Editor: Michael F. Marecki, L'88
Contributors: Joseph Aronds, L’88, Sharon Blue, Patricia McGuire, L’77, Diane Murphy
Photography: Mark Ferris, Richard Jaffe, L’87, Mitchell Layton, Patricia McGuire, L’77, Sharon Farmer, Emily Troxell, L’88
Design: Bogart & Associates, Inc.
On the cover: The design is an adaptation of a poster created by Robert Szabo and Timothy Ward of Georgetown's Office of University Relations to commemorate the groundbreaking of the New Georgetown Law Library on Wednesday, March 18, 1987.
RES IPSA LOQUITUR

Volume 36, Number 2  
Spring 1987

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dean's Letter</td>
<td>2</td>
</tr>
<tr>
<td>Features</td>
<td></td>
</tr>
<tr>
<td>John Metaxas, <em>Is There A Role For U.S. Law?</em></td>
<td>4</td>
</tr>
<tr>
<td>Professor James Oldham, <em>Lexis &amp; Lord Mansfield</em></td>
<td>8</td>
</tr>
<tr>
<td>Library Campaign News</td>
<td>18</td>
</tr>
<tr>
<td>Centerscope</td>
<td>22</td>
</tr>
<tr>
<td>Alumni News</td>
<td>26</td>
</tr>
</tbody>
</table>

*Res Ipsa Loquitur* is published three times each year for the Georgetown University Law Center Community, with free distribution to alumni/ae, faculty, students, staff, and friends. Published by Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001.

Copyright © 1987 Georgetown University Law Center. All rights reserved.
Dear Alumni/ae:

One event of transcendent importance to the Law Center has overshadowed all others in recent months. After eight long years of preparation, we finally are embarked on a program to build a new law library and expand existing facilities at McDonough Hall.

The Board of Directors of the University unanimously approved the Law Center's plans and budget at its December meeting, and shovels actually hit the ground in February of this year. On Wednesday, March 18, Father Healy joined the students, faculty and staff of the Law Center in a simple ceremonial groundbreaking to celebrate the beginning of construction for our new law library and campus development program.

When we are finished, we should have a superb new library capable of storing up to 750,000 volumes. In the new building and in space vacated by the library in the present building, we will be able to house all of our clinics (currently located in rented space several blocks from the school), add to our classrooms and faculty offices, expand the cafeteria, and perhaps most important, create comfortable lounges and reading areas where students can study and just pass time between classes.

The complete construction program should take about two years but, when completed, will give the Law Center a physical plant adequate to respond to the needs of its student body.

These ambitious plans will require continued generous support from alumni and friends of the University. Our eventual goal is to raise fifteen million dollars to support the project. Early returns have been gratifying. With a bit of a push from tax reform, 1986 was probably the best year of fund raising that the Law Center has ever had. Most of that money was earmarked for the building fund. Nevertheless, we have a long way to go. Edward Bennett Williams and William Shea, two of the most illustrious graduates of the Law Center, have agreed to co-chair a Building Development Committee. Many alumni will be hearing from one of them or from us in the coming months.

Meanwhile, academic life goes on at the Law Center. One of the most interesting recent developments is the enthusiastic way that students, faculty and alumni have responded to the recent innovation of combining the Hart
Lectureship with Law Day panels in the spring semester. The Hart Lectureship was endowed by the family and friends of the late Senator Philip Hart of Michigan, and involves a visit to the law school for the better part of a week by a prominent academic, culminating in a formal lecture. This year, Judith Thomson, a professor of law and philosophy with a joint appointment at MIT and Yale, delivered the Hart Lecture on Thursday, April 2. Incidentally, this is the first time a woman served in that role.

On Saturday, April 4, some exceptional Law Day panels were organized by Professor Martin Ginsburg, this year's coordinator. One panel, chaired by Professor Ginsburg, brought together present and former government officials and senior tax lawyers in Washington to discuss tax reform. A second panel discussed the question of adapting the Constitution to the 21st century. The panel included Judge Robert H. Bork of the D.C. Circuit, Lloyd M. Cutler, of Wilmer, Cutler and Pickering, E. Donald Elliott of Yale Law School who is visiting with us this year, and Peter Edelman of the Law Center faculty.

I hope to see many of you in the near future, and eventually — probably in 1989 — to welcome you to an expanded and improved Law Center facility.

Sincerely,

Robert Pitofsky
Dean
Is There a Role For U.S. Law?

Five South African Lawyers come to GULC

by John Metaxas

As McCaps Motimele sits down to his hastily prepared student's dinner of bran flakes and milk in his apartment a few blocks from the Capitol, he keeps one eye glued to the TV set in the living room.

On the screen, President Reagan is laboring to explain his government's arms sales to Iran. “Look at how nervous Reagan is,” exclaims Mr. Motimele in his accented English, as TV correspondent Sam Donaldson asks the president another embarrassing question.

Mr. Motimele, a black South African lawyer currently studying at Georgetown University Law Center, explains his reasons for watching the developing arms scandal so intently. “I am fascinated with politics,” he says. “I need a measure of predictability. If you watch a person regularly, you get a feel for what he is going to do next.”

And for a black South African, what Mr. Reagan does next regarding South Africa is always a matter of intense interest.

Mr. Motimele and four colleagues—all black South African attorneys—are Fulbright scholars at Georgetown, enrolled in a program jointly funded by the university, the Fulbright program and the U.S. Information Agency.

In a one-year course of studies leading to a master of laws degree, they are studying American constitutional law, and legal research and writing, taking a special course in trial advocacy and practicing in Georgetown's criminal justice clinic.

As the first such group of black South African attorneys to come to study in the United States, the five have been given a unique opportunity for a close look at the country and its legal system and to compare societies—in the classroom, in the courtroom and in their everyday lives.

(left to right) Eric Mabuza, Seth Nthai, Fawn Wilderson (program coordinator), Professor Ed O'Brien (director of the South African Lawyer's Program), McCaps Motimele, Eugene Malindi, and Peter Moshle.

Their observations during this comparative process shed light on the South African legal system and suggest that American-style jurisprudence may not play as significant a role in reforming that system as Americans might think.

The program was conceived during a trip to South Africa in 1985 by Edward L. O'Brien, a Georgetown adjunct professor and co-director of the National Institute for Citizen Education in the Law. The purpose of the trip was to promote the development of "street law" programs there to educate lay people about their rights under the law.

The five South Africans—Mr. Motimele, Eric Mabuza, Eugene Malindi, Peter Mothle and Seth A. Nhai—are between the ages of 27 and 38 and are among an estimated 200 black South African attorneys out of more than 20 million black South Africans, not including those designated as "colored."

After completing clinical training and their degrees, at least three of the group hope to take the exam to become advocates, eligible to argue before South Africa's higher courts. Currently there are only about 20 black advocates in the country.

Mr. O'Brien, head of the Black South African Lawyers Program, hopes to accomplish more than merely sharpening advocacy skills, however. "Our program is intended to give black lawyers knowledge to do the best job possible under the current system," he says. "But after blacks are given an opportunity to participate in government, they will be leaders. We need to prepare people for the post-apartheid era."

Another goal of the program is to give black lawyers greater credibility in the eyes of the South African legal community. Says Mr. O'Brien: "A master's degree from Georgetown...will show that black South African lawyers can compete with the best lawyers in America."

Adds Mr. Mabuza: "Generally blacks feel that because of the system, to compete fairly with their white counterparts they must be a notch or two above them."

Still, both Mr. O'Brien and the five lawyers are quick to point out that the program is not in the business of training radicals.

"They are certainly not here to cause any revolution or to promote problems," says Mr. O'Brien.

Mr. Malindi adds: "I'm not here to reform anything. I'm not here to prepare for anything. For me this is a learning experience. I want to see how the American system works and just to get a better understanding of the world."

A recent visit to the constitutional law class of Prof. Thomas G. Krattenmaker, the school's associate dean for graduate studies, provided a vivid example of the kind of education the South Africans are getting. The topic of discussion that night was the 1984 U.S. Supreme Court decision in Lynch v. Donnelly, 104 S.Ct. 1355, dealing with the establishment clause and the constitutionality of a nativity scene on government property in Rhode Island.

Although none of the five was called on to participate that evening, the classroom debate left its mark on them.

A recent visit to the constitutional law class of Prof. Thomas G. Krattenmaker, the school's associate dean for graduate studies, provided a vivid example of the kind of education the South Africans are getting. The topic of discussion that night was the 1984 U.S. Supreme Court decision in Lynch v. Donnelly, 104 S.Ct. 1355, dealing with the establishment clause and the constitutionality of a nativity scene on government property in Rhode Island.

Although none of the five was called on to participate that evening, the classroom debate left its mark on them.

Asked about the significance of a creche debate to someone who must deal with being a black man in South Africa, Mr. Motimele responds: "At first I said: 'Oh my God. This society is very comfortable. Surely it is luxurious to sit and debate such issues.' But then I realized to ensure democracy we have to pass ideas down the line. These kids are future congressmen and presidents. Let them argue... If they differ in class, the more they will appreciate free speech. What is a better way to show the beauty of democracy?"

Mr. Malindi had similar thoughts: "It's very impressive to see people willing to discuss thorny problems and highly volatile problems. In a way it's refreshing. We come from
"At first I said: 'This society is very comfortable. Surely it is luxurious to sit and debate... issues.' But then I realized these kids are future congressmen and presidents. Let them argue... What is a better way to show the beauty of democracy."

—McCaps Motimele

a society where you are forced to suppress your feelings."

Mr. Mabuza is more cynical. "Arguing this concept does not have much meaning to me," he says. "We study the theory of justice, but we live in a world of injustice."

Still, the five lawyers say they have a great respect for the American legal system, but that respect does not translate into optimism about using knowledge of that system to reform South Africa.

And despite the fact that Nelson Mandela, the jailed leader of the African National Congress, and its current leader, Oliver Tambo, are both attorneys, the five see no role for lawyers working through their profession to restructure their country’s legal system.

“You cannot reform apartheid,” says Mr. Motimele. “You cannot use the principles learned from American constitutional law. The two are per se contradictory.”

Mr. Motimele explains that the civil rights movement in the United States has worked in the framework of the Constitution, but decisions such as Brown v. Board of Education are not possible in South Africa, “because we don’t have particular rights we can lay claim to.”

Says Mr. Mabuza: “Maybe I see myself bringing more frustration. Procedural knowledge of American law can only be frustrating in South Africa.” Still he speculates: “If we had judicial review, I would be optimistic... about using law to fight injustice.”

Currently, there is a growing movement among some liberal white South African judges to establish a doctrine of judicial review to mitigate apartheid’s abuses. Such judicial review takes the form of strict statutory interpretation, as there is no bill of rights that can be used to strike down repressive measures.

“Generally blacks feel that because of the system, to compete fairly with their white counterparts they must be a notch or two above them... I’m here to sharpen my skills in advocacy. I’m here to learn techniques.”

—Eric Mabuza

Judicial review, though, can be a double-edged sword. Professor Krattenmaker notes: “Judicial review in this country between 1900 and 1930 was used to undo social legislation that limited work hours and established minimum wages... The First Amendment was almost read out of the Constitution in 1918... But my [American] students don’t know that. They all grew up in an era of cases such as Brown v. Board of Education, Baker v. Carr and Roe v. Wade.

“South Africans on balance have a broader perspective on those questions because they have witnessed other systems.”

While acknowledging that judicial review has begun to develop, especially in the Natal province, Mr. Mothle says that as long as the South African Parliament is supreme and has the power to pass legislation overruling and nullifying judicial decisions, that reform effort will not likely bear fruit.

Last June a conference was held at the University of Pretoria to discuss a further reform—the enactment of a bill of rights. Mr. Motimele says South African views on a bill of rights generally can be divided into three camps.

The liberal whites who are for a bill of rights say it would allow the courts to strike down repressive measures and dismantle apartheid without the politicians losing face with their militant Afrikaner constituency. “Apartheid is a few statutes, and if you hit them, you can dismantle it,” Mr. Motimele explains.

Mr. Mothle is a past president of the Democratic Lawyers Congress. When he returns to South Africa, he will go back to his partnership in Pretoria where he was a trial lawyer.

Militant Afrikaners, he says, are against a bill of rights, believing it would infringe on their group’s values and their espousal of “separate but equal.”

Most blacks also oppose a bill of rights at this time, contends Mr. Motimele, who adds that “if a bill of rights is introduced now, it will be viewed with suspicion and undermine a future bill of rights because blacks will view it as a ploy by the white man to protect himself... once he has accumulated all the wealth.”

Mr. Mothle agrees with that sentiment: “A bill of rights would not solve the problems of South Africa now... South Africa needs a political change.”

Making reform more difficult is the black population’s general mistrust of proposals made by the whites.

Says Mr. Mabuza: “The general feeling of the [black] people is that the South African government has for a number of years pretended to be committed to bring about change. But they have come to feel that it never had the genuine intention to bring about meaningful change. The [black] people have tended to develop a feeling of distrust for reform. They’ve become impatient. Hence, the only thing they tend to believe can liberate them is to resort to
violence, though most people would like to avoid political change by violence.”

When the five lawyers are asked whether they believe changing South Africa can come “only through the barrel of a gun,” predictably, no one is willing to answer. As lawyers, they are sworn to uphold the law of South Africa, and that law includes apartheid. As such, they are viewed by some as “establishment lawyers.”

The five were somewhat circumspect in their comments for this article, apparently fearing reprisals from the government if they spoke out too strongly against apartheid and from other blacks if they appeared to be defending the system.

And therein lies the dilemma in being a black lawyer in South Africa today.

“They are caught in the middle,” explains Mr. O’Brien. “One must walk a thin line to be a lawyer in South Africa. Some view the legal system as corrupt. Others say, ‘People are suffering and lawyers like these are doing what they can to ameliorate it.’ ”

He adds: “South Africa breeds paranoia, and politics seems to pervade almost every decision [these five] make.”

In fact, the group had refused previous requests for interviews, granting it to this publication apparently because it is read by the American legal community. And even then, one of the five refused to answer the most basic questions.

After the interviews, Mr. O’Brien and one of the South Africans requested permission to review the five lawyers’ comments to ascertain whether their publication might violate South Africa’s internal security laws. They did not, however, request permission to censor any comments—nor were any censored.

Since the five say they have not come to Georgetown with a political agenda, their stated goals necessarily are individual and private.

Says Mr. Malindi: “Whatever I am here for, if I am more effective, it will assist my people. If I am good, my people will benefit.”

Impressed by the role of clinical education at Georgetown, Mr. Nthai hopes to become an “academic advocate” when he returns to South Africa by continuing to lecture part time at the University of the North in addition to his practice.

“I’m not here to reform anything. I’m not here to prepare for anything. For me this is a learning experience. I want to see how the American system works and just to get a better understanding of the world.”

—Eugene Malindi

An attorney for 3½ years in Pretoria, his dream is to become an advocate and join a bar association.

Mr. Mabuza, who for two years has practiced criminal law in Johannesburg, takes a utilitarian view of his education at Georgetown: “I’m here to sharpen my skills in advocacy. I’m here to learn techniques.”

Mr. Motimele, a 1982 graduate of South Africa’s black University of the North Law School, has practiced law in Petersburg, primarily defending people arrested for demonstrating and other civil-unrest-related matters. He intends to do the same type of work when he returns.

Mr. Mothle, a past president of the Democratic Lawyers Congress, likewise plans to return to his partnership as an attorney in Pretoria. Like any other black lawyer, he does some civil and commercial work, but the bulk of his work is trial defense work of people charged under criminal law and security legislation. (People arrested under emergency orders are sometimes denied access to attorneys.)

He is especially struck by the Socratic method employed in American law schools and by the clinical education programs. He also hopes to teach and do some writing.

Mr. Nthai hopes to become an “academic advocate” and continue lecturing part time at the University of the North.

Meanwhile, Mr. O’Brien is attempting to obtain funding to continue the Georgetown program in future years.

Mr. Motimele says his experience here is most useful in giving him a sense of perspective about his country. “Although what you learn here cannot be used immediately, you can sit back empirically, decipher what you have seen and say [about the South African system] ‘No, this cannot be democracy.’ You can divorce your emotions and talk about it scientifically.”

Meanwhile, his education continues. Back at his apartment, when the president’s press conference has ended, he wants to watch the 11 o’clock news. But his roommates, Messrs. Mabuza and Malindi, in an apparent exercise of American-style democracy, overrule him and turn on reruns of “Sanford & Son.”
What first attracted me to Lord Mansfield was his continued appearance in most modern American casebooks on Contracts. Twenty or thirty years ago, this would not have been surprising, but by the late 1970s, relatively few English judges from the 18th century or earlier survived in casebooks that were increasingly UCC- and Restatement-oriented. This staying power by Lord Mansfield interested me, and out of that curiosity grew what has now become nearly a decade of involvement with the man and his era.

I do not propose here to retell the story of my entrapment. Instead, I was asked what I could say about Lord Mansfield’s modern influence in American common law. On reflection, I found that I could say very little. Clearly I had to put a stop to this embarrassment, and the means were at hand—LEXIS.

Before turning to LEXIS results, here is a one-paragraph refresher about Lord Mansfield. Chief Justice of England (the Court of King’s Bench) from 1756 to 1788, and both Attorney General and Solicitor General before that, Mansfield was extraordinarily effective in articulating and giving coherence to basic common law doctrines, many of which traveled to America. Best known as “the founder of English commercial law,” Mansfield’s work in the fields of insurance and negotiable instruments, to take but two examples, was definitive. It was highly influential on key American jurists, such as Story in the 19th century and Llewellyn in the 20th century. Beyond commercial law, Mansfield is remembered today in two main contexts: slavery (the Somerset case, a landmark decision inhibiting slavery in England), and seditious libel (numerous decisions strongly favoring the Crown and restricting the role of the jury). But to the leading lawyers of his day, Mansfield was known for much more. He accomplished sensible and pervasive procedural reform, and his substantive hand reached, and was felt, everywhere. Chief Justice Marshall, finding himself boxed in by English caselaw decided subsequent and contrary to Mansfield, referred to Mansfield as “one of the greatest judges who ever sat on any bench” because he did “more to remove those technical impediments which grew out of a different state of

1 Ex Parte Somerset, 10 F 1, 20 State Trials 1 (1772).
2 See discussion of the Mostyn case, below.
society, and too long continued to obstruct the course of substantial justice. . . .”

The extent to which Mansfield’s judicial work continues to reverberate in American cases was the question taken up with LEXIS. I searched the database of 20th century federal and state cases; this covered most of the century, but for some jurisdictions, LEXIS does not yet reach back to 1900. I will start with a few statistics. Lord Mansfield appears in nearly 900 state and federal cases (about 600 and 300, respectively) in the 20th century LEXIS entries. There are two historical figures with profiles greater than Mansfield’s, and neither is a surprise—William Blackstone and John Marshall. Approximately equal to Mansfield in appearances is Thomas Jefferson, but Oliver Wendell Holmes surfaces only two-thirds as often. And the numbers drop off sharply with early jurists such as John Jay or Samuel Chase.

By comparison, I have identified from various sources (not, alas, from LEXIS) over 5,000 American cases from 1776 to 1860 in which a Mansfield decision was cited for a legal principle, discussed, quoted from, distinguished, modified or repudiated. This was true despite the fact that the use of English precedents in American courts in the late 18th and early 19th centuries was controversial—even legislatively outlawed in some states.\footnote{Mansfield was writing in Livingston v. Jefferson, 15 Fed. Cas. 660 (1811), quoted by Judge Frank in United States v. Forness, 125 F.2d 928, 937 (2d Cir. 1942).}

To be sure, Mansfield’s 20th century appearances are, proportionately, decreasing, especially when the accelerating volume of American caselaw is taken into account. Yet his influence remains surprisingly strong, as I hope now to illustrate. For discussion purposes, I chose 1970 as an arbitrary dividing line, and I will sample only the approximately 200 state and 100 federal cases decided since then that feature Mansfield in some fashion.

Some of the 300 cases continue to draw upon Mansfield in commercial contexts, referring, for example, to the negotiable instrument cases of Price v. Neal\footnote{See, e.g., the Preface to Littell’s Reports, Kentucky, 1848, describing such an act of the Kentucky Assembly.} and Millerv. Race,\footnote{3 Butt. 452 (1758).} and their incorporation into the Uniform Commercial Code and related or antecedent statutes.\footnote{See, e.g., see Petini Corp. v. First Nat. Bank of Habersham County, 533 F.2d 398 (5th Cir. 1977); Symonds v. First Nat. Bank of N.J., N.J. Super. App. Div., 451 A.2d 461 (1982).} But the surprising thing is how many of the cases are not commercial, ranging instead into criminal law and procedure, property, conflicts, contracts and other categories. Also, the expression “Lord Mansfield’s Rule” appears frequently, but on inspection, it turns out to refer to at least three totally unrelated rules.

Some states have demurred. In what could be described as swimming upstream, the Utah Supreme Court in 1974 adopted Lord Mansfield’s Rule for the first time, reasoning:

Mansfield is credited with the first authoritative statement of at least twenty legal principles or definitions that are still being applied.

The First “Lord Mansfield’s Rule”

By a large margin, the most controversial “Lord Mansfield’s Rule” originated in the field of family law in the 1777 opinion in Goodright v. Moss.\footnote{2 Cowp. at 594.} There, Mansfield stated: “[It is a rule, founded in decency, morality, and policy, that they [husband and wife] shall not be permitted to say after marriage, that they have had no connection, and therefore that the offspring is spurious. . . .” This rule has been viewed as a particularized application of what was once a conclusive presumption of legitimacy, as expressed by Lord Coke in Coke on Littleton.\footnote{2 Cowp. 591.} In the context of women’s rights, Mansfield’s opinion in Barwell v. Brooks\footnote{*• 1 Butt. 452 (1758).} continues to be quoted with approval for the proposition, akin to the observation of Chief Justice Marshall given above, that the common law must be receptive to changing social circumstances.\footnote{Marshall was writing in Livingston v. Jefferson, 15 Fed. Cas. 660 (2d Cir. 1974).} That process could not be better illustrated than by the recent struggle in American courts to shake off Lord Mansfield’s Rule #1. When the rule was adopted, and for a century and a half after, its rationale was evidently to support the institution of marriage and to avoid the stigmatization of children as illegitimate. But by the second half of the 20th century, in view of the changes in attitudes about divorce, the original reasons had lost their force.

A dozen years later, the same court admitted that “[t]he effect of Lord Mansfield’s Rule has been substantially eroded by the enactment of the Utah statute validating the ad-

4 See, e.g., Preface to Littell’s Reports, Kentucky, 1848, describing such an act of the Kentucky Assembly.
5 3 Butt. 1354 (1762).
6 1 Butt. 452 (1758).
8 2 Cowp. at 594.
WILLIAM EARL OF MANSFIELD

misibility of blood tests]."17 Despite the dilution of the rule by the acceptance of different types of evidence, the validity of the rule continues to be recognized in many states. In addition to Utah, recent affirmations of this can be seen in New York,18 and in Arkansas.19 But the trend is the other way. Recent rejections of the rule have occurred not only in Iowa but also in North Carolina,20 Texas,21 Michigan,22 and Missouri.23

Nevertheless, the tone of the cases seems to have moderated. Instead of the stridency of Wigmore’s criticism, there is a simple recognition that the purposes of the rule, initially valid, no longer make sense, and neither do intervening rationalizations—for example: “We are satisfied that further adherence to Lord Mansfield’s rule cannot validly be premised on the assertion that it operates to prevent increased enrollment on public welfare lists.”24 Concurring Justice Coleman of the Supreme Court of Michigan acknowledged that the legal status of children had improved significantly since the 18th century, but he cautioned that “even after today’s decision abolishing Lord Mansfield’s Rule, a very strong presumption of legitimacy will continue to protect the otherwise defenseless child.”25

Perhaps the gentlest rejection of Lord Mansfield’s Rule, one altogether in keeping with Mansfield’s judicial philosophy, was that of the Supreme Court of Texas in Davis v. Davis.26 After quoting Mansfield’s rationale of “decency, morality and policy,” the court quoted from Learned Hand’s forceful book, The Spirit of Liberty (1952), to the effect that “our common law is ‘a combination of custom and its successive adaptations. The judges receive it and profess to treat it as authoritative, while they gently mold it the better to fit changed ideas.’”27

The Second Lord Mansfield’s Rule

In Vaisey v. Delaval,28 a motion was made to set aside a verdict, and as the basis for the motion, counsel for petitioner offered an affidavit of two jurors that the jury, being unable to reach a consensus, had tossed a coin to decide its verdict. Lord Mansfield denied the motion in the following one-sentence opinion:

“The Court cannot receive such an affidavit from any of the jurors themselves, in all of whom such conduct is a very high misdemeanor; but in every such case the Court must derive their knowledge from some other source; such as from some person having seen the transaction through a window, or from some such other means.

This decision came to stand for the flat proposition that “a juror’s testimony or affidavit is not receivable to impeach his own verdict,” and as such, it is widely known as another “Lord Mansfield’s Rule.” Although modified, it remains in effect in most American jurisdictions. Wigmore called it a “curious doctrine of evidence. . . now here persisting through the sponsorship of Lord Mansfield’s great name. . . . ”29 According to Wigmore, the rule is “neither strictly correct as a statement of acknowledged law nor at all defensible upon any principle in this unqualified form. . . . ”30 Steps have been taken in many states to qualify the rule. According to the Supreme Court of Pennsylvania, writing in 1981, the rule “providing an evidentiary prohibition against the admissibility of testimony of a discharged juror as to what occurred among the jurors in the jury room” remains the majority version, as in Pennsylvania; nevertheless, “[C]riticism of Lord Mansfield’s rule led to the development of a minority view known as the Iowa rule to the effect that jurors’ affidavits will be admitted as to facts that do not inhere in the verdict.”31 What exactly the expression “inhere in the verdict” means has been the subject of further debate, but the qualified version took hold in the federal courts after the 1915 decision by the Supreme Court in McDonald v. Hess.32 As stated by Judge Van Dunse of the Third Circuit: “[T]he courts, often continuing to recite the canon of ‘no impeachment,’ evolved a more flexible rubric.”33

Further contributing to this process was adoption of Rule 606 of the Federal Rules of Evidence. The Advisory Committee reported: “The familiar rubric that a juror may not

23 In Re L. , 499 S.W.2d 490, 493-494 (1967).
25 Id at 465. In passing, it is worth noting that two additional Mansfield decisions continue to be cited in modern American cases for another principle of family law, one that has come into phase with the times in the late 20th century. The principle calls for the best interests of the child to be given weight in custody cases. See Risser v. Case, 778 A.2d 574 (1947), and Rex v. Delaval, 3 Barr. 145 (1764), as discussed in Burns v. Rines, 55 A.2d 487, 489 (Ct.App.Md. 1947), Roussel v. State, 474 A.2d 909, 915-916 (Maine 1971).
26 521 S.W.2d 603 (1975).
27 Id. at 608.
28 238 U.S. 254 (1915).
30 Id.; see discussion in State v. Forstenberry, 307 So.2d 296, 299 (La. 1975).
32 238 U.S. 264 (1915).
33 Government of Virgin Islands v. Gereau, 523 F.2d 140 (3rd Cir. 1975).
impeach his own verdict, dating from Lord Mansfield's time, is a gross oversimplification, and after reviewing the cases, the Committee concluded that the valid policy behind the rule "does not...foreclose testimony by jurors as to prejudicial extraneous information or influences injected into or brought to bear upon the deliberative process." 34 Rule 606 was drafted accordingly, and in addition to governing the federal courts, it has taken effect in a majority of the states. 35

Taking a long view of the impact of Vaise, Lord Mansfield's rule can be traced through a lengthy embedded phase and a dislodged, eroding phase into a resettled status, which it now occupies. It continues to be applied in something close to its original form, 36 but even the modified rule continues to be attributed to Lord Mansfield. Thus in Shillcutt v. Gagnon, 37 Judge Gordon quoted Rule 606(b) and then wrote: "Although enacted into the federal rules of evidence only in 1975, the rule has been part of the common law since Lord Mansfield's decision in Vaise v. Delavel..." And in United States v. Pavon, 38 Judge Spellman responded to the Defendant's assertion that an investigation into jury misconduct lies within the discretion of the trial judge, as follows: "To suggest, however, that such discretion is limitless is to ignore a respected precept dating from Lord Mansfield's time—jurors may not impeach their own verdicts."

The Third Lord Mansfield's Rule

The modern context in which the third Lord Mansfield's Rule operates is professional responsibility. In 1778, an application came before the Court of King's Bench to strike an attorney from the rolls because of a felony of which he had been convicted some years earlier. The attorney had been convicted of stealing a guinea, had taken advantage of benefit of clergy (an outmoded privilege allowing a defendant to escape imprisonment or execution if he could demonstrate literacy), and had received the punishment of being burnt in the hand. The attorney's argument was, in today's terminology, one of double jeopardy. Mansfield was not persuaded. He stated:

[T]he defendant's having been burnt in the hand, is no objection to his being struck of the roll. And it is on this principle; that he is an unfit person to practice as an attorney. It is not by way of punishment; but the court on such cases exercise their discretion, whether a man whom they have formerly admitted, is a proper person to be continued on the roll or not.39

This holding has been relied upon in dozens of disciplinary proceedings in the 20th century in the United States. Thus in Atty. Grievance Commission v. Lockhart, 40 the court preceded its paraphrase of the above holding by stating: "Many times in recent years this Court has quoted from Ex Parte Brounsall, 2 Cowp. 829 (1778), what has come to be known as 'the Lord Mansfield rule.'" 41 It is interesting in this connection to see the authority of Lord Mansfield brought to bear against such notorious characters as Spiro T. Agnew, 42 and Richard G. Kleindienst, 43 although in the latter case, Mansfield's views were taken up by dissenting Judge Kelly in arguing that even disbarment, not mere disciplinary action, would not constitute "punishment." 44

The Twenty Principles

Space does not permit extended discussion, but I wish at least to identify the fundamental principles or definitions attributed to Lord Mansfield that have appeared in American cases since 1970, other than the three rules already treated. I will group them in the following categories: General, Contract and Quasi-Contract, Evidence, Civil Procedure, Criminal Law and Procedure, Property, and Conflicts.

General

One of the thorns in Mansfield's side in the 1760s was the flamboyant John Wilkes, who, as the defendant in seditious libel cases, became the rallying cry for freedom of the press. Two aspects of related litigation involving Wilkes's right to sit in Parliament have survived, one a general proposition, the other a rule of criminal procedure (below). The general point is the definition of judicial discretion. Mansfield stated: "Discretion, when applied to a court of justice, means sound discretion guided by law. It must be governed by rule, not by humor; it must not be arbitrary, vague and fanciful, but legal and regular." 45 This definition is frequently repeated by American courts. 46

Another principle that is oft-repeated, although it is occasionally controversial, is the statement by Mansfield in Rex v. Foxcroft 47 that members of a voting body who are present but abstain "virtually acquiesce" in the position of the majority of those who do vote, and that majority vote is binding, even if less than a majority of those present. 48 And a final example of a generalization that continues to be

34 See the discussion in Durant v. Lovato, 656 P.2d 953, 911 (N.M. 1983).
36 See, e.g., the opinion of dissenting Judge Pudlowski in Jones v. Wahle, 667 S.W.2d 729, 731 (Mo.App. 1984): "Such a disruptive atmosphere, in the right case, is sanctionable under Rule 606(b) of the Federal Rules of Evidence." 37 602 F. Supp. 1280 (E.D. Wis. 1985).
39 Ex Parte Brounsall, 2 Cowp. 829, 830 (1778).
41 Since 1970, the Maryland Court of Appeals has called upon Ex Parte Brounsall in at least 14 cases.
44 See the opinion of dissenting Judge Drew in Lurie v. Florida State Board of Dentistry, 288 So.2d 223, 231-232 (Fla. 1974). Both Judge Kelly in Kleindienst and Judge Drew in Lurie brought out the disciplinary case in the context of an earlier Cardozo opinion in In re Rous, 116 N.E. 782, 783 (1917).
45 685, 689-705, 705 (Wis. 1984).
47 2 Burr. 1017 (1760).
relied upon is Lord Mansfield’s definition of an “Act of God” given in *Forward v. Pittard*.99

**Contract and Quasi-Contract**

This is a large subject, in which Mansfield’s hand has been strongly felt, much more so than the few references here given would suggest. The fundamental machinery of the bilateral contract was effectively set in motion by Mansfield’s treatment of conditions in *Kingston v. Preston*.50 Even better known, however, and more persistently cited, is Mansfield’s discussion of the action for money had and received in *Moses v. MacFerlan*,51 taken as the bedrock on which theories of quasi-contract and unjust enrichment are constructed.52 In one remarkable case in 1980, the Court of Claims of New York cited *Moses* (an action at law) for the proposition that the action for “money had and received” (one of the “common counts” used for bringing actions at law) “finds its genesis in equity,” so that “[t]he Court of Claims may well lack jurisdiction...”53

Although the New York Court of Claims took an anachronistically technical approach to the law-equity question, it is true that Mansfield injected many equitable notions into law cases. One that is often repeated is a variation on the “clean hands doctrine”—the notion that “[n]o court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act.”54 Often it is said that the common law doctrine of *in pari delicto* is but an application of the Mansfield principle.55

**Evidence**

Mansfield’s comments in the *Duchess of Kingston’s Trial*56 pertain to the question of the doctor-patient privilege. They are quoted to show that, while a doctor may have been honor-bound not to reveal communications from his patient voluntarily, the doctor had no privilege at common law to withhold such information from a court of law.57

**Civil Procedure**

In *Bree v. Holbeck*,58 Mansfield stated that “[t]here may be cases too, which fraud will take out of the statute of limitations.” This point continues to be repeated in American cases.59 So also does Mansfield’s formulation in *Re v. D’Eon*.60

---


51 *2 Burr. 1005* (1760).


56 *20 State Trials 573* (1776).


58 *2 Doug. 654* (1781).


60 *1 W.Bl. 510* (1764).
that: “Three things are necessary to put off a Trial. 1) That the Witness is really material, and appears in Court so to be. . . . 2) That the Party who applies has been guilty of no Neglect. 3) That the Witness can be had, at the Time to which the Trial is deferred.”

Criminal Law and Procedure

Substantively, Lord Mansfield is often credited with “[the modern concept of attempt. . . .” This grows out of the case of Rex v. Scofield, in which Mansfield stated:

The intent may make an act, innocent in itself, criminal; nor is the completion of an act, criminal in itself, necessary to constitute criminality. Is it no offence to set fire to a train of gunpowder with intent to burn a house, because by accident, or the interposition of another, the mischief is prevented?

Justice Powell added that “Lord Mansfield’s formulation in Rex v. Skinner is often quoted—that ‘neither party, witness, counsel, jury, or judge can be put to answer, civilly or criminally, for words spoken in office.’” The recent debate in American cases is whether immunity is to remain absolute, as suggested by Lord Mansfield’s formulation. While most courts still speak of absolute immunity from civil liability, there has been movement away from that position.

Procedurally, Mansfield cases come into play on two different ideas—the “single transaction” or “unit of prosecution” concept, and the question of amending an Indictment, as opposed to an Information. The former arose in a quaint set of facts—that of a baker prosecuted for baking bread on Sunday. He baked four loaves, and suffered, accordingly, four indictments. Lord Mansfield would not stand for it. He allowed only one prosecution, stating: “If the Act of Parliament gives authority to levy but one penalty, there is an end of the question. . . .” Mansfield’s disposition does not automatically translate into other situations, except that the question of legislative intent is foremost. That question is often debated in the context of a double jeopardy argument.

Finally, the Wilkes case surfaces again on a point of criminal procedure. There, Mansfield stated: “There is a great Difference between amending Indictments, and amending Informations. Indictments are found upon the Oaths of a Jury; and ought only to be amended by themselves. But Informations are as Declarations in the King’s Suit. An Officer of the Crown has the Right of framing them originally: and may, with Leave, amend, and in like Manner as the Plaintiff may do.” This differentiation continues to be recognized.

Property

In the law of real property, Lord Mansfield continues to be relied upon for the basic rule that twenty years’ adverse possession will establish positive title. In addition, Mansfield’s decision in Hambley v. Trott is cited for the proprietary nature of the action of Trover.

See the majority opinion of Judge McGowan in Briggs v. Goodwin 569 F.2d at 27-29. See also the Seventh Circuit’s opinion in Briscoe v. LaHue, supra, 463 F.2d 713, 718 (7th Cir. 1981); Dale v. Barrels, 552 F. Supp. 1235, 1270-1271 (S.D.N.Y. 1982).

Crepp v. Duiden, 2 Cowp. 640 (1774).


Rex v. Wilkes, 4 Burr. 2527 (1770).


Conflicts
In Mostyn v. Fabrigas, Lord Mansfield declared the action of Trespass to be a transitory action. According to Judge Kaufman of the Second Circuit, this decision “came into our law as the original basis for state court jurisdiction over out-of-state torts.” Earlier, the question was caught up in the differentiation between in rem and in personam jurisdiction, and it was in this context that Chief Justice Marshall considered himself bound by 19th century English decisions, even though he preferred Mansfield’s reasoning.

Mansfield’s decision in Holman v. Johnson was earlier referred to in connection with the “clean hands” doctrine. Another aspect of that case came to stand for what has been termed “the revenue rule.” In Holman, Mansfield said that “no country ever takes notice of the revenue laws of another.” That offhand remark grew into a fixed principle disallowing attempts to sue in a federal or state court to collect funds alleged to be owing under the tax or revenue laws of another jurisdiction or country. Judge Anderson of the Ninth Circuit held in 1979 that: “The revenue rule has been with us for centuries and as such as become firmly embedded in the law. There were sound reasons which supported its original adoption, and there remain sound reasons supporting its continued validity.” He added that any change would have to come from the legislature. Nevertheless, other judges have not been so sure about the soundness of the rule and have begun to suggest that it has become anachronistic.

Conclusion
I hope to have demonstrated that the reverberations of Lord Mansfield’s decisions do indeed continue to be felt—sometimes quite strongly—in American jurisprudence. To an extent, the cases that survive seem a random lot, unconnected by any unifying chemistry. But they do reveal a striking clarity of mind about first principles designed to regulate the tensions of a mercantile economy and the conflicts of a democratic society. They also reveal an activist judge who believed in the efficacy of the common law. Almost never would Mansfield take the position of Ninth Circuit Judge Anderson, above, that a change in the revenue rule could only be accomplished by the legislature. Or, if Mansfield were to do so, it would be for a different reason—not because of perceived institutional constraint, but because of a stronger countervailing interest, such as the importance of certainty in property or mercantile law. Nor would Mansfield be upset by the rejection of his rule in Goodright v. Moss—he would be distressed by the changes in societal attitudes about the institution of marriage, but, as observed by Chief Justice Marshall, he was a firm believer in the need to shape “the course of substantial justice” according to the state of society of his own time, not that of a bygone era.

Editor’s Note
Professor Oldham is nearing completion of an extensive edition of unpublished legal papers of the first Lord Mansfield, most of which are housed at the hereditary home of the Earls of Mansfield, Scone Palace, in Perth, Scotland. He has been working with surviving original trial notes and other case documents, under a cooperative arrangement with the current (eighth) Earl. The edition is to be a title in the Studies in Legal History Series sponsored by the American Society for Legal History and published by the University of North Carolina Press. It is expected to appear in 1988.

2 1 Cowp. 371 (1776).
4 1 Cowp. 341 (1775).
5 Het Majestv’. Queen in Right, etc. v. Cilbettson, 597 F.2d 1161, 1166 (9th Cir. 1979).
7 1 Cowp. 161 (1774).
8 Filartiga v. Pena-Irala, 630 F.2d 875, 885 (2nd Cir. 1980).
Editor's Postscript:

Iconoclastic Iconography

Although Roscoe Pound thought this to be a portrait of Lord Mansfield, Professor Oldham revealed the Ciceronian figure's true identity—William Pulteney, Earl of Bath. The "real" Lord Mansfield is shown on p. 15.

While engaged in research at the Treasure Room at Harvard Law School several years ago, Professor Oldham asked his friend and former colleague, Harvard Law Librarian Harry S. Martin (Law Librarian at Georgetown from 1976 to 1981), if he might see the engravings and paintings of Mansfield held by the Law School. Professor Martin asked the Curator of the Harvard Law School art collection, Bernice Loss, to give Professor Oldham a tour. She graciously complied, culminating the tour with the large, imposing oils that hung outside Austin Hall. One of these was a prize painting of Lord Mansfield, attributed to 18th century English portrait painter William Hoare. It was purchased at auction in 1923 by Dean Roscoe Pound and was said to have been painted at the Pump Room at Bath while Lord Mansfield was there "taking the waters."

After viewing the painting in silence for some time, Professor Oldham turned to Mrs. Loss and remarked, with hesitation, that he did not think the figure in the painting was Lord Mansfield. Dismayed, Mrs. Loss assured Professor Oldham otherwise, noting that, after all, artistic representations in portraits of the same person were often quite dissimilar. Professor Oldham agreed, and acknowledged that Mansfield was known to have gone to Bath at least once for health reasons. He observed further that the figure in the painting (see illustration, at left) was removing or replacing a volume of Cicero from a bookshelf, and Mansfield was known for his Ciceronian style of debate in the House of Lords. Still, Professor Oldham said that he might look into the question one day.

About a year later on a research trip to England, Professor Oldham made the acquaintance of Jacob Simon, newly-appointed 18th Century Curator at the National Portrait Gallery in London. Mr. Simon had moved to the National Portrait Gallery from Kenwood, a small, lovely public gallery that, coincidentally, was Lord Mansfield's country home from 1754 to his death in 1793; therefore, Simon was well acquainted with Mansfield. When Professor Oldham showed Mr. Simon a photograph of the Harvard painting and expressed doubt about its being Mansfield, Simon immediately agreed, left the room, and returned with a photograph of an oil study that he personally had purchased (see illustration, opposite page). The study was of a seated figure, apparently in Parliamentary robes, reaching toward a book-
A study done by William Hoare provided the critical clue to the true identity of the painting’s subject. shelf, but devoid of facial characteristics or detail work. The painter was William Hoare, and until that moment, Mr. Simon had no knowledge of the finished painting to which his study related. There was no doubt—the study was a preparatory oil sketch of the painting at Harvard Law School. This meant that the identity of the artist was now certain, but the question about the subject remained.

"Consider what you think justice requires, and decide accordingly. But never give your reasons; for your judgment will probably be right, but your reasons will certainly be wrong."

William Murray, Earl of Mansfield

Professor Oldham next visited the offices of the Mellon Project for the Study of British Art, where he spoke with Ms. Evelyn Newby, an expert on William Hoare. She looked at the photograph of the Harvard painting, and after a false trail or two, she exclaimed “I’ve got it!” She disappeared into corridors of files, returning with one marked “William Pulteney, Earl of Bath.” On opening the file, there appeared a photograph of a copy of a painting by Hoare—a copy identical to the Harvard painting. The copy was known to have been sold at auction to an American in 1971, but nothing was known about the existence or whereabouts of the original. That gap was now filled.

Ms. Newby’s identification of the subject of the painting was then relayed by Professor Oldham to Jacob Simon. Simon, in turn, studied the iconography of the Earl of Bath, and this led to the last of a remarkable series of coincidences. Included in a catalogue published by the National Portrait Gallery was an excerpt from a surviving letter in which the Earl of Bath describes having sat to William Hoare for the very painting under investigation. The letter is dated 24 December 1757, from the Earl of Bath to Zachary Pearce, Bishop of Rochester and Dean of Westminster. Apparently Pearce had earlier made a gift to the Earl of a set of Pearce’s edition of the works of Cicero. The relevant portion of the letter reads:

All Portraits should be placed in some likely attitude, which gives Vivacity and Expression to the Countenance, and the Action I have chosen is this. I am sitting in my Robes in my Library, with a table before me, as if I was just come in, and your Edition of Cicero was then brought me, in a present from your Lordship; when the Picture is placed in your Library, it will seem as if I was speaking to you, and thanking you for your kind Present, which I am putting on a shelf of my own. The Posture is extremly easy, and the Picture extremly like [me], which pleases me much because I cannot give it to any one I esteem more.1

On returning home, Professor Oldham notified Mrs. Loss and Professor Martin of his findings. Nevertheless, we are reliably informed that, in order to keep Dean Pound’s acquisition unsullied, the brass plate on the painting identifying it as Lord Mansfield remains unchanged.


2 J. Kerlalec, Early Georgian Portraits, 1977, p. 16.
Edward Bennett Williams and William Shea Co-Chair the Campaign for the New Georgetown Law Library

Edward Bennett Williams, L’44 H’68, and William A. Shea, L’31 H’71, co-chairs of the Campaign for the New Georgetown Law Library, met in New York with Father Healy and Dean Pitofsky on Friday, December 12, 1986 to discuss plans to raise major gifts in the $15 million Campaign for the New Georgetown Law Library. Joining them for this meeting were Peter Mullen, O’48, chairman of the Georgetown University Board of Directors, and John Kirby and William Ragan, B’43 L’48, also members of the Board of Directors. Other members of the Campaign Leadership Group include Robert Nathan, L’48; Thomas Reynolds, Jr., C’48; and Arturo Ortega, F’47 L’50.

Father Healy opened the meeting with the charge to the Library Campaign Committee: to lead the way to a major gift to name the new library building (in the $8 - $15 million range) as well as to several gifts in excess of $1,000,000 to name the various grand spaces within the new building (see gift chart accompanying this article).

Comparison with Other Law Libraries

Dean Pitofsky followed Father Healy’s remarks with a discussion of the need for the new library and a description of the facility designed by the Washington architectural firm of Hartman-Cox. Of special interest to the Committee were data comparing Georgetown’s present law library to comparable law schools. Some of the more interesting comparisons are:

- Among all law schools in the country, Georgetown—which has the largest student body—currently ranks 18th in terms of its total volume count, including the microform collection. Counting only print volumes (i.e., books on the shelves) Georgetown is 33rd among all law schools.
- Among the 30 top law schools in the country, Georgetown is last in terms of volumes per student. Georgetown has 205 volumes per student, compared to 817 at Harvard, 791 at Columbia, 358 at N.Y.U., and 413 at Virginia.
- As evidence of the Law Center’s commitment to develop a first-class library collection, the Georgetown Law Library now has one of the largest book acquisition budgets in the country. However, sheer lack of physical space for books and students inhibits the ability of the library to acquire the number of volumes necessary to accommodate in full the demands of the largest law school in the country.
- Dean Pitofsky explained that the new building will add approximately 94,000 net square feet to the Law Center complex. While most of that space will be devoted to the law library and administrative services related to the library, the new building will also include offices for law journals as well as a number of small rooms appropriate for small seminars and group study sessions.

Outstanding Design Elements

The Committee reviewed the floor plans and new artist’s conceptions of the building exterior, atrium and main reading room. Some of the most striking features of the building design include:

- The Atrium: Students, faculty, staff, alumni and patrons using the library will enter through the atrium, a grand circular space rising three stories. Doric columns ringing the circular balconies on each floor will evoke classical sensibilities of a sparse, well-ordered design. The circulation desk will be toward the back of the atrium, on the way to the main reading room. Natural light filtering through long windows on the southern exposure will brighten the three-story atrium.
- The Main Reading Room and Balcony: Inspired by the reading rooms of major European libraries, the main reading room will provide the space and ambience necessary for quiet study and research. Finished in red oak to provide a warm and aesthetic atmosphere conducive to study and reading, the main reading room will rise two-stories, with a balcony containing book stacks and study carrels on the second floor overlooking the main reading area on the first floor.
- The Fourth Floor Formal Lounge: Sitting on top of the three-story atrium, the fourth floor formal lounge will provide additional quiet space for student study as well as space for ceremonial use on formal Law Center occasions. Rising to a height of seventeen feet, the formal lounge will be capped by a crown of windows and a skylight. An oculus in the center of the lounge floor will provide a view into the atrium below and also allow light from the skylight to filter into the atrium.
• The International Law Collection: One of the most important needs the new library will fulfill is the provision of space for the International Law Collection, one of the most important special collections. Among these, International Law is one of the most significant collections, ripe for expansion. The International Law Collection, reading area and librarian's suite will occupy almost all of the space designated for library purposes on the B-1 level of the new building.

• The Rare Book Room: The new library will at last provide suitable space for storage, display and ready access to the Law Center's large collection of rare and historical legal treatises.

The new library is the principal part of a total package of Law Center construction and renovation. New construction costs—including the new library building, the west extension on McDonough Hall (see immediately preceding question), and modest construction associated with the renovation of other areas in McDonough Hall—will be about $26 million. Other costs associated with the project include such major line items as furnishings, architects' and consultants' fees, the purchase of the land on the block where the new library will be built, and interest on loans during construction. The total project cost including new construction plus all of the other items is slightly less than $50 million, the budget ceiling approved by the Georgetown Board of Directors.

Answers to Questions Alumni Ask Most Frequently About the New Law Library

With the Library of Congress just a few blocks away, why does the Law Center need to build a separate library facility?

While Georgetown is indeed fortunate to enjoy the proximity of the resources available at the Library of Congress, factors indigenous to the nature of both institutions make it imperative that Georgetown build a first-class law library of its own.

Georgetown Law Center has long been committed to a drive toward excellence designed to place the school squarely among the best law schools in the country. The law library is an integral part of the Law Center's ability to achieve this goal. Research and scholarship have become increasingly important factors in the measures of quality in legal education. A school of the size of Georgetown, and of the academic renown it currently enjoys and hopes to sustain and further, must have research and study facilities on its own campus equal to the demands of the academic enterprise.

To expect the Library of Congress to be able to respond to the considerable demands of this highly-motivated and sizeable school is unrealistic. In sheer physical terms, the Library of Congress has only a limited number of seats, and these are available not only to Georgetown but to all scholars, students, lawyers and members of the general public. The hours of the Library of Congress are limited, the stacks are not open for patrons to obtain books directly, and students cannot take the books outside of the library.

More important, the mission of the Library of Congress to serve the research demands of the Congress first and then to the general public, makes it unrealistic to assume that Georgetown students and scholars could demand and receive the kind of staff service and collection access they need to support their ongoing academic interests. The Library of Congress is and will remain an excellent resource facility for Georgetown, providing important supplementary material, but not supplanting the primary mission and responsibilities of the Law Center's own library.

Will computers and other new technologies eventually eliminate the need for books, thus making a large library building unnecessary?

Highly unlikely. While computers and new technologies will continue to enhance the research process in many important ways, academic experts predict that print materials will continue to form the core of academic research libraries.

The Georgetown Law Library has anticipated the impact of new technologies both in the design of the new building and in its plan for development of its collection and resources. The Five Year Plan (1986-1991) for the library notes that print materials will continue to constitute the heart of the law library "... because the historical foundations of the law and the importance of precedent create greater dependence on the writings of earlier eras than is true in many other disciplines." Thus, continues the Planning Document, "The law library of the future will be a careful blend of new information systems along with the traditional book collection. The challenge for Georgetown will be to create that library, paying careful attention to the appropriate mixture of new technology and books, and to make certain that library users find it to be at least as accessible, effective and efficient as the book-based library has always been."

Computers will appear in the new library in various configurations to provide many important services: administrative services including an on-line card catalog; research services providing access to the many important databases such as LEXIS/ NEXIS, etc.; writing and instructional services for students through the availability of microcomputers.

What will happen to the space currently occupied by the library in McDonough Hall?

Beyond providing the facility to create a first-class law library, the Law Center's construction and renovation project will enable the Law Center to "bring home" the clinical programs, and, at last, house all of its academic programs and administrative services in an integral campus complex.

The second and third floors of McDonough Hall, currently occupied by the law library, will be renovated to provide office space for student services, some clinical programs, faculty offices, the faculty library and conference rooms.

To accommodate the needs of the clinical programs as well as to expand space available for student activities and to upgrade the food service and student lounge space, the basement of McDonough Hall will undergo extensive renovation. A major part of the building program calls for the addition of a "west extension," an underground expansion of the B-1 level from the current building line out to the edge of the Law Center property on Second Street.

Future issues of Re: Ipsta Lopor:itur will provide more details on the renovation of McDonough Hall and the addition of the west extension.

How much will the new library cost?

The new library is the principal part of a total package of Law Center construction and renovation. New construction costs—including the new library building, the west extension on McDonough Hall (see immediately preceding question), and modest construction associated with the renovation of other areas in McDonough Hall—will be about $26 million. Other costs associated with the project include such major line items as furnishings, architects' and consultants' fees, the purchase of the land on the block where the new library will be built, and interest on loans during construction. The total project cost including new construction plus all of the other items is slightly less than $50 million, the budget ceiling approved by the Georgetown Board of Directors.
GULC Breaks Ground on New Law Library

With over 2600 students enrolled in our J.D. and graduate programs, a faculty of 80 full-time and 230 adjunct professors, ten clinical programs, and three independent research institutes, Georgetown University Law Center is the largest law school in the country. What does it mean to be America's largest law school? For Georgetown it has meant a growing leadership role in the legal community and outgrowing our home once again.

To consolidate Georgetown's growth during the two decades since McDonough Hall was planned and to provide state of the art research facilities for professors and students at the Law Center, Georgetown has begun construction of a new law library. In a brief ceremony on Wednesday, March 18, Rev. Timothy S. Healy, S.J., president of Georgetown University, and Robert Pitofsky, dean of the Law Center, broke ground on the site of the new Georgetown Law Library.

A unique combination of resources—a Washington, D.C. location within walking distance of the U.S. Supreme Court and Capitol Hill; a remarkable faculty of scholars, former government officials, and outstanding practitioners; and an immensely talented and savvy student body anxious to study in the midst of the Washington legal community — has enabled Georgetown to become one of the most diverse and prominent law schools in the nation. The new law library together with renovations of Bernard McDonough Hall will help secure Georgetown's place among the nation's finest law schools for generations ahead.

The overall construction plan will be completed in about two years. It consists of building a new library that will accommodate 750,000 volumes, renovating McDonough Hall where the present library is located, and improving the landscaping surrounding both buildings. The total project will revolutionize life at Georgetown by almost doubling the amount of physical space available for student study, and increasing opportunities for interaction between faculty and students and for continued development of new programs; by providing a state of the art research library with widespread access to computers and automated information retrieval systems; and by giving the Law Center campus life of its own for the first time in its 117-year history.

The ceremony began with an invocation by Rev. Robert Drinan, S.J. He recalled...
the Law Center's alumni and benefactors whose generosity and commitment since
the law school's creation in 1870 have enabled Georgetown to become the outstanding
institution it is today. He also reminded the gathering of faculty, students and university
administrators of the noble work students undertake when they study to become
lawyers who serve their community and of the important contributions professors make when they engage in scholarship and training for our future leaders.

Dean Pitofsky thanked the faculty building committee who have worked for
seven years to make the new law library a reality and David McCarthy, the Law Center's former dean, whose vision and dedication began the planning process to build a new library and develop a campus for the Law Center. Dean Pitofsky also expressed special thanks to Father Healy and Georgetown's Board of Directors whose support and encouragement have been critical to the success of the building program.

Finally, Father Healy mentioned the exceptional role played by faculty in planning and developing the project. He also spoke about the importance of the Law Center to Georgetown University in its work of training lawyers who can strengthen or weaken the operation of our nation's government and systems of justice.

The informal ceremony ended with Father Healy and Dean Pitofsky setting shovels into the ground where the new library will stand. Afterwards, a reception was held in the first floor gallery of McDonough Hall.

Select Major Gift Opportunities in the New Georgetown University Law Center Library

The Campaign for the New Georgetown Law Library, under the leadership of Co-Chairmen Edward Bennett Williams and William A. Shea, seeks to raise $15 million to support the new library construction program. Father Healy, Dean Pitofsky, Mr. Williams, Mr. Shea and the Leadership Group are currently seeking leadership gifts from alumni, parents, friends, corporations, foundations and law firms. Major gift donors, or individuals of their choice, may be honored by dedicating rooms and areas in the new library. Following are some of the major gift opportunities:

$8,000,000 - $15,000,000 - New Building
$2,000,000 . . . . . . . . . . . . . . . Main Reading Room
$2,000,000 . . . . . . . . . . . . . . . The Atrium
$1,000,000 (2) . . . . . Third or Fourth Floor
$1,000,000 . . . . . . . . . . . . . . . International Law Collection
$500,000 . . . . . . Balcony Above the Main Reading Room
$500,000 . . . . Fourth Floor Formal Lounge
$500,000 . . . . . . . . . . . . . . . Rare Book Room
$250,000 (5) . . . . Each Law Journal Office
$250,000 . . . . Popular Reading Room
$100,000 (3) . . . Circular Reading Rooms on Second, Third, Fourth Floor

Floor plans and illustrations depicting these areas are available through the Assistant Dean for Development, at the address listed below.

The Group Projects

A number of law alumni are joining in group projects to dedicate portions of the library in honor of former professors, esteemed alumni, 20th and 25th class reunions, cities and states. Some of the projects already well on the way include:

• The Fr. Francis E. Lucey Room
• The Professor Walter "Doc" Jaeger Room
• The Fr. Dexter Hanley Room
• The Professor Philip Ryan International Law Reading Room
• The Class of 1966 Room

Each project must raise a minimum of $250,000. Individual donors of $5,000 or more will also receive recognition on the plaques dedicating the various rooms.

For further information about the Campaign for the New Law Library, call or write: Assistant Dean for Development, Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001 - 202/662-9500.

Don't forget: charitable contributions, including gifts of appreciated property, are still deductible under the new tax law! Future issues of Res Ipsa Loquitur will include tips on the tax advantages of making charitable contributions in 1987. For more detailed information about your gift, please contact the Assistant Dean for Development as listed above.
Ransmeier Goes to Seattle; Harry Lejda Appointed Assistant Dean for Administration

It was inevitable that we would eventually lose Denis Ransmeier to a job of greater responsibility, and the inevitable has happened," said Dean Pitofsky in his announcement that Ransmeier had accepted an offer to become treasurer and vice president for finance at Seattle University.

For the past nine years, Ransmeier has served as assistant dean for administration and an adjunct professor at the Law Center. He was responsible for handling the law school's financial operations and served as the Law Center's representative dealing with architects and the main campus on all aspects of the building plans for the new law library and renovations of McDonough Hall.

Harry S. Lejda, formerly the associate dean for administrative services at The Johns Hopkins University School of Continuing Studies, has been named as Ransmeier's successor. Lejda has a bachelor's degree in mathematics and a master's degree in psychology from Jersey City State College, and received a Ph.D. in higher education from New York University. He brings extensive experience in administrative services to his position as assistant dean for administration at the Law Center.

After teaching for four years in the Jersey City Public Schools, Lejda served in a number of administrative positions at Jersey City State College between 1972 and 1978, later became the director of planning in the office of the Chancellor of the Vermont State College System from 1978 to 1982, and associate dean for administrative service at the National Technical Institute for the Deaf and Rochester Institute of Technology from 1982 to 1984.

Lejda's duties will include monitoring the budget, shifting money from department to department, and overseeing the financing of the new law library construction program. In addition, Lejda will also help to integrate computers more fully into the life of the Law Center.

McGuire Named Assistant Dean for Development and External Affairs

Patricia A. McGuire has been named assistant dean for development and external affairs at Georgetown University Law Center by Dean Robert Pitofsky. She replaces Richard Meyer who became vice president for development at Michigan State University last fall.

An alumna of Trinity College (Washington, DC) and Georgetown University Law Center, McGuire joined the Law Center's development office in May of 1982 as assistant director; and in April of the following year, she became director of development. From 1978 to 1982, she served as a project director of the DC Street Law Project and as an adjunct professor of law at Georgetown Law Center.

McGuire is a member of the District of Columbia and Pennsylvania bars and the American Bar Association. She was awarded a daytime Emmy in 1980 for her work on the CBS News program, "30 Minutes," and holds two ABA Gavel Award Certificates of Merit for excellence in legal commentary on WTTG's "Panorama."

As assistant dean for development and external affairs, McGuire is responsible for planning and implementing a $15 million campaign to help finance construction of the new law library and renovations of McDonough Hall, and for coordinating Law Center activities involving alumni and the legal community.
New Faces at the Law Center

Each year GULC has the privilege of welcoming a select number of outstanding scholars, teachers, and practitioners to join our faculty as a visiting professor. This year has been no exception.

**Leroy D. Clark**

Visiting Professor

Leroy D. Clark, a professor of law at the Catholic University of America since 1981, has been teaching Labor Law, Employment Law, and Criminal Procedure at GULC this year. He is currently writing an extensive work on ways to reform Title VII of the Civil Rights Acts of 1964.

Clark believes the legal profession has evolved since he began working as a civil rights lawyer during the 1960’s. Many young people with social justice concerns have chosen to practice law since then. Professor Clark recalls that when he began his career there were approximately 100 civil rights lawyers in the entire nation, but that when he became General Counsel to the Equal Employment Opportunity Commission in 1979, he had over 300 attorneys working for him. The growing number of civil rights lawyers who have entered the profession since the 1960s is important evidence of the civil rights movement’s success.

Professor Clark served as General Counsel to the EEOC from 1979 to 1981. He has also taught at the New York University School of Law from 1968-79, served as Assistant Counsel, NAACP Legal Defense and Educational Fund, Inc., and served as Staff Counsel (Civil Rights Division) in the Attorney General’s Office of New York State, from 1961-62.

Professor Clark’s professional activities include his service as Arbitrator for the American Arbitration Association and Federal Mediation and Conciliation Service. He is a member of the Permanent Panel of the General Electric Company and International Union of Electrical, Radio and Machine Workers, as well as a member of the Board of Directors of the American Civil Liberties Union. Professor Clark has written extensively in the areas of Labor and Employment Law, and has co-authored a textbook on Employment Discrimination Law with Arthur B. Smith, Jr., and Charles B. Craven.

**E. Donald Elliott**

Visiting Professor

E. Donald Elliott, a professor of law at Yale Law School since 1981, has been teaching Advanced Constitutional Law at the Law Center. As a Faculty Associate at the Institute for Health Policy Analysis, Elliott notes that the role of lawyers in environmental regulatory systems has come under attack recently and that the preeminence of lawyers in this field will continue to be challenged. He believes, however, that law professors can nonetheless have practical, theoretical and philosophical impact on environmental regulations.


Elliott has served as a consultant to the Overseas Private Investment Corporation and on the Board of Directors of the Friends of Legal Services for Southern Connecticut. He has also served as a Vice Chair of the ABA Administrative Law Section’s Committee on Government Organization and Separation of Powers.

Professor Elliott has authored numerous law review articles, including *Institutional Analysis v. Goal Analysis of Toxic Compensation Systems*, appearing in vol. 73 of the *Georgetown Law Journal*.

**John H. Jackson**

Distinguished Visiting Professor

John H. Jackson, the Hespal E. Yntema Professor of Law at the University of Michigan, has been teaching International Trade and Economic Relations at the Law Center this year. He enjoys teaching in Washington, D.C. and describes it as the “mecca of international trade and economics law.” Jackson has been impressed with the active intellectual atmosphere at Georgetown and believes that students here have a unique opportunity to benefit from the tremendous pool of legal talent and varied curriculum.

He believes that an understanding of the law of international trade and economic relations is indispensable for today’s lawyers because of the growing proportion of business and trade taking place in an international context. Among his publications are a casebook co-authored with William J. Davey entitled *Legal Problems of International Economic Relations* and the highly influential *World Trade and the Law of GATT*.

A graduate of Princeton University and the University of Michigan School of Law, Jackson was a professor at the University of California at Berkeley from 1961-66, and has been at the University of Michigan since 1966. He has also taught at the University of Brussels in Belgium and at the University of Delhi in India where he was a visiting professor and a consultant on legal education for the Ford Foundation from 1968-69.

His professional background includes general corporate and labor practice, service as General Counsel and Acting Deputy for the Office of the President’s Special Representative for Trade from 1973-74, and as a Visiting Fellow at the Institute for International Economics in 1983.

Professor Jackson is a member of the ABA Section on International law, the American Law Institute, the Council on Foreign Relations, the Board of Editors of various journals, including the *American Journal of International Law*, the *Journal of World Trade Law*, and Georgetown’s *Law and Policy in International Business*.

**Elizabeth Loftus**

Visiting Interdisciplinary Professor

Elizabeth F. Loftus, a professor of psychology and an adjunct professor of law at the University of Washington since 1973, taught a course in Law and Psychology and a seminar on Eyewitness Testimony at the Law Center last fall. She was impressed by the quality of faculty interaction at the Law Center and found her students enthusiastic and involved.

Loftus once considered pursuing law as a career, but decided to offer the legal profession her expertise as a psychologist instead. Her work has been influential in challenging traditional notions of permanence of memory and has made the legal
profession more sensitive to the problems inherent in eyewitness testimony. Professor Loftus received her B.A. from UCLA, and has both an M.A. and Ph.D. from Stanford. She is a Fellow of the American Psychological Association, a past president of Division 41 of the American Psychology-Law Society, a past president of the Western Psychological Association, and was a member of the National Academy of Sciences Committee on the Use of Statistical Evidence in Court from 1982-85.

Loftus has written extensively on the subject of Eyewitness Testimony, and has co-authored an article on the reform of jury profession more sensitive to the problems inherent in eyewitness testimony. Professor Loftus received her B.A. from UCLA, and has both an M.A. and Ph.D. from Stanford. She is a Fellow of the American Psychological Association, a past president of Division 41 of the American Psychology-Law Society, a past president of the Western Psychological Association, and was a member of the National Academy of Sciences Committee on the Use of Statistical Evidence in Court from 1982-85.

Loftus has written extensively on the subject of Eyewitness Testimony, and has co-authored an article on the reform of jury instructions. Her 1979 book, Eyewitness Testimony, won the National Media Distinguished Contribution Award from the American Psychological Foundation.

A graduate of Harvard College and Harvard Law School, Mr. Rosberg has served as Counselor on International Law for the United States Department of State and was formerly a law professor at the University of Michigan Law School. He clerked for Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D. C. Circuit, as well as for Justice William J. Brennan, Jr., of the United States Supreme Court. Rosberg has written articles on the constitutional rights of aliens, the free movement of persons within the United States, and the establishment of the Iran-United States Claims Tribunal.

Peter H. Schuck
Visiting Professor

Peter H. Schuck, the Simon E. Baldwin Professor of Law at Yale Law School, has been teaching Administrative Law, Torts and a seminar on Immigration Law at the Law Center this year. He recently published a book entitled, Agent Orange on Trial: Mass Toxic Tort Disasters in the Courts and is currently collaborating with Donald Elliott on a study examining the responses of administrative agencies to judicial remands.

Schuck, who says he enjoys the inherent autonomy of being a law professor, is deeply committed to legal scholarship. He graduated from Cornell University and Harvard Law School. He later received an LL.M. in International Law from New York University Law School and an M.A. in Government from Harvard University.

Professor Schuck served as a Visiting Scholar at the American Enterprise Institute in 1979, as Deputy Assistant Secretary for Policy Planning and Evaluation at the Department of Health, Education and Welfare from 1977-79, and as the Director of the Consumers Union, Washington Office from 1972-77. Professor Schuck served as a Distinguished Visitor from Practice and Clinical Programs Move to 25 E Street

Gerald M. Rosberg
Distinguished Visitor from Practice

Gerald Rosberg, a partner at Dewey, Ballantine, Bushby & Wood, is GULC's second distinguished visitor from practice and has been teaching Civil Procedure this year at the Law Center.

Clinical Programs Move to 25 E Street

After several years of being spread out over three locations, GULC has begun the process of consolidating office space and clinical programs that will be completed with the construction of the new law library and renovations of McDonough Hall by moving the clinics and several journal offices to 25 E Street, NW.

GULC has rented space at 25 E Street for administrative offices, the division of Continuing Legal Education, legal research and writing, several clinics, and The Tax Lawyer for several years. Formerly the offices of the Immigration and Naturalization Service, 25 E Street is now the temporary home of all ten clinical programs, five journals—including the Georgetown Journal of Legal Ethics, the Immigration Law Journal, the Journal of Law and Technology, Law and Policy in International Business, and The Tax Lawyer.—legal research and writing, and space for visiting professors.

The consolidation of space shows Georgetown's continuing commitment to its outstanding clinical programs and to strengthening community life at the Law Center by making it easier for people to work closely together.

Jill Ramsfield
Legal Research & Writing

In addition to our visiting professors, Jill Ramsfield has joined the Law Center as an Instructor of Law in the Legal Research and Writing program. Professor Ramsfield received a B.A. in music from Wellesley College, a B.M. in music from the University of Wisconsin and a J.D. from the University of Wisconsin Law School. This year she has been teaching legal research and writing to first-year evening students.

Professor Ramsfield is the author of a book entitled Legal Writing: Getting It Right and Getting It Written, published in December, 1986. She has practiced law in Wisconsin and has taught Legal Research and Writing at both the University of Wisconsin Law School and the University of Puget Sound in Tacoma, Washington. In addition, Professor Ramsfield has taught seminars in continuing legal education in numerous states.
Pellegrino Delivers Seventh Annual Ryan Lecture

Should courts be deciding whether or not doctors must terminate artificial life support systems and allow patients to die? Edmund Pellegrino, M.D., this year’s Thomas F. Ryan Lecturer, questions the competence of courts in these cases to make judgments that are both medically and ethically sound.

In a lecture entitled, “Medicine and the Courts: Ethics at the Intersection,” Dr. Pellegrino addressed three recent cases where courts have concluded that doctors should stop using external life support systems and allow their patients to die. As one startling example of the kinds of decisions courts are making, he cited the case of a judge who visited a comatose patient’s bedside and determined that the patient would not recover, despite the fact that doctors could not yet make that medical judgment.

The intensely emotional character of these “hard cases” makes very “bad law” because it forces courts to make decisions that may be premature and obscures the need for informed and objective ethical reflection.

There is, Pellegrino argues, a tremendous need for rigorous ethical analysis of how to decide these life and death questions before courts can claim competence to decide whether or not to order termination of health care. Courts can decide what is legal and illegal but lack an adequate ethical framework for deciding whether a course of action is right or wrong.

Kenneth J. Feinberg, Esq., the managing partner of Kaye, Scholer, Fierman, Hays, and Handler’s Washington office and an adjunct professor at the Law Center moderated the event and Associate Dean Judith Areen acted as a respondent from the lawyer’s perspective.

Dr. Pellegrino, director of Georgetown’s Kennedy Institute of Ethics and a former president of the Catholic University of America, has been the recipient of 32 honorary degrees and a leader in medicine, ethics, and American higher education.

Named in memory of a 1976 alumnus of the Law Center, the Thomas F. Ryan Lecture brings a distinguished scholar or practitioner to Georgetown University Law Center each year to address issues of emerging legal importance. Previous lecturers have included Justice Harry A. Blackmun, U.S. Supreme Court; Edward Bennett Williams, Esq., of Williams and Connolly; the Honorable William H. Webster, director of the Federal Bureau of Investigation; the Honorable Stephen C. Breyer, U.S. Court of Appeals; the Honorable Kenneth L. Adelman, director of the U.S. Arms Control and Disarmament Agency; and the Honorable Joseph R. Biden, U.S. Senator.

First Mickum Prize Awarded to Laura Hudson

Laura Hudson, an evening student who graduated this past December, was selected as this first recipient of the George Brent Mickum Prize for legal writing. Created to honor a deceased Georgetown alumnus and prominent Washington attorney, the Mickum prize is given to the best individual research paper written in an “A” Seminar.

Professors are asked to nominate the very best papers written for their seminars. The papers nominated may be on any topic and are reviewed by a three-member committee that includes Dean Pitofsky, Professor Richard Diamond, and a partner from Steptoe and Johnson, Mickum’s firm. The Committee knows neither which student authored the paper nor which faculty member nominated it.

Ms. Hudson’s paper, “Congressional Oversight of Conventional Arms Transfer: The Case of the Veto Which Never Worked,” was written for Professor David Koplow’s Arms Control and National Security Seminar. The paper explores the effect of the Chadha decision that invalidated the legislative veto on Congress’s ability to oversee arms transfers. Her conclusion: Proper use of the annual appropriations hearings could be a more effective vehicle for oversight than the legislative veto was before Chadha.

Mickum, a former editor-in-chief of the Georgetown Law Journal, clerked for Supreme Court Justice Reed and then joined Steptoe and Johnson where he was a well-respected and much beloved litigator. A few years ago, cancer brought a tragic and untimely end to his life. To remember George Mickum and to honor his love for the law, friends have established this prize competition. This first award was $2500 and its size will increase in the years ahead.
Alumni News

'51

William Diedrich and his wife Margaret were among the six recipients of Benedictine College's distinguished service award, the Cross of the order of St. Benedict. Presented in February, the award recognizes persons who demonstrate outstanding service to Benedictine College and to their communities. To receive the award, Bill traveled from San Francisco, where he is a partner in the law firm of Pillsbury, Madison & Sutro.

Jerome H. Heckman, a senior partner in Keller and Heckman, has been elected to the Plastics Hall of Fame. Recipients of this honor are recognized for unique contributions and dedicated service to the plastics industry. He is the first practicing attorney to become a member of the Plastics Hall of Fame.

Jay V. FitzGerald, B. George Ballman, L'61, and J. Michael Conroy, L'71, have announced a merger of their firms to be known as Conroy, FitzGerald, Ballman & Dameron, Chartered. They will have seventeen attorneys, and four offices in Rockville, Gaithersburg, Bethesda and Wheaton, Maryland.


G. Gervaise Davis, III has recently been elected Director of the Computer Law Association, a professional organization of attorneys working with the computer industry. He also has written a book entitled: Software Protection: Practical and Legal Steps to Protect and Market Computer Programs, published by Van Nostrand Reinhold of New York City.

Louis H. LeMieux was elected a corporate vice president in addition to his duties as secretary and general counsel for Nalco Chemical Company.

Dr. William T. O'Hara, Bryant College president, was named vice chairman of a 21-member commission to recommend improvements to the Rhode Island judicial system. His professional and community activities include serving as treasurer of the New England Board of Higher Education, director of Citizen's Bank, and a member of the NCAA Presidents' Commission and the National Association of College and University Attorneys.

'53

Richard A. Van Hoomissen was elected president of the Oregon Chapter of the Federal Bar Association.

Michael D. Schwartz has been appointed Circuit Court Judge for Maricopa County, Michigan.

Richard J. Wieland has been elected to the national office of first vice president of the Federal Bar Association for fiscal year 1987.

John J. Carmody, Jr. was named a partner in the Washington, DC office of Linowes & Blocher. John is a member of the Board of Governors of the Georgetown University Alumni Association and of the Gonzaga College High School in Washington.

Philip Schwartz was elected president of the newly established American chapter of the International Academy of Matrimonial Lawyers. Philip has been chairman of the American Bar Association's International Support Laws and Enforcement Committee, Family Law Section since 1983. He has also been vice chairman of the International Bar Association's Family Law Division since 1984.

John H. Wood will join Sterling Drug, Inc. as vice president of public affairs.

Erwin G. Krasow, partner in Verner, Lipfert, Bernhard, McPherson & Hand in Washington, DC was elected president of the Broadcast Pioneers Educational Fund, Inc., the foundation that endows the Broadcast Pioneers Library.

Peter F. O'Malley is managing partner of O'Malley, Miles, McCarthy & Harrell in Upper Marlboro, Maryland. Peter is a Member of the President's Council for St. Mary's College of Maryland, and he is also president of The Greater Washington Board of Trade.

Eugene A. Ioanniza has been reappointed to a second four year term as City Attorney for the City of Long Branch, New Jersey.

Dennis J. Murphy, a partner at the Cincinnati law firm of Frost & Jacobs, has been elected President of the World Trade Association of Cincinnati and Chairman of the Southern Ohio District Export Council.

Marjorie A. O'Connell became a charter member of the American chapter of the International Academy of Matrimonial Lawyers in February. A frequent writer and lecturer, Marjorie most recently published Prentice-Hall's Guide to Divorce Taxation and "Divorce Taxes are Changed. . Again," which appeared in Lawyers Alert last December.

'55

Parle Thomas Blake and wife are the proud parents of a daughter named Margaret Carrington Blake, born October 12, 1986.

Daniel G. Flannery was re-elected President of Pennsylvania's Luzerne County Bar Association, the third oldest local Bar Association in the country. He is currently a partner in the Wilkes-Barre law firm of Rosenn, Jenkins & Greenwald. Daniel resides in Pringle with his wife, Karen, and three children.

Eberjaya J. Gabriel is senior vice president and general counsel with Great Financial Services in Denver. He is also the President of the Industrial Bank Savings Guaranty Corporation of Colorado.

Thomas F. Ging, a member of the Chicago Council of Lawyers, was selected by the Illinois Institute for Continuing Legal Education to serve on the faculty of a course for practicing attorneys on Chancery and Special Remedies.

Roger W. Titus has become a Fellow of the American College of Trial Lawyers. Mr. Titus is a partner in the firm of Titus & Glasgow, and has been practicing in Rockville for 20 years.

'59

Kevin T. Fitzmorris has become associated with the Alexandria, Virginia, firm of Brincefied & Associates, P.C. as Of Counsel. Kevin has been in practice for 16 years in Northern Virginia, emphasizing criminal defense work and commercial litigation.

Richard N. Friedman received the Sunrisers' 1987 Community Leaders Award in November. The Sunrisers, a major charitable fund-raising organization headquartered in Miami, assists profoundly retarded youngsters. The Sunrisers Award is given annually to those who have made outstanding contributions to the Greater Miami community.
J. Richard Tiano, a partner with Semmes, Bowen & Semmes, presented a speech at a symposium entitled "A Trilogy: Potential Conflicts of Interest Situations."

'68
Joseph C. Kennedy, Jr. has joined the Boston office of Kirkpatrick & Loebart as a partner and will continue his practice in the field of tax law. A major in the Air Force Reserves, Joe is also an adjunct professor of law at Vermont Law School.

Roderick P. Bushnell, Alan M. Caplan, and Thomas J. Tourish joined the firm of Spriggs, Bode & Hollingsworth as a partner and associate general counsel of The Equitable Life Assurance Society of the United States. As vice president and associate general counsel in Equitable's Law Department, Mr. Bushnell is responsible for the corporation's real estate division. Michael lives in New York City with his wife Ann. They have two children.

J. Richard Tiano, a partner with Wickwire, Gann & Gibbs, P.C. has been elected to the Board of Directors of the Washington State Bar. As a member of the Board of Governors of the Washington State Bar Association Labor and Employment Law Section, he is currently serving as chairman of the Ohio State Bar Association Labor and Employment Law Section. He is formerly a partner in the firm of Knepper, White, Arter & Hadden in Columbus, Ohio.

Michael H. Switzer has been named a vice president and associate general counsel of The Equitable Life Assurance Society of the United States. As vice president and associate general counsel in Equitable's Law Department, Mr. Switzer is responsible for the department's real estate division. Michael lives in New York City with his wife Ann. They have two children.

James R. Hubbard has become a member of Allman Spry Humphreys Leggett & Hewington, P.A. A former editor of the Georgetown Law Journal, he has practiced law since 1978 in Miami, Florida, with a specialization in business and tort litigation. He and his wife, Susan, have three children.

Weldon H. Latham has recently become a partner with the law firm of Rees, Smith, Shaw & McClay. He will practice in the areas of government contracts, general corporate law, and legislative and regulatory matters. He has also been named by Governor Gerald Baliles to the board of visitors of Virginia Commonwealth University in Richmond.

Roderick P. Bushnell, Alan M. Caplan, and Thomas J. Tourish joined the firm of Spriggs, Bode & Hollingsworth as a partner and associate general counsel of The Equitable Life Assurance Society of the United States. As vice president and associate general counsel in Equitable's Law Department, Mr. Bushnell is responsible for the corporation's real estate division. Michael lives in New York City with his wife Ann. They have two children.

J. Richard Tiano, a partner with Wickwire, Gann & Gibbs, P.C. has been elected to the Board of Directors of the Washington State Bar Association. He is also a member of the Board of Directors and Secretary/Treasurer of the Foundation of Energy Law Journal.

'69
Roderick P. Bushnell, Alan M. Caplan, and David H. Fielding have moved the offices of their law firm, Bushnell, Caplan & Fielding, to the historic site of 901 Market Street, Suite #230 at Fifth, San Francisco, CA 94103 (415)-777-5010. They will continue their trial and appellate practice in federal and state courts with an emphasis on labor and employment law, personal injury law, and criminal defense.

Edward F. Shea, a partner at Quarles & Brady, has been elected to the Board of Governors of the Washington State Bar Association for a three-year term beginning September, 1986.

'70
Stanley Brand is currently a member of the law firm of Brand & Lowell located in Washington, DC. The firm practices in counseling elected officials and private clients who are facing investigation by one or another branch of the federal government. It was featured in the September 1986 issue of The American Lawyer. This past year Brand taught administrative law at AULC as an adjunct professor.

Bob D. Mannis was promoted to assistant general counsel of Sterling Drug Inc. Bob specializes in corporate law, including acquisitions and divestitures. He and his wife Kathy and their son reside in Eastchester, New York.

Jeffrey P. Moran has been appointed vice president of the corporate legal department for Comerica Incorporated in Detroit.

Thomas J. Tourish joined the firm of Spriggs, Bode & Hollingsworth as a partner in August. His area of special competency is criminal fraud litigation. Tom was formerly deputy chief of the appellate division of the United States Attorney's Office in Washington, DC. He and Deborah L. Dokken (SLI-'70) were married in August 1985. The are expecting a child in January 1987.

'72
Henry A Gill, Jr. has been appointed Deputy General Counsel for litigation at the United States Department of Energy.

Dean M. Schultz was recently named senior vice president of the Federal Home Loan Bank of New York. Dean, his wife Margaret and their two children live in Ridgewood, New Jersey.

'73
Alfred F. Belcucore has been elected national Deputy Secretary of the Federal Bar Association for fiscal year 1987. Alfred is currently an adjunct professor of trial practice at GULC, a faculty member for the U.S. Department of Justice Legal Education Institute, as well as a director and faculty member of the FBA Federal Practice Institute.

Joseph Scafetta, Jr., married Teresa M. Taler on July 4, 1986 in Alexandria, VA. The couple honeymooned in Italy and now reside in Alexandria.

'74
Stanley Brand is currently a member of the law firm of Brand & Lowell located in Washington, DC. The firm practices in counseling elected officials and private clients who are facing investigation by one or another branch of the federal government. It was featured in the September 1986 issue of The American Lawyer. This past year Brand taught administrative law at AULC as an adjunct professor.

Fred Droz finished in May as national director of Hands Across America. The president of a multi-association and public relations company, Fred lives in Fullerton, California.

Janice Obuchowski has been named senior legal advisor for Chairman Mark Fowler.
Daniel J. Barrett has recently been awarded the certificate of Trial Advocacy by the NBTA. He currently resides in Athens, PA, with his wife, Janice and two daughters.

Wayne Beyer, after serving three years as Chief of Staff and Deputy General Counsel of the General Services Administration, has returned to New Hampshire to practice at Cleveland, Waters & Bass in Concord.

Michael Doland and Howard N. Gould of the class of 1977 have moved their offices to 11755 Wilshire Boulevard, Suite #1350, Los Angeles, California 90025.

David A. Genelly instructed a seminar on Illinois contract law held by the Illinois Institute for Continuing Legal Education. David is an associate with the Chicago law firm of Fishman & Merrick, P.C., specializing in commodities and securities litigation as a sub-specialty within a larger framework of general commercial litigation.

Thomas J. Josefak was named vice-chairman of the Federal Election Commission for 1987. He has served as commissioner since August 1985. He is the former special deputy to the secretary of the Senate, an ex officio member of the FEC. Tom's past experience includes service as legal counsel to the national Republican Congressional Committee, and special counsel on federal election law to the minority on the Committee on House Administration.

John V. Lacci has been appointed general counsel for Great Lakes Chemical Corporation. He spent the last nine years as senior trial attorney for the Federal Trade Commission. John, his wife, Lisa, and their children, Laura and Kathleen, reside in West Lafayette, Indiana.

Linda E. F. Lach is a partner in a small firm specializing in independent adoptions. Her new address is: 2 North Second Street, Suite 1400, San Jose, California 95113 (408)266-1444.

Helene A. Pepe has joined the law firm of Grimes and Battersby which specializes in patent, copyright, trademark and general law. On July 2, 1985, a son, Clarke Spencer, was born to Helen and her husband, Martin F. Lebouizit.

Sean J. Rogers, formerly assistant general counsel with National Association of Government Employees and International Brotherhood of Police Officers, has been appointed as Chief of Labor/Employee Relations and Training for Montgomery County, Maryland.

Brian D. Rosenthal, a former Assistant District Attorney in Philadelphia, PA, has become a partner in the firm of Ominsky and Welsh, P.C. The firm is located in Philadelphia and specializes in litigation.

Thomas F. Schaffly has been appointed to the adjunct faculty of Washington University School of Law as a Lecturer in Law for the 1986-1987 academic year.

Scott E. Thomas has been named chairman of the Federal Election Commission for 1987. He was nominated by President Reagan and sworn into office in October. Prior to his appointment, Scott served as executive assistant to former FEC Commissioner Thomas E. Harris.

'77

David J. Baldwin became a member of Potter, Anderson & Corroon, Wilmington, Delaware, in January, 1986.

Teresa Bulman has received a M.S. in Geography from the University of Massachusetts and is now pursuing her Ph.D at the University of California, Davis in geography. She recently married a winemaker, and has moved to Napa Valley.

Stuart Richard Cohen, formerly head of the tax department at Schackelford, Harrior, Stallings & Evans, P.A., has recently become a member of the law firm of Barnett, Bolt & Kirkwood. Stuart specializes in commercial transactions and tax law. He has been practicing law in Tampa since 1979.

Henry D. Fellows, Jr., was named a partner of the Atlanta law firm of Hurt, Richardson, Gardner, Todd & Cadenhead in January, 1987. In November, 1986, Henry and his wife Pam gave birth to their new daughter, Suzanne Emily. Suzanne has a two and one-half year old brother, Christopher Alan. The Fellows reside in Atlanta, Georgia.

Matthew A. Flamm has joined the firm of Orlikoff and Flamm as a partner. The firm's offices will be located at 155 N. Michigan Avenue, Suite #500, Chicago, IL 60601 (312) 856-9200.


Ronald J. Hindman and his wife, Debra Karen (Scott) have one daughter: Alexandra Caelie and Zoe Dominique who was born on November 23, 1986. Ronald works as a lawyer at AT&T Telecommunications. The Hindmans reside in Lakewood, Colorado.

Rand D. Johnson became a partner in the firm Cullen & Dykman in Brooklyn, New York. He has been associated with the firm for several years and is an active partner in the banking and pension areas of law.

Carl J. Schramm is at Johns Hopkins University and has been elected president of the Health Insurance Association of America. Carl's research and writing have focused on health care finance, regulation and capital formation. The Johns Hopkins Center for Hospital Finance and Management, a "think tank" that Carl founded, has been described as the most influential health policy group in the country. He and his wife, Ellyn Brown, and their sons live in Baltimore, Maryland.

Julie Schwartz and David Radlauer are proud to announce the birth of their daughter, Madalyn Rachel Radlauer, born July 6th 1986.

Mark W. Smith announces the opening of a general practice of law office at 733 15th Street, NW Suite #700, Washington, DC 20005.

Carl J. Schramm is at Johns Hopkins University and has been elected president of the Health Insurance Association of America. Carl's research and writing have focused on health care finance, regulation and capital formation. The Johns Hopkins Center for Hospital Finance and Management, a "think tank" that Carl founded, has been described as the most influential health policy group in the country. He and his wife, Ellyn Brown, and their sons live in Baltimore, Maryland.

Julie Schwartz and David Radlauer are proud to announce the birth of their daughter, Madalyn Rachel Radlauer, born July 6th 1986.

Mark W. Smith announces the opening of a general practice of law office at 733 15th Street, NW Suite #700, Washington, DC 20005.

Carl J. Schramm is at Johns Hopkins University and has been elected president of the Health Insurance Association of America. Carl's research and writing have focused on health care finance, regulation and capital formation. The Johns Hopkins Center for Hospital Finance and Management, a "think tank" that Carl founded, has been described as the most influential health policy group in the country. He and his wife, Ellyn Brown, and their sons live in Baltimore, Maryland.

Julie Schwartz and David Radlauer are proud to announce the birth of their daughter, Madalyn Rachel Radlauer, born July 6th 1986.

Mark W. Smith announces the opening of a general practice of law office at 733 15th Street, NW Suite #700, Washington, DC 20005.
35th Annual John Carroll Awards

The Georgetown University Alumni Association and the Georgetown Club of Chicago served as hosts of the 35th Annual John Carroll Awards Banquet last October 18 at the Westin Hotel in Chicago. Recipients of the John Carroll Award are talented, hard-working citizens who provide leadership through personal generosity and service to their professions, their communities, and their Alma Mater. This year two Law Center alumni were among the honorees—Patrick J. Head, C'53, L'56, GL'57, and Thomas F. Schlafly, C'70, L'77.

Patrick J. Head

Wherever Patrick James Head lives and works, he makes an impact. A lawyer of considerable influence, Pat has helped shape his community environment to reflect his values of integrity and justice.

Pat graduated summa cum laude from the College of Arts and Sciences in 1953. He continued his education at Georgetown, earning a J.D. in 1956 and a master of laws degree in 1957. He then launched his career in international law and trade at a firm in Washington, D.C. After eight years in private practice he moved to the Windy City to assume responsibility as general counsel for international operations with Sears, Roebuck and Company. Following a four-year interlude in Washington, D.C. with Montgomery Ward Container Corp., Pat returned to Chicago as vice president, general counsel and secretary of Montgomery Ward and Company.

In 1981 Pat assumed his present position as vice president and general counsel for FMC Corporation, a Fortune 500 company, and one of the world’s leading producers of machinery and chemicals for industry, agriculture and government. FMC operates manufacturing facilities and mines in 27 states and 15 foreign countries.

One foot firmly planted in the Midwest, Pat serves as trustee for Provident Hospital, the oldest black hospital in the United States, and as a director of the Executive Committee of the Chicago Crime Commission. His other foot remains firmly planted in the city and institution which gave him his educational roots. For many years Pat has participated in the Alumni Admissions Program, first in Washington and now in Northern Illinois. The Georgetown University Campaign owes much of its success to Pat’s efforts as vice chairman of the Chicago Area Campaign Council. He was instrumental in establishing and co-hosting Chicago’s Executive Luncheon Series. Not the least of his contributions is his membership on the Georgetown University Board of Regents.

Pat married Eleanor Hickey, who graduated in 1959 from Trinity College in Washington, D.C. They have nine children, three of whom have graduated and two of whom currently are attending their father’s alma mater (their own “starting five”). The family lives in Winnetka, Illinois.

Pat has demonstrated formidable leadership in his profession, his career accomplishments, and public service through his professional activities. In his commitment and devotion to Georgetown he has demonstrated outstanding volunteerism. In bestowing upon him the John Carroll Award, Georgetown University takes great pride in recognizing Patrick James Head and each and every one of his multitude of accomplishments.

Thomas F. Schlafly

His vitae is straightforward, his accomplishments impressive indeed. His resume only hints, however, at his sophisticated and entertaining sense of humor.

This exceptional young man, who graduated from Georgetown in 1970 and earned his law degree from the Georgetown University Law Center in 1977, brews his own beer and admits to “writing doggerel for all occasions.” A perennial observer of politics, his satirical poems have been read in law classes and over the airwaves.

For all of Tom Schlafly’s lighthearted humor, it is impossible to overstake his sincere devotion to Alma Mater. Georgetown has every reason to show Tom its heartfelt gratitude for his significant contributions to the University.

From the time he was a young alumnus, Tom has engaged in constructive endeavors on behalf of Georgetown. He is an alumni interviewer of prospective students, a member of the Law Alumni Board, and a member of the Alumni Association Board of Governors. He served as national chairman of the Alumni Annual Fund (1972-73), is a past president of the St. Louis Alumni Club, and a past member of the Board of Regents. A Georgetown trivia master, Tom has been known to regale a busedof of Hoyas with incredible stories of past student antics.

The St. Louis area also has benefited from Tom’s skills and generosity. He is vice president of the Board of Directors of the St. Louis Public Library and is a member of the boards of directors of the United Nations Association of St. Louis and the Missouri Botanical Garden. He also serves on the St. Louis Priory School Development Council.

Never one to say no to additional responsibilities, Tom recently accepted a position as an adjunct faculty member at Washington University School of Law where he teaches legal writing to first-year students.

Tom currently is of counsel to the law firm of Peper, Martin, Jensen, Maichel and Hetlage. Prior to his affiliation with that firm, Tom was a partner in Lowenbraum, Chasnoff, Freeman, Armstrong & Mellitz. He is a member of the Board of the Lehman Corporation.

Tom’s family has established a tradition of strong Georgetowner loyalty. His father, Daniel Schlafly, graduated from Georgetown in 1933 and received the Johr Carroll Award in the early sixties. Tom’s brother, Daniel Schlafly, Jr., graduated from Georgetown in 1961.

Tom swims, runs, bicycles, plays squash and tennis and managed to visit every continent in the world, except Antarctica, before he was thirty years old.

The Georgetown University Alumni Association takes great pleasure in conferring the John Carroll Award upon this energetic, enthusiastic alumnus whose commitment to his community and service to Alma Mater make Thomas F. Schlafly a most deserving recipient of this honor.
REGIONAL NOTES

California
Judge Roy Wonder, L'59, and Frank Winston, L'58, joined the GULC alumni who live and practice in California for a luncheon at the Hyatt Regency Hotel in Monterey, California.

Kansas City
The Law Affairs Committee of the Greater Kansas City Area held its fall luncheon on October 29, 1986 at the Kansas City Club in downtown Kansas City, Missouri. Recent GULC graduates Jeffrey Befort, Erich Hahn, and Margaret Folz were honored and welcomed to the Local Bar. Approximately 35 alumni attended the event that was chaired by Gene McGannon.

New Jersey
Victoria Mondelli was elected chairwoman of the New Jersey Law Affairs Committee for 1986-87 at the committee’s third annual dinner. Among those attending the dinner were William T. Quinn, Raquel Romero, E. Neal Zimmerman, Hon. John P. Arnone, Peter Aslanides, Robert W. Dempsey, Gerald P. Rooney, Hon. Richard Rebeck, Lawrence Lerner, Stephen Vajtay, and Albert Trapasso.

New York
The induction of Edward Robinson, II, L'60 as President of the Bar Association of Nassau County (Long Island, NY), one of the largest local bar associations in the nation, provided an excellent opportunity for local GULC alumni to gather last June and celebrate the success of their brother at the bar.

Washington
On September 11, the Washington Law Affairs Committee hosted a reception for hiring partners of firms who have regularly hired GULC graduates. More than 250 second- and third-year students and alumni who have graduated within the last five years joined Dean Robert Pitofsky, Abbie Thorer, assistant dean for Career Planning & Placement, and Everett Bellamy, assistant dean for student affairs, in the Intercultural Center Gallery. JoycE E. Motylewski, a resident of Manhattan, was promoted by the Federal Reserve Bank of New York to the position of Counsel. Joyce joined the bank in 1979 as a law clerk, then was made an officer of the bank in 1983.

James L. Nourse Jr., became a partner in Missouri's largest law firm, Bryan, Cave, McPheeeters & McRoberts. His practice is in corporate and business law and international business transactions. For a time he worked in Bryan, Cave’s office in Saudi Arabia.

Kenneth E. Peek is a partner with the law firm of Phelps, Hall, Singer & Dunn, Denver, Colorado. He specializes in real estate, contract and securities litigation. Last summer, he served as the Commissioner of Economic Policy for the 1986 White House Conference on Small Business.

Mitch Daniel is currently the White House Director of Political Affairs.

Ralph Stanley is the Administrator for the Federal Urban Mass Transit Administration.

Philip R. Voluck became a partner in the firm of Pechner, Dorfman, Wolfe, Rounick & Cabot in February 1986. His practice is restricted to the exclusive representation of management in all phases of labor relations and employment law. Philip and his wife, Nina, have a 2 year old son named Andrew.

'80
Stephen M. Goodson has been named a partner in the law firm of Graydon, Head & Ritchey. A member of the tax department, Stephen specializes in taxation and employee benefits law. He resides in West Chester, Ohio.

James M. Smith and his wife, Holly, became the proud parents of their newborn son, Matthew Hasley Smith, born August 20, 1986. Jim is a communications attorney with Pierson, Bail & Dowd. Holly is an attorney in the Market Regulation Division of the U.S. Securities & Exchange Commission. Both work in Washington.

'81
Daniel Gail has been appointed a member of the Dallas law firm of Moore & Peterson. He practices in the Real Estate/Financial Institutions section of the firm.

William C. Martucci has become a partner in Spencer, Fane, Britt & Brown, a law firm with offices in Kansas City, Missouri and Overland Park, Kansas. He practices primarily in labor relations law, employment litigation and EEO law.
John B. Waters married Elizabeth Oaks Horn on October 27, 1984. They recently received their first child, Spencer Samuel born August 7, 1986. John recently co-founded a new law firm in Knoxville, Tennessee. The firm has a commercial practice with an emphasis on real estate development.

Darryl M. Woo has become a partner of the San Francisco law firm of Sedgwick, Detert, Moran & Arnold. The firm also has offices in Los Angeles, New York and London.

Craig Albert married Libby McGarry. Libby works for Simpson, Thatcher, and Craig is with Herzog & Calamari in New York.

Roz Barber is currently working at Shearman & Sterling in New York.

Chuck Berg spent his first two years out of law school in the London office of Los Angeles-based Gibson, Dunn. He and his wife, Casey, are now back in Los Angeles and had a baby earlier this year.

J. Michael Brady was appointed vice president-deputy general counsel and secretary of USAir, with offices at the airline’s Washington, D.C. headquarters.

Rich Breslow is at Cravath, Swaine & Moore and was married this past fall.

Ellen Corella is still at the Manhattan District Attorney’s Office.

Tom and Ellen (Hamada) Crane, are living in sunny Southern California (Irvine). They have two boys. Ellen is practicing criminal law and Tom is continuing his corporate and securities practice at Rutan & Tucker.

Jane Ezersky is working as in-house counsel for CBS in New York and is engaged to be married next spring.

Barry Friedman has joined the faculty of Vanderbilt Law School.

Wudy Heung is now with Baker & McKenzie’s Hong Kong office. Wudy and his wife, Jan, are the proud parents of a daughter born this year.

Lane Howell married Chris MacAvoy and now lives in Washington, D.C. Chris is with Collier, Shannan. Lane has left the National Labor Relations Board and is now with Venable, Baetjer & Howard.

Greg Kaufman is now with the investment banking firm of Paine,Webber in Puerto Rico.

David P. Lambert has joined the Charleston, West Virginia firm of Spilman, Thomas, Battle & Klostermeyer. He practices in the areas of corporate and health law.

Gary LeClair is practicing corporate law in Richmond, Virginia with Hunton & Williams. Gary and Paril are expecting their second child in April 1987.

Maury Leiter now works at the U.S. Attorney’s Office in Los Angeles.

Neil and Meg (Lesser) Levine have both left their respective large New York firms. Neil is now with the Manhattan District Attorney’s Office, Narcotics Division. Meg works at Slade & Pellman, a small litigation firm in New York, and aspires to be a great novelist (she’s taking creative writing courses in her “free time”). Neil and Meg are expecting their first child early 1987.

Richard Muglia is in Los Angeles with Sullivan & Cromwell. He and his wife have a son, Sam, and are expecting their second baby soon.

Donna Nutini is in Washington, DC with the National Labor Relations Board.

Tom and Nancy (Doerr) O’Neil went to Baltimore after graduating. After his clerkship with the Federal District Court, Tom went to work for Venable, Baetjer & Howard and is now on a leave of absence while he does a tour of the U.S. Attorney’s Office. Nancy is continuing at Piper, Marbury and is expecting their first child this April.

Arturo J. Padron has joined the law department of McDonell, Douglas Corporation as the second person in the International Legal Division. He will be responsible for export trade and international tax matters.

Keep Your Classmates Posted!

Interested in finding out the latest news from your Georgetown classmates? Want to share your most recent professional and family news with your fellow alumni?

Keep us informed! Send your curriculum vitae, news clippings, photos (black and white prints only), press releases, etc. for Res Ipsa Loquitur, to:

Michael Marecki
Editor, Res Ipsa Loquitur
Georgetown University Law Center
600 New Jersey Ave., N.W.
Washington, D.C. 20001
Tina Hestroni and Bernardo Portuando were married in September, 1985. They moved to Miami in September, 1986 where Bernardo is at Steel, Hecker & Davis, and Tina is at the Miami office of Cleveland-based Squire, Sanders & Dempsey.

Michael Putetti and his wife have a daughter, Alexandra, who is now three years old. He is working in the Washington, DC office of Morgan, Lewis & Bockius.

Gary Ritter has moved to Hunton & Williams in Richmond, Virginia where he specializes in real estate law.

'83

Elise Feitshans and her husband, Ted, of the class of 1986, are proud to announce the birth of their son, Jay Levy Feitshans, on October 12, 1986.

Deloris A. Foskey, formerly an attorney/advisor with the U.S. Department of Labor Office of Administrative Law Judges, has been appointed an Arbitration Counsel at the New York Stock Exchange in New York City.

'84

Timothy J. Real left McCutchen, Black, Verleger & Shea to become general counsel and manager of business development for Tri-Marine International (PTE) LTD, a seafood import/export company.

Richard Fiseh and Susan H. Alpern were recently married at the Westbury Hotel in New York on November 8, 1986. Richard is an associate at Competitive Dynamics.

Sherry Hammer Kesterson has moved from Alexandria, Virginia to Knoxville, TN in August 1986.

Ronald Koatz and Carolyn L. Monroe, also of the class of 1984, were married in September 1986. Ronnie is currently a patent attorney with Union Carbide Corporation and Carolyn is an associate at Cravath, Swaine & Moore in New York. They reside in New York City.

'85

James P. McAndrews and wife, Patricia, recently gave birth to their first child, James Patrick, IV, on September 8, 1986. Jim is a CPA and an attorney working in the Tax Department of the Federal Home Loan Mortgage Corporation in Washington, DC.

Geert Van Haegendoren is an Assistant Professor of Constitutional Law at the Catholic University of Leuven, Belgium. He has also joined the Brussels bar as collaborator with the law firm of DeKock-De Becker.

'86

Jack Abramoff and his wife Pam live in Silver Spring, Maryland. Jack is a board member of the United States Holocaust Memorial Council.

Craig Shank has joined the law firm of Perkins, Coie in Bellevue, Washington.

Barbara L. Waite has joined the firm of Weadon, Dibble & Rehm. She was also named chairman of the International Communications Committee, ABA Section of International Law & Practice. Barbara has recently co-authored two articles in The International Lawyer: "Matland Commission, Economic Development and the U.S." in the Fall 1985 issue; and "Satellite Regulation and the Space War" in the Winter 1986 issue.

Ronald D. Rotunda

Ethical Problems of Federal Agency Hiring of Private Attorneys

Harry I. Subin

The Criminal Lawyer's "Different Mission": Reflections on the "Right" to Present a False Case

Paul R. Taskier & Alan H. Casper

Vicarious Disqualification of Co-Counsel Because of "Taint"

Charles C. Wolfram

The Concept of a Restatement of Law Governing Lawyers

Book Reviews and Commentary by Robert F. Drinan, S.J., Susan R. Martyn and Irving Younger

SUBSCRIPTIONS

☐ Annual (Four Issues) $35
☐ Single Issue $12.50

Name ____________________________
Address ____________________________
City ____________________________ State ________ Zip ________

MAIL TO: Georgetown Journal of Legal Ethics
600 New Jersey Avenue, N.W.
Washington, DC 20001
(202) 662-9522

Please make check payable to Georgetown Journal of Legal Ethics.
Robert F. Drinan, S.J. published a book review on Joan Peters’ *From Time Immemorial: The Origins of the Arab-Jewish Conflict Over Palestine* in the Winter 1986 issue of the *Journal of Church and State*. He gave a speech on “Legislative Responses to Executive Tyranny: Chadha, Impoundment, and Gramm-Rudman” at the AALS meeting on Legislation in January, 1987. In addition, Fr. Drinan, S.J. has also been named the first recipient of Arms Control Advocacy Award by the Lawyers for Nuclear Arms Control.

Peter B. Edelman published an article entitled “Memorandum to the Candidate: How to Get Beyond the Old Liberalism Without Becoming a Neo-” in *Tikkun* magazine. He also addressed a health policy conference at Harvard University on strategies for dealing with gaps in health insurance coverage.

Martin D. Ginsburg addressed the Securities Regulation Institute at the University of California at San Diego on recent developments in tax law affecting corporate transactions. He was also commentator at a Brookings Institute symposium on the Tax Reform Act last December.

Steven Goldberg published an article entitled “Central Dogmas of Law & Science” in the September 1986 issue of the *Journal of Legal Education*. He also contributed a chapter on “Nuclear Terrorism and Civil Liberties” that appeared in the book *Nuclear Terrorism: Defining the Threat*, edited by Paul Leverthal and Yonah Alexander.

William W. Greenhalgh was the program chair of the AALS Mini-Workshop on Clinical Legal Education.

Charles Gustafson has co-authored a casebook published by the Commerce Clearing House entitled *Income Tax—Individuals*.


Thomas Krattenmaker and Steven Salop published an article entitled “Anticompetitive Exclusion: Raising Rivals’ Costs to Achieve Power Over Price,” in the December 1986 issue of the *Yale Law Journal*.

Eleanor Holmes Norton is now a regular commentator on National Public Radio’s “All Things Considered.” She has also been elected to the Board of Governors of the D.C. Bar Association.

James Oldham published an article entitled “Eighteenth Century Judges’ Notes: How They Explain, Enhance and Correct the Reports” in the January 1987 issues of the *American Journal of Legal History*.


Peter Schuck published a book entitled *Agent Orange on Trial: Mass Toxic Disasters in the Courts*. He also published an article in the *University of Chicago Law Review* entitled “The Role of the Judge in Settlement: The Agent Orange Example.”


Mark Tushnet is co-author with Jennifer Jaffe of an article entitled, “Critical Legal Studies and Criminal Procedure” that was published in the Winter 1986 issue of the *Catholic University Law Review*.

Donald Wallace, Jr., is author of a book entitled *A Lawyer’s Guide to International Business Transactions* that was published by ILI and ALI/ABA. In addition, he co-authored the third edition of *Introduction to Turkish Law* and was editor of the Japan Society’s conference publication, *The U.S. Debate Over Trade: Deficits, Protection and the New Era of International Competition*.

Edith Brown Weiss has been appointed to the International Council of Environmental law by the International Union for the Conservation of Nature in Bonn, West Germany.

Patricia White delivered an address on “The Teaching of Jurisprudence and Legal Philosophy in Law Schools: Special Problems of Pedagogy” at the Association of American Law Schools Workshop on Jurisprudence earlier this year. In addition, she participated in a symposium sponsored by the Liberty Fund in Houston called “Freedom, Responsibility and Dying: Classical Debates and Contemporary Problems.”
<table>
<thead>
<tr>
<th>Program</th>
<th>Dates</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freezing Estate Taxes 1987</td>
<td>May 7–8</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>Directors' and Officers' Liability &amp; Insurance Crisis</td>
<td>May 14–15</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>1987 Institute on State &amp; Local Taxation</td>
<td>May 21–22</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>9th Annual Trial Advocacy</td>
<td>June 4–13</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>1987 International Trade Law Conference</td>
<td>June 4–5</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>Dispute Resolution with the Federal Government: Litigation and Non-Litigation Techniques Law Conference</td>
<td>June 11–12</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>Privacy in the Workplace</td>
<td>June 25–26</td>
<td>Washington, DC</td>
</tr>
</tbody>
</table>