Beijing, another academic or health care expert is wondering about the same issues and begins to search the Internet for information. In the past, only Parmet's published articles were available on the Web. This fall that changed when the law school launched two online journals as part of the Social Science Research Network (SSRN), a consortium that allows scholars to share their research long before papers work their way through the journal refereeing and publication process.

"This new online venue allows our faculty to share their working as well as their published papers, and to spur discussion and feedback from other lawyers and scholars around the world," said Associate Dean James Hackney, who helped develop the law school's two SSRN sites.

The *Public Law and Legal Theory* journal is a research paper series by Northeastern law faculty. The *Human Rights and the*

Global Economy journal is sponsored by the law school's Program on Human Rights and the Global Economy, and includes contributions from scholars worldwide. It's an interdisciplinary forum for posting abstracts, works-in-progress and completed scholarly works in law and policy related areas; it is edited by an international advisory board of leading scholars from several disciplines.

Founded in 1994, the SSRN is devoted to the rapid worldwide dissemination of social science research and is composed of a number of specialized research networks in each of the social sciences. Each of SSRN's networks encourages the early distribution of research results by publishing submitted abstracts and by soliciting abstracts of top-quality research papers around the world. The networks encourage readers to communicate directly with authors and other subscribers concerning their own and others' research. To date, more than 12.5 million worldwide papers have been downloaded from SSRN.

- **Public Law and Legal Theory:** www.ssrn.com/link/Northeastern-Public-Law.html
- **Human Rights and the Global Economy:** www.ssrn.com/link/human-rights-global-economy.html

In Search of a Civil Gideon

The growing movement to expand the appointment of lawyers to provide pro bono legal services to low-income individuals when basic human needs are at stake received a significant boost last August when the American Bar Association (ABA) endorsed the need for what is being called a “Civil Gideon” right.

Named for the 1963 US Supreme Court case *Gideon v. Wainwright*, which established the constitutional right to appointed counsel in state court criminal

cases, advocates for this right seek the appointment of counsel in cases involving such issues as shelter, sustenance, safety, health or child custody.

“Ensuring that there is equal access to justice is one of the greatest challenges facing our judicial system. The ABA’s resounding endorsement of a civil right to counsel is a powerful reminder that we still have a long way to go in making equal justice a reality, and that there is no better time to accelerate our quest than now,” said Professor David Hall, who serves as a member of the ABA commission that initiated the recommendation.

During a celebration of Constitution Day in September, Northeastern law professors David Hall and Martha Davis, along with Professor Russell Engler of New England School of Law, discussed “A Constitutional Challenge: A Right to Counsel in Civil Cases?” Associate Dean Jim Rowan moderated.

“The legal community agrees that it is unnecessary to provide counsel in every case,” said Davis. “Anyone who watches ‘Judge Judy’ knows that some cases



Professor David Hall

concern trivial matters and can be handled without a lawyer. But, as the ABA’s resolution states, cases involving shelter, sustenance, safety and child custody warrant special attention to ensure that the process provided by our judicial system is truly fair.”

In December, in honor of Human Rights Day, the law school’s Program on Human Rights and the Global Economy published a 30-page report, “In the Interests of Justice: Human Rights and the Right to Counsel in Civil Cases,” available at www.slaw.neu.edu/phrge.



Professors Russell Engler and Martha Davis

Canning the Junk Food

Nutrition expert Marion Nestle, a member of the faculty of New York University, focused on junk food marketing to children when she delivered the keynote address at the Public Health Advocacy Institute’s fourth annual conference on obesity, held in November at the law school.

The event, which focused on “Legal Approaches to the Obesity Epidemic – Targeting Kids: The Food Industry and Children’s Diets,” brought together policy makers and lawyers to build a national movement for effective public health policy regarding obesity. Panels explored a wide variety of topics, including the link between sugared beverages and childhood obesity, the industry-created mantra of “personal responsibility,” marketing junk food to children, and potential legislative and litigation strategies to combat the obesity epidemic.

Nestle, author of *Food Politics: How the Food Industry Influences Nutrition and Health*, spoke about how food companies lobby officials, co-opt experts and expand sales by marketing to children, members of minority groups and people in developing countries.

Deans Criticize Pentagon Official

When a senior Pentagon official suggested in January that US companies should boycott law firms representing detainees at Guantanamo Bay, Cuba, Dean Emily Spieler was appalled. She quickly contacted Harold Koh, dean of Yale Law School, and the two co-wrote a letter denouncing Deputy Assistant Secretary of Defense for Detainee Affairs Charles D. “Cully” Stimson’s remarks that executives “are going to make those law firms choose between representing terrorists or representing reputable firms.” Stimson also suggested that some of the law firms were quietly taking money for their services.

“Our American legal tradition has honored lawyers who, despite their personal beliefs, have zealously represented mass murderers, suspected terrorists and Nazi marchers,” said the letter, which was sent to *The Boston Globe* and *The New York Times*. “At this moment in time, when our courts have endorsed the right of the Guantanamo detainees to be heard in courts of law, it is critical that qualified lawyers provide effective representation to these individuals. By doing so, these lawyers protect not only the rights of the detainees, but also our shared constitutional principles.”

More than 150 law deans signed the letter, which led to a number of national news articles and a written apology from Stimson published in a letter to the editor of *The Washington Post*.

| CO-OP COUP |

Riding the Co-op Wave

Peter Alexander '83 Goes Fishing for Students in Alaska

The dean of a public interest-oriented law school goes to Alaska to recruit new students. The usual visits to the University of Alaska in Anchorage and Fairbanks are scheduled. Dinner dates are made with some key graduates. And, of course, there is a visit to a law firm that has been part of the Co-op Program.

But, wait, that's not Northeastern Dean Emily Spieler angling for trout — and potential students — in the land of the midnight sun. It's Peter Alexander '83, dean of Southern Illinois University (SIU) School of Law. What's he doing so far from Carbondale? Taking advantage of what he learned through Northeastern's Co-op Program: Alaska is the only state without a law school and a great place to recruit students.

"Location is our biggest challenge," says Alexander, who took the helm of

SIU's law school in 2003 after serving on the faculty of the Dickinson School of Law (now merged with Penn State) for 11 years. Under Alexander, SIU has increased its LSAT and GPA medians, and more than tripled its number of students of color. But geographic diversity and recruiting top students interested in the school's public interest mission remain among his top priorities. "Most of our students come from and want to stay in the [Illinois] region," he says, noting that he's working hard to get the word to out-of-state applicants that residency, and the low \$8,880 annual tuition that goes along with it, can be achieved in just six months.

In Anchorage, Alexander handed resumes of current SIU students to Stan Lewis, his co-op supervisor 24 years ago. He also visited SIU's four graduates in Anchorage and convinced at least one

prospective student to apply. But, Alaska is just the tip of the iceberg when it comes to Alexander's recruiting efforts. "I go to the national forums," says Alexander, and he's often the only dean in attendance. He likes to personally connect with potential students, letting them know about the small class size at his law school (400 students total), and SIU's commitment to professionalism and ethics.

For the potential student who balks at moving to the Midwest, Alexander points out that going to school in Illinois has its benefits. He speaks from personal experience: he's a native New Yorker who attended SIU as an undergrad. "It was my one act of teenage rebellion," he recalls, flying in the face of his parents' desire for him to attend an East Coast college. "Now, I'm helping to shape the legal education of future lawyers."

Law School Hosts a Working Conference

In November, more than 80 graduates came together for the law school's first conference focused on labor and employment issues. Spearheaded by Mark Irvings '75, the event included three

panels featuring graduates who are leading experts in the field.

A panel on "Immigrant Workers" included a discussion of both documented and undocumented workers' issues, and related doctrinal issues. Other panels included "Lawyering from Within," which focused on union and employer in-house counsel when dealing with colleagues and

outside counsel; and "A Dialogue of Neutrals," which featured a dialogue among judges, arbitrators and mediators on settling, managing and deciding cases.

"We should all be proud of the indelible imprint that NU grads have made and continue to make on our field," said Professor Karl Klare, one of the nation's leading labor law experts.



A Worldly Approach

GLOBALIZATION ISN'T JUST
"THERE" ANYMORE, IT'S
HERE, AND NORTHEASTERN
IS EMBRACING A NEW
VISION OF LEGAL
EDUCATION

BY ELAINE McARDLE

On the lush eastern coast of Sri Lanka, in a tiny fishing village of coconut trees and azure water just north of Batticola, Megan Bremer '07 sat cross-legged in a jungle clearing. Along with a local lawyer acting as translator, Bremer was surrounded by two dozen women who'd been displaced by the civil war and were eager to learn if they could regain ownership of their family land. Just as Bremer and her colleague were about to launch into a series of questions, a woman leapt to her feet and whipped out a machete.

"And whoosh! She cracked open a coconut, and we were all drinking fresh coconut juice," recalls Bremer, who in that summer of 2004 was on co-op with the Centre for Policy Alternatives in Columbo, Sri Lanka, and who will graduate this year with a joint JD and master's degree in public health from Tufts University.

As the group shared the refreshing milk, Bremer tried to understand the particular circumstances of each woman, including how she'd been driven from her home and whether she had any evidence to support her claim to land. Such proof was extremely rare, Bremer found; most locals never possessed paperwork indicating ownership, or else it was destroyed during the war. And the group faced more serious obstacles: there are three competing legal systems in Sri Lanka, none of which





provides many property rights to women. Meanwhile, their husbands were long gone, conscripted into the fighting or quite possibly murdered.

For Bremer, the experience demonstrated the practical problems of applying the rule of law in a way that no classroom lecture alone ever could.

"In first-year law, you study about having jurisdiction to bring a case," she explains. "But until I was in that situation, I didn't fully understand what it meant to try to get jurisdiction somewhere, and what it meant to have a conflict of jurisdictions." Simply crossing from one claimed territory to another was dangerous, often deadly, for these women, Bremer adds. "And the fact that each [of the three warring factions] has its own legal system — where do you bring the case? If you brought it in one jurisdiction, what would happen if the women needed it enforced in another? You really see how these questions affect people's lives."

For Bremer and a growing number of Northeastern students who choose international co-ops, such experiences are providing invaluable lessons in globalization, today's hottest topic in legal pedagogy. The interdependence of nations and their legal systems is no longer disputable, and law schools across the country are grappling with increased demand from students for an international perspective in both private and public law. Some are responding with promises of more global-oriented courses and faculty with international experience, others with offers of summer programs abroad. Yet long before the recent rush among the legal academy, Northeastern was a quiet leader in infusing a global perspective in legal studies.

Reaching Wide and Deep

Thirty-plus years ago, Dan Schaffer was one of a tiny group of American lawyers involved in the esoteric niche of international tax law, of interest to but a handful of specialty businesses. When Schaffer joined the law school faculty as a tax professor in 1970, "no one thought there was any need for an international tax course — including me," recalls Schaffer.

Last year, Schaffer finally launched an international tax course, one of a growing number of international and comparative law courses the school has added in recent years in response to faculty interest and student demand in the face of globalization. "There's no question it's needed now," insists Schaffer. "Any domestic company is likely to run into global issues — whether it's exporting goods, dealing with foreign IP rights and copyrights or involved in securities regulations overseas."

But corporate and business interests aren't the only ones recognizing the ineluctable importance of globalization, he adds. According to Schaffer, "It's hard to imagine an area of law today in which international law doesn't touch." For some years now, in an organic process that grew naturally from the increasing importance of globalization to the legal profession and the clients they serve, the School of Law has quietly but steadily incorporated a global

perspective into many existing law courses while at the same time adding new international courses, expanding international co-ops, and continuing to support the rich and varied international work of a high percentage of faculty.

"This is a wide-cast net," says Dean Emily Spieler, a vigorous proponent of a globalized perspective at the law school. "It's a multifaceted way of addressing the fact that the world we live in has changed."

Faculty interest in international issues has led the charge. Some two dozen faculty, an unusually large percentage for any law school, have long focused on global issues and related scholarship, Spieler notes: from Brook Baker's internationally recognized expertise on pharmaceuticals and access to HIV in third-world countries, to Dan Danielsen's work in transnational regulation and governance, to Lucy Williams' work on women and poverty in Nigeria, and Margaret Davis' focus on the

“It’s a growing recognition that we live in a global world and students will be encountering issues that require them to think internationally.”

Dean Emily Spieler

interrelationship between domestic civil and international human rights. Steve Subrin and Margaret Woo authored a text on American civil procedure for the Chinese legal community; Margaret Burnham was appointed by Nelson Mandela to investigate human rights violations in South Africa; and Karl Klare, a renowned expert in employment and human rights, has actively participated in discussions and debates with lawyers and judges concerning the drafting and interpretation of the new South African constitution.

"The faculty increasingly see the US as part of a global world, as opposed to, 'It's the US and then those other countries,'" says Spieler. One important component of this approach, she says, is that professors are integrating international norms into questions of domestic law, something almost unheard of 20 years ago. "It's not an add-on notion," she says, of merely increasing the number of international courses in the curriculum. "It's a growing recognition that we live in a global world and students will be encountering issues that require them to think internationally. We are incorporating that approach into everything the school does."

As the importance of a global perspective for today's lawyers becomes increasingly urgent in every realm, from human rights issues to corporate and financial work, Northeastern has vigorously stepped up its efforts.

"We're in a transitional time right now," says Spieler, speaking not just of Northeastern, but of all law schools and the legal profession. "It's very clear at this point that we all live in a world in which we can't ignore the rest of the world in anything we do. Whether we work locally or not, we have to think globally."

Transcending Borders

The school's global perspective includes four prongs. First, with enthusiastic support from the faculty, the law school is embedding a global approach throughout the curriculum so that students recognize the relevance of a transnational approach to even the most parochial of domestic legal issues. "When someone is teaching property of corporations or labor law, they can also provide context about international treaties, about comparative law, so students understand where US law deviates from the norms in other places," Spieler says.

Second, the school is expanding the number of international courses it offers. This includes Schaffer's course in international tax and an offering in international criminal law, as well as a large number of longer-standing courses including international human rights, international business regulation, law and economic development, comparative constitutional law, and immigration.

Third, the rich scholarship of the faculty will continue to be supported by Northeastern, Spieler says. "The work the faculty is doing is really extraordinary," she says, launching into the long list of projects and wide variety of global topics the faculty are addressing, from recent law review articles, like Martha Davis' "The Spirit of Our Times: State Constitutions and International Human Rights," published in *New York University Review of Law & Social Change*, and Rashmi Dyal-Chand's "Reflection in a Distant Mirror: Why the West has Misperceived the Grameen Bank's Vision of Microcredit," in the *Stanford Journal of International Law*, to Dick Daynard's international leadership in combating tobacco and child obesity.

Where Northeastern stands apart, however, is the fourth prong: its unique international Co-op Program, where students gain first-hand experience with foreign legal systems and how they relate to US regulations and approaches. While there are more and more prospects for growth in this area, students have already taken advantage of more than 100 opportunities in more than 50 foreign countries, from private law firms in Australia and Turkey to human rights organizations in Tanzania and Jamaica.

Unlike the summer abroad programs offered at other law schools, Northeastern's co-ops are longer, far more intense and more practical, with greater long-term ramifications. As the jewel

“We must prepare our students for an increasingly multinational economy and the accompanying disputes that often transcend national borders.”

Professor Margaret Woo

in the school's international focus, the Co-op Program is the center of increased attention and resources, Spieler says, including joint work with the school's Program on Human Rights and the Global Economy (PHRGE).

The law school's four-pronged approach will provide international training for today's lawyers that a generation ago was unimaginable and considered unessential, says Spieler. Today's clients, even local businesses, need a lawyer with global expertise. Nor are the private and public sectors isolated from each other; their connections must be analyzed and applied so that someone working for a human rights NGO will know how the trade regime affects their work.

"We must prepare our students for an increasingly multinational economy and the accompanying disputes that often transcend national borders," says Professor Margaret Woo, an expert in international and comparative law with a focus on China, and co-director of PHRGE. By exposing students to a wide array of regulatory, cultural, economic and social schemes throughout the world, and analyzing how they relate to each other and filter down to local issues, graduates will be far more effective in legal practice, she and others believe.

"I think there will be a lot of jobs for such people, who can talk across legal regimes," says Professor Dan Danielsen, an expert on international law and co-director of PHRGE. "This is a very vigorous effort, and it's an exciting time."

Moving Forward

A few years ago, a human rights interest group was convened among the faculty to assess who was doing related work and the extent of their scholarship. It turned out that no one had fully realized just how many were involved in international issues.

"Twenty-two faculty showed up. It was at that point we realized the extent of the interest level," recalls Professor Hope Lewis, a specialist in international human rights law who helped organize PHRGE.

Although Lewis and others had supported international and human rights work for more than a decade, notably bringing to campus prominent legal experts from other nations, that meeting sparked a recognition of the school's rich faculty resources. "Even though some other schools have more high-profile [international] programs, in fact we have more faculty actually engaged in real work than at a lot of these other schools," adds Danielsen.

At the same time, surveys of prospective and enrolled students showed that international and human rights law were among the top areas of interest, suggesting that the school should both recognize its existing faculty and other resources, and increase its efforts to meet student demand.

Continued on page 26

Follow Me Where I Go ...



- 1 Iraq Refugees (photo: Kevin McKiernan);
- 2 Josiah Pierce '02, Bogota, Columbia (photo: Dennis Drenner);
- 3 Sri Lanka (photo: Jana Rumming '04);
- 4 (photo: Mark Gabrenya);
- 5 Carmelyn Malalis '01 (photo: Sarah Shatz);
- 6 Margaret Woo (photo: David Leifer);
- 7 Amy Bowden '01, Malaysia (photo: Bazuki Muhammad);
- 8 School of Law students (photo: David Leifer);
- 9 Jessica Jones '07 (photo: Fernald/Gray);
- 10 Allison Gill '03, Pakistan (photo: Kate Brooks);
- 11 Jana Rumming '04, London (photo: Nicola Kurtz);
- 12 Sri Lanka (photo: Jana Rumming '04);
- 13 Yohannes Assefa '01 (photo: Young Jang).



All Over the Map

At **Northeastern**, students have the opportunity to gain invaluable international legal experience by completing one or more co-ops in the areas of public or private international law. Students typically develop their own international law co-ops, matching their geographic and substantive legal interests with employers throughout the world. This map illustrates the numerous international co-ops developed by our law students in US states and territories and countries worldwide. We also include a selected list of employers.



Kimberly Anderson '08
Anastasia Dubrovsky '08

Co-op fall 2006

**Rocky Mountain
Survivors Center**
Denver, Colorado

The Rocky Mountain Survivors Center assists survivors of torture and war trauma, and their families, in building new lives in the United States.



Association for Civil Rights
Jerusalem, Israel

Auckland District Court
Auckland, New Zealand

Baker & McKenzie
Moscow, Russia

**Center for Human Rights
and Environment**
Cordoba, Argentina

**Center for Justice and
International Law**
San Jose, Costa Rica

Centre for Policy Alternatives
Colombo, Sri Lanka

**Centro De Los Derechos
Del Migrante, Inc.**
Zacatecas, Mexico

Coudert Freres
Paris, France

Fidelity International
London, England

**Florence Immigrant and
Refugee Rights Project**
Florence, Arizona

**Food and Agriculture
Organization of the
United Nations**
Rome, Italy

**India Centre for
Human Rights and the Law**
Mumbai, India

J.P. Morgan Securities, Asia
Hong Kong, China

**Kenya Human Rights
Commission**
Nairobi, Kenya

Legal Resources Centre
Johannesburg/Durban, South Africa

Liberia Democracy Watch
Monrovia, Liberia

Liberty
London, England

Oxfam America
Boston, Massachusetts

**Political Asylum/Immigration
Representation Project**
Boston, Massachusetts

Rocky Mountain Survivors Center
Denver, Colorado

David Pitler '07

Co-op summer 2006

Liberty

London

Liberty is one of the United Kingdom's leading human rights and civil liberties organizations.



Chelsea Loughran '07

Co-op fall 2006

AIDS Law Project

Johannesburg, South Africa

The AIDS Law Project researches and litigates issues involving AIDS-related social, legal and human rights.

Supreme Constitutional Court
Cairo, Egypt

Tilleke & Gibbons International
Bangkok, Thailand

UNICEF, Child Protection Unit
Darfur, Sudan

United Nations High
Commissioner for Refugees
(UNHCR)
Islamabad, Pakistan

United States Court of
International Trade,
New York, New York





Beyond Borders

BY HUDSON SANGREE '00

NORTHEASTERN ADVOCATES INSIST ON

A MORE GLOBAL VIEW OF IMMIGRATION LAW

Professor Hope Lewis sees a world in motion, with people fleeing war, escaping oppression and striving for better lives for their children.

"Sometimes when people talk about globalization, they only think about multinational corporations or international trade," Lewis says. "But they're not thinking about the movement of people, which is a huge aspect of globalization. Think about what's happening in Sudan and Chad. Think about the thousands from Africa who die in rickety boats trying to find work in Europe. People escaping tsunamis, hurricanes and genocide. People who are desperate to escape violence, poverty and natural disasters."

The founding faculty director of Northeastern's Program on Human Rights and the Global Economy (now run by Professors Martha Davis, Margaret Woo and Dan Danielsen), Lewis says we live in an era where money and industry flow freely across international borders, and people must follow

capital to survive. She is taking on these issues in a book project for the University of Pennsylvania Press Human Rights series called *Black Without Borders: Race, Migration and Human Rights*.

Like other Northeastern lawyers who work with migrants, Lewis argues that we need to better understand the worldwide economic and political forces that push people from one nation and pull them to another. Such a broad view, they contend, better comprehends global migration and helps us to shape immigration law to be more compassionate and consistent with human rights. By looking at the experiences of migrants, Lewis argues, we can also broaden our understanding of human rights law.

Lewis says global economic changes can drive small farmers from their land, deplete a country's human resources and contribute to violent conflict. They can leave generations of children without mothers, as women from developing nations emigrate to wealthy countries to care for the children of others. An expert on human rights issues facing Caribbean-American women, she calls such immigrants "overlooked but significant actors in the global economy."





"My focus is on their economic, social and cultural rights — whether they have living wages," Lewis says. "Whether they are working under safe conditions. Will their kids have access to education and health care? But on a deeper level, the issues must be seen in global context. The human rights of migrating women and men are affected by their home countries, by their 'host' countries and by economic policies that straddle both. We have to look at things like the effects of global trade policy on the human rights of transnational migrants instead of simplistic calls for greater 'border protection.'"

Lewis is not alone in her thinking. The School of Law has dozens of graduates in private practice and nonprofits working in immigration, asylum and refugee law, and the human rights of migrants. Every year, Northeastern law students take off for far parts of the world to pursue co-ops with international aid and human rights groups, or travel throughout the US to work with advocates for immigrant communities.

From There to Here

As immigrants today stream across borders, searching for economic opportunity and fleeing chaos, borders have become increasingly porous. More and more politicians and advocates contend that the United States must catch up with this reality, that the federal government needs to revamp its immigration practices — to soften harsh and often arbitrary enforcement, and to recognize the realities of the modern world.

Among those leading the charge are Northeastern graduates heading some of the nation's top clinical programs. Daniel Kanstroom '83, director of the Boston College Law School Immigration and Asylum Clinic, suggests more of the world might eventually become a place where international borders have less significance. "Many of us are trying to think beyond the state, to think about the world in a more fluid way, which is how it is experienced by many people," he says. "Borders are becoming increasingly anachronistic but still have power."

People have been crossing the Mexican border without documentation for generations, both to earn money and escape persecution, Kanstroom notes. Large segments of the economy, such as California's agriculture industry, rely on the low-wage labor of undocumented workers. Under the law, however, the Mexican border is a boundary that cannot be crossed without risking jail and deportation. The law and reality need to be more in sync, he argues.

Carolyn Patty Blum '76, who founded the clinical program in immigration and asylum law at the University of California, Berkeley, echoes Kanstroom's remarks. "There is clearly a crying need for immigrant labor in the US work force, which should be recognized and celebrated," says Blum, who now works for the Center for Constitutional Rights in New York City and teaches Refugee Law at Columbia Law School.

"Borders barely exist at all between European nations. Something like that could happen in North America. The problem, of course, is that there's such a vast economic disparity between the US and Mexico," says Kanstroom. "The irony is you have this mass migration anyway into the US. The erosion of the southern border is pretty well accepted and established. So what function is it serving?"

The concept of borders as hard lines separating one country from another is out of touch with reality, and nearly as simple-minded as the proposal to build a 700-mile long border fence between the United States and Mexico, Kanstroom continues. "That you could build a Great Wall of China and have it function in the modern world is silly," he says. "We have to come up with something else."

"Down here on the border you really see the impact of the government's refusal to have a rational policy that would allow people to come to the US safely," says Barbara Hines '75, who heads the immigration clinic at the University of Texas School of Law. "We live in a global economy, and people are now moving in the same way that capital moves. But we refuse to provide a legal, safe way for people to come for jobs. There's an incredible shortage of workers, but they have to come across the desert and risk their lives, and if they get here, they can have a job."

Things seem to be getting worse for illegal immigrants, Hines

says. Many Central American families coming to the United States to work and escape turmoil at home are now detained in prisons in Texas and Pennsylvania, with children wearing jail uniforms that match their parents' prison clothing. "This is the new model," she says. "Regardless of what you think of people coming to the US without documents, children should not be put in prison for any reason."

Alexandra Minnaar '07 saw

this first hand during her co-op last fall at the Florence Immigrant and Refugee Rights Project in Florence, Arizona, about halfway between Phoenix and Tucson. The center works with non-citizens in detention — either lawful residents facing deportation because they committed a crime, or those who crossed the Mexican border illegally and are facing removal.

Minnaar said a significant portion of those she saw being deported as criminals were young people, including many young men from Central America, who had lived in the United States since they were small children. "They came with their parents and found themselves in removal proceedings to be deported to a country they really didn't know anything about," she says.

One woman whom Minnaar represented had been living in the United States for 50 years, since she was 5. A resident of Tucson, she was homeless, paranoid schizophrenic and had been convicted on drug charges. Authorities were determined to deport her. Lawyers who Minnaar worked with were eventually able to stop the deportation proceedings. "Through the process, we were able to reconnect her with her family and things are looking hopeful," Minnaar says.

“Many of us are trying...
to think about the world
in a more fluid way, which is
how it is experienced
by many people.”

Daniel Kanstroom '83

McKiernan and the Kurds



Kevin McKiernan '79 in northern Iraq with guerrillas fighting the regime of Saddam Hussein, 1998.

The United States treats Kurds from Iraq, who battled Saddam Hussein, as valuable friends. The US treats Kurds from Turkey, who have fought the American-armed Turkish military, as terrorists and enemies of a strategic ally.

It's a paradox that journalist Kevin McKiernan '79 has explored in an award-winning PBS documentary, *"Good Kurds, Bad Kurds"* (2001), and now in a book, *The Kurds: A People in Search of Their Homeland* (St. Martin's Press, 2006).

"The book is about a sweeping journey I made starting 15 years ago to countries where the Kurds live in the Middle East," says McKiernan. The region known unofficially as Kurdistan covers portions of Turkey, Iran, Iraq and Syria. Numbering around 25 million, the Kurds are the largest ethnic group in the world without a homeland.

McKiernan, a freelance journalist, filmmaker and photographer, started out working with a humanitarian aid organization from his hometown of Santa Barbara, California, to bring medical supplies to the Kurds, and then decided to cover them as a journalist. "I put on my reporter hat, and started covering a story I knew nothing about," he says. "Out of that came the movie."

The film won best documentary awards at film festivals in Atlanta and Rhode Island and the audience award at the Denver Film Festival. *Variety* called it a "superior example of intrepid journalists going into war zones to get the story."

His book, released in March, has also received high praise. *Publisher's Weekly* gave it a starred review and called it "groundbreaking." McKiernan's engrossing tale — told in the first person — brings to life a population that, despite its geopolitical importance, has rarely been covered so thoroughly for a general audience," it said.

McKiernan began his career as a radio reporter for National Public Radio, covering the American Indian Movement occupation of Wounded Knee, South Dakota, in 1973. The



Kurds flee B-52 bombing in northern Iraq, March 2003.

experience resulted in a PBS "Frontline" documentary, "The Spirit of Crazy Horse," and a Pulitzer-prize nomination in spot news photography from the *Minneapolis Tribune*. After law school and stints as a public defender and legal services attorney in Massachusetts, McKiernan moved to California and focused again on journalism. He has traveled the globe as a foreign correspondent, including covering the Iraq war for ABC news. His stories and photographs have appeared in *The New York Times*, the *Los Angeles Times*, *Time* magazine and other major publications. *H.S.*

Give Me Your Tired, Your Poor ...

Kanstroo says such experiences are commonplace. Since 1996, and increasingly after the terrorist attacks of 9/11, the federal government has taken a hard line on crimes committed by non-citizens and forcibly deports tens of thousands of individuals each year, often without providing them a lawyer or even a hearing, he says.

In his book being published this spring by Harvard University Press, *Deportation Nation: Outsiders in American History*,

Kanstroo tells the story of Edna Borges, a 23-year-old mother from Dorchester who, on an August day in 2003, walked off the street and into a nightmare.

An emigrant from a Cape Verdean family and a lawful permanent resident, Borges came to the United States with her parents from Portugal when she was a toddler. At 17 she was arrested for shoplifting a few hundred dollars worth of clothes. She was convicted, given six months probation, and required to check in with immigration authorities every few months.

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Living by the Rule

US JUDGES AND
LAWYERS REACH OUT TO
COLLEAGUES IN DEVELOPING
COUNTRIES WITH LESSONS
LEARNED FROM DEMOCRACY AND
THE RULE OF LAW

BY TRACEY PALMER

no offices. No computers. Intermittent electricity. No staff. No access to copies of other judges' opinions or even the current laws. Little or no ongoing training. No access to law journals. No Westlaw. No Lexis.

It's hard to imagine, but in much of the developing world, judges operate under these types of constraints or worse. Such dismal conditions don't make for good law. In international law circles, it's widely agreed that this needs to change: that those who preside over the courts in less-developed countries need better working conditions along with higher pay and more reliable government support. And that's just the tip of the iceberg. "Change is critical," says Judge Delissa A. Ridgway '79, "not just for the sake of the judges, but also for the future economic development and stability of their societies."

As a member of the US Court of International Trade, which has exclusive nationwide jurisdiction over customs and international trade cases, Ridgway knows that when judges and lawyers are adequately trained and equipped, and the law is predictable and consistent, then international trade, foreign direct investment, market growth and long-term sustainability follow.

"Being a judge historically has not been viewed as a position of power or prestige in many countries. Even judges themselves often don't appreciate the ripple effect their rulings may have not only in their home countries but also in the global arena. The point is this," she says, "as a judge in one of these countries, you can view yourself as deciding a single small case, or you can see it as literally building the economy of a country. It can have a tremendous effect on your country and the world economy."

"You cannot have a viable socioeconomic system without a solid judiciary," agrees US District Judge Janet Bond Arterton '77. "Somehow, somewhere, that is an important part of the development of a country." Arterton, on the bench in the District of Connecticut, is a member of the US Judicial Conference Committee on International Judicial Relations and is liaison to Africa for judicial education and training for the State Department Bureau of Democracy, Human Rights and Labor.



Leocadia Zak '82, deputy director of
the US Trade and Development Agency



She has developed and participated in judicial observation programs for judges from Korea, Surinam, Russia, China and Cambodia. Arterton, like Ridgway, does this work because she believes that foreign aid and handouts alone have not, and cannot, solve the problems that plague poor countries.

"I'm a real believer that a part of the essence of what is meant by judicial independence, and a strong system that guarantees predictable sustainability, is enhanced by having judges be a resource for each other. I happen to think that our federal judicial system is one of our best exports," says Arterton.

Ridgway also regularly advises developing countries and their judges, lawyers and business communities on international law, the rule of law and commercial law reform through her work on behalf of a long list of organizations like the US Department of Commerce's Commercial Law Development Program (CLDP), the ABA's Central European and Eurasian Law Initiative (CEELI), the US Department of State, the US Agency for International Development (USAID), and the Organization for Security and Cooperation in Europe (OSCE).

"You are the future of this country," Ridgway tells her foreign counterparts, because she wants them to understand the power of their influence.

Exporting the Rule of Law

What constitutes a crime? What happens when a law is broken? Do the penalties apply equally? In some countries, citizens, lawyers and even judges cannot answer these very basic questions. In the US, the rule of law is universally accepted as the foundation for economic and societal success and stability. But in many developing countries, the law is often unclear, unenforced or randomly applied. And in international disputes, decisions are more often than not in favor of the home party — a practice that ultimately hurts economic growth and development, says Leocadia Zak '82, deputy director of the US Trade and Development Agency (USTDA).

"It's hard to get businesses involved if there isn't a regulatory environment to protect them," says Zak, whose agency is charged with advancing economic development and US commercial interests in developing and middle-income countries. "To have



The Honorable Delissa Ridgway joined the US Court of International Trade in 1998.

investment from the outside, it's very important to have a transparent regulatory system," she says, calling this rule-of-law-building work "capacity building," or developing the "ability of a country to handle trade."

Zak's goal is to encourage economic development around the world with US investment and partnerships among home institutions and US businesses. This multipronged approach, Zak says, creates more sustainable growth. "If we just went in, provided aid and assistance and walked away, I'm not sure it would be so sustainable," she explains.

Last year, with the help of US investors, USTDA completed a business plan for the American University of Afghanistan and established a regulatory framework for the Afghan telecommunications industry, just five years after the Taliban was forced out of power.

"We have to use business as a resource to fund these economic development projects," Zak says. "I never would have said this at Northeastern, but we really need to get the private sector to help out. And they have."

New York attorney and Ethiopian native Yohannes Assefa '01 agrees. As vice-chairman of the International Law Section of the National Bar Association, Assefa has returned to Ethiopia numerous times to teach local lawyers about trade and

“...you can view yourself as deciding a single small case, or you can see it as literally building the economy of a country.”

Delissa Ridgway '79

development. Instead of shiploads of wheat, he says, the United States would do better to send a law professor to Africa to teach and train 100 lawyers.

“Donated food is destroying local markets,” he says. “Africa needs assistance, not handouts. They have a hunger to participate in the global marketplace, not to be dependent.”

Assefa points out that when it comes to fostering long-term sustainability, education and capacity building go hand-in-hand. “Trade restrictions prevent poor countries from exporting their goods and selling their farm products,” he says. “They need trained lawyers and trained business people — trained human capital — to open markets.” In a the new global economy “we need to move out of the old box as to what we think of lawyers and what they do.”

Not like US

But the rule of law is all in how you define it. For instance, most of Europe, and indeed much of the rest of the world, operates under a civil law system governed by a comprehensive written code — and that’s just one point of differentiation from the US/British common law tradition, which relies extensively on non-statutory case law precedent. Judicial systems around the world are as diverse as the people who abide by them, which is why experts like Professor Brook Baker argue that the US approach is not right for everyone.

“We need a more nuanced understanding of rule of law,” says Baker; one that takes into account social and historical context. Baker, who has taught and consulted extensively in South African law schools and clinics since 1997, particularly on issues of multiculturalism, human rights and HIV/AIDS, says US-style law is primarily organized to manage business. It’s a poor fit for countries steeped in poverty and degraded human rights.

“Property-oriented globalization” is only one approach, Baker says. “Another version is a rule of law that promotes democracy, redistribution and human rights — the right to housing, health care and education.” Baker argues that “corporate-friendly rule of law” tends to advantage local elite, international business and US industry. “In a way, it’s a false promise,” he says, noting that in South Africa, which has pursued investor-friendly rule of law, there is more inequality now than before apartheid. “A rule of law that helps all the people all the time is mythology.”

Professor Margaret Woo, who focuses her efforts in China, takes another view. Whether or not US-style rule of law will work in communist China is a “tough question,” she says. “However, rule of law is found all over Asia — Taiwan and Japan are examples — and so, I believe it can be established in China as well.”

Born in Hong Kong, Woo has reason to be optimistic. She and fellow law school professor Stephen Subrin assisted with a scholar’s draft of the latest revision of the 1992 Chinese civil

procedure code, a project funded by the US-China Legal Cooperation Fund. Afterwards, they co-wrote a book, published only in Chinese, *The Nature of American Civil Procedure in Historical, Cultural and Practical Perspectives*. Their most recent book, *Litigating in America: Civil Procedure in Context*, is specifically written for foreign lawyers, judges and law students.

Additionally, Woo is working with the clinics at Peking University on a program that sponsors law education classes in a rural county outside of Beijing. “Rule of law reforms require both legislative as well as cultural change,” says Woo. “I think the most challenging aspect of legal and judicial reforms in China is recognizing that enduring change comes very slowly. Given the geographic size and large population, change cannot be mandated

from the top down, but rather, must come more incrementally from the ground up.”

But fostering change in China can be dangerous, adds Subrin. The Chinese judge who worked with him and Woo on drafting the revised civil procedure codes “was one of the few civil procedure teachers to survive the Cultural Revolution,” he points out.

Working for judicial change certainly isn’t for the faint of heart. Just ask Ridgway. In early August 2006, hostilities in Israel and Lebanon were intensifying, and Ridgway was in the thick of it, giving the keynote at a CEELI seminar for women lawyers and judges in Yemen. In Bosnia, she was part of the first delegation of foreign judges into the country, and the only US judge there after the Dayton Accords, when she conducted post-conflict training for Bosnian judges. After 9/11, she flew to Cairo to train Iraqi judges. Given the level of instability in today’s world, especially in the Middle East, she believes the end result is worth the risks,

that it’s critical to help troubled countries make meaningful legal reform. The rule of law, she believes, can do more for peace and security than guns and bombs.

“People don’t care about voting unless they can eat,” she says. Many in the Middle East are “very angry, frustrated and disengaged. Programs that build capacity and promote democracy and the rule of law will help break the cycle of poverty and grow opportunity.”

In Armenia, Amy Righter ’97, is hoping her efforts with CEELI will help the fledgling democracy establish its own public defenders office from the ground up. Wedged between Turkey and Azerbaijan, with its borders currently open only to Georgia and Iran, Armenia remains at the center of a region with a long history of violence and human rights abuses. Righter’s Herculean task includes developing a budget, locating adequate facilities, introducing technology and teaching advocacy skills.

“We’re starting from scratch,” Righter says, but she’s not daunted. An eight-year veteran of San Joaquin County’s Public Defenders Office, Righter is a longtime champion of the underdog.

Continued on page 27



New York attorney and Ethiopian native Yohannes Assefa '01



Here, There and Everywhere

From human rights to
cross-border commerce,

seven graduates find a niche in international law.

BY JERI ZEDER

Melissa Hoffer '98

Blinding sunlight glares off the white gravel path leading to a shed in an area surrounded by a chain link fence and topped with razor wire. A soldier in full battle dress escorts Melissa Hoffer '98 inside. There, she meets a slightly built, Arabic-speaking man. His hands are free, but his feet are shackled



to the floor. He's in his fourth year of imprisonment at Guantanamo, with no end in sight. He has yet to be charged with a crime.

This is Hoffer's first trip to Guantanamo, a world away from the plush Boston offices of WilmerHale, where Hoffer is a junior partner. Her specialty is environmental law, and she's called on frequently to speak about nanotechnology — engineering on the atomic and molecular level — a new field potentially involving unknown environmental and health risks. "I track the evolution of environmental regulation of these materials and voluntary standards development and recommend ways to navigate uncertainty resulting from the absence of a well-developed body of toxicological data and regulatory guidance," she says.

So what's an environmental lawyer doing at Guantanamo? In the summer of 2004, the Center for Constitutional Rights (CCR), which advocates for Guantanamo detainees, sought assistance from WilmerHale. "A partner asked me if I was interested. I said, 'sure,'" Hoffer recalls.

Hoffer and her team filed *Boumediene v. Bush* in the DC federal district court, seeking habeas corpus on behalf of six Bosnian Algerian men. After 9/11, the US alleged the men were plotting to blow up the US embassy in Sarajevo and insisted the Bosnians arrest them. After a three-month investigation in Bosnia, the Bosnian prosecutor recommended their release, and the Bosnian Supreme Court so ordered. "The US heard of the pending release," says Hoffer, "and pressured the Bosnians into handing



the men over to US custody on January 18, 2002, as they were walking out of prison. They were hooded, gagged, bound and place in vehicles. Their wives haven't seen them since." Among them, they have 20 children.

For security reasons, the case is under protective order. Hoffer must turn her client interview notes over to the government, which secures them at a facility near Washington, DC. The notes are subject to clearance by a government "privilege team." "I have to fly down there anytime I want to look at anything in the file," Hoffer says.

Hoffer likens the Guantanamo cases to the important jurisprudential landmarks *Korematsu* and *Brown v. Board of Education*. Her passion is equaled only by her frustration. "We are supposed to be a country under the rule of law," she insists. "You can't detain someone indefinitely without charge. But that's exactly what the government is doing here."

PHOTO: JODI HILTON

Amy Bowden '01

Ten-year-old Amy Bowden '01 watched her father, a principal in Canajoharie, New York, turn a crumbling high school into what she calls a "beacon of hope" for an entire community. "Where I saw collapsing ceilings, undervalued education and unalterable poverty, my dad saw potential to improve people's lives," Bowden says. Like her father, Bowden aspires to "improve my little piece of the world and build my own beacons of hope."



She's doing just that as a legal consultant to the Chin Human Rights Organization (CHRO) in Chiang Mai, Thailand, home to several Burma-focused advocacy groups. Bowden met many Chin and other Burmese refugees when she worked as a legal services lawyer at the Refugee and Immigration Center for Education and Legal Services in San Antonio, Texas. A persecuted minority from Burma, the Chin people have fled violence and discrimination, making their way to Malaysia, India and the US. Bowden focuses on Malaysia, where the Chin languish in legal limbo, unprotected by the United Nations and barred from the US by over-broad legal strokes of the USA Patriot Act.



The Chin live in dismal conditions, without access to jobs, shelter or education, and suffer harassment, raids and arrest by Malaysian authorities and corrupt, mercenary enforcement groups.

Bowden was swept up in a raid herself last fall. "I was pulled out of bed at 3 am by a brawny officer along with the two new female staff members I shared a room with, and all my colleagues and friends at the Chin Refugee Center," Bowden says. "Wearing my pajamas, we were forced to line up. They marked our arms with a big 'C' [for Chin]. Then we were led out to the parking lot where 2,000 others had similarly been awoken during the middle of the night for a 'routine document check.'" Two hundred people were ultimately carted away for detention and deportation.

"The dangers I face are certainly nothing compared with those faced by the Chin community on a daily basis," Bowden says. She advocates on behalf of refugees and asylum seekers because she believes they need it the most. "Basically, we are doing everything possible to encourage, demand and influence the protection of the Chin people and to ensure the struggles of the Chin people do not go unheard," she says. That includes writing reports, drafting statements, preparing urgent actions, issuing press releases, meeting with NGOs and refugee advocacy groups, and promoting self-sufficiency among the Chin. "The consequences are literally life and death," she says. "What could be more important than that?"

Garth Bray '93

From the London office of Sullivan & Cromwell, where he is a partner, Garth Bray '93 orchestrates complex, non-hostile mergers and acquisitions that are subject to the laws of multiple countries, and cover everything from corporate and fiduciary issues to labor standards, employee protection rules and environmental regulations. Just how complicated can it get? Bray says he recently spent six months representing an electronics company in Amsterdam, which sold off its semiconductor business through an auction process. To complete the job from start to finish required several trips to Amsterdam and input from a grand total of 100 lawyers.



"Sullivan & Cromwell has had a significant European practice going back many years, but when I moved to London in 2000, we were beginning to build a dedicated European mergers and acquisitions practice," Bray says. "I have been part of that effort, and am the deputy head of our European M&A [mergers and acquisitions] group. We have built this practice area into a very successful M&A team."

Bray loves the variety of this job: traveling and working in countries across Europe, representing diverse groups of clients and shepherding transactions over the terrain of

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Josiah Pierce '02

Colombia, a country plagued by drug trafficking, narco-terrorism and armed groups, is a black market partner with the US in cocaine. "They are the supplier; we are the demander," says Josiah Pierce '02, vice-consul to the US Embassy in Bogota.



Colombia's woes drive up the numbers of people seeking to leave, and Pierce's primary job at the embassy is adjudicating visas. His greatest challenge when evaluating visa applications is the high incidence of fraud. "It's very complex fraud," Pierce says. "It's hard for us to figure out sometimes. People will create a sham marriage or find an American citizen and create an engagement so they can get the benefit of an immigrant visa." If he and his staff get it wrong, they risk allowing a drug trafficker into the US.

Both Colombia and the US "must work together to get rid of the problem," says Pierce. Part of that effort involves the US-assisted development of alternative crops, including flowers; Colombia supplies over 50 percent of the flowers sold in the US. When members of the Help Commission, a congressionally established entity to study the effectiveness of



US foreign assistance, visited Colombia, Pierce took them on a tour to see schools, speak with pilots who execute coca spraying operations, and observe a processing plant for hearts of palm — a crop intended to replace coca — as soldiers and police stood guard. They heard a man recount his family's ordeal of fleeing their burning village and the murder of his brother. The man now lives in Bogota and works on a US Agency for International Development-supported flower farm.

Recently, a car bomb went off a few blocks from where Pierce lives with his wife and two children. But Pierce remains

undaunted. "The Colombian people are wonderful," he says. "They're intelligent, open, very family-oriented, incredibly hard workers and fun." A city of eight million people, Bogota boasts restaurants, movies, parties, theatre and concerts. "Colombia has everything," Pierce says. "Mountains, plains, Caribbean and Pacific beaches, historical sites. It's a wonderful place."

Pierce's upcoming foreign service assignment will take him to Sao Paulo, Brazil. "My life right now really is an adventure," he says. "I have wonderful opportunities to do great work and to serve my country at the same time."



Sally Fleschner '73

Bosnia is a country still reeling from a recent violent past, still transitioning from communism to democracy, socialism to capitalism, war to peace. Many of its people are hard at work developing the legal infrastructure necessary to support a free economy, a free people and a brighter future. For the past five years, Sara (Sally) Fleschner '73 has been right there helping.



After a long legal career that included stints in large corporations (notably, Gillette) and in private practice — she won a \$6.7 million verdict in an age discrimination case, the fourth largest verdict in Massachusetts in 1998 — Fleschner wanted something new. Spurred by her sister's travels in Brazil, Cairo and Mozambique, Fleschner yearned to work overseas. "There was a world out there I wanted to see," she says. She applied for a pro bono position with the ABA's Central European and Eurasian Law Initiative (CEELI), which promotes legal reform in Central and Eastern Europe, Eurasia and the Middle East. As Fleschner tells it, CEELI's country director called and asked, "So, what do you know about judgments?" "I said, 'Some,' and she said, 'You're hired,'" and off she went to Sarajevo.

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Paul Gorshel '95

The skeletal remains of bombed out cars and petrol stations, iconic posters of Hezbollah leader Sheikh Hassan Nasrallah, and signs proclaiming "Condi Rice, This Is Your Democracy," and "Our Blood Has Won," mar the landscape of Naqoura in southern Lebanon. "You can see that a war occurred here," says Paul Gorshel '95, "and you can see that Hezbollah is omnipresent."

Gorshel, who is a legal advisor with the United Nations Mission in Ethiopia and Eritrea, was called to Naqoura on 24-hours notice to try to convince landowners to rent out their land for the stationing of

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Carmelyn Malalis '01

Carmelyn Malalis '01 is a global thinker in the broadest sense of the term. In her work assisting Filipina victims of domestic violence, she sees the economic realities of the Philippines that cause immigrants to leave one difficult situation for another. In her law firm representing lesbian, gay, transgender and bisexual employees against workplace discrimination, she is mindful of the plight of LGBT people around the world.



Malalis' tendency to see past boundaries comes from her identification with various communities to whom she feels a sense of responsibility, and from her belief that human rights issues are interrelated. Malalis, a Filipina-American, says, "My partner is African, my parents are immigrants. Seeing the connectedness in all rights issues has always been very important to me."

When Malalis isn't working at her full-time day job as an associate at Outten Golden, a New York law firm representing employees in employment matters, she's serving the public interest in any number of ways. One of her notable recent pro bono accomplishments was the founding in 2002, with three colleagues, of BABAE, Inc., which helps Filipina women who are victims of violence in the New York and New Jersey area. The name stands for Bridging Assistance Building Advocacy & Empowerment, and spells the Tagalog word for "woman." "BABAE offers volunteer case management services," Malalis explains. "When someone contacts us, what we try to do is evaluate what their needs are and hook them up with professionals in that area." So, for example, when a client with children arrived at BABAE because her husband, a US citizen, was trying to control her with the threat that he would refuse to sponsor her for a green card, BABAE set her up with an immigration lawyer who was familiar with violence against women issues. "My background is helpful,"



says Malalis. "I am in touch with different networks of people. I always try to find someone who is culturally sensitive, that understands that our clients are survivors of violence from a very specific community."

Malalis, who is known for her work representing LGBT employees — her law firm created what is believed to be the first LGBT workplace rights practice groups in the country — was invited to serve on a Human Rights Watch advisory committee for a LGBT rights project, which monitors the rights of LGBT people around the world.

Not content sitting still, Malalis is considering where to bring her passion for human rights next. "In my lifetime, when I've thought about doing social justice work, that's always for me the difficult choice to make: domestic or international?" she says. "I'm part of so many communities. What can you do domestically that maybe supports what's international and be effective doing it?" If you're like Malalis and can see that the line between the domestic and international is blurry and fading more each day, the answer is probably: a lot.



A Worldly Approach

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"More and more students going into law school are paying attention to issues of social justice, whether internationally or domestically. Northeastern attracts those kind of students, which is one reason it's such a fantastic place," says Deena Hurwitz '96, who completed four international co-ops while at Northeastern and today directs the human rights clinic at the University of Virginia Law School.

But human rights work doesn't exist in isolation from economic concerns, and globalization has a far broader meaning. In the private sector, even lawyers working on ostensibly local issues are finding transnational implications. "I'd say every firm has some kind of international practice, wherever they are situated geographically," says Danielsen, a result of increased global competition for clients, the fact that no business can afford to operate in isolation from the greater world, and the fact that US courts look increasingly to foreign law for direction and support.

"Globalization is real," he insists. "If you want to work in state government and you just want to figure out, How do I deal with a local minimum wage law? Well, you can't think about it without thinking about immigration, about whether Mexico is enforcing its minimum wage, about whether the business will outsource in order to avoid minimum wage and where will they go, and what trade rules are in effect to make that difficult. There's no such thing as purely local regulation unless you're just short-sighted."

For that reason, Northeastern is committed to injecting a global perspective into every single aspect of the curriculum. Over the next few months, the faculty will continue its focused conversation on how to make this happen; it will also discuss adding yet more international courses to the curriculum. Meanwhile, PHRGE was launched in 2005 "to create synergy around scholarship and practice but also to think more creatively about where human rights is headed, particularly with regard to global economic issues, labor and public health," says Lewis.

But there is much room for improvement in the global approach, students and administrators agree. Bremer wants to see even more international courses and also yearns for more mechanisms for students to share their co-op experiences with each other. And the Co-op Program itself, all agree, needs special attention. Creating an infrastructure for overseas co-ops presents unique challenges, including finding ways to provide language training to students. Moreover, many of the international co-ops are developed by students themselves, and they incur unusual out-of-pocket expenses, including the cost of visas, vaccines and special insurance coverage.

"This is a heavy burden for public interest-minded students who want to work abroad — not only are the co-ops prohibitively expensive, but the expected income after graduation is too low to repay the loan debt," says Bremer, who in addition to her Sri Lankan co-op worked in Darfur with a human rights organization. She estimates she spent \$3,000 arranging the co-op in Sri Lanka in addition to the cost of traveling and living overseas.

Spieler acknowledges these challenges and is committed to strengthening co-op so students can do the kinds of work they wish wherever they wish, and return to the Northeastern campus

“There’s no such thing as purely local regulation unless you’re just short-sighted.”

Professor Dan Danielsen

with much to offer their fellow students. Part of PHRGE's mission is to provide more support for international co-ops, as well as wide-ranging support for the study of globalization theory and practice including economic, social and cultural questions. Meanwhile, the university itself is staunchly committed to globalizing education, and Spieler is exploring ways to provide law students with better language training.

And, despite the substantial work ahead and significant challenges, many on the faculty are very excited about Northeastern's position in the new global arena.

"People going out to practice law in local communities in the next 30 years are very likely to interact with something that has to do with global business or global issues in law," says Spieler. "We would be doing our students a disservice to send them out thinking, 'All I need to know is my local state or US federal law.' We are committed to training them with tools to look internationally."

Elaine McArdle is a freelance writer and regular contributor to Northeastern Law Magazine.

Paul Gorshel '95

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15,000 UN peacekeeping troops. Getting people to turn over land to which they hold deep sentimental and economic attachment is a delicate dance.

Deft negotiating is at the core of what Gorshel has been doing for the last several years as a UN mission employee. You have to understand what people want, he notes, and strategize from there. "Treaties, schmearies," Gorshel says. "People are more concerned about their borders, economy and safety."

Gorshel points with pride to the part he took in helping the UN to return to Iraq after the 2003 destruction of its Baghdad headquarters. He drafted the memorandum that was signed by the UN assistant secretary for peacekeeping. "After the tragedy of what had happened, the UN needed to show that it wouldn't give up on Iraq," Gorshel says.

Day to day, Gorshel's work involves trouble-shooting, he says: smoothing over issues that arise between the local government and the UN mission stationed there.

Gorshel encounters danger in his work, and was airlifted out of Eritrea when that country expelled all North Americans and Europeans. But the danger doesn't phase him as much as the challenge of living nomadically, without roots. "In a perfect world, I'd like to stay with the UN but in the US and have the personal and family relationships I'm missing at this point," he says.



Beyond Borders

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Usually the visits were uneventful and took just a few minutes. On this day, however, she arrived at the Homeland Security office and was thrown in jail. Authorities prevented her from seeing her 10-day-old daughter and her 2-year-old son. Detained without bail, she was told she wouldn't even see a judge for 15 months. She faced deportation to a country she had never known.

Immigration lawyers, including Kanstroom, soon found out about Borges' plight and rallied to her cause. They argued that a rebellious teenager, not the responsible working mother that Borges had become, committed the petty crimes. A judge agreed and ordered Borges released from jail, reuniting her with her newborn daughter and toddler son.

The team of Nancy Kelly '84 and John Willshire-Carrera '85 have seen such cases for years as senior supervising attorneys at Greater Boston Legal Services immigration unit, which

is comprised almost entirely of Northeastern lawyers. Each quarter Kelly and Willshire-Carrera host one or two co-op students. They have also worked with Deborah Anker '75, director of Harvard Law School's immigration and refugee clinic, to advance asylum law, filing amicus briefs in cases before federal appellate courts and the US Supreme Court.

Kelly argues forcefully that people ought to be allowed to move more freely to follow capital in an era of globalization. "It's not as simple as people going where the money is," she says. "Communities are being destroyed economically, environmentally and by war. People are being left with no choice but to move. To avoid being killed. To avoid seeing their families starve. The realities need to be looked at to say why is it that the world is getting constructed so that certain portions of the world are being written off. Why is it ok for money to move but not people?"

Hudson Sangree is a journalist in California who last wrote for the magazine about New Zealand.

Living by the Rule

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The tiny country's embrace of legal reform makes it not only a beacon of hope in the region, she notes, but also a nation of strategic geopolitical importance.

Armenia's progress may well produce its own unique legal system — one that doesn't resemble the US — and that's just fine. "The US doesn't have all the answers," admits Ridgway. Ours is "not a perfect system." But we do, she says, agree on the fundamental values of predictability, uniformity and consistency in the law. A proponent of "commercial diplomacy," Ridgway believes that no country can afford to be isolated in today's world, because, she says, "every domestic economy is tied to the global economy." So even without laptops, Internet access, decent salaries and government support, judges and lawyers in less-developed nations still hold tremendous sway over the economic future of their own countries, and the world. It's a power best used carefully.

Tracey Palmer is a freelance writer and editor who lives south of Boston.

Garth Bray '93

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many legal systems. In Europe, the growth of mergers and acquisitions activity and the changing rules keep him on his toes.

In recent years, Bray's travel has taken him to Asia as well, as Europeans develop business relationships with companies in China, Korea, Taiwan and Japan. "I have enjoyed working in Asia enormously," he says.

Doing this work takes not just legal acumen, but also cultural awareness. "Approaches to negotiations vary considerably from one jurisdiction to another," says Bray. "Learning to communicate effectively and to overcome impediments resulting from different negotiating styles or attitudes is important."

Bray's career path is not what he expected — but for him, that's a good thing. After college, he worked in Washington, DC, for Ralph Nader's Center for Responsive Law and other Nader organizations. That's where he met a number of Northeastern law school grads and was intrigued by the Co-op Program. After law school and a clerkship with the US Second Circuit Court of Appeals, Bray started job hunting and landed at Sullivan & Cromwell in New York. "I started at S&C expecting to stay for a year or two and then move on — but enjoyed the work and my colleagues and clients and never left. The opportunity to work on international matters in Paris and London was a big part of my decision to stay," he says.

Though Bray's career took an unexpected turn, some things haven't changed. "I'm still in touch with a bunch of friends from law school," he says. One of them is his wife, Kathryn Baxter '93.

Sally Fleschner '73

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The work of Fleschner and her colleagues is critical to Bosnia's achieving a transparent government that's free of corruption. She's drafted legislation on the enforcement of judgments, lectured and drafted legislation on mediation, and prepared human rights case studies for moot court competitions. Fleschner went on to work as a paid consultant to the Bosnian Independent Judicial Commission, where she wrote legislation and administrative manuals toward the development of an independent judiciary. Next, she became a legislative advisor to the US Agency for International Development's Justice Sector Development Project through the University of Maryland's IRIS (Institutional Reform and the Informal Sector) Center, where she continued and expanded her work reforming the Bosnian justice system. "A clean judiciary is very important so people can have faith in their justice system," Fleschner says.

"Bosnia is an impossible place with impossible issues," she says. "I like to think in some small way I made a difference." She's now eyeing opportunities for legal reform work in the Middle East or Asia. "I like adventure. You only go through life once."

Letters

Continued from page 2

law than previously, for two reasons. First, Congress re-defined income, and substantially increased living expenses allowed during bankruptcy, resulting in a decrease in the total amount that must be repaid to creditors. Second, for debtors who purchase a car within 910 days before filing, Congress eliminated the requirement that the amount of car payment must be reasonable, unless it rises to the level of bad faith (although the Hummer referenced by Andy Henderson '02 probably would not be allowed, a newly-purchased Volvo with a payment of \$675 a month is now permissible in my district). The result is that people with expensive cars and high payments can continue to pay for these luxury items, to the detriment of their unsecured creditors.

The real winners in this legislation are those who finance cars. No longer can debtors who purchased a vehicle within 910 days

of filing "cram down" the value to blue book; if they want to keep the car, the entire contract balance must be paid, leaving less money to pay unsecured creditors. It has been reported that some unsecured creditors, such as credit card companies, have benefited at the front end because the new pre-petition briefing and document requirements slow down filing by several months, during which people continue to make minimum payments. However, other unsecured creditors, such as medical providers and mom-and-pop businesses, can expect even less repayment than under the old law.

President Bush, in signing the legislation, said that the changes would mean that those who can repay creditors will be required to do so. The reality is that those dollars can be used to repay high-end purchases, yet another example of the rampant consumerism that fuels our economy.

Karla Forsythe '74

*Chapter 13 Trustee
Vancouver, Washington*

Faculty Deliberations

Continued from page 3

afford to relocate abroad for a short stint, particularly for an unpaid co-op. And while providing law school support for every student who wants to complete an international placement is an important goal, it is currently beyond Northeastern's means.

Unfortunately, absent such support, all students will not have equal access to international opportunities. And this inequality may be reflected in racial disparities among students who study abroad. Troubling national data from undergraduate institutions as well as medical schools, engineering schools and other professional programs show that students of color are dramatically underrepresented in study abroad programs. While no one has collected similar data from law schools, it would be surprising if law were the exception.

My very scientific four-lawyer survey suggests, nevertheless, that some facility and familiarity with transnational law is an important professional credential for every new lawyer. Our challenge is to make sure that — through curricular offerings and both international and domestic co-op placements — all students, regardless of means, can acquire these skills. If we fall short, we will have failed to prepare lawyers for a 21st century legal practice, even in Kansas.

Professor Martha F. Davis was recently named one of 50 "notable" graduates of Wichita High School North, an honor she shares with Lynette Woodard, the first woman to play on the Harlem Globetrotters.

Forum

Continued from page 4

by post-9/11 scare tactics employed by Republicans, than it did for Republican policies, Frank said.

Public objections to the Social Security privatization effort and right-to-die issues emerging from the Terri Schiavo case underscored for Frank that the Republicans are on the "wrong side," and the Democrats on the "right side," of major issues facing the country.

"The problem for the Republicans is that they [the public] did not buy into the idea that the private sector was better than the public sector" when weighing the Social Security debate, he said.

"There is an intrusiveness to Republican policy, especially with personal matters involving prayer, sexual orientation and family rights."

U S R E P . B A R N E Y F R A N K

Frank said the public also objected to Republican involvement in the Schiavo case, which centered on whether Schiavo's husband had the right to remove life-support from his wife, who was in a persistent vegetative state.

"There is an intrusiveness to Republican policy, especially with personal matters involving prayer, sexual

orientation and family rights," Frank said. "They want to take their own particular view and impose it on people."

Frank also spoke of the need to "redistribute" the wealth of business owners, extracting a larger share for workers — "all profits are going to rich people" — and of his support for same-sex marriage rights. "Opponents hate the idea that there are even homosexuals, and they are made crazy by the idea that there are two of us hanging out," said Frank, who is gay.

Frank also criticized the media for replacing more of its news content with revenue-generating advertising, and for offering predictions and forecasting when straight news reporting would suffice.

Other Forums: Filmmaker Abby Ginzberg and legendary judge Thelton Henderson came to the law school in October to screen Ginzberg's new film, "Soul of Justice: Thelton Henderson's American Journey." Following the film, Ginzberg and Henderson discussed his life and work as one of the first African-American federal judges in the United States, and the impact of his decisions on millions of people. In December, Neil Leifer '81 delivered a lecture about the use of toxic tort litigation in the wake of his landmark case, *Rhode Island v. Lead Industries Association*. Leifer was on the team that convinced a jury to find three companies liable for creating a public nuisance by manufacturing, distributing and marketing lead-based products.

PROFILE Roger Abrams

Professor Baseball

Roger Abrams has written books on baseball and the law, the economics of baseball using game theory, and a social history of the first World Series in 1903. This fall, he headed to Cooperstown, New York, as a scholar-in-residence at the National Baseball Hall of Fame and Museum. Abrams, only the fourth professor to be named a scholar-in-residence since the hall's opening in 1939, took full advantage of the collection's 2.6 million items related to baseball history.

Q: How did your experience as scholar-in-residence assist in the research for your forthcoming book, *The Dark Side of the Diamond*?

A: The Bart Giamatti Library at the Hall of Fame has the finest collection of original materials about baseball in the country, and, as scholar-in-residence, I was given open access. At times, I must admit, it was overwhelming to read documents from the 19th and the early 20th centuries. For example, I found the transcript of Commissioner Landis' 1926 investigation of Ty Cobb and Tris Speaker for conspiring to throw a game in 1919. He whitewashed the whole affair — I now have a copy in my office at NUSL. The researchers and curators at the hall were wonderful sources of information about the history of the game, and always available to help me in my work.

Q: How do you use your scholarship in your Sports Law class?

A: In Sports Law, I try to introduce our students to the sports business in a



historical, social and economic perspective. You can only understand Napoleon Lajoie's 1902 case if you know the context of the battle between the new American League and 25-year-old National League that led to the National Agreement in 1903 creating the Major Leagues. My research helps provide the context. To give another example, this summer I researched a paper on Justice Blackmun's opinion in *Flood v. Kuhn*, using his official papers in the Library of Congress. I will be using that paper when we discuss Curt Flood's case in class.

Q: Law professors might be envious that your scholarship can focus on

sports and baseball in particular. Do you think your work in this area makes a contribution to the literature as well as being fun?

A: My books on baseball reach a different audience than my law review articles. I have received "fan letters" from baseball fanatics who are doctors and business folks, and some very nice reviews in *The New York Times* and *Wall Street Journal*. My hope is to add a historical, social, economic and legal perspective to the national game.

The best we can hope for in an academic career is to make some contribution in a field we enjoy. Writing about the business and history of baseball and serving as the scholar-in-residence at the Hall of Fame have certainly fulfilled that aspiration for me.

Q: What's your next venture?

A: My plan is to focus on the first great game-fixing scandal in baseball in 1877. Players on the Louisville Grays deliberately lost the National League pennant in exchange for payoffs. That was also a critical year in post-Civil War history. Union troops were withdrawn from the South in exchange for Southern support for Rutherford Hayes in his contested election the prior year with Samuel Tilden. Reconstruction ended and American apartheid began. I am thinking of trying my hand at historical fiction, using these events as the basis for the story.

I have also been invited back to the hall to speak at their conference in June on "Baseball and American Culture." They have promised me another tour of their vault, where a few weeks ago I swung Ted Williams' bat, tried on Cy Young's jersey (with tobacco stains), fielded a ground ball with Honus Wagner's glove and caught a fly with Joe DiMaggio's mitt. What could be better?

Faculty Notes

Richardson Professor **Roger I. Abrams** spent his sabbatical this fall as the scholar-in-residence at the National Baseball Hall of Fame and Museum (see above). His public lectures on baseball

history were standing-room only. He also spoke at a symposium sponsored by Ithaca College on "Baseball and Labor History." Abrams published two solicited articles, "Alcohol, Drugs and the National Pastime," in 8 *University of Pennsylvania Journal of Labor and Employment Law* 861 (2006), and "Game-Fixing in the National

Game" in 1 *University of Florida Entertainment Law Review* 1 (2006), as well as a book chapter, "Even the Best Lawyers Must Know Baseball," in *Baseball in the Classroom: Essays on Teaching the National Pastime* (E. Reilly, ed., McFarland, 2006).

Abrams was quoted in the *Boston Sunday Globe*, *L'espresso*,

Italy's leading newsweekly, and profiled in *Massachusetts Lawyers Weekly* on September 25, 2006. The Bureau of National Affairs also published two of his labor arbitrations, "GFC Crane Consultants and Federation of Private Employees," in 122 *Labor Arbitration Report* (BNA) 801 (2006) and "Cooper Tire & Rubber

Faculty Notes

Co.,” in 122 *Labor Arbitration Report* (BNA) 1345 (2006).

Professor **Brook K. Baker** ’76 contributed a chapter, “Placing Access to Medicines on the Human Rights Agenda,” to *The Power of Pills* (J. Cohen, P. Illingworth and U. Schuklenk, eds., Pluto Press, 2006), and an article, “Pills Without Providers: Where are the Health Workers?” in 15(4) *ACRIA Update* 6-8 (2006). Baker served on an expert review panel for the new Interfaith Center on Corporate Responsibility report, “Benchmarking AIDS” (2006).

Baker’s recent policy papers and analysis include the “Health



GAP Report — Between the Lines — GAO Report on PEPFAR Prevention Programs: US

Abstinence/Being Faithful-Only Programs Produce Stigma and Death” (April 5, 2006); NGO policy briefs on “Free Trade Agreements and Intellectual Property Doom Access to Medicines” (August 16, 2006) and “Drug Companies’ Negative Role in Access to Medicines” (August 13, 2006); “Paying for Care Labor: Choices and Contradictions in a Community Healthcare Worker Campaign” (September 2006); “Market Dynamics and The Global Fund: Background Research And Analysis” (McKinsey & Company, August 30, 2006); “Civil Society Critique Re: Competition Fostering” (September 2006); “Long-Term Global Funding Need and the Right Global Fund Size: The Case for Option C (\$8-\$11 billion/year by 2010)” (September 2006); and “A Critical Analysis of India’s Probable Data Exclusivity/Data Compensation Provisions” (October 20, 2006).

Baker presented at a wide variety of HIV-AIDS workshops and conferences last summer and fall in South Africa in the US. In August, he presented at the International AIDS Conference in Toronto, and, in October and November, he served as an expert consultant and presenter at a UNDP/WHO/CARICOM Caribbean Regional Workshop on Intellectual Property and Access

to Medicines and at a Venezuelan workshop, “Towards the Formulation of a Multipolar World.” He also continues to consult with the University of Cape Town and the University of KwaZulu Natal in South Africa. He has consulted with Congress on three bills: the Life-Saving Medicines Export Act of 2006, the African Health Capacity Investment Act of 2006, and the Public Research in the Public Interest Act of 2006.

In September, Professor **Martha F. Davis** spoke at the third annual National Forum on the Human Right to Housing, held in Washington, DC. She also appeared as a panelist at the Human Rights Day conference at the Boston Public Library on December 10. As co-director of the law school’s Program on Human Rights and the Global Economy (PHRGE), Davis is the author of PHRGE’s recent report, “In the Interests of Justice: International Human Rights Law and the Right to Counsel in Civil Cases.” Her op-ed on international human rights law and Civil Gideon appeared in the *National Law Journal* on August 7, 2006. She also spoke at the law school’s Constitution Day panel.

Beyond Civil Gideon work, Davis contributed to the “shadow report” on US compliance with the International Covenant on Civil and Political Rights submitted to the United Nations Human Rights Committee. In addition, Davis served as of counsel on an amicus brief submitted to the US Supreme Court in two cases challenging Seattle and Louisville schools districts’ procedures for ensuring racial diversity in the schools. The brief set out the international human rights and comparative law supporting the modest use of race-based school assignments to promote diversity and to counteract discrimination. Finally, at the behest of the ABA, Davis authored a “Supreme Court Preview” on the two late-term abortion cases before the Court this term, *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood*.

Professor **Stacey L. Dogan** published an essay, “What Is Dilution, Anyway?” in 105 *Michigan Law Review First Impressions* 103 (2006).

Professor **Daniel J. Givelber** published an article (coauthored

Dyal-Chand Top Scholar

Professor **Rashmi Dyal-Chand** ’94 is the winner of the 2006 Scholarly Papers Competition sponsored by the Association of American Law Schools (AALS). She presented her paper, “Human Worth as Collateral,” at the AALS Scholarly Papers Presentation, which took place in January in Washington, DC.



The competition is held to encourage and recognize excellent legal scholarship and to broaden participation by new law teachers during the AALS annual meeting.

“This is wonderful recognition for one of our outstanding faculty members,” said Dean Emily Spieler. “Rashmi is a fantastic teacher and clearly one of the best young scholars in the legal academy. We take great pride in her accomplishments.”

with Lori Strickler ’05), “Junking Good Science: Undoing *Daubert v. Dow Merrill* Through Cross-Examination and Argument” in 96 *The American Journal of Public Health* 33 (2006). He delivered a paper, “Kalven and Zeisel’s *American Jury* Fifty Years Later: Is the Jury Still the Defendant’s Friend?,” at a November symposium at Harvard Law School, titled “Making Sense of Micarriages of Justice.”

Professor **Dan Danielsen** was a commentator for a panel, “Family Law, Legal Minorities and Local Government Law in the Construction of National and Post-National Identities in Europe,” at the Annual Meeting of Law and Society in July. He was also a panelist on the “Place of the State in the World” presentation at the International Law After the Age of the Three Worlds conference, held at American University’s Washington College of Law.

This fall it was globetrotting as usual for Professor **Richard A. Daynard**, head of the law school’s Public Health Advocacy Institute. He taught at NALSAR Law University in Hyderabad, India, in August, and then spoke about the possible use of public interest litigation for tobacco control in Katmandu, Nepal. He also met with government officials and tobacco control activists in Manila, the

Philippines. In September, he spoke at a symposium on “Making Smoking History” at the Harvard School of Public Health and then presented at a medical conference on obesity in Mexico.

In October, he headed north to speak on obesity in Montreal, and then dipped down to a conference on tobacco litigation in Columbus, Ohio. Closer to home, he presented at a summit of the Campaign for Commercial-Free Childhood in Brookline, and then discussed the Department of Justice lawsuit against the tobacco industry at the American Public Health Association annual meeting in Boston in November. Then, he was off to a tobacco litigation meeting in Jakarta.

In December, he spoke about “The Politics of Lung Cancer” to physicians in Princeton, N.J. He also argued against tort reform at an NUSL debate co-sponsored by the Federalist Society and the American Constitution Society. On campus, he participated in a Northeastern Law Forum featuring Neil Leifer ’81, who addressed the benefits of tort litigation. After that he was tired, so he took a few days off.

In October, Associate Professor **Rashmi Dyal-Chand** ’94 moderated a panel comparing the treatment of property rights to other rights under the Bill of Rights at the Brigham-Kanner Property Rights Conference at

the College of William and Mary Law School.

Professor **Peter D. Enrich** continues his expert presentations relating to Commerce Clause constraints on state taxation and his litigation challenging business tax incentives. He addressed the National Tax Association's annual meeting, held November in Boston; the Southeastern Association of Tax Administrators in October in Montgomery, Ala.; and a colloquium of academics and policy experts interested in urban fiscal issues convened by NYU and the New York Federal Reserve Bank. He is also serving as an expert for the Alabama Department of Revenue in defending a loophole-closing provision of the state's corporate tax code against a Commerce Clause challenge. His article, "Commerce Clause Constraints on State Business Location Incentives," was recently published in the interdisciplinary journal, *Competition Policy International*.

Associate Professor **Sarah Hooke Lee** published "Inflexibility or Complexity? A Response to Sid Kaskey's View that the Profession Defines



Qualified Law Librarian Too Narrowly," in the "Perspectives" feature of the *American Association of Law Libraries Spectrum* (June 2006). She is also the author of "A Survey on Access and Teaching of Alternative Legal Research Using Internet Portals and Gateways," in the *American Association of Law Libraries Briefs in Law Librarianship* (September 2006).

Matthews Distinguished University Professor **Karl E. Klare** presented a paper in November to the faculty of American University's Washington College of Law in Washington, DC, on his work in progress on transformative constitutionalism in South Africa. In December, he attended a conference on "Forging a New Labor Policy for the 21st Century," sponsored by American Rights at Work and hosted by the Labor and Worklife Program at Harvard Law School.

In recent years, Klare has served pro bono as a legislative

consultant to the Massachusetts AFL-CIO. A bill he drafted to make the process of union recognition more efficient and democratic was enacted by the State Legislature this summer, but vetoed by then-Governor Mitt Romney. The federation plans to resubmit the proposed legislation in the 2007 session.

Professor **Hope Lewis** was a plenary presenter on "Race, Class and Hurricane Katrina in Human Rights Perspective" for the Society of American Law Teachers in September. She was September's guest contributor to Blackprof.com, an African-American law professors' blog. Her entries included "Internationalize Our Problems? Katrina (Part 1)," "The 'Other' at Home: Human Rights and Katrina (Part 2)," "Blackprofs Go to Market," "What's Killing Black People?" and "A Resource List: Katrina and the Law."

Lewis also completed an entry, "Female Genital Mutilation-Female Genital Cutting," in *Encyclopedia of Human Rights* (D. Forsythe, et al, eds. Routledge, forthcoming 2007). She is co-editor, along with professors Wendy Parmet and Rashmi Dyal-Chand, of "Human Rights and the Global Economy," a new Social Science Research Network electronic journal. Lewis has also been appointed a non-resident fellow of the WEB DuBois Institute for African-American Studies at Harvard.

Matthews Distinguished University Professor **Michael Meltsner** spent the fall on a whirlwind book tour for his memoir, *The Making of a Civil Rights Lawyer* (University of Virginia Press, 2006; www.michaelmeltsner.com). His travels took him to the University of North Carolina School of Law, Duke School of Law, the Politics and Prose Bookshop in Washington, DC, and the Regulator in Durham, N.C., Vanderbilt University Law School, Massachusetts School of Law, Dartmouth College and Vermont Law School. He also appeared at events hosted for Northeastern's law alumni/ae in Boston and Northampton. In September, Meltsner was the keynote speaker at a Constitution Day event at the Massachusetts Liberal Arts College in North

Adams. His book also received highly favorable reviews in *The American Lawyer* (July 1, 2006), *Law and Politics Review* (November, 2006) and *The Boston Globe* (November 26, 2006).

Professor **Mary E. O'Connell** '75 is spending part of her yearlong sabbatical as a visiting professor of psychiatry at the University of Massachusetts Medical School. She is assigned to the Child and Family Forensic Center, which operates a clinic for the Worcester Probate and Family Court evaluating parents, children and families in cases before the courts.

Matthews Distinguished University Professor **Wendy E. Parmet** spoke on "The Right to Die and the Right to Public Health: The Relationship between Negative Constitutional Rights and Population Health" at the annual meeting of the American Public Health Association in Boston in November. Also in November, she participated in a plenary panel discussion, "Why the Eighteenth Century Matters: Today's Issues in the Eighteenth Century Context," at the annual conference of the Northeast American Society for Eighteenth Century Studies in Salem, Mass. In December, she delivered an address, "Mill's Influence on the Law of Quarantine," at a conference, "Liberty, Equality and Paternalism: Public Health and the Legacy of John Stuart Mill," held at Columbia University's Mailman School of Public Health.

In June, Professor **Stephen N. Subrin** received a call asking if he would like to teach a course,



"Introduction to the American Legal System," for most of the month of July at the Cornell

Paris Summer Institute for International/Comparative Law, held at the Sorbonne. The institute would pay for travel, a Paris apartment, expenses and a salary. (Subrin's wife, Joan, upon hearing her husband had not instantly accepted, threatened divorce proceedings.) Subrin taught the course based on his book (written with Professor Margaret Woo), *Litigating in America: Civil Procedure in Context*. A target

audience for the book is foreign law students, lawyers and judges who want to learn about the US legal system. The students were from France, Canada, Egypt, the Netherlands, Poland and Japan. Subrin reports that their English was much better than his French.

Associate Professor **Daniel R. Williams**' article, "The Futile Debate over the Morality of the Death Penalty: A Critical Commentary on the Steiker and Sunstein-Vermeule Debate," was published in 10 *Lewis and Clark Law Review* 625 (2006). In August, he traveled to Beijing to talk with and interview people connected to the actual workings of the criminal justice system in China in the hopes of gaining insight into how that system is changing as China's economic system develops. In October, he spoke about appellate advocacy at the annual meeting of the National Association of Criminal Defense Lawyers held in Boston.

Professor **Lucy A. Williams** presented a paper at the First International Seminar: "Social Policies and Welfare Regimes in Transition," at the University of Guadalajara, Mexico, in September. Building on her comparative work regarding the justiciability of social and economic rights in the US and South Africa, she explored the possibility of constitutional justiciability for redistribution in Central and South American countries. She also answered the call of Hollywood, "starring" in a video for the Legal Aid University's "Affirmative Litigation - Online Training" on sovereign immunity and the 11th Amendment. It will be used nationally to train legal services lawyers.

Professor **Margaret Y.K. Woo** received a \$15,000 grant from the American Council of Learned Societies to hold an international workshop on "Chinese Justice," which will take place in October at the Fairbank Center for East Asian Research at Harvard. At the request of the Massachusetts Appeals Court, she delivered a presentation in October on courts and human rights to a delegation of Chinese judges. She also served as a commentator at the International Association of Proceduralists conference in Kyoto, Japan, in September.

Works Well With Others

Corporate social responsibility in a global economy

By Lewis I. Rice

A LITTLE MORE THAN 10 YEARS AGO, Kathie Lee Gifford was America's favorite sweetheart, a perky talk-show host and pitchwoman who starred in Christmas specials and sang the national anthem at the Super Bowl. That image quickly soured, however, when news reports in 1996 revealed that children as young as 12 were working in Honduras to manufacture her clothing line for Wal-Mart.

The scandal shined a spotlight not only on Gifford but also on business practices around the world, demonstrating the challenges of maintaining standards of corporate social responsibility (CSR) in a global economy. In addition to monitoring the practices of subcontractors, multinational corporations face issues of how to operate in countries with disparate regulations and sometimes unstable governments, while trying to keep costs low for consumers.

In the aftermath of the publicity surrounding Gifford's clothing line, companies stopped importing material into the United States that was made by child labor in garment factories, according to the National Labor Committee. Yet the organization, which advocates for international workers' rights, recently reported that several companies — including Wal-Mart — last year sold clothes from a factory in Bangladesh that employs children who are frequently abused and paid as little as 6 1/2 cents an hour.

The idea that business should behave ethically, contributing to economic development while improving the quality of life of the workforce, local

communities and society at large, is not new. But the spotlight on these multinational corporations has shined more brightly in recent years. The CSR movement arose out of concern that the regulatory regimes of individual nations couldn't control the transnational activities of corporations, according to Professor Dan Danielsen, who teaches international business regulation and international law.

In addition, unlike nation states, multinational corporations are considered "private actors" and thus not governed by international law. An exception is the US Alien Tort Claims Act of 1789, which allows people from other countries to sue in the United States for violations of certain international laws



ILLUSTRATION: DAVID POHL

abroad. In one high-profile action, Unocal Corporation settled a suit in 2005 alleging that it was responsible for human rights abuses committed by soldiers in Myanmar in the course of protecting the company's natural gas pipeline. Nearly 10 years in the making, there have been few similar victories for CSR advocates under this Act.

CREATING A WIN-WIN

Given the dearth of means to control multinational corporations, human rights and labor activists came to the conclusion that pressuring companies to subject themselves voluntarily to international human rights and labor standards and corporate codes of conduct was their best hope. One example came from the International Labour Organization, whose Declaration on Fundamental Principles and Rights at Work calls for freedom of association, the right to collective bargaining and the elimination of forced and child labor as well as discrimination.

"While some companies have adopted these codes, it appears, so far at least, that not much has changed," observes Danielsen. "Since these codes are generally not legally binding, they seem to function primarily as a PR mechanism for the multinationals while absorbing an enormous amount of activist and labor organizing energy."

Undaunted, workers' advocates are developing other strategies for multinationals "to be responsible corporate global citizens," says Judy Scott '74, general counsel to the Service Employees International Union (SEIU), which represents 1.8 million workers in the US, Canada and Puerto Rico. Advocates are raising concerns at shareholders' meetings and acquisition proceedings, filing lawsuits on wage and hours violations, and working with partners like environmental or community groups.

One strategy Scott cites is the global framework agreement, in which an alliance of unions typically negotiates global labor standards with multinationals. For example, an agreement between Union Network International and the Sweden-based multinational Securitas sought to ensure that the security company would "respect the rights of all employees to form and join trade unions of their choice and to bargain collectively in accordance with local laws and principles."

"Labor solidarity work across borders has been an important part of the labor movement for many years," Scott says.

From the business side, many multinationals can point to initiatives that show a commitment to social progress in developing areas of the world. Hewlett-Packard Company, for example, started a Digital Village program that created computer centers in villages in Africa, Asia and Latin America.

"Mature, sophisticated international companies are very mindful of their reputation," says Susan Barbieri Montgomery '86, a partner at Foley Hoag in Boston who

counsels US and foreign companies on international business transactions and represents foreign companies acquiring or selling assets and subsidiaries in the US. "They know that brand is everything. They don't wait until there's a problem and worry about how to deal with it. Instead they're conscious of the fact that part of their reputation is based on their corporate social responsibility."

There's no doubt that international corporations realize it is often to their advantage to blend financial goals with initiatives that benefit society. Robert Jarrin '99, director of government affairs for Qualcomm Inc., traveled in June to Coya, Peru, and volunteered at the Kausay Wasi clinic, which provides medical care to the local indigenous population. Operating in an area without a wired communications system,

"While some companies have **adopted these codes**, it appears, so far at least, that not much has changed. Since these codes are generally not legally binding, they seem to function primarily as a **PR mechanism** for the multinationals...."

DAN DANIELSEN

the clinic received a grant from Qualcomm's Wireless Reach program, which provided laptops and camera/video phones, plus their cost of service.

That's one facet of a program that provides connectivity to underserved areas of several countries, including China, Indonesia and Vietnam. Jarrin acknowledges that such efforts serve the interests of the company, which develops technologies for the wireless industry. But they also serve the philanthropic mission of the company, he says.

"It helps to kill two birds with one stone — the economic development we're trying to promote in each of the countries, and at the same time we're getting to profile and showcase our technology, which is helping these countries get to a better place," says Jarrin.

Danielsen agrees that multinationals can improve quality of life in the countries in which they operate. Ultimately, he says, CSR is only one of the tools available to reach that goal. "A number of companies are really trying to change things, but feel constrained by shareholder expectations and the pressures of global competition. In my view, policy-makers, lawyers and activists will need to combine voluntary CSR techniques with more traditional forms of national and international regulation in order to bring corporate activity more effectively into line with the needs of global social welfare."

Lewis I. Rice is a freelance writer in Arlington, Massachusetts.

| **PROFILE** Anne Collins '88 |

Driven to Succeed

Early on a November 2005 morning, Anne Collins '88 received an e-mail. "You have a 10 am appointment with the governor," it simply said. So Collins, then director of professional licensure, the agency responsible for 29 boards licensing Massachusetts professionals from hairdressers to veterinarians, went to see then-Governor Mitt Romney.

"He appointed me registrar of motor vehicles, effective that day at 5 pm," recalls Collins. It was a homecoming of sorts for the career public servant, who was the Registry's deputy of operations from 1999 to 2002. There, she implemented Q-Matic, the take-a-number system that reduced waiting times from over an hour to under 15 minutes. "It was a really great thing to be a part of," she notes.

In 2005, however, Collins found a radically changed operation at the agency that oversees the state's 4.6 million drivers. "When I left, the emphasis was on service, service, service," she says. "Today, we're on the front line of counterterrorism." Last year, the Registry scanned 10 million documents – birth certificates, passports – any papers presented to prove identity. "The emphasis now is on audit and internal control"; processes, she points out, "that don't add a lot to speed."

Collins cites reconciling service and security as major challenges, followed closely by replacing the Registry's 20-year-old mainframe computer. The data nerve center enables collection of \$1.2 billion annually, revenues from parking tickets to child support payments, to name a few. The new system will need to keep all that running, plus deploy sophisticated face-recognition software that compares "your photo with the country's other 250-million licensed drivers to make sure you're not trying to create a new identity," she says.

With terms like "law enforcement" and "immigration" in the job description, "it's definitely not your father's Registry of Motor Vehicles," concludes Collins. "It's a really cool job."

– Maura King Scully



1930

Abraham Kline, 99, still writes poetry and wears his Red Sox shirt to breakfast when the Sox win! He enjoyed watercolor and oil painting until last year, but his eyesight is failing. He still reads two newspapers a day, according to his “kid” brother, Leon Kline ’39.

1973

Michael P. Friedman was appointed by Gov. John Baldacci to the Maine Commission on Governmental Ethics and Election Practice in July 2006. Michael is a managing partner at the Bangor law firm Rudman & Winchell, where he focuses on labor and employment law, with a specialty in workers’ compensation. The five-member ethics panel reviews complaints concerning state candidate finance reports, violations of election laws and lobbyist and political action committee registrations. The panel includes two Democrats and two Republicans, and by law, the fifth member has to be an Independent or a Green. Michael is currently enrolled as an Independent.

1976

In November, **Stephen E. Devereux** was named director of business development for the legal search firm Major, Lindsey & Africa. Previously with Navigant Consulting Inc., Stephen is building a client base among corporate legal departments throughout Northern California and the southern section of Oregon.

1977

Paul M. Kaplan has joined the international law firm Bryan Cave as a partner in its New York office; he is principally an antitrust counselor and litigator. Paul is also an adjunct professor of law at Fordham Law School, where he has taught an advanced antitrust course since 1991.

1978

In November, **Peter V.R. Franchot** was elected to serve as Maryland’s state comptroller; he previously served for 20 years in the state House of Delegates, where he represented

Montgomery County. Peter has pledged to be a strong fiscal watchdog for Maryland taxpayers and an independent voice on the Board of Public Works.

1981

Massachusetts Super Lawyers named **Pauline L. Quirion**, an attorney in the family law unit of Greater Boston Legal Services, a 2006 “Super Lawyer” in the family law category. She was also appointed an at-large delegate to the Massachusetts Bar Association (MBA) House of Delegates for 2006–2007 and to the MBA Executive Management Board.

1982

Jane G. Rocamora has been promoted to senior attorney in the immigration unit of Greater Boston Legal Services.

1984

Massachusetts Super Lawyers named **Nancy J. Kelly**, a

managing attorney in the immigration unit of Greater Boston Legal Services, a 2006 “Super Lawyer” in the immigration law category.

1985

In November, New Hampshire State Senator **Margaret Wood Hassan** joined Pierce Atwood in the law firm’s employment and employee benefit practice groups. She is working out of the law firm’s Portsmouth and Concord offices. **Thomas J. Valvano** has been appointed assistant professor of pediatrics at the Medical College of Wisconsin and to the staff of the Child Advocacy Center at Children’s Hospital of Wisconsin, where he is involved in the evaluation of children for physical abuse, sexual abuse and neglect. Prior to his appointment, Thomas served as a clinical instructor in the department of pediatrics at Northwestern University Feinberg School of Medicine in Chicago.

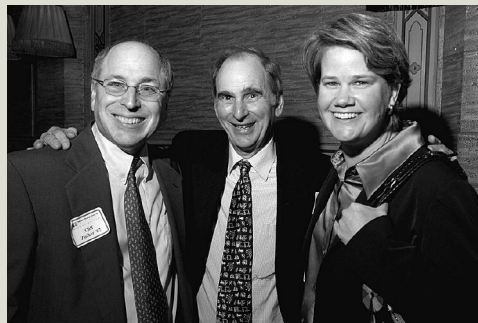
A board-certified pediatrician, Thomas completed a fellowship in child abuse and neglect, and his pediatric residency, at Children’s Memorial Hospital in Chicago. He holds an MD from the University of Rochester School of Medicine and Dentistry and practiced as a trial lawyer for nine years before attending medical school.

1987

W. Sanford Durland III (“Sandy”) was named a 2006 “Super Lawyer” by *Boston Magazine* and *Massachusetts Super Lawyers* in the area of family law and domestic relations. He is of counsel to the Boston law firm Packenham, Schmidt & Federico, and lives in Andover, Mass., with his wife and two children. Supreme Judicial Court Chief Justice Marshall appointed Essex County Juvenile Court Judge **Jose Sánchez** to the Jury Management Advisory Committee for a three-year term, ending in May 2009. The Jury

On Track in New York City

More than 50 graduates arrived at the Campbell Apartment in Grand Central Station in November for a law school networking reception. A number of law school professors and staff enjoyed catching up with graduates and students on co-op in the New York area.





White-Lief to Lead MBA

David W. White-Lief '84 has been named president-elect of the Massachusetts Bar Association; he assumes the helm in September 2007. A principal in the Boston firm of Breakstone, White-Lief & Gluck, White-Lief's practice concentrates in personal injury, insurance company bad faith, medical malpractice and professional liability litigation. He has been active in the MBA, chairing the Civil Litigation Section Council and the Law Management Section Council, as well as the 2005 MBA annual conference. In 2004, White-Lief was named one of the "Lawyers of the Year," by *Massachusetts Lawyers Weekly*. He was honored as a "Massachusetts Super Lawyer" in the field of plaintiff's personal injury law by the publishers of *Boston* magazine in 2004 and 2005, and one of the "Top 100 Lawyers" in Massachusetts in 2005.

Bonnevie and Page Honored as Lawyers of the Year

Kelly Bonnevie '92 and Stephanie Page '78 made the top 10 list of "Lawyers Weekly's Lawyers of the Year 2006." Bonnevie, a partner with the Newton firm of Wilson, Marino & Bonnevie, was lauded for securing two landmark rulings in her 12-year battle on behalf of four terminated public employees, and for her courage in the face of a recent breast cancer diagnosis. Fortunately, Bonnevie told the newspaper that her cancer "is in the early stages and very treatable."



Bonnevie

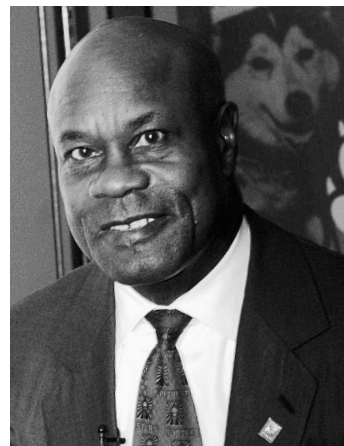
Page

She also heaped credit on fellow grad Marc Breakstone '86, who represents an additional plaintiff involved in the discrimination case.

Page, a public defender with the Committee for Public Counsel Services in Boston, was recognized for her outstanding work in securing an acquittal for Barbara Asher, a dominatrix accused in the grisly 2000 murder and butchering of a client. Over and over during the sensational trial, Page said, "No body. No blood. No DNA. No evidence." Noting that public defenders are often vilified, Page said, "Every time one of us goes into a courtroom to represent a client, we are really representing everyone. We are representing the Constitution. And, regardless of what the media fanfare is, there's supposed to be a presumption of innocence."

NU Taps Daniels as Outstanding Alumnus

Harry Daniels '71, a senior partner with WilmerHale, was honored with one of the 2006 outstanding alumni/ae awards presented by Northeastern University in October. At the gala awards dinner, Dean Emily Spieler described Daniels as a "risk taker." Raised in Alabama, Daniels was the first in his family to finish high school. He was among the first African Americans hired by a major Boston law firm, and was the first person of color to attain the rank of senior partner with his firm, then known as Hale and Dorr. He was lauded as an accomplished trial attorney in the area of complex civil litigation, and, in her remarks, Spieler pointed out that he is "known for his unimpeachable integrity" and for giving back to the community at all levels, including service as a trustee of the university.



Henry Receives Outstanding Young Leader Award

Kathleen Cloherty Henry '00, an attorney at Choate, Hall & Stewart in Boston, was honored with one of the 2006 "10 Outstanding Young Leader" (TOYL) awards presented by the Boston Junior Chamber of Commerce (Boston Jaycees). The TOYL award has been given each year since 1952 to 10 individuals between the ages of 21 and 40 who have demonstrated outstanding community leadership and commitment. Henry was singled out for this prestigious award because of her wide range of volunteer activities, including a year after college as a volunteer with the Jesuit Volunteer Corps in Brooklyn,



New York, where she worked in a storefront soup kitchen helping people navigate the complexities of applying for public assistance, Social Security, Medicare, Medicaid and housing and her current involvement with her firm's extensive pro bono program for the Political Asylum/Immigration Representation Project. She also handles pro bono cases for the Women's Bar Foundation Family Law Project for Battered Women. In 2004, Henry was one of 10 leaders from across the state nominated to the Boston Bar Association's first Public Interest Leadership Program.

| **PROFILE** Catherine White '72 |

From Bench to Bar

"There's no place for women in the law." It was 1969, and the advice came to Catherine White '72, then teaching high school English in Bronxville, New

York, from a male attorney, who urged her to stay in the classroom. But as she looked around, "I saw that everything important happening in the world was made by lawyers," she recalls.

Ignoring the advice, White ended up making quite a place for herself in the law. After earning her JD, she became an associate at Burns and Levinson, her former law school co-op employer. Then a law school friend asked her to work on Michael Dukakis' gubernatorial campaign, which led to five years in civil service: first as assistant legal counsel to Dukakis and then as an assistant attorney general under Francis X. Bellotti. In 1980, White returned to Burns and Levinson and became a partner.

Seven years later, she got the itch for the judiciary. In 1987, White was appointed as an associate justice of the Massachusetts Superior Court, a position she held for nearly two decades. "I loved being a judge because it calls on everything you have as a person and a lawyer," she notes.

In 2006, when White announced she was stepping down from the bench, the accolades rolled in. She was honored by groups including the Massachusetts Academy of Trial Lawyers, the Massachusetts Judges Conference and the Cambridge-Arlington Bar Association, whose award salutes "a judge who never had a bad day on the bench."



Leaving the judiciary was not a decision White made lightly, but one she felt was timely. "Coming up on 20 years on the bench, I thought this may be a good time to try something new," she explains. "I didn't want to stay until 70 [the mandatory retirement age for judges] because I wanted leaving to be my own decision."

So in April last year, White became of counsel at Cetrulo & Capone, the firm of Larry Cetrulo '75. "It's fun," she says. "I like being around smart, young lawyers. As a judge, I could never sit down and talk with them. One of the benefits of going back to private practice is that now, I can really get to know them."

— Maura King Scully

Management Advisory Committee, which consists of six justices, is a standing committee charged with assisting the chief justice in supervising the Office of Jury Commissioner.

1988

Troy A. Cardona was elected to a six-year term as circuit judge in the 23rd judicial circuit (Jefferson County) for the state of Missouri.

Taramattie R. Doucette received a Greater Boston Legal Services Dow-Gardiner-Landrum

Award for her long-term commitment to ensuring that poor people have access to justice. Taramattie was also promoted to senior attorney by GBLS.

1990

Ellen J. Schachter has been promoted to senior attorney

at Greater Boston Legal Services. **Felicia R. Value** was elected president



Value

of the Northwest Washington Estate Planning Council for 2007. She is also serving as vice-chair of the clinical ethics committee at Island Hospital in Anacortes, Wash. Her Web site is www.skagitprobate.com

1991

Meghan Burke was elected last fall to the board of directors of the National Association of Bond Lawyers (NABL) and is also serving as chair of the NABL's Bond Attorney's Workshop, the leading

educational conference for bond lawyers. Meghan is a member of the public finance section of the Boston law firm Mintz, Levin, Cohn, Ferris, Glovsky and Popeo.

1993

Luz Arevalo has been promoted to senior attorney in the employment unit at Greater Boston Legal Services.

1994

Marc Guerin was promoted to senior vice president/director of

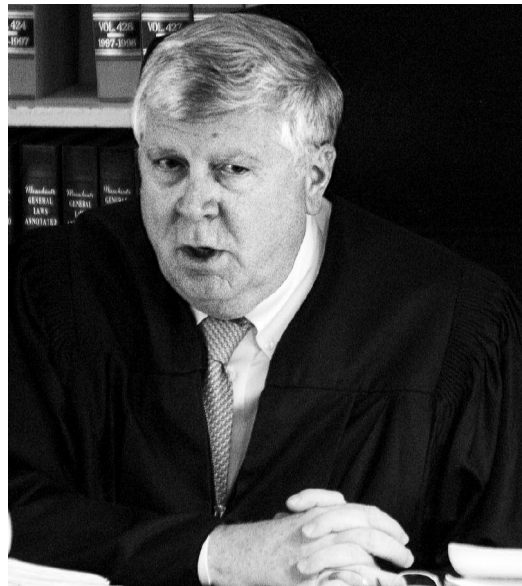
real estate risk services for Citizens Financial Group, the eighth largest commercial bank in the US. The Boston-based group is responsible for all environmental due diligence, appraisal, flood insurance compliance and construction monitoring for commercial real estate transactions. **Cynthia Mark**, managing attorney of the Asian outreach unit at Greater Boston Legal Services, has been selected as a mentor by the New England Leadership Institute of Legal Aid University. She also received the Asian American Lawyers Association of Massachusetts 2005 Community Service Award for



representing limited-English proficient voters (whose primary languages are Chinese, Vietnamese or Spanish) to protect their rights under the Voting Rights Act. **Matthew Tarasevich** has joined the law firm Bernstein Shur in Portland, Maine, as a shareholder in the municipal, labor and employment, and litigation practice groups. He also serves as chair of the Maine State Bar Association's Municipal Law Section.

1996

Alexa (Mortenson) Claybon, her husband, Marc, and their two daughters, Hazel and Edith, moved to Bethesda, Md., in October. Marc accepted a position



Nickerson Presides in Worthington Trial

In November, *The Boston Globe* printed an article with the headline, "A judge willing to make hard calls." The judge referred to was Gary Nickerson '75, an associate justice of the Massachusetts Superior Court who presided over the highly publicized trial of the man ultimately convicted of killing Christa Worthington. The case garnered nationwide attention when Worthington's battered body was found in her Truro home in January 2002, with her 2-year-old daughter by her side. "He shows what I would call courage from the bench," said Raymond Veary Jr., an assistant district attorney, in describing Nickerson to the *Globe*. "He's not impulsive. He's not impetuous. He always has good, lawful considerations, and he's not afraid to walk where few others walk."

Vecchione Appointed Chief Bar Counsel

In January, the Massachusetts Board of Bar Overseers announced Constance Vecchione's '74 appointment as chief bar counsel. The Office of Bar Counsel is an independent administrative body established by the Supreme Judicial Court to investigate, evaluate and prosecute complaints of ethical violations against lawyers. Vecchione joined the office as staff counsel in 1980, was appointed as first assistant bar

counsel in 1989 and served as acting bar counsel during three previous vacancies. "We were absolutely overwhelmed by the breadth of support for Ms. Vecchione," said Elizabeth N. Mulvey, chair of the search committee.



IN MEMORIAM

1930s

Edward L. Milhender '34
Samuel Lieberman '35
Mildred R. Statuta '36
Joseph H. Danis '37
Joseph G. Jundanian '38
James Zafarana '38

1940s

Philip K. Kimball '41
Stanley J. Jablonski '42

1950s

Anthony N. Compagnone '50
Melvin Ravech '51

1980s

Pamela G. Dempsey '81
Kevin R. Kouns '82
Joanne M. Sollecito '84

1990s

Edith C. Aherne '93

with a private equity firm in Bethesda, and Alexa returned to the national tax office of KPMG in Washington, DC, where she worked from 2000 through 2004. Although they miss family and friends in Colorado, they're happy to be back in DC. **Todd S. Kaplan** was promoted to senior attorney at Greater Boston Legal Services. **Peter Orner** won the Bard Fiction Prize for 2007 for his first novel, *The Second Coming of Mavala Shikongo*, which draws on his experience as a teacher in Namibia. In selecting Peter, the Bard prize committee said, "With the concentrated linguistic energy of an imagist poet, Orner creates remarkable miniatures: whole stories in his first book (*Esther Stories*) and tantalizingly brief chapters in this new novel. His narrative vision allows the reader to reside concurrently in suggestive and declarative realms, which tell the story of intimacy among the

humiliations of social and racial inequalities." The Bard Prize was established in 2001 by Bard College to support young writers. Winners received a \$30,000 cash award and an appointment as writer-in-residence at Bard for one semester.

1997

Brian D. Gross was named a partner at the Boston law firm Cooley Manion Jones, where he concentrates on complex product liability matters, toxic tort and environmental litigation, pharmaceutical litigation, nursing home liability, business and commercial disputes, and intellectual property actions.

1998

Serge O. Bechade was named a partner at the Boston law firm Prince, Lobel, Glovsky & Tye in the estate planning and probate and tax practice groups. Serge

assists clients in planning for international and domestic corporate and partnership transactions. He also works with clients to address tax and tax-related aspects of commercial transactions, including venture capital, corporate merger and acquisitions, partnerships and limited liability companies, real estate and general business matters. **Anjanette R. Warren** and her husband, David, welcomed a beautiful daughter, Arijita Rachele, home from India in May 2006. Ari was born in Kokata, India, in 2005 and was welcomed into her new family's arms the following year. She is home now with big brother Joshua, 7; big sister Sydney, 3; and her very proud parents.

1999

Olga Bogdanov was named partner at the Boston law firm Murtha Cullina, where she

concentrates in the area of bankruptcy matters representing corporate and individual debtors and secured and unsecured creditors. **Elizabeth A. Kowal** is the new associate director for the Office of Career Services at Roger Williams University School of Law in Bristol, R.I. **David E. Plotkin** was named partner at the Boston law firm Prince, Lobel, Glosky & Tye, where he focuses on media, licensing, contracts, trademark, copyright, Internet and technology law.

2001

Eric C. Genau was appointed in January to the Ad Council of Buffalo's board of directors and is also serving as the Ad Council's legal counsel. A private, not-for-profit organization, the Ad Council helps western New York nonprofit organizations produce and disseminate critical messages by linking organizations with volunteers from the marketing, advertising and public relations fields. Eric also serves as editor of the New York Asbestos Defense Weblog and is a contributing author to the *Trial Tactics Defense Litigation Manual* (DRI, 2006). **Katherine S. Nemens**, staff attorney for

the Clubhouse Family Legal Support Project in Boston, was appointed in September as co-chair of the Parenting Rights and Responsibilities Committee of the Boston Bar Association's Family Law Section.

2003

In November, **Julia E. Green** joined the Rochester, N.Y., law firm Harter Secrest & Emery as an associate in the environmental practice group. The New England Leadership Institute of Legal Aid University selected **Ingrid I. Nava**, a staff attorney in the employment unit at Greater Boston Legal Services, as a fellow.



Green

2005

Zachary William Berk and **Jessica Shane Elliot**, who met at the law school, were married in October at OceanCliff, a hotel in Newport, R.I. Jessica is an associate at the Boston office of McCarter & English, a Newark, N.J., law firm. Zachary is an associate at the Boston law firm Cetrulo & Capone. **Ethan Carson Eddy** left the public

White Named Suffolk Prosecutor of the Year

Asha White '04 was honored as the 2006 Suffolk County district court prosecutor of the year. In a glowing tribute to White's outstanding work and dedication, his supervisor, Jonathan Tynes '97, said Asha "has the fierce desire to try cases; the fearlessness of a true ADA, ... and the wisdom of a true litigator who knows that an effective advocate and trial attorney has an intimate knowledge of the facts of his or her case and has spent a great deal of time preparing each case. ... from defense attorneys to judges to court officers to police officers to victims, I hear a consistent familiar refrain when it comes to this attorney: Asha White is a rising star."



Heilbroner Puckers Up

The filmmaking team of David Heilbroner '84 and his wife, Kate Davis, have yet another documentary hit with their new film, "Pucker Up: The Fine Art of Whistling." The film follows the competitors in the 31st International Whistlers Convention, held annually in North Carolina, and chronicles the history of whistling as an art form.

interest law firm where he was working to join one of the firm's clients, the Animal Protection Litigation Section of The Humane Society of the United States, based in Washington, DC. In his

free time, Ethan serves as an officer of a statewide law enforcement entity in Virginia that investigates, raids and prosecutes large-scale animal fighting operations.

Alumni/ae Weekend

MAY 11-12, 2007

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1982 • 1987
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Fun-filled events include:

- Friday night reception for all graduating classes
- Educational panel on Saturday morning
- Family-friendly activities on Saturday afternoon
- Reunion Class Dinner on Saturday night

More than 350 people attended Alumni/ae Weekend last year and the feedback was overwhelmingly positive — don't miss this year's celebration.

Visit www.slaw.neu.edu/alumni for emerging details.

Call 617-373-8268 with questions or if you would like to join your reunion class committee.

Imagine the Angels of Bread

By Martín Espada '85

This is the year that squatters evict landlords,
gazing like admirals from the rail
of the roofdeck
or levitating hands in praise
of steam in the shower;
this is the year
that shawled refugees deport judges
who stare at the floor
and their swollen feet
as files are stamped
with their destination;
this is the year that police revolvers,
stove-hot, blister the fingers
of raging cops,
and nightsticks splinter
in their palms;
this is the year
that darkskinned men
lynched a century ago
return to sip coffee quietly
with the apologizing descendants
of their executioners.

This is the year that those
who swim the border's undertow
and shiver in boxcars
are greeted with trumpets and drums
at the first railroad crossing
on the other side;
this is the year that the hands
pulling tomatoes from the vine
uproot the deed to the earth that sprouts the vine,
the hands canning tomatoes
are named in the will
that owns the bedlam of the cannery;

this is the year that the eyes
stinging from the poison that purifies toilets
awaken at last to the sight
of a rooster-loud hillside,
pilgrimage of immigrant birth;
this is the year that cockroaches
become extinct, that no doctor
finds a roach embedded
in the ear of an infant;
this is the year that the food stamps
of adolescent mothers
are auctioned like gold doubloons,
and no coin is given to buy machetes
for the next bouquet of severed heads
in coffee plantation country.

If the abolition of slave-manacles
began as a vision of hands without manacles,
then this is the year;
if the shutdown of extermination camps
began as imagination of a land
without barbed wire or the crematorium,
then this is the year;
if every rebellion begins with the idea
that conquerors on horseback
are not many-legged gods, that they too drown
if plunged in the river,
then this is the year.

So may every humiliated mouth,
teeth like desecrated headstones,
fill with the angels of bread.

From *Imagine the Angels of Bread*



Martín Espada has published 13 books as a poet, editor and translator. He has received numerous awards and fellowships; most recently, he received a 2006 John Simon Guggenheim Memorial Foundation Fellowship. His poems have appeared in *The New Yorker*, *The New York Times Book Review*, *Harper's*, *The Nation* and *The Best American Poetry*. He is a faculty member in the Department of English at the University of Massachusetts-Amherst, where he teaches creative writing and the work of Pablo Neruda.

Plan for Your Future and the School of Law's with the Gift that Gives Back

Alice L. Hageman '77

"'Laffer Than Thou' was how Murph Archibald characterized our class on the button he distributed at one of our reunions," recalls Alice Hageman. "Although most of us have continued to try to practice the values we preached while in law school, even we have mellowed as we settle into middle or early elder age."

When Alice received a small inheritance from her mother's estate in 1997, she decided to make a gift to the law school with low-basis stock. "I wanted to make a gift in appreciation of the education I received and the fond memories of my time at Northeastern," she says.

Alice chose to establish a Charitable Gift Annuity (CGA), which will provide her with payments for the rest of her life. Not only did she receive an immediate charitable income tax deduction, she also deferred the capital gains tax she would have paid had she sold her stock. With a CGA, Alice reaps the benefits of deferring a portion of her capital gains tax, receives a charitable tax deduction and obtains guaranteed income for life. "This is a good deal," she says. "I encourage all law school graduates to consider making a similar gift. There is tremendous satisfaction in supporting an institution that has played a very important role in our lives, and in helping to assure its fiscal future."

Benefits of the Northeastern University Charitable Gift Annuity

- Fixed-income payment for life
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FOR MORE INFORMATION, or to receive a personalized proposal, call Elizabeth Hill, senior associate director of gift planning, at (617) 373-3502 or e-mail el.hill@neu.edu.

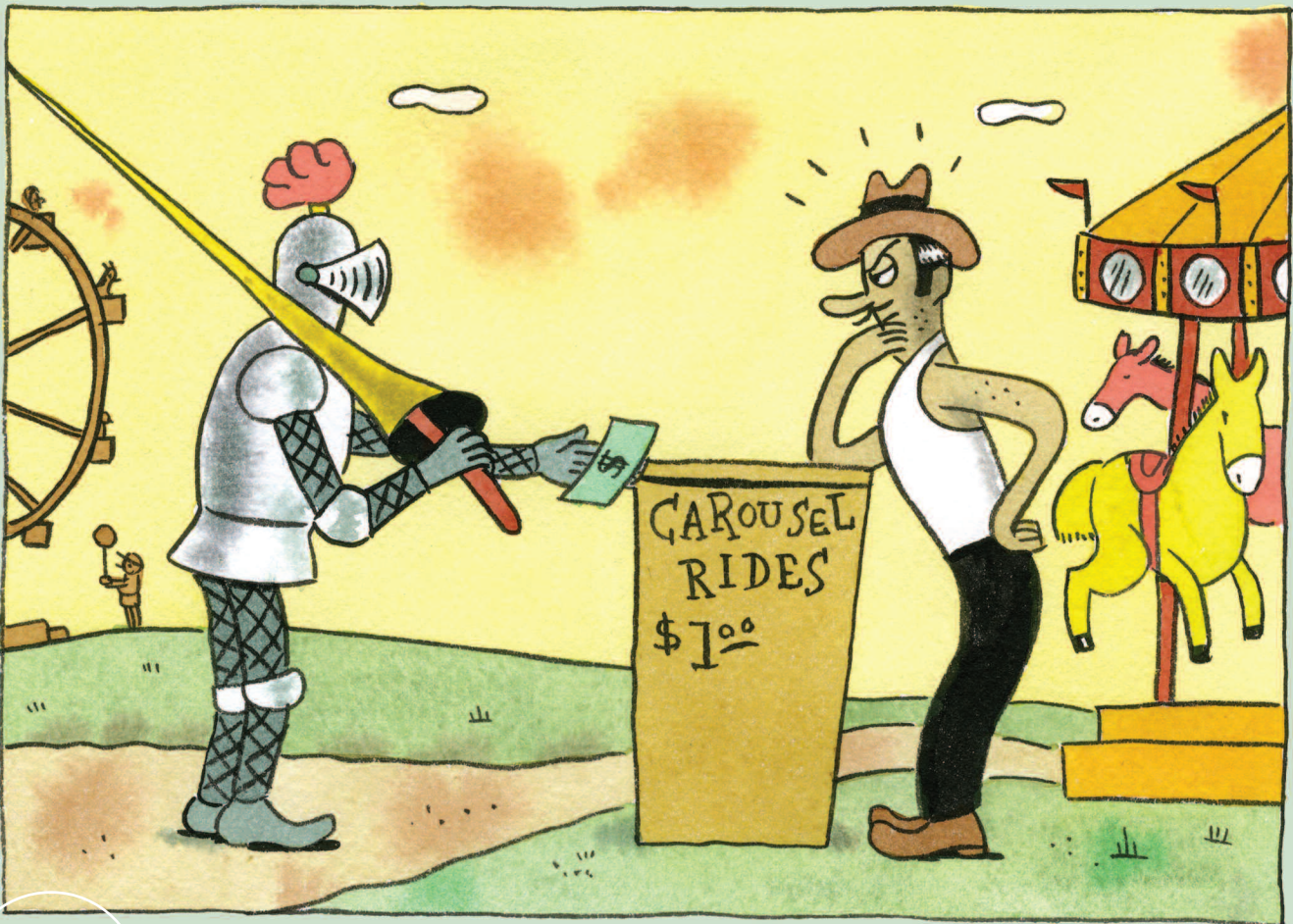


Illustration by Marc Rosenthal

An operator of an amusement ride may deny any person entrance to an amusement ride if the operator believes that entrance by that person may jeopardize the safety of the person or other persons.

**Vermont Statutes Annotated,
Title 31, Section 723**



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