

Duke Law Magazine

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The Lawyer

Duke Law Magazine

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Editor's Column

The American legal world has changed greatly since the beginnings of our republic and continues to change at a rapid rate. Though much in the scene on our cover would still be familiar in a modern law office (most lawyers I visit have books, papers and files "arranged" around their offices), computer terminals, copiers and fax machines would round out the picture. Legal education and law school administration is also experiencing change. In the next two issues of the *Magazine*, we will be highlighting some of those changes.

In the Forum, an award-winning article by Mike Chiorazzi on an early-day legal figure reminds us of what the legal world (both legal training and practice) was like in the early days of the republic. We also include a timely article by William Leuchtenburg. Professor Leuchtenburg is an historian and visiting professor at Duke Law School, reflecting the fact that material and courses from other disciplines are now included in many law students' programs. The Conference Report on the Em-

pirical Studies of Civil Procedure discusses the thought and efforts of some legal scholars who see empirical study as a method for effecting possible changes in the legal system.

The About the School section focuses on the activities of the Placement Office in an effort to go beyond the statistical information regularly presented in the Annual Report. The next issue of the *Magazine* will highlight the Admissions Office. Many of our alumni will remember a time when there were no separate administrative offices for these purposes. Changes of national scope have caused significant change in the demands placed on law schools in these areas.

The Docket continues to highlight activities of members of the Duke Law School community. In this issue we report on some of our alumni who practice law in the public interest. The enthusiasm of law students for such public interest work appears to cycle nationally. There are many indications that interest has recently increased. This

article focuses on some our alumni involved in such practice in a variety of ways and also reports on some Law School programs designed to encourage such interest. Our alumna profile reports on our new dean, Pamela Gann '73. Dean Gann assumed leadership of the School on July 1, 1988 following the ten year deanship of Paul Carrington—a significant change for the Law School. Janet Sinder of our library faculty reviews Richard Nixon's latest book, which discusses worldwide changes from the viewpoint of one who has spent a lifetime participating in such changes.

The Docket section also reports on Law School news of special note and upcoming events. The Alumni Activities section (including Personal Notes and Obituaries), a popular feature of the *Magazine*, reports news of the Duke Law School family. We encourage all of our readers to continue to share such information with us. We also encourage readers to communicate with us regarding the *Magazine* so that we can respond to your interests.

FORUM

Francois-Xavier Martin: Printer, Lawyer, Jurist

Michael G. Chiorazzi*



It is not uncommon for legal historians to focus their discussion of the development of American law on the great names of Anglo-American jurisprudence: Blackstone, Kent, Locke, Livingston, and Story. These were the fathers of modern American jurisprudence, men who helped shape the law and greatly influenced their contemporaries. They, we are told, were the shining lights, who set the direction American law would take. Yet, while their influence on theory was great, their influence on the

*Reference Librarian and Senior Instructor in Legal Research, Duke University School of Law. This article is a revised version of a paper presented at the 80th Annual Meeting of the American Association of Law Libraries, Chicago, Illinois, July 7, 1987 and published at 80 Law Library Journal 63, as one of the winning articles in the 1987 Call for Papers competition.

practice of law and the law itself was not nearly as great. Countless lesser-known men also gave substance to the law. They had to deal with the day-to-day realities of their own town, province, or state. Upon their shoulders was placed the challenge of forming a recognizable body of law from the rough clay that was the developing republic.

Much of the early development of the law in North Carolina and Louisiana was influenced by a French immigrant, Francois-Xavier Martin. He came to North Carolina in 1783 and became the first printer to begin any real effort to make law books available to the lawyers of the state. In doing so, he helped shape the early development of law in North Carolina. His thirty-four years on the bench, first as a federal judge in the Territory of Orleans, and later as Chief Justice of the Supreme Court of the State of Louisiana, would earn him the sobriquet, "The Father of Louisiana Jurisprudence." His life provides interesting insights into the practice and development of the law and law book publishing in the early days of the American republic.

The Early American Lawyer

The lawyer of the late eighteenth and early nineteenth centuries was forced to practice with few law books to guide him and little formal education to rely upon. He also had to deal with a suspicious and sometimes hostile public. The practice of law was not a popular occupation in post-revolution America,¹ and an oft repeated sentiment was "Every man his own lawyer." The few actual lawyers who did exist were often accused of Loyalist or Tory leanings. Indeed, one reason for the paucity of lawyers in America during the late eighteenth century was the mass exodus after the revolution of many lawyers who were, in fact, Tories and Loyalists.²

The practice of law in most of the country, away from the few cities, was an uncertain science. But this helped attract some of the greatest minds in America to the law. The practice of law was an informal affair. Leading citizens, who often were not lawyers, or even schooled in the law, were called on to judge or represent parties in local actions.³ While this sometimes may have resulted in justice by influence, more often

than not it resulted in equitable solutions to problems. Justice consisted of equal doses of common law and common sense.⁴

The practice of law was rarely carried out in plush offices or, for that matter, any office at all. It was more often, literally and figuratively, "a seat-of-the-pants affair." The late eighteenth century American lawyer frequently rode on horseback with the circuit judges who tried cases throughout their districts. This included riding hundreds of miles, through all kinds of weather, to the most remote parts of the state, to try whatever cases awaited them. Comforts were few. They each brought with them a bedroll, a change of clothes, some writing materials and possibly a few books, which they would carry in their saddle bags.⁵

It was no easy feat to become a lawyer. Most were trained while working as clerks in a lawyer's office. The quality of a young clerk's legal education varied greatly. The amount of instruction he received was entirely dependent upon the whims of his sponsoring attorney. To many attorneys law clerks were little more than indentured servants who could perform some of the more unpleasant tasks of the attorney's practice.⁶ Many of the clerks were the sons of wealthy individuals and had neither the temperament nor the inclination to practice law: law clerkship was merely another part of the process of becoming a gentleman. For most clerks, the educational process was a self-taught affair. They read those books that were recommended by the sponsoring attorney or whatever law books were available. The farther inland one traveled, the less likely one was to find the materials a law student needed to educate himself properly.⁷

These factors and others⁸ led to regional differences in the laws of America. In each state the law developed according to the needs, sophistication, and size of its population. In Massachusetts, with its urban centers and early emphasis on manufacturing and shipping, commercial laws were quickly developed, modified, and refined.⁹ In the South, with its rural slave economy and large plantations, personal and real property law was of greater importance, and much of the law practiced there dealt with those subjects.¹⁰

Martin in North Carolina

Francois-Xavier Martin was born in Marseilles, France, in 1762, the third son of a prosperous merchant. As was often the custom for the third born, Francois was educated for the priesthood, but at the age of seventeen or eighteen he left France to join his uncle in Martinique. The New World apparently offered a much greater attraction than the priesthood. Martin had hoped to help his uncle in his lucrative business of provisioning the French fleet. Soon after his arrival, however, Martin's uncle decided to sell his business and return to France. Without his uncle's business to support him, and unable to make a go of it

The lawyer of the late eighteenth and early nineteenth centuries was forced to practice with few law books to guide him and little formal education to rely upon. He also had to deal with a suspicious and sometimes hostile public. The practice of law was not a popular occupation in post-revolution America . . .

himself, Martin left Martinique and set sail for America.¹¹ It is uncertain whether he sailed to New York, or landed first in North Carolina and then traveled to New York. It is known that in 1782 or 1783 he spent a short time in New York, apparently in hopes of recovering a debt owed him.¹² With that money he hoped to start a business in the United States. His stay was brief and unsuccessful. Sometime in 1783, he set out for New Bern, North Carolina, penniless, with little knowledge of English and no real skills. Perhaps to avoid starvation, he joined the Continental Army in Virginia during the late stages of the American Revolution.¹³

His military career was a brief one, and if legend is correct, his one and only experience in "combat" would forever haunt him. While taking his turn on guard duty, Martin spied a number of Redcoats. He ran back to his encampment shouting the alarm, "The British are upon us! The British are upon us!" With hearts pounding, the hastily assembled troops marched out to do battle with the British. Fear and apprehension, however, quickly gave way to laughter and mockery when it was revealed that the Hessians were nothing more than red undershirts hung out to dry by a local washerwoman. The nearsighted Frenchman soon deserted to escape the continuing torment of his fellow soldiers.¹⁴

Upon arriving in New Bern, he worked at whatever jobs were available, including teaching French and delivering the mail. In order to earn extra money while on his mail route, he bought and sold old newspapers. In those frontier times, old news was better than no news. Through this sideline, he developed an interest in printing and resolved to take up the profession. Though he had no knowledge of printing, he approached James Davis, one of the handful of printers in the state, for a job.¹⁵ He feigned a knowledge of typesetting and was given a job. When Davis questioned his typesetting speed, Martin replied that the type used in France was arranged differently than that used in America, and it would take him a while to learn the system.¹⁶ Whether Davis believed Martin or chose to ignore the intelligent Frenchman's lie is not known. But such was Martin's industry, that in

Martin taught himself the law by writing and publishing treatises on North Carolina law. These treatises were little more than practical handbooks of the law of the day, which set out black letter law and borrowed heavily from the work of others.

a short time he was able to buy his own press and begin his own publishing and printing career.

This he was forced to do without the luxury of the state contract to do the public printing. In the early days of the American republic, it was difficult for printers to run a successful business without the steady income of a state contract,¹⁷ which provided needed capital to buy paper and ink and meet the other expenses of running a printing establishment. The contract also made it possible to procure paper during periodic paper shortages.

The eighteenth century printer was more than a printer; he was also a bookseller, publisher, newspaper editor, writer, and in Martin's case, a postmaster and bookbinder.¹⁸ More often than not, printers were forced to concentrate on local markets. Shipping was expensive and frequently resulted in financial losses due to damage caused by long journeys on rutted roads or in the damp holds of ships. It simply was not worth the chance, given the small profit margin a printer worked on. Financial success was more likely in the printing of speeches, sermons, and lectures or minutes of local church groups or fraternal organizations; this type of printing offered the safety of a contract for a specific number of copies and did not waste meager resources.¹⁹

The primary method of business employed by the printers who, like Martin, had no public printing contract was to serve advance notice of subscriptions for books they wished to publish. Subscribers would pay a percentage of the cost of the book, with the remainder to be paid upon publication of the book. If and when a suitable number of subscribers enlisted, work would begin.²⁰ Smaller items such as blank forms were printed in a more speculative manner—anything that might sell was printed. Martin printed a large assortment of blanks such as bills of lading, shipping papers, deeds, leases and a wide variety of pleading forms needed in various types of criminal and civil actions. He also published school books, sermons, almanacs, novels, and a newspaper. Many of these publications contained ads to promote his other works.

His newspaper, *The North Carolina Gazette*, was particularly important in this regard. Publication of Martin's weekly newspaper began in 1786. The earliest known copy in existence is dated July 11, 1787; the

last known issue is dated August, 1797. Not surprisingly, there is a great deal of space devoted to current events in France. "Current," in the late eighteenth century, meant four to five months previous, if not longer. North Carolina, still largely a frontier state at this time, had to rely on news of Europe arriving through New York, Williamsburg, or Charleston. "The paper is said to have been printed at irregular intervals, when news enough to fill it or make it interesting had reached New Bern. In default of modern methods of distribution, he filled his saddle bags with the newspapers and peddled them about the country."²¹

His primary advertisers were slave owners who were giving public notice of rewards offered for the capture of runaway slaves. While the amount of ad space Martin gave to his own publications varied according to the amounts of news and paying advertisements he had, the paper always contained ads for his own publications, ranging from a line, "Blanks of all sorts to be had at this office," to several columns of books "just published, and for sale at the printing office" and "just imported, and for sale."²²

One of the first items Martin published was a twenty-one page pamphlet, *The Independent Citizen*, an anonymous work that protested a number of statutes passed by the North Carolina General Assembly abridging the right to a jury trial guaranteed in the state constitution. The several typographical errors lend support to the supposition that this is one of Martin's first publications.²³

A printer also could make a lucrative trade in the piracy of popular novels.²⁴ Martin translated popular French novels into English and then printed them without concerning himself with copyright violations—the little international copyright law that existed at the time was totally ignored throughout the world. Of these novels one biographer noted that Martin "perpetuated a long list of incredibly dull novels which pleased the taste of the day."²⁵

At some point in his publishing career, Martin became interested in the law. Given the fact that much of what he produced as a printer was law related, he could not help but become familiar with much of it. Perhaps, like his yet to be born countryman, de Tocqueville, Martin recognized that lawyers were America's new aristocracy; he also realized that the practice of law could lead to great wealth. For if there is one characteristic that all who have written about Martin

These vade mecum, handbooks carried for ready reference, made small to fit comfortably in a saddlebag, were often all that lawyers had as they followed the judges on circuit.

stress, it is that he worked hard to accumulate wealth and begrudgingly spent it.²⁶ Even his most sympathetic biographer, his colleague on the Louisiana Supreme Court, Judge Bullard, stated in his memorial to Martin, "The long and painful struggle of Judge Martin in his youth against poverty, exerted a great influence upon his habits and turn of mind through life. The accumulation of wealth by constant economy became habitual with him, at the same time, that he was scrupulously honest and fair in all his dealings."²⁷

Whether Martin's greed led to his decision to practice law is uncertain. He was able, however, to turn his study into a profitable enterprise. Martin taught himself the law by writing and publishing treatises on North Carolina law. These treatises were little more than practical handbooks of the law of the day, which set out black letter law and borrowed heavily from the work of others. His first treatise, *The Office and Authority of a Justice of the Peace, and of Sheriffs, Coroner's, and so on: According to the Laws of the State of North Carolina* (1791), patterns itself on several Justice of the Peace handbooks in existence at the time,²⁸ particularly James Davis's *Justice Of The Peace* (New Bern 1749).²⁹ His *Treatise on the Patterns and Duties of Executors and Administrators: According to the Law of North Carolina* (1803) is a blatant plagiarism of Samuel Toller's *The Law of Executors and Administrators* (1st American ed. Philadelphia: 1803). Martin, writing in the third person in the preface to his *Executors and Administrators*, states: "Distrusting himself too much to believe that a work entirely his own could satisfy his Fellow Citizens, he has taken as the ground-work of the Treatise, which he now offers, the latest and most approved publication on this subject, that of Mr. Toller."³⁰

Since Martin did not have to worry about copyright, he could rely fairly heavily on Toller's "ground-work."³¹ Yet Martin's piracy was important to the development of the law in the young state of North Carolina. Books of law were scarce, importing them was expensive, and the general public did not favor the blanket adoption of any English law to the young country. American adaptations were much more palatable to the citizens of the new republic and obviated the need for the development of a whole new corpus of law. The adaptations were the fertile soil from which a new body of law would grow.³²

Martin also published a number of statutory compilations, the most notable of which are *A Collection of the Statutes of the Parliament of England in Force in the State of North Carolina* (1792) and *The Public Acts of the General Assembly of North Carolina* (1804).³³ The first collection was not well thought of by many of his contemporaries. In their preface to the *Revised Statutes of the State of North Carolina*, the editors state:

In the year 1792, Francois-Xavier Martin, in obedience to a resolution of the General Assem-

With law books so scarce, the handbooks, with their generalization and oversimplification of the law, became what most late eighteenth and early nineteenth century Americans knew as law. They were, in a very real sense, America's first restatements of the common law.

bly of the preceding year, published a 'Collection of the statutes of the Parliament of England in force in the State of North Carolina,' of which work it may only be remarked, that it was utterly unworthy of the talents and industry of the distinguished compiler, omitting many important statutes, always in force, and inserting many others, which never were, and never could have been in force, either in the Province, or in the State.³⁴

This may be true, but in all fairness to Martin, it is probable that he did not have the resources to determine which English statutes were in force or had been adopted or rejected by the colonial assemblies. In his preface to *Statutes in Force*, Martin states:

I have prepared this Collection and now usher it into light, with all the diffidence that is much heightened by the reflection that, notwithstanding it would have been my wish to have devoted my whole time to the undertaking from the moment I embarked in it, my attention has been frequently diverted by unavoidable occupations. However, I indulge the idea that whatever errors may be discovered will be found to be on the right side. Although I have, perhaps, suffered a few statutes to creep in, which might have been suppressed, I have omitted to insert none that were material.

To have been furnished with a clue to direct me through the vast daedalus of laws from which this collection is extracted, would have much eased my labor, and inspired me with some degree of confidence. Finding that no act of Assembly afforded it, and that many, even among the most respectable, professors of the law disagree in regard to the application of a number of British statutes, I have adopted and prosecuted a plan, that appeared to render the utility of the work least dependent on my own judgement, which, unmaturing by age and unsupported by experience, could not be deemed a criterion.³⁵

A number of case reports, the first in the state, also were published by Martin. Not surprisingly, the first set of reports he published were English reports

Without the benefit of the great libraries of England, and financially incapable of buying the few law books that did exist in the United States, American lawyers were forced to sculpt a unique brand of law, with its base in the English common law and its shape in the needs of a young America whose culture and commerce were just awakening.

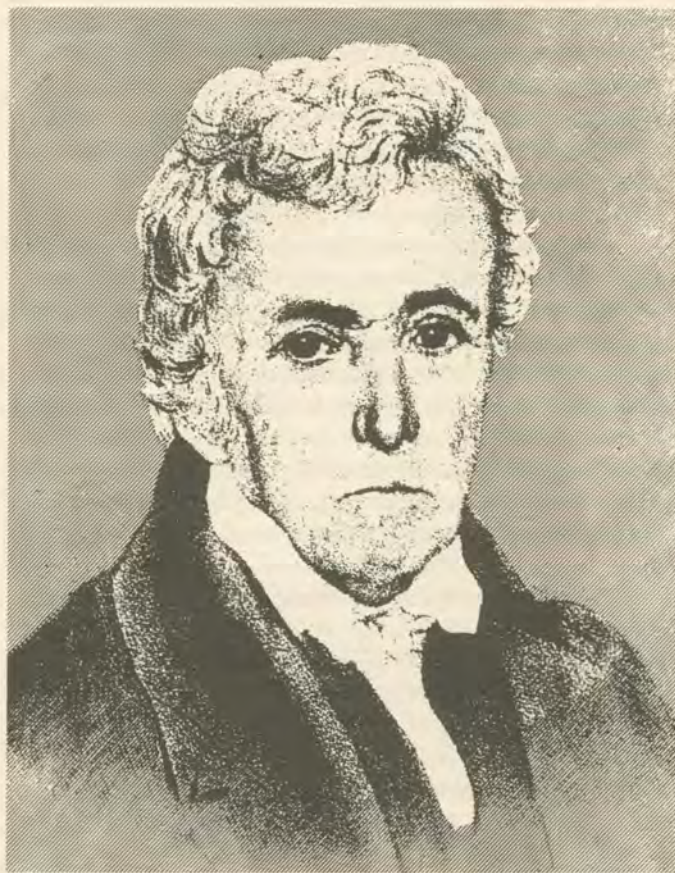
rather than American, a reprint of *Latch's Reports* (1661), which Martin translated into English from the Norman French.³⁶ A reprint of this sort was desirable for a number of reasons. First, it could be printed and sold for less money than a volume printed in England. Second, Martin could offer a volume translated into English from the Norman French—a language which many American lawyers could not read. Third, it was a proven product, so he could be reasonably sure of a market. Finally, the book was out of copyright, although in reality this may not have been a concern.³⁷ His first compilation of American cases is titled *A Few Cases, Determined in the Superior Courts of North Carolina* (1796). In later years this volume was edited and revised to include U.S. Circuit Court cases for North Carolina and a few later Superior Court cases.³⁸ At the time, *Martin's Reports* was only the sixth set of case reports printed in the United States.³⁹

One of Martin's most significant publishing accomplishments in North Carolina, and the one most often praised, was his translation and publication of the first English edition of Pothier's *Obligations*.⁴⁰ According to legend, he accomplished this while sitting with an open copy of Pothier in front of him and setting the type as he translated the work into English.⁴¹ He also printed Evans's *Essays on the Action for Money* (1802).⁴²

While scholars generally have praised his translation of Pothier and criticized his legal handbooks and other legal works, they have failed to recognize the real worth of treatises, such as *Justice of the Peace*. While such treatises have limited worth for their discussions of the law, they have enormous value as artifacts of legal history. These small practice volumes give a real insight into everyday life and the practice of law in the early days of North Carolina statehood. When one compares this work with those from other states during this time period, regional differences in the law emerge (such as the importance, in North Carolina, of religion and of the slave trade to the agricultural economy). These *vade mecum*, handbooks carried for ready reference, made small to fit com-

fortably in a satchel, were often all that lawyers had as they followed the judges on circuit. These handbooks were arranged by subject, in alphabetical order, with emphasis on those matters of specific concern to the justice of the peace—crime, morality, and real and personal property rights. A typical entry—"Bastard," for instance—would be defined. Elements of the definition would then be expanded to include certain fact situations. If applicable statutes, cases, or, in many instances, treatises existed, they were cited as authority for these pronouncements. Needed forms were supplied: under the subject "Bastard," for example, were included warrants for the apprehension of the single woman, for an examination of the woman, for the apprehension of the reputed father, and several other contingencies.⁴³

With law books so scarce, the handbooks, with their generalization and oversimplification of the law, became what most late eighteenth and early nineteenth century Americans knew as law. They were, in a very real sense, America's first restatements of the common law. There was little else to guide those who sought answers to their legal problems.⁴⁴ The beauty of these *vade mecum* lay in their simplicity. They helped establish some sort of uniform law over vast areas of sparsely populated territories and states. They helped establish business and social customs. There was no need for the complicated pleadings of England; few



Francois-Xavier Martin

lawyers could understand them. Most lawyers owned at most a handful of books. Even the wealthiest of American lawyers had little in the way of a law library.

"The outstanding colonial library of the middle of the Eighteenth Century, that of William Byrd, the younger, in Virginia contained only 350 volumes of law and statutes out of a total of 3,625."⁴⁵ The *vade mecum* gave the young republic a simple common law that all Americans could understand.

Without the benefit of the great libraries of England, and financially incapable of buying the few law books that did exist in the United States, American lawyers were forced to sculpt a unique brand of law, with its base in the English common law and its shape in the needs of a young America whose culture and commerce were just awakening. The difficulties of obtaining law books and a healthy skepticism of anything British resulted in a reliance on regional custom as well as the few law books that could be consulted. Common sense and experience were the lawyer's library. Justices of the peace and many judges had no legal training; they were chosen because of their good sense and standing in the community. If case law or statute flew in the face of reason, they were apt to ignore it and rule as they saw just. Martin, and those like him, created an American common law, perhaps more than the Kents and Storys of American jurisprudence did.

Martin read for the law in the office of a respected North Carolina attorney, Abner Nash,⁴⁶ and was called to the bar in 1789. As Martin's legal business improved, he devoted less and less of his energies to his printing concern. If Martin's *Notes of North Carolina Superior Court Decisions* (where he is listed as counsel in a large number of those decisions) is any indication, by the mid-1790s his law practice was flourishing. He was sufficiently well established in 1796 to take on the education of a law clerk, William Gaston, who would have a long and successful career as a lawyer, state legislator, member of the U.S. House of Representatives, and Associate Justice of the North Carolina Supreme Court.⁴⁷ As early as 1793 Martin was advertising for an apprentice for his printing shop.⁴⁸ Sometime around 1802 Martin took on a partner in his printing shop and formed the firm of Martin & Ogden.

It was at this point in his printing career that Martin attempted what may have been the first effort to construct a digested index to all reported cases in the United States. In a broadside dated November 15, 1803, entitled "Proposals for Printing by Subscription A Digested Index of American Reports" he gave notice of his intention to attempt such an endeavor. While the broadside lists several subscribers—mainly booksellers and North Carolina attorneys—the project apparently died. Since this was during a time when Martin's legal and public career was blossoming, he may have lacked the time to attempt the digest or seen his time more profitably spent in other pursuits.

Justices of the peace and many judges had no legal training; they were chosen because of their good sense and standing in the community. If case law or statute flew in the face of reason, they were apt to ignore it and rule as they saw just.

While Martin's proposal hardly can be called visionary (in the broadside he mentions that "the work is executed on the plan of the Digested Index to the Chancery Reports, lately published in England"), it does show that he possessed the practical mind of a scholar. He saw the need for comparative jurisprudence.

Sprung from the same stock, speaking the same language, occupying the same division of the western hemisphere, united under one Federal Government, having the same political and commercial relations with the other nations of the earth, the inhabitants of these States cannot differ much in their municipal laws and customs. In reality the common law of England is in every State the basis of its jurisprudence, varied in a few instances only by some legislative improvements, which necessity has required or convenience suggested. Every where wants nearly similar have produced similar emendations.

Hence the decisions of the courts in the several States cannot fail to be interesting to those, generally, who may have the wish and the leisure to examine and compare them, and to the jurist, particularly, who is called by duty and interest to seek a knowledge of them all.⁴⁹

There is no record of Martin publishing anything after 1804. This seems to indicate that he had sold his printing concern sometime in 1804, probably to devote himself to the full-time practice of law. By 1806 he had raised himself to a sufficient level of local importance to be elected to represent New Bern in the North Carolina State Legislature, where he served one term.

Martin in Louisiana

In 1809 Martin was appointed by President Madison to serve as a federal judge for the Territory of Mississippi. He served in Biloxi for less than a year before being transferred to the Territory of Orleans—a post to which he was excellently suited. New Orleans in 1810 was a world of clashing cultures—a strange juxtaposition of frontier town and Old World city. Within the previous ten years, this center of the new American territory had been under the flag of both the Spanish and the French. On its streets walked dispossessed

He began his legal studies the year before the adoption of the Constitution, a time when the type of law and government that would rule America was unsettled. By the end of his career, a well-defined corpus of American jurisprudence, unlike anything the world had ever seen, had emerged.

noblemen, frontiersmen, traders, criminals, pirates and buccaneers, and every other type of opportunist imaginable. The inhabitants were French, Spanish, Anglo-American, Indian, and slave. Fortunes were to be made and lost in this gateway to the interior. It was a world of danger and intrigue, with constant rumors of invasion, secession, pirate raids, Indian uprisings, and pestilence. Martin, a French- and English-speaking entrepreneur who was not afraid of hard work, could not help but succeed in this environment.

His European and American educations uniquely qualified him to deal with the conflicting laws and cultures he found in New Orleans. He understood both the common and civil law—and the people who formed them. His classical European education, which included Latin and Italian,⁵⁰ would help him unravel the threads of Spanish and Roman law that had their place in the Territory's jurisprudence. His deliberate, logical scholarship would enable him to forge a unified system of law from the conflicting codes and statutes that were, or had been, in effect during the short history of the new territory.

When Martin arrived in Louisiana, the main source of law was the 1808 *Digest of the Civil Laws*, commonly called the "Old Code." It was merely a composite of the Napoleonic Code and various local laws. It did not, however, abrogate all previous law but merely repealed those laws repugnant to it. In effect, this left the courts to contend with Roman Law and the codes of Spain.⁵¹ Because of his many years on the bench, it would fall upon Martin's shoulders, more than anyone else's, to deal with the basic conflict of common and civil law and to mold a unified system of law for the territory. For this reason, he is often referred to as the "Father of Louisiana Jurisprudence."

With the admission of Louisiana to the Union and the abolition of the Territorial Courts, Martin's short career as a federal judge came to an end. On February 19, 1813, Martin was appointed the first Attorney General of the new state. Upon the resignation of State Supreme Court Judge Hall in 1815 to accept the position of U.S. District Court Judge, Martin was appointed to take Hall's place. This was to be the beginning of thirty-one productive years on the bench.⁵² While on the bench, Martin wrote and published less frequently, but did not stop these activities altogether.

When Martin arrived in Louisiana, his financial situation had improved to the point where his estimated worth was \$100,000.⁵³ It would seem that a sum of that size combined with the income of his judgeship (\$2,000 annual salary plus \$667 in expenses)⁵⁴ would obviate any need to wear so many hats to make a living—yet greed apparently egged him on.⁵⁵ Seeing a golden opportunity, he began publishing reports of the territorial court. Two volumes of decisions of the Territorial Superior Court were printed, the first in 1811 and the second in 1813. This practice would continue during his tenure on the Supreme Court. He would publish eighteen volumes of decisions of that body. They supplemented his income and provided a framework of decisions upon which Louisiana jurisprudence could be based. Each volume contained a different quote from antiquity regarding the law, such as Cicero's defense of Sulla: "Status enim reipublicae maximae iudicatis rebus continetur."⁵⁶

In 1816, Martin published a digest of the acts of the legislatures of the Territory and the State, commonly referred to as *Martin's Digest*.⁵⁷ For years it remained an important source of the law of Louisiana.

While in Louisiana, Martin also published two histories, *The History of North Carolina* (1829) and *The History of Louisiana* (1827-29), a two-volume revision of an earlier history. His *History of North Carolina* has been criticized for being sloppy, incomplete, and fabricated to suit his fancy. Stephen B. Weeks, editor of *The Colonial and State Records of North Carolina* and a historian without equal in his knowledge of early North Carolina history, stated, "A comparison of his account of the body [the Legislature] with their records will show what poor use he put the materials that he received. In fact, they clearly show that he either could not, or would not, tell the truth when he had it before his eyes."⁵⁸

Martin's *History of Louisiana* was more favorably received, although it was considered "hard, cold, unadorned facts, exposed with an aridity that would have put to shame the Great Sahara."⁵⁹ His good friend and colleague, Judge Bullard, could only say, "The subject is one full of romantic interest, and though not treated by our author in the most attractive form, yet the work is always referred to with entire confidence in the historical accuracy of its statements and of the events which it records."⁶⁰

While his personal habits may have been the subject of much ridicule, and much of what he published was of questionable worth, few would disagree that he was the quintessential judge. He was known as a fair and objective jurist, a scholar who always thoroughly analyzed and researched the cases before him. His deductive and reasoning powers were unparalleled, and he was compared to the great English judge, Mansfield. A contemporary of Martin wrote in his autobiography, "He was without prejudice, and only knew men before his court as parties litigant. It was

said of him, by John R. Grymes, a distinguished lawyer of New Orleans, that he was better fitted by nature for a judge than any man who every graced the Bench, 'He was all head, and no heart.'⁶¹

By 1836, Judge Martin, whose eyesight was never good, was almost totally blind. He was forced to dictate his decisions to a clerk and could sign the decision only if his hand was placed at the appropriate part of the page. In 1844 he made his first journey back to his boyhood home in France to visit with his family and consult a leading French oculist. It was the doctor's opinion that his condition was inoperable. After a short stay, he returned to Louisiana to resume his duties on the court.⁶²

In March of 1846, as a result of the adoption of a new state constitution that reorganized the court system and abolished the Supreme Court as it previously stood, Martin was forced to step down from the bench. Though he had been totally blind for over ten years, he had performed his duties as Chief Judge admirably. His decisions earned him the respect not only of the people of Louisiana but also of those learned in the law throughout the United States. He was awarded honorary doctorates in law at Harvard and the University of Nashville.

On December 10, 1846, Judge Martin died.⁶³ It was generally believed that without his work he had nothing to live for, and so it was not surprising that he should die shortly after he stepped down from the Court.

He was followed to the grave by the entire Bench and Bar, and most of the distinguished people of his adopted city. But I doubt if a tear was shed at his funeral. He was without ties in life which, sundered by death, wring tears and grief from the living who loved and who have lost an endeared one. All that the head could give, he had—the heart denied him all: in life he had given it to no one, and his death had touched no heart; and no tear embalmed his bier, no flower planted by affection's hand blooms about his grave. Still he had left an imperishable monument to his fame in his judicial career.⁶⁴

Because Martin was such a private man, most of what we know of him is through the anecdotes of a few contemporaries during his days in Louisiana. He never married—his detractors claimed him incapable of such an extravagance. If he wrote personal papers or memoirs, other than a few letters, none survive.⁶⁵ His life-style and nearsighted appearance made him an easy target for his tormentors—more caricature than real person. What emerges at first glance is the picture of a solitary miser whose only love was the law. A deeper look, however, reveals his singular dedication to the law, a dedication which enabled him to influence the development of the law as few others had.

... *he is often referred to as the "Father of Louisiana Jurisprudence."*

He began his legal studies the year before the adoption of the Constitution, a time when the type of law and government that would rule America was unsettled. By the end of his career, a well-defined corpus of American jurisprudence, unlike anything the world had ever seen, had emerged. Martin was one of those who helped give it substance. Through his decisions, treatises, and other legal publishing he had a profound effect on the jurisprudence of two states.

In North Carolina, his works formed part of the very foundation of the common law of the state. In Louisiana, his reports and decisions helped guide the state's judiciary through the murky waters of the various codes still in effect. Martin recognized that his *Louisiana Reports* would not have the precedential value they would have in a common law state, such as North Carolina, but he hoped that they would still be of some use. Judges could use the decisions to help guide them and "a knowledge of the decisions of the court will tend to the introduction of more order and regularity in practice and uniformity of decisions."⁶⁶ He established the keeping of a published record of the decisions of both states, and in doing so preserved a record of a period of legal development which otherwise might have been lost.

1. See generally A. CHROUST, *THE RISE OF THE LEGAL PROFESSION IN AMERICA* 5-30 (1965); G. McREE, *LIFE AND CORRESPONDENCE OF JAMES IREDELL, ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES* 81-82 (1858); C. WARREN, *A HISTORY OF THE AMERICAN BAR* 211-39 (1911).

2. "North Carolina is at present the most dangerous state. The lawyers are all tories, the people substantially republican, but uninformed and deceived by the lawyers, who are elected of necessity because few other candidates [sic]." Letter from Thomas Jefferson to P. N. Nichols (April 7, 1800), reprinted in 10 *THE WRITINGS OF THOMAS JEFFERSON* 163 (A. Bergh ed. 1907). See also C. WARREN, *supra* note 1, at 212-14.

3. E. AUMANN, *THE CHANGING AMERICAN LEGAL SYSTEM: SOME SELECTED PHASES* 38-40, 62-63 (1940); 2 A. CHROUST, *supra* note 1, at 21, 24; L. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 109-11 (1973).

4. Perhaps this charge to a jury, by a Judge John Dudley of Raymond, New Hampshire—a non-lawyer—best explains the prevailing attitudes of the common man concerning the law and lawyers:

You've heard what has been said by the lawyers, the rascals! but no, I won't abuse 'em. 'Tis their business to make out a good case—they're paid for it, and they've done well enough in this case. But you and I, gentlemen, have sunthin else to think of. They talk about law—why, gentlemen, it's not law we want, but justice. They want to govern us by the common law of England; trust me for it, common sense is a much safer guide for us—the common sense of Raymond, Exeter, Ipin [Epping] and the other towns that sent us here to try this case between two of our neighbors. A clear head and an honest heart are wuth more than all the law of all the lawyers. There was one good thing said by 'em though; 't

was from one Shakespeare, an English stage-player, I believe. No matter for that; 't was e'namost good enough to be in the Bible—"Be just and fear not." That's the law in this case, gentlemen, and law enough in any case in this court. It's our business to do justice between the parties; not by any quirks o' the law out of Coke or Blackstone—books that I never read and never will—but by common sense and common honesty between man and man. That's our business; and the curse of God is upon us if we neglect or aside from that. And now, Mr. Sheriff, take out the jury; and you, Mr. Foreman, don't keep us waiting with idle talk—too much o' that a'ready! about matters that have nothin' to do with the merits of this 'ere case. Give us an honest verdict that common sense men needn't be ashamed on.

Note, 40 AM. L. REV. 436, 437 (1906).

5. 2 A. CHROUST, *supra* note 1, at 47-48; C. WARREN, *supra* note 1, at 124; L. FRIEDMAN, *supra* note 3, at 123-24; 1 THE PAPERS OF JAMES IREDELL 11 (D. Higginbotham ed. 1976).

6. C. WARREN, *supra* note 1, at 165-87; L. FRIEDMAN, *supra* note 3, at 85.

7. C. WARREN, *supra* note 1, at 172.

8. See generally F. AUMANN, *supra* note 3.

9. L. FRIEDMAN, *supra* note 3, at 69.

10. *Id.* at 74-76. See generally Ely and Bodenhamer, *Regionalism and American Legal History: The Southern Experience*, 39 VAND. L. REV. 539 (1986).

11. H. BULLARD, A DISCOURSE ON THE LIFE AND CHARACTER OF THE HON. FRANCOIS XAVIER MARTIN, LATE SENIOR JUDGE OF THE SUPREME COURT 4-5 (1847).

12. 18 STATE RECORDS OF NORTH CAROLINA 693-95, 748-50, 771, 778 (W. Clark ed. 1900).

13. Tinker, *Jurist and Japer: Francois Xavier Martin and Jean LeClerc: With a List of Their Publications in This Library and Elsewhere*, 39 BULL. N.Y. PUB. L. LIBR. 675, 676 (1935).

14. *Id.* at 676; W. HOWE, STUDIES IN THE CIVIL LAW AND ITS RELATIONS TO THE JURISPRUDENCE OF ENGLAND AND AMERICA 347 (2d ed. 1905).

15. Respected North Carolina historian Stephen Weeks, in his short biography of Martin, states that it would have been impossible for James Davis to have been the printer from whom Martin learned his trade. Rather, it is more probable that it was the printer Robert Keith, who had recently bought Davis's press in New Bern. Weeks, *Francois Xavier Martin*, in 4 BIOGRAPHICAL HISTORY OF NORTH CAROLINA 307-08 (S. Ashe ed. 1906). H. BULLARD, *supra* note 11, at 5, and Tinker, *supra* note 12, at 677, both refer to the printer as James Clark. Bullard may have meant to say Davis. His memoir is based on his conversations with Martin, his colleague on the Louisiana Supreme Court. Perhaps it suited Martin to have it believed that he was taught by Davis, a famous North Carolinian in his own right.

In 1749, the North Carolina Assembly appointed James Davis as the province's first Public Printer. To Davis went the honor of printing the first book in North Carolina, *A Collection of All the Public Acts of the Province of North Carolina . . .*, in 1752. Prior to that time there was no official compilation of the laws of the province. Iredell & Battle, *Preface* to REVISED STATUTES OF THE STATE OF NORTH CAROLINA at ix-x (F. Nash, J. Iredell & W. Battle eds. 1837). Because of age and imperfect tanning the revisal took on a yellowish cast and became popularly known as "Yellow Jacket." Weeks, *James Davis*, in 8 BIOGRAPHICAL HISTORY OF NORTH CAROLINA, *supra*, at 141.

16. H. BULLARD, *supra* note 11, at 5-6.

17. See generally Thornton, *Public Printing in North Carolina 1749-1815*, 21 N.C. HIST. REV. 181 (1944). See also R. SILVER, THE AMERICAN PRINTER, 1787-1825, at 65-70 (1967). In November of 1785, Martin first applied for a public printing contract. 17 STATE RECORDS OF NORTH CAROLINA 279 (W. Clark ed. 1899).

18. *North Carolina Gazette*, March 23, 1793, at 4, col. 1. A number of inhabitants wished to have their mail delivered to

their homes, and Martin agreed to do so for fifty cents per annum. He also offered "Bookbinding [to be] carried on, on reasonable terms, at the Post, and Printing Office." *North Carolina Gazette*, March 22, 1794, at 4, col. 2. Early in Martin's printing career, he sent books to New York to be bound.

19. Green, *From Printer to Publisher: Mathew Carey and the Origins of Nineteenth-Century Book Publishing*, in GETTING THE BOOKS OUT: PAPERS OF THE CHICAGO CONFERENCE ON THE BOOK IN 19TH CENTURY AMERICA 26, 26-28 (M. Hackenberg ed. 1987) [hereinafter GETTING THE BOOKS OUT].

20. See generally Hackenberg, *The Subscription Publishing Network in Nineteenth-Century America*, in GETTING THE BOOKS OUT, *supra* note 19, at 45.

21. 2 W. BOYD, HISTORY OF NORTH CAROLINA 374 (1919).

22. See, e.g., advertisement in *North Carolina Gazette*, Dec. 13, 1793, at 4, col. 2.

23. In William K. Boyd's introduction to a reprint of *The Independent Citizen*, he suggests that the author of the work may be Archibald Maclaine, a lawyer who often represented Loyalist interests. The statutes in question were enacted to prevent those Loyalists whose lands had been confiscated by the government from suing to recover in jury trials. Boyd, *Introduction to THE INDEPENDENT CITIZEN*, in SOME EIGHTEENTH CENTURY TRACTS CONCERNING NORTH CAROLINA 455 (W. Boyd ed. 1927).

24. The problems Charles Dickens had with American publishers and international copyright are well documented. See 7 ENCYCLOPAEDIA BRITANNICA 378, 381 (1965).

25. Tinker, *supra* note 13, at 677.

26. See, e.g., C. GAYARRE, FERNANDO DE LEMOS: TRUTH AND FICTION: A NOVEL 247 (1872).

27. H. BULLARD, *supra* note 11, at 30.

28. This was a common practice in the eighteenth and nineteenth centuries. Most American justice of the peace treatises borrowed freely from Burns and others. See R. BURNS, THE JUSTICE OF THE PEACE AND PARISH OFFICERS (15th ed. London 1785); CONDUCTOR GENERALIS; OR A GUIDE FOR JUSTICES OF THE PEACE, AND CORONERS, CONSTABLES, JURYMEN, OVERSEERS OF THE POOR, SURVEYORS OF HIGHWAYS, GOVERNORS OF FAIRS, GAOLERS (New York 1711) (Philadelphia 1722); G. WEBB, THE OFFICE AND AUTHORITY OF A JUSTICE OF PEACE; AND ALSO THE DUTY OF SHERIFFS, CORONERS, CHURCHWARDENS, SURVEIORS OF HIGHWAYS, CONSTABLES, AND OFFICERS OF MILITIA (Williamsburg 1736); W. SIMPSON, THE PRACTICAL JUSTICE OF THE PEACE AND PARISH OFFICERS OF HIS MAJESTY'S PROVINCE OF SOUTH CAROLINA (Charlestown 1761); R. STARKE, THE OFFICE AND AUTHORITY OF A JUSTICE OF THE PEACE (Williamsburg 1774).

29. In these sheets, he has endeavored to digest, under alphabetical heads, the duty and authority of a Justice of the Peace, he compiled from the Common Law and Statistics of England, the acts of the Legislature of this State, and Burn's, Nelson's, Dalton's, Parker's and Davis's Justices and the authorities quoted in those books. The last gentleman's performance, being the most analogous to the practice of this country, has been closely attended to; and the present work should not have been substituted to a second edition of it, had not many alterations it required, precluded the idea of introducing it under Mr. Davis's name.

F. MARTIN, THE OFFICE AND AUTHORITY OF A JUSTICE OF THE PEACE, AND OF SHERIFFS, CORONERS, ETC.: ACCORDING TO THE LAWS OF THE STATE OF NORTH CAROLINA [2-3] (1791).

30. F. MARTIN, A TREATISE ON THE POWERS AND DUTIES OF EXECUTORS AND ADMINISTRATORS: ACCORDING TO THE LAW OF NORTH CAROLINA at v (1803).

31. While there is no modern record of Martin's publishing a reprint, in an ad placed at the back of his statutory compilation, *The Public Acts of the General Assembly of North Carolina: Vol-*

ume II Containing the Acts from 1790 to 1803; Revised and Published Under the Authority of the Legislature by Francois Xavier Martin [245] (1804), there is a notice for books printed and for sale at his office. It contains entries for both *Martin's on Executor and Toller on Executors*. It may be the same book since they are both listed as being of the same dimensions. Unfortunately, no dates of publication are listed, nor is a publisher noted.

32. It so frequently occurs that Persons find themselves interested in the Management of the Estates of the deceased, either as Executors, Administrators, Creditors, Legatees or next of kin, that a knowledge of that Branch of Jurisprudence, which relates to such Estates, is of daily and important use: Yet, it is extremely difficult to procure the Books from which Satisfaction in this Respect is to be obtained. They are voluminous; and so much so, that they are seldom found together, even in the best law Libraries: And when they can be collected, much Time and Labor must be wasted, before anyone can become Master of the Point on which Information is required.

These Considerations have long ago induced the Writer of the following Treatise to believe, and to express the Opinion, that a Small Digest containing the leading Principles of the Law on this Subject, would be found of uncommon Utility, if it came from the hands of a Person, whose Abilities and Industry could command the Confidence of the Public. The Undertaking was worth the attention of such a Person, and he had hoped would soon engage it. In this expectation, however, he has been disappointed.

He now presumes to make the attempt.

Id. at [iii]-iv (Martin, speaking of himself in the third person).

33. It is difficult to ascertain exactly what Martin published separately and what he published in sets since his ongoing publication of session laws was often issued as an appendix to existing sets. These appendices were then added to later printings.

34. REVISED STATUTES OF THE STATE OF NORTH CAROLINA, *supra* note 15, at xii.

35. STATUTES IN FORCE at iii (1792).

36. CASES DETERMINED IN THE COURT OF KING'S BENCH, DURING THE I, II, & III YEARS OF CHARLES I (1793). Martin translated these into English from the Norman French.

37. Green, *supra* note 19, at 34-35.

38. These volumes, referred to as *Martin I* and *Martin II*, are reproduced in the first volume of the *North Carolina Supreme Court Reports*. Martin was counsel in a large number of the cases; the rest may be cases he witnessed while on circuit.

39. The others were *Kirby's Reports* (Conn. 1789), *Hopkinson's Admiralty Reports* (Pa. 1789), *Dallas' Reports* (Pa. 1790), *Chipman's Reports* (Vt. 1793) and *Wythe's Reports* (Va. 1795).

40. R. POTHIER, *TRAITE DE OBLIGATIONS* (Nouvelle ed. Paris 1768).

41. W. HOWE, *supra* note 14, at 348-49.

42. W. EVANS, *ESSAYS ON THE ACTION FOR MONEY, ON THE LAW OF INSURANCES, AND THE LAW OF BILLS OF EXCHANGE AND PROMISSORY NOTES* (1st English ed. Liverpool 1802).

43. JUSTICE OF THE PEACE 41-48 (new ed. 1804).

44. In the preface to his JUSTICE OF THE PEACE (1791) Martin states, "Magistrates . . . injure their neighbor through ignorance." He hoped his treatise would provide "a cue to direct them through the maze of intricacies into which the laws of the state have been thrown, by the political vicissitudes that sprang from the two revolutions, which the present generation has witnessed." F. MARTIN, JUSTICE OF THE PEACE [2] (1791).

45. R. MORRIS, *STUDIES IN THE HISTORY OF AMERICAN LAW: WITH SPECIAL REFERENCE TO THE SEVENTEENTH AND EIGHTEENTH CENTURIES* 44-45 (3d ed. 1959). For an excellent glimpse of law library holdings at the turn of the nineteenth century, see also H. JOHNSON, *IMPORTED EIGHTEENTH-CENTURY LAW TREATISES IN AMERICAN LIBRARIES 1700-1799* (1978).

46. Abner Nash would become a Governor of North Carolina

and was one of the leading lawyers of his day. See Nash, *Governor Abner Nash*, 22 N.C. BOOKLET 3 (1922-23).

47. J. SCHAUINGER, WILLIAM GASTON, *CAROLINIAN* 17-19 (1949).

48. *North Carolina Gazette*, March 23, 1793, at [4], col. 3.

49. F. MARTIN, PROPOSALS FOR PRINTING BY SUBSCRIPTION A DIGESTED INDEX OF AMERICAN REPORTS (Nov. 15, 1803) (Broadside).

50. H. BULLARD, *supra* note 11, at 10-11.

51. See generally Brown, *Legal Systems in Conflict: Orleans Territory 1804-1812*, 1 AM. J. LEG. HIST. 35 (1951). For a more complete examination of Martin's role on the court and in the development of Louisiana jurisprudence, see generally Fischer, *The Louisiana Supreme Court, 1812-1846: Strangers in a Strange Land*, TUL. CIV. L. F., vol. 1, No. 4, 1973, at 1.

52. H. BULLARD, *supra* note 11, at 13.

53. W. SPARKS, THE MEMORIES OF FIFTY YEARS: CONTAINING BRIEF BIOGRAPHICAL NOTICES OF DISTINGUISHED AMERICANS, AND ANECDOTES OF REMARKABLE MEN; INTERSPERSED WITH SCENES AND INCIDENTS OCCURRING DURING A LONG LIFE OF OBSERVATION CHIEFLY SPENT IN THE SOUTHWEST 409 (1870).

54. Letter from Francois-Xavier Martin to John Hamilton (Mar. 22, 1811), reprinted in 2 PLANTATION AND FRONTIER DOCUMENTS 197, 200 (U.S. Phillips ed. 1909).

55. Martin was also part-owner of a brick factory. "In Louisiana, where he afterwards moved, he combined the occupation of Judge, brickyard manager, mail contractor, and publisher. It is said that on settling up his accounts, it was found that the personal expenses of his whole family—children, it is true, he had none—had not reached twenty-five cents per diem." Obituary, 6 PA. L.J. 157, 158 (1847).

56. "The welfare of the state depends greatly upon respect for settled decisions." Dart, *The History of the Supreme Court of Louisiana, IN THE CELEBRATION OF THE CENTENARY OF THE SUPREME COURT OF LOUISIANA*, in 133 La. xxv, xxxiv (1913). This series of articles also was published as a pamphlet that same year.

57. The text is in both English and French, with the English version on the verso of each page and the French on the recto. The alphabetic subject format of the three-volume set is similar to the modern-day legal encyclopedia.

58. Weeks, *Historical Review*, in 30 COLONIAL AND STATE RECORDS OF NORTH CAROLINA 15 (S. Weeks ed. 1914).

59. Tinker, *supra* note 13, at 690.

60. H. BULLARD, *supra* note 11, at 19.

61. W. SPARKS, *supra* note 59, at 410.

62. H. BULLARD, *supra* note 11, at 29-30.

63. Martin's death did not end his influence on Louisiana jurisprudence. Litigation arose over a handwritten will he had written without witnesses while he was blind. The validity of the will was called into question by the Attorney General of Louisiana. The Supreme Court eventually ruled the will valid. For an excellent treatment of the whole controversy, see Billings, *A Judicial Legacy: The Last Will and Testament of Francois Xavier Martin*, 25 LA. HIST. 277 (1984).

64. W. SPARKS, *supra* note 59, at 413.

65. Concerning his personal papers, Judge Martin stated in 1829, "In their circuitous way from Newbern to New York and New Orleans, the sea water found its way to them; since their arrival, the mice, worms, and the variety of insects of a humid and warm climate, have made great ravages among them. The ink of several very ancient documents has grown so pale as to render them nearly illegible, and notes hastily taken on a journey are in so cramped a hand that they can not be deciphered by any person but him who made." Weeks, *supra* note 64, at 71. This explains the lack of documentation from his North Carolina years. Martin's heir and executor, Paul Martin, may have taken or sent his brother's papers back to France.

66. 1 MART. i, iv (La. 1811).

Why the Candidates Still Use FDR as Their Measure

William E. Leuchtenburg*



When the American people got their first look at the entries in the 1988 presidential race, they sensed immediately that not one of the contenders measured up to their highest expectations. The Republican heir apparent was dismissed as a “wimp,” and the original

Democratic field as the “seven dwarfs.” Asked whom in either party they preferred, a huge proportion of respondents replied, “None of the above.” And if inquirers had gone on to ask what sort of nominee voters had in mind, not a few would have answered without hesitation, “Franklin Delano Roosevelt.”

That sentiment cut across party lines. Predictably more than one Democrat sought to associate himself with his party’s four-time winner. At the 1984 Democratic National Convention in San Francisco, Jesse Jackson had drawn a roar of approval when he said that FDR in a wheelchair was better than Ronald Reagan on a horse, and in the 1988 contest, Sen. Paul Simon of Illinois offered any number of New Deal solutions to contemporary problems. More surprisingly, Franklin Roosevelt has attracted no little favorable comment from Republicans, most conspicuously President Reagan. In his 1980 acceptance address Reagan spoke so warmly of FDR that the *New York Times* editorial the next morning was entitled “Franklin Delano Reagan,” and thereafter he rarely missed an opportunity to laud the idol of his opponents.

Indeed, so powerful an impression has FDR left on the office that in the most recent survey of historians, he moved past George Washington to be ranked as the second greatest President in our history, excelled only by the legendary Abraham Lincoln.

This very high rating would have appalled many of the contemporaries of “that megalomaniac cripple in the White House.” In the spring of 1937 an American who had been traveling extensively in the Caribbean confided, “During all the time I was gone, if anybody asked me if I wanted any news, my reply was always—there is only one bit of news I want to hear and that is the death of Franklin D. Roosevelt. If he is not dead you don’t have to tell me anything else.” And at one country club in Connecticut, a historian has noted, “mention of his name was forbidden as a health measure against apoplexy.”

Roosevelt, his critics maintained, had shown himself to be a man of no principles. Herbert Hoover called him a “chameleon on plaid,” while H. L. Mencken declared, “If he became convinced tomorrow that coming out for cannibalism would get him the votes he so sorely needs, he would begin fattening a missionary in the White House backyard come Wednesday.”

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This reputation derived in good part from the fact that Roosevelt had campaigned in 1932 on the promise to balance the budget but subsequently asked Congress to appropriate vast sums for relief of the unemployed. Especially embarrassing was the memory of his 1932 address at Forbes Field, home of the Pittsburgh Pirates, in which he denounced Hoover as a profligate spender. The presidential counsel, Sam Rosenman, recalled how FDR asked him to devise a way to explain this 1932 speech in one he planned to make in his 1936 campaign. After careful consideration, Rosenman had one suggestion: "Deny categorically that you ever made it."

Historians, too, have found fault with FDR. New Left writers have chided him for offering a "profoundly conservative" response to a situation that had the potential for revolutionary change, while commentators of no particular persuasion have criticized him for failing to bring the country out of the Depression short of war, for maneuvering America into World War II (or for not taking the nation to war soon enough), for permitting Jews to perish in Hitler's death camps, and for sanctioning the internment of Japanese-Americans.

Roosevelt has been faulted especially for his failure to develop any grand design. The political scientist, C. Herman Pritchett, claimed that the New Deal never produced "any consistent social and economic philosophy to give meaning and purpose to its various action programs." Even harsher disapproval has come from the Undersecretary of Agriculture, Rexford Tugwell, who in many ways admired FDR. "He could have emerged from the orthodox progressive chrysalis and led us into a new world," Tugwell said, but instead, FDR busied himself "planting protective shrubbery on the slopes of a volcano."

Given all this often very bitter censure, both at the time and since, how can one now account for FDR's ranking as the second-greatest President ever? We may readily acknowledge that polls can be deceptive and that historians have been scandalously vague about establishing criteria for "greatness." Yet there are, in fact, significant reasons for Roosevelt's rating, some of them substantial enough to be acknowledged even by skeptics.

To begin with the most obvious, he was President longer than anyone else. Alone of American Presidents, he broke the taboo against a third term and served part of a fourth term as well. Shortly after his death the country adopted a constitutional amendment limiting a President to two terms. Motivated in no small part by the desire to deliver a posthumous rebuke to Roosevelt, this amendment has had the ironic consequence of assuring that Franklin Roosevelt will be, so far as we can foresee, the only Chief Executive who will ever have served more than two terms.

Roosevelt's high place rests, too, on his role in leading the nation to accept the responsibilities of a

Roosevelt, almost alone among our Presidents, had no conception of the office to live up to; he was it. His image of the office was himself-in-office.

world power. When he took office, the United States was firmly committed to isolationism; it refused to join either the League of Nations or the World Court. Roosevelt made full use of his executive power to recognize the USSR, craft the good-neighbor policy with Latin America, and, late in his second term, provide aid to the Allies and lead the nation into active involvement in World War II. So far had America come by the end of the Roosevelt era that the Secretary of War, Henry Stimson, was to say that the United States could never again "be an island to herself. No private program and no public policy, in any sector of our national life, can now escape from the compelling fact that if it is not framed with reference to the world, it is framed with perfect futility."

As wartime President, FDR demonstrated his executive leadership by guiding the country through a victorious struggle against the Fascist powers. "He overcame both his own and the nation's isolationist inclination . . .," the historian, Robert Divine, has concluded. "His role in insuring the downfall of Adolf Hitler is alone enough to earn him a respected place in history."

Whatever his flaws, Roosevelt came to be perceived all over the globe as the leader of the forces of freedom. The British political scientist, Sir Isaiah Berlin, wrote that in the "leaden thirties, the only light in the darkness was the administration of Mr. Roosevelt . . . in the United States."

For good or ill, also, America first became a major military power during Roosevelt's presidency. As late as 1939 the U.S. Army ranked eighteenth in the world, and soldiers trained with pieces of cardboard marked "Tank." Under FDR, Congress established peacetime conscription and after Pearl Harbor put millions of men and women in uniform. His long reign also saw the birth of the Pentagon, the military-industrial complex, and the atomic bomb. At the conclusion of FDR's Presidency, one historian has noted, "a Navy superior to the combined fleets of the rest of the world dominated the seven seas; the Air Force commanded greater striking power than that of any other country; and American overseas bases in the . . . Atlantic, the Mediterranean, and the Pacific rimmed the Eurasian continent."

A Light in a Dark Age

But there is an even more important reason for FDR's high ranking: his role in enlarging the presidential office and expanding the realm of the state while leading the American people through the Great Depression.

Whatever his flaws, Roosevelt came to be perceived all over the globe as the leader of the forces of freedom.

Roosevelt came to office at a desperate time, in the fourth year of a worldwide depression that raised the gravest doubts about the future of the Western world. "In 1931," commented the British historian, Arnold Toynbee, "men and women all over the world were seriously contemplating and frankly discussing the possibility that the Western system of Society might break down and cease to work." And in the summer of 1932, the economist, John Maynard Keynes, asked by a journalist whether there had ever been anything before like the Great Depression, replied, "Yes, it was called the Dark Ages, and it lasted four hundred years."

By the time Roosevelt was sworn in, national income had been cut in half and more than fifteen million Americans were unemployed. Every state in the Union had closed its banks or severely restricted their operations, and on the very morning of his inauguration, the New York Stock Exchange had shut down. For many, hope had gone. "Now is the winter of our discontent the chilliest," wrote the editor of *Nation's Business*.

Only a few weeks after Roosevelt took office, the spirit of the country seemed markedly changed. Gone was the torpor of the Hoover years; gone, too, the political paralysis. "The people aren't sure . . . just where they are going," noted one business journal, "but anywhere seems better than where they have been. In the homes, on the streets, in the offices, there is a feeling of hope reborn." Again and again, observers resorted to the imagery of darkness and light to characterize the transformation from the Stygian gloom of Hoover's final winter to the bright springtime of the Hundred Days. People of every political persuasion gave full credit for the revival of confidence to one man: the new President.

In April the Republican senator from California, Hiram Johnson, acknowledged: "The admirable trait in Roosevelt is that he has the guts to try. . . . He does it all with the rarest good nature. . . . We have exchanged for a frown in the White House a smile. Where there were hesitation and vacillation, weighing always the personal political consequences, feebleness, timidity, and duplicity, there are now courage and boldness and real action." On the editorial page of *Forum*, Henry Goddard Leach summed up the nation's nearly unanimous verdict: "We have a leader."

The Temperament of a Leader

The new President had created this impression by a series of actions—delivering his compelling inaugural address, summoning Congress into emergency session, resolving the banking crisis—but even more by his

manner. Supremely confident in his own powers, he could imbue others with a similar confidence. Moreover, he had acquired an admirable political education: state senator, junior cabinet officer, his party's vice-presidential nominee, two-term governor of the most populous state in the Union. As the political scientist, Richard Neustadt, has observed, "Roosevelt, almost alone among our Presidents, had no conception of the office to live up to; he was it. His image of the office was himself-in-office."

FDR's view of himself and his world freed him from anxieties that other men would have found intolerable. Not even the weightiest responsibilities seemed to disturb his serenity. One of his associates said, "He must have been psychoanalyzed by God."

A Washington reporter noted in 1933: "No signs of care are visible to his main visitors or at the press conferences. He is amiable, urbane and apparently untroubled. He appears to have a singularly fortunate faculty for not becoming flustered. Those who talk with him informally in the evenings report that he busies himself with his stamp collection, discussing in an illuminating fashion the affairs of state while he waves his shears in the air."

The commentator, Henry Fairlie, has remarked: The innovating spirit . . . was [FDR's] most striking characteristic as a politician. The man who took to the radio like a duck to water was the same man who, in his first campaign for the New York Senate in 1910, hired . . . a two-cylinder red Maxwell, with no windshield or top, to dash through (of all places) Dutchess County; and it was the same man who broke all precedents twenty-two years later when he hired a little plane to take him to Chicago to make his acceptance speech. . . . The willingness to try everything was how Roosevelt governed.

This serenity and venturesomeness were precisely the qualities called for in a national leader in the crisis of the Depression, and the country drew reassurance from FDR's bouyant view of the world. Secretary of Labor Frances Perkins remarked on his feeling that "nothing in human judgment is final. One may courageously take the step that seems right today because it can be modified tomorrow if it does not work well"

FDR's self-command, gusto, and bonhomie created an extraordinary bond with the American people. Millions of Americans came to view him as one who was intimately concerned with their welfare. In the

People of every political persuasion gave full credit for the revival of confidence to one man: the new President.

1936 campaign he heard people cry out, "He saved my home"; "He gave me a job." In Bridgeport, Connecticut, he rode past signs saying, "Thank God for Roosevelt," and in the Denver freight yards a message in chalk on the side of a boxcar read, "Roosevelt Is My Friend."

He Meets the Press

Roosevelt made conscious use of the media almost from the moment he entered the White House, with his press conferences serving to educate newspaper writers and, through them, the nation on the complex, novel measures he was advocating. He was fond of calling the press meeting room in the White House his "schoolroom," and he often resorted to terms such as *seminar* or, when referring to the budget, *textbook*. When in January 1934 the President invited thirty-five Washington correspondents to his study, he explained his budget message to them "like a football coach going through skull practice with his squad."

FDR's performance at his first press conference as President on March 8, 1933, the journalist, Leo Rosten, has written, has

become something of a legend in newspaper circles. Mr. Roosevelt was introduced to each correspondent. Many of them he already knew and greeted by name—first name. For each he had a handshake and the Roosevelt smile. When the questioning began, the full virtuosity of the new Chief Executive was demonstrated. Cigarette-holder in mouth at a jaunty angle, he met the reporters on their own grounds. His answers were swift, positive, illuminating. He had exact information at his fingertips. He showed an impressive understanding of public problems and administrative methods. He was lavish in his confidences and "background information." He was informal, communicative, gay. When he evaded a question it was done frankly. He was thoroughly at ease. He made no effort to conceal his pleasure in the give and take of the situation.

Jubilant reporters could scarcely believe the transformation in the White House. So hostile had their relations become with FDR's predecessor that Hoover, who was accused of employing the Secret Service to stop leaks and of launching a campaign of "terrorism" to get publishers to fire certain newspapermen, finally abandoned press conferences altogether. Furthermore, Hoover, like Harding and Coolidge before him, had insisted on written questions submitted in advance. But to the delight of the Washington press corps, Roosevelt immediately abolished that requirement and said that questions could be fired at him on the spot. At the end of the first conference, reporters did something they had never done before: they gave the man they were covering a spontaneous round of applause.

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The initial euphoria continued long afterward. Roosevelt could sometimes be testy—he told one reporter to go off to a corner and put on a dunce cap—but mostly, especially in the New Deal years of 1933 to 1938, he was jovial and even chummy, in no small part because he regarded himself as a longtime newspaperman, since he had been editor in chief of the *Harvard Crimson*. The first President to appoint an official press secretary, he also made clear that members of the Fourth Estate were socially respectable by throwing a spring garden party for them at the White House.

Above all, FDR proved a never-ending source of news. Jack Bell, who covered the White House for the Associated Press, has written of him:

He talked in headline phrases. He acted, he emoted; he was angry, he was smiling. He was persuasive, he was demanding; he was philosophical, he was elemental. He was sensible, he was unreasonable; he was benevolent, he was malicious. He was satirical, he was soothing; he was funny, he was gloomy. He was exciting. He was human. He was copy.

One columnist wrote afterward, "The doubters among us—and I was one of them—predicted that the free and open conference would last a few weeks and then would be abandoned." But twice a week, with rare exceptions, year after year, the President submitted to the crossfire of interrogation. He left independently minded newspapermen like Raymond Clapper with the conviction that "the administration from President Roosevelt down has little to conceal and is willing to do business with the doors open." If reporters were 60 percent for the New Deal, Clapper reckoned, they were 90 percent for Roosevelt personally.

Some observers have seen in the FDR press conference a quasi-constitutional institution like the question hour in the House of Commons. To a degree, it was. But one should keep in mind that the President had complete control over what he would discuss and what could be published. He used the press conference as a public relations device he could manipulate to his own advantage.

Franklin Roosevelt also was the first Chief Executive to take full advantage of radio as a means of projecting his ideas and personality directly into American homes. When FDR got before a microphone, he ap-

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peared, said one critic, to be "talking and toasting marshmallows at the same time." In his first days in office he gave a radio address that was denominated a "fireside chat" because of his intimate, informal delivery that made every American think the President was talking directly to him or her. As the journalist and historian, David Halberstam, has pointed out:

He was the first great American radio voice. For most Americans of this generation, their first memory of politics would be sitting by a radio and hearing *that* voice, strong, confident, totally at ease. If he was going to speak, the idea of doing something else was unthinkable. If they did not yet have a radio, they walked the requisite several hundred yards to the home of a more fortunate neighbor who did. It was in the most direct sense the government reaching out and touching the citizen, bringing Americans into the political process and focusing their attention on the presidency as the source of good. . . . Most Americans in the previous 160 years had never even seen a president; now almost all of them were hearing him, *in their own homes*. It was literally and figuratively electrifying.

A Teacher for the Nation

By quickening interest in government, Roosevelt became the country's foremost civic educator. One scholar has observed:

Franklin Roosevelt changed the nature of political contests in this country by drawing new groups into active political participation. Compare the political role of labor under the self-imposed handicap of Samuel Gompers's narrow vision with labor's political activism during and since the Roosevelt years. The long-run results were striking: . . . public policy henceforth was written to meet the needs of those who previously had gone unheard.

Roosevelt and his headline-making New Deal especially served to arouse the interest of young people. When Lyndon Johnson learned of FDR's death, he said, "I don't know that I'd ever have come to Congress if it hadn't been for him. But I do know that I got my first desire for public office because of him—

and so did thousands of other men all over this country."

FDR's role as civic educator frequently took a decidedly partisan turn, for he proved to be an especially effective party leader. In 1932, in an election that unraveled traditional party ties, he became the first Democrat elected to the White House with a popular majority since Franklin Pierce eighty years before. Yet this heady triumph, reflecting resentment at Hoover more than approval for FDR and the Democrats, might have been short-lived if Roosevelt had not built a constituency of lower-income ethnic voters in the great cities tenuously allied with white voters in the Solid South.

He brought into his administration former Republicans such as Henry Wallace and Harold Ickes; enticed hundreds of thousands of Socialists, such as the future California congressman Jerry Voorhis to join the Democrats; worked with anti-Tammany leaders like Fiorello La Guardia in New York; backed the independent George Norris against the Democratic party's official nominee in Nebraska; and forged alliances with third parties such as the American Labor party. In 1938 he even attempted, largely unsuccessfully, to "purge" conservative Democrats from the party and in World War II may even have sought to unite liberal Republicans of the Wendell Willkie sort with liberal Democrats in a new party, though the details of that putative arrangement are obscure.

Getting the Laws He Wanted

Roosevelt won such a huge following both for himself and for his party by putting together the most ambitious legislative program in the history of the country, thereby considerably enhancing the role of the President as chief legislator. He was not the first chief executive in this century to adopt that role, but he developed the techniques to a point beyond any to which they had been carried before. He made wide use of the device of special messages, and he accompanied these communications with drafts of proposed bills. He wrote letters to committee chairmen or members of Congress to urge passage of his proposals; summoned the congressional leadership to White House conferences on legislation; used agents like the presidential adviser Tommy Corcoran on Capitol Hill to corral maverick Democrats; and revived the practice of appearing in person before Congress. He made even the hitherto mundane business of bill signing an occasion for political theater; it was he who initiated the custom of giving a presidential pen to a congressional sponsor of legislation as a memento. In the First Hundred Days, Roosevelt adroitly dangled promises of patronage before congressmen, but without delivering on them until he had the legislation he wanted. The result, as one commentator put it, was that "his relations with Congress were to the very end of the session tinged with a shade of expectancy which is the best part of young love."

To the dismay of the Republican leadership, Roosevelt showed himself to be a past master not just at coddling his supporters in Congress but at disarming would-be opponents. The conservative Republican congressman Joseph W. Martin, who had the responsibility of insulating his party members in the House from FDR's charm, complained that the President, "laughing, talking, and poking the air with his long cigarette holder," was so magnetic that he "bamboozled" even members of the opposition. Martin resented that he had to rescue opposition members from the perilous "moon glow."

To be sure, FDR's success with Congress has often been exaggerated. The congress of the First Hundred Days, it has been said, "did not so much debate the bills it passed . . . as salute them as they went sailing by," but in later years Congress passed the bonus bill over his veto; shelved his "Court-packing" plan; and, on neutrality policy, bound the President like Gulliver. After the enactment of the Fair Labor Standards law in 1938, Roosevelt was unable to win congressional approval of any further New Deal legislation. Moreover, some of the main New Deal measures credited to Roosevelt were proposals originating in Congress that he either outrightly opposed or accepted only at the last moment, such as federal insurance of bank deposits, the Wagner Act, and public housing. In fact, by latter-day standards, his operation on the Hill was primitive. He had no congressional liaison office, and he paid too little attention to rank-and-file members.

Still, Roosevelt's skill as chief legislator is undeniable. A political scientist has stated:

The most dramatic transformation in the relationship between the presidency and Congress occurred during the first two terms of Franklin D. Roosevelt. FDR changed the power ratio between Congress and the White House, publicly taking it upon himself to act as leader of Congress at a time of deepening crisis in the nation. More than any other president, FDR established the model of the most powerful legislative presidency on which the public's expectations still are anchored.

As one aspect of his function as chief legislator, Roosevelt broke all records in making use of the veto power. By the end of his second term, his vetoes already represented more than 30 percent of all the measures disallowed by Presidents since 1792. Accord-

Roosevelt kept himself informed not by applied study but by observation and conversation, and his particular qualities of mind served him reasonably well in the thirties.

ing to one credible tale, FDR used to ask his aides to look out for a piece of legislation he could veto, in order to remind Congress that it was being watched.

So far did Roosevelt plumb the potentialities of the chief executive as legislative leader that by the end of his first term, the columnist Raymond Clapper was writing, "It is scarcely an exaggeration to say that the President, although not a member of Congress, has become almost the equivalent of the prime minister of the British system, because he is both executive and the guiding hand of the legislative branch."

In 1938, in his annual message to Congress, Roosevelt made his philosophy about the duty of the state still more explicit:

Government has a final responsibility for the well-being of its citizenship. If private cooperative endeavor fails to provide work for willing hands and relief for the unfortunate, those suffering hardship from no fault of their own have a right to call upon the Government for aid; and a government worthy of its name must make fitting response.

Starting in the electrifying First Hundred Days of 1933, Roosevelt brought the welfare state to America, years after it had come to other lands. He moved beyond the notion that "rights embodied only guarantees against denial of freedom, to the conception that government also has an obligation to assure certain economic essentials." In his State of the Union message of January 1944, he declared:

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures

As our Nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not free men." People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under

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which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.

In expanding the realm of the state, Roosevelt demanded that business recognize the superior authority of the government in Washington. At the time, that was shocking doctrine. In the pre-New Deal period, government often had been the handmaiden of business, and many Presidents had shared the values of businessmen. But FDR clearly did not. Consequently the national government in the 1930s came to supervise the stock market, establish a central banking system monitored from Washington, and regulate a range of business activities that had hitherto been regarded as private.

As a result of these measures, Roosevelt was frequently referred to as the “great economic emancipator” (or, conversely, as a traitor to his class), but his real contributions, as the historian James MacGregor Burns has said, were “a willingness to take charge, a faith in the people, and an acceptance of the responsibility of the federal government to act.”

After a historic confrontation with the Supreme Court, Roosevelt secured the legitimization of this enormous increase in the growth of the state. *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937). As a consequence, not once since 1936 has the Court invalidated any significant statute regulating the economy.

FDR: Administrator

Roosevelt quickly learned that enacting a program was one thing; getting it carried out was something altogether different. He once complained:

The Treasury is so large and far-flung and ingrained in its practices that I find it almost impossible to get the action and result I want But the Treasury is not to be compared with the State Department. You should go through the experience of trying to get any changes in the thinking, policy, and action of the carrier diplomats and then you'd know what a real problem was. But the Treasury and the State Department put together are nothing compared with the Na-a-vy. The admirals are really something to cope with—and I should know. To change something in the Na-a-vy is like

punching a feather bed. You punch it with your right and you punch it with your left until you are finally exhausted, and then you find the damn bed just as it was before you started punching.

To overcome resistance to his policies in the old-line departments, Roosevelt resorted to the creation of emergency agencies. “We have new and complex problems,” he once said. “Why not establish a new agency to take over the new duty rather than saddle it on an old institution?”

Roosevelt also departed from orthodoxy in another way. In flat defiance of the cardinal rule of public administration textbooks—that every administrator ought to appear on a chart with a clearly stated assignment—the President not only deliberately disarranged spheres of authority but appointed men of clashing attitudes and temperaments. The historian, Arthur Schlesinger, Jr., has maintained:

His favorite technique was to keep grants of authority incomplete, jurisdictions uncertain, charters overlapping. The result of this competitive theory of administration was often confusion and exasperation on the operating level; but no other method could so reliably insure that in a large bureaucracy filled with ambitious men eager for power the decisions, and the power to make them, would remain with the President.

To ensure trustworthy information, Roosevelt relied on a congeries of informants and personal envoys. Though there were times when one man had an especially close relationship to him—Louis Howe early in the New Deal, Harry Hopkins in the war years—Roosevelt never had a chief of staff, and no single individual was ever permitted to take the place of what one historian called the “countless lieutenants and supporters” who served “virtually as roving ambassadors collecting intelligence through the Executive Branch,” often unaware that more than one man had the same assignment. “He would call you in, and he'd ask you to get the story on some complicated business,” one of FDR's aides later said, “and you'd come back after a couple of days of hard labor and present the juicy morsel you'd uncovered under a stone somewhere, and *then* you'd find out he knew all about it, along with something else you *didn't* know.”

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So evident were the costs of FDR's competitive style—not only bruised feelings but, at times, a want of coherence in policy—and so harum-scarum did his methods seem, that it became commonplace to speak of Roosevelt as a poor administrator. A British analyst has commented that though the “mishmash” Roosevelt put together was “inspired,” it resulted not in a “true bureaucracy” but in “an ill-organized flock of agencies with the sheep dogs in the White House snapping at their heels as the President whistled the signals.”

Not a few commentators, though, have concluded that Roosevelt was a superior administrator. They point out that he vastly improved staffing of the Presidency and that he broke new ground when he assigned Henry Wallace to chair a series of wartime agencies, for no Vice-President had ever held administrative responsibilities before. Granted, there was no end of friction between subordinates such as Hopkins and Ickes, or Cordell Hull and Sumner Welles, but Wallace once observed, in a rare witticism, that FDR “could keep all the balls in the air without losing his own.”

Furthermore, his admirers maintain, if the test of a great administrator is whether he can inspire devotion in his subordinates, FDR passes with flying colors. Even Ickes, the most conspicuous grumbler of the Roosevelt circle, noted in his diary, “You go into Cabinet meetings tired and discouraged and out of sorts and the President puts new life into you. You come out like a fighting cock.”

An even better test of an administrator is whether he can recruit exceptional talent, and Roosevelt broke new ground by giving an unprecedented opportunity to a new corps of officials: the university-trained experts. Save for a brief period in World War I, professors had not had much of a place in Washington, but in his 1932 presidential campaign FDR enlisted several academic advisers, most of them from Columbia University, to offer their thoughts and to test his own ideas. The press called this group the Brain Trust. During the First Hundred Day of 1933, droves of professors, inspired by that example, descended on Washington to take part in the New Deal. So, too, did their students—young attorneys fresh out of law school and social scientists with recent graduate degrees who received an unprecedented open-arms reception from the federal government.

The sudden change of personnel was discounted by the President's critics, not least H. L. Mencken. “You Brain Trusters,” he complained, “were hauled suddenly out of a bare, smelly classroom, wherein the razzberries of sophomores had been your only music, and thrown into a place of power and glory almost befitting Caligula, Napoleon I, or J. Pierpoint Morgan, with whole herds of Washington correspondents crowding up to take down your every wheeze.”

Roosevelt had such success in recruiting this new cadre of administrators because of his openness to

When Roosevelt was asked in 1931 how much authority he expected Congress to grant him when he became President, he snapped, “Plenty.”

groups that had long been discriminated against. Before the New Deal, the government had largely been the domain of a single element: white Anglo-Saxon Protestants. Under FDR, that situation altered perceptibly, with the change symbolized by the most famous team of FDR's advisers: Tommy Corcoran and Ben Cohen, the Irish Catholic and the Jew. Nor did ethnic diversity end there. Though some patterns of racial discrimination persisted, the President appointed enough blacks to high places in the government to permit the formation of what was called the “black cabinet.”

For the first time, also, women received more than token recognition. In appointing Frances Perkins Secretary of Labor, Roosevelt named the first woman ever chosen for a cabinet post. He also selected the first female envoy and the first woman judge of the U.S. Circuit Court of Appeals. As First Lady, Mrs. Roosevelt, in particular, epitomized the new impact of women on public affairs. One of the original Brain Trusters, Rexford Tugwell, has written, “No one who ever saw Eleanor Roosevelt sit down facing her husband, and . . . say to him, ‘Franklin, I think you should’ . . . or, ‘Franklin surely you will not’ . . . will ever forget the experience.” She became, as one columnist said, “Cabinet Minister without portfolio—the most influential woman of our times.”

In addition to attracting hitherto neglected talent to government service, Roosevelt, for all his idiosyncratic style, also made significant institutional changes. For instance, by an executive order of 1939, he moved several agencies, notably the Bureau of the Budget, under the wing of the White House and provided for a cadre of presidential assistants. This Executive Order 8248 has been called a “nearly unnoticed but nonetheless epoch-making event in the history of American institutions” and “perhaps the most important single step in the institutionalization of the Presidency.” Harold Smith, who served in the pre-war era and throughout the war years as FDR's budget director, later reflected:

When I worked with Roosevelt—for six years—I thought as did many others that he was a very erratic administrator. But now, when I look back, I can really begin to see the size of his programs. They were by far the largest and most complex programs that any President ever put through. People like me who had the responsibility of watching the pennies could only see the five or six or seven percent of the programs that went wrong, through ineffi-

FDR was the first and only President to break the barrier against election to a third term, and for good measure he won a fourth term too. Only death cut short his protracted reign.

cient organization or direction. But now I can see in perspective the ninety-three or -four or -five percent that went right—including the winning of the biggest war in history—because of unbelievably skillful organization and direction . . . Now, I think I'd say that Roosevelt must have been one of the greatest geniuses as an administrator that ever lived. What we couldn't appreciate at the time was the fact that he was a real *artist* in government.

It has become commonplace, even among Roosevelt's admirers, to view the President as an intellectual lightweight. He read few books, and these not very seriously. "He was neither a philosopher, like Jefferson, nor a student of government, like Wilson, the two Presidents he most admired," one writer has said. He had small talent for abstract reasoning, although perhaps no less than most men in public life. He loved brilliant people, commented one of his former aides, but not profound ones. The Brain Trustee Raymond Moley has observed that a picture of Teddy Roosevelt, regaling a group of his friends with judgments on Goya, Flaubert, Dickens, and Jung, and discussions of Louis the Fat or the number of men at arms seasick in the fleet of Medina Sidonia—this could never be mistaken for one of Franklin Roosevelt. F.D.R.'s interests have always been more circumscribed. His moments of relaxation are given over exclusively to simpler pleasures—to the stamp album, to the Currier and Ives naval prints, to a movie or to good-humored horseplay.

Roosevelt kept himself informed not by applied study but by observation and conversation, and his particular qualities of mind served him reasonably well in the thirties. True, he was not well versed in economic theory, but had he accepted the greater part of what went for economic wisdom in 1932, he would have been badly misguided. Furthermore, contrary to the general notion, he knew far more about economic matters—utilities regulation, agriculture, banking, corporate structure, public finance—than was usually recognized.

He impressed almost everyone who worked with him with his knowledge of detail and, more important, with his grasp of the interrelationship of the larger aspects of public policy. "Never, at least since Jefferson," a prominent jurist wrote Justice Brandeis in 1937, "have we had a President of such constructive mind as Roosevelt."

The First Imperial President

Indeed, so manifest has been FDR's mastery of the affairs of state and so palpable his impact on the office as chief administrator, chief legislator, and tribune of the people that in recent years a separate, and disturbing, line of inquiry has surfaced: Does the imperial Presidency have its roots in the 1930s, and is FDR the godfather of Watergate? For four decades much of the controversy over the New Deal centered on the issue of whether Roosevelt had done enough. Abruptly, during the Watergate crisis, the obverse question was raised: Had he done too much? Had there been excessive aggrandizement of the executive office under FDR?

The notion that the origins of Watergate lie in the age of Roosevelt has a certain plausibility. In the First Hundred Days of 1933, Roosevelt initiated an enormous expansion of the national government with proliferating alphabet agencies lodged under the executive wing. Vast powers were delegated to presidential appointees with little or no congressional oversight. In foreign affairs Roosevelt bent the law in order to speed aid to the Allies, and in World War II he cut a wide swath in exercising his prerogatives. FDR was the first and only President to break the barrier against election to a third term, and for good measure he won a fourth term too. Only death cut short his protracted reign.

Those captivated by the historical antecedents of the Watergate era allege that Roosevelt showed no more sensitivity about Congress than did Nixon. When Roosevelt was asked in 1931 how much authority he expected Congress to grant him when he became President, he snapped, "Plenty." In office he ran into so much conflict with the legislators that on one occasion he said he would like to turn sixteen lions loose on them. But, it was objected, the lions might make a mistake. "Not if they stayed there long enough," Roosevelt answered.

Many have found Roosevelt's behavior on the eve of American intervention in World War II especially reprehensible. Sen. J. William Fulbright accused Roosevelt of having "usurped the treaty power of the Senate" and of having "circumvented the war powers of the Congress." On shaky statutory authority the President, six months before Pearl Harbor, used federal power to end strikes, most notably in sending troops to occupy the strikebound North American Aviation plant in California, his detractors assert. In this era, too, they point out, Roosevelt dispatched American forces to occupy Iceland and Greenland, provided convoys of vessels carrying arms to Britain, and ordered U.S. destroyers to shoot Nazi U-boats on sight, all acts that invaded Congress's war-making authority.

After the United States entered the war, Roosevelt raised the ire of his critics once more by his audacious Labor Day message of 1942, "One of the strangest episodes in the history of the presidency." In a bold—

many thought brazen—assertion of inherent executive prerogative, Roosevelt, in demanding an effective price-and-wage-control statute, sent a message to Congress on September 7, 1942, saying:

I ask the Congress to take . . . action by the first of October. Inaction on your part by that date will leave me with an inescapable responsibility to the people of this country to see to it that the war effort is no longer imperiled by threat of economic chaos.

In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act. . . .

The President has the power, under the Constitution and under Congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war. . . .

The American people can be sure that I will use my powers with a full sense of my responsibility to the Constitution and to my country. The American people can also be sure that I shall not hesitate to use every power vested in me to accomplish the defeat of our enemies in any part of the world where our own safety demands such a defeat.

When the war is won, the powers under which I act automatically revert to the people—to whom they belong.

Congress quickly fell into line, and Roosevelt never had to make use of this threat.

It has also been contended that Nixon's overweening privy councillors wielded their inordinate power as a consequence of a reform brought about by Roosevelt. The 1937 report of the President's Committee on Administration Management calling for staffing the executive office with administrative assistants "possessed of . . . a passion for anonymity." That job description sounded tailor-made for the faceless men around Nixon, for Haldeman and Ehrlichman seemed so indistinguishable that they were likened to Rosenkrantz and Guildenstern.

Yet the parallels between Roosevelt and Nixon need to be set against the dissimilarities. "To Roosevelt, the communications of a President had to be . . . lively, intimate, and open," the journalist and Republican speech writer Emmet Hughes has observed. "He practiced an almost promiscuous curiosity." In marked contrast with the obsessively reclusive Nixon re-

The notion that the origins of Water-gate lie in the age of Roosevelt has a certain plausibility.

game, the New Deal government went out of its way to learn what the nation was thinking and to open itself to questioning. Each morning the President and other top officials found a digest of clippings from some 750 newspapers, many of them hostile, on their desks, and before Roosevelt turned in for the night, he went through a bedtime folder of letters from ordinary citizens. During the First Hundred Days he urged the press to offer criticism so that he might avoid missteps, and then and later he solicited everyone from old friends to chance acquaintances outside the government to provide information that would serve as a check on what his White House lieutenants were telling him.

Roosevelt differed from Nixon, too, in creating a heterogeneous administration and encouraging dissenting voices within the government. "What impresses me most vividly about the men around Roosevelt," wrote the historian Clinton Rossiter, "is the number of flinty no-sayers who served him, loyally but not obsequiously."

Furthermore, even in the crisis of the Second World War, Roosevelt most often acted within constitutional bounds, and any transgressions have to be placed within the context of the dire challenge raised by Hitler and his confederates. Winston Churchill was to tell the House of Commons:

Of Roosevelt . . . it must be said that had he not acted when he did, in the way he did, had he not . . . resolved to give aid to Britain, and to Europe in the supreme crisis through which we have passed, a hideous fate might well have overwhelmed mankind and made its whole future for centuries sink into shame and ruin.

Such defenses of Roosevelt, however, impressive, fall short of being fully persuasive. As well disposed a commentator as Schlesinger has said that FDR, "though his better instincts generally won out in the end, was a flawed, willful, and with time, increasingly arbitrary man." Unhappily, of FDR's many legacies, one is a certain lack of appropriate restraint with respect to the exercise of executive power.

What If FDR Had Been Assassinated?

The historian confronts one final, and quite different, question: How much of an innovator was Roosevelt? Both admirers and detractors have questioned whether FDR's methods were as original as they have commonly been regarded. Some skeptics have even asked, "Would not all of the changes from 1933 to 1945 have happened if there had been no Roosevelt, if someone else had been President?" Cer-

. . . Roosevelt broke new ground by giving an unprecedented opportunity to a new corps of officials: the university-trained experts.

Roosevelt is one of the few American Presidents who loom large not just in the history of the United States but in the history of the world.

tainly trends toward the centralization of power in Washington and the White House were in motion well before 1933.

FDR himself always refused to answer what he called "iffy" questions, but this iffy question—would everything have been the same if someone else had been in the White House?—invites a reply, for it came very close to being a reality. In February 1933, a few weeks before Roosevelt was to take office, he ended a fishing cruise by coming to Bay Front Park in Miami. That night an unemployed bricklayer, Guiseppe Zangara, fired a gun at him from point-blank range, but the wife of a Miami physician deflected the assassin's arm just enough so that the bullets missed the President-elect and instead struck the mayor of Chicago, fatally wounding him. Suppose he had not been jostled and the bullets had found their mark. Would our history have been different if John Nance Garner rather than FDR had been President? No doubt some of the New Deal would have taken place anyway, as a response to the Great Depression. Yet it seems inconceivable that many of the more imaginative features of the Roosevelt years—for example, the Federal Arts Project—would have come under Garner, or that the conduct of foreign affairs would have followed the same course, or that the institution of the Presidency would have been so greatly affected. As the political scientist, Fred Greenstein, has observed, "Crisis was a necessary but far from sufficient condition for the modern presidency that began to evolve under Roosevelt."

The conclusion is one with which most scholars would agree: that Franklin Roosevelt was, to use the philosopher Sidney Hook's terminology, an "event-making man" who not only was shaped by but also shaped his age. He comprehended both the opportunity that the Great Depression offered to alter the direction of American politics and the menace Hitler posed to the nation, and as a consequence of both perceptions, America, and indeed the world, differed markedly in 1945 from what it had been in 1933, to no small degree because of his actions.

Roosevelt is one of the few American Presidents who loom large not just in the history of the United States but in the history of the world. The economist,

John Kenneth Galbraith, has spoken of the "Bismarck—Lloyd George—Roosevelt Revolution," and Lloyd George himself called FDR the "greatest reforming statesman of the age."

Setting the Standard

Because Roosevelt "discovered in his office possibilities of leadership which even Lincoln had ignored," wrote the Oxford don Herbert Nicholas, it is hardly surprising that he continues to be the standard by which American Presidents, more than forty years after his death, continue to be measured. When the stock market slumped in the fall of 1987, the White House correspondent of the *Washington Post*, Lou Cannon, wrote a column that appeared under the headline *Reagan Should Emulate FDR, Not Hoover*. Cannon, noting that "President Reagan has spent much of his public career emulating the style and cheerful confidence of his first political hero, Franklin D. Roosevelt," maintained that in dealing with the financial crisis, Reagan could "dodge the legacy of Roosevelt's luckless predecessor, Herbert Hoover," only "if he is willing to behave like FDR."

Indeed, so powerful an impression has FDR left on the office that in the most recent survey of historians, he moved past George Washington to be ranked as the second greatest President in our history, excelled only by the legendary Abraham Lincoln.

Even in an era when the country is said to have moved in a more conservative direction and the FDR coalition no longer is as potent as it once was, the memory of Franklin Roosevelt is still green. As the political scientist Thomas E. Cronin has observed,

With the New Deal Presidency firmly fixed in memory . . . we now expect our Presidents to be vigorous and moral leaders, who can steel our moral will, move the country forward, bring about dramatic and swift policy changes, and slay the dragons of crisis. An FDR halo effect has measurably shaped public attitudes toward the Presidency, persisting even today So embellished are some of our expectations that we virtually push . . . candidates into poses akin to the second coming of FDR.

Roosevelt's high place rests, too, on his role in leading the nation to accept the responsibilities of a world power.

A Conference Report

Empirical Studies of Civil Procedure

A conference devoted to the subject of "Empirical Studies of Civil Procedure" took place on March 18 and 19, 1988 at Duke Law School. The conference brought together a number of the leading scholars who are applying social science methods to study civil procedure. The field is one that evolved as recently as three decades ago. Among the leading practitioners are three alumni of the Law School: Professor Laurens Walker '63 of the University of Virginia, Professor John Conley '77 of the University of North Carolina, and William Eldridge '56, Director of Research for the Federal Judicial Center.

The conference was co-sponsored by *Law and Contemporary Problems* and the Private Adjudication Center, an organ of the Law School that takes a primary interest in empirical research in this field.

The importance of the subject is manifest. There is widespread dissatisfaction with the cost of contemporary civil procedure. There is also widespread disagreement regarding the theoretical premises of civil procedure should civil proceedings be designed to engage in "behavior modification" as well as dispute resolution, and if so how? Given the dissatisfaction and uncertainty, there is presently a substantial demand for court reform. But the intuitive bases that were thought sufficient to justify reform in the past no longer satisfy. We need hard information about how our courts operate. This assessment is confirmed by the growth of such institutions as the Federal Judicial Center, the Institute for Civil Justice in Santa Monica, and the State Justice Institute. A group of law professors at the University of Wisconsin have made a substantial contribution to this work. The conference symbolized the effort of Duke Law School to join in the enterprise.

At the conference, empirical study involving possible revision of Federal Rule of Civil Procedure 68, served as an example of the utility of such work. Under that Rule, if a defendant offers to have a judgment entered against him, and the plaintiff refuses to accept but fails at trial to obtain a judgment more favorable than the defendant's offer, then the plaintiff must pay the "costs" the defendant incurs after the making the offer. The present definition of "costs" does not include attorney's fees. When proposals were

made in 1983 and 1984 to include attorney's fees in the definition of "costs" under the Rule there was vigorous opposition, and the proposals have been shelved at least for the time being. An argument against the proposed change was that it would have an unacceptably severe impact on the ability of many plaintiffs to pursue their claims.

As Professors Thomas Rowe and Neil Vidmar of Duke Law School noted in their paper, "Empirical Research on Offers of Settlement: A Preliminary Report," the arguments against the change were naturally based on economic theories and personal intuition concerning the behavior of plaintiffs. No empirical research discussing the likely effect of the proposed change on plaintiffs was available. But by constructing hypothetical situations incorporating the different procedural rules, and by analyzing data from questionnaires asking test subjects how they would act in the hypothetical situations, Professors Rowe and Vidmar were able to gather actual empirical evidence of the way the individuals studied (law and business students) would react to the different rules. Preliminary findings from the project, part of a series of studies on the offer device which they plan to continue, were discussed during the symposium.

In another paper presented at the Symposium, "Researching Civil Justice: Problems and Pitfalls," Deborah Hensler, Research Director for the Institute for Civil Justice of the Rand Corporation, noted the burgeoning of empirical research in the civil justice area and the increased desire to use empirical research to answer legal questions. Ms. Hensler argued that the researcher has a responsibility to explain the limitations of empirical research in the areas of policy-making and legal decision-making. When the "problems and pitfalls" of empirical research are explained and reduced by the researcher, she explained, the research becomes more useful to the decision-maker.

Ms. Hensler recalled that during the recent debates regarding tort liability, "reformers" often used anecdotal evidence concerning jury awards for burglars who fell through skylights and psychics who lost their powers to substantiate their positions. The debunking of these anecdotes created a skepticism about anecdotal evidence and qualitative research. But Ms. Hensler urged that qualitative research, such as personal inter-

Courts may ignore empirical evidence suggesting that polygraph tests are more accurate than jury determinations of truthfulness based on demeanor, or that an instruction to jurors to disregard a piece of evidence will likely cause jurors to emphasize such evidence.

view data and case study material, can still be persuasive if the researcher provides the critic with enough information so that the critic can decide whether the conclusions are sufficiently supported by the evidence.

In their presentation on "Hearing the Hidden Agenda: The Ethnographic Investigation of Procedure," Professors John Conley of the University of North Carolina and William O'Barr of Duke used qualitative research to make a persuasive argument that many small claims litigants have "hidden" non-economic goals that drive them to bring their cases to court. To illustrate their point, they provided two representative case studies from the more than 100 individual case studies compiled during three years of research in the informal small claims courts of Colorado, North Carolina, and Pennsylvania.

Informal adjudications were also discussed by Professor Richard Lempert of the University of Michigan Law School during his talk on "The Dynamics of Informal Procedure: Changes in an Eviction Board Over Time." Professor Lempert explained that informal tribunals not governed by the Federal Rules of Civil Procedure, or any codified procedural rules, often develop regular procedural systems of their own that substantially alter outcomes of particular cases. To illustrate this point, Professor Lempert described the thirty-year history of the "informal" adjudications of the Hawaii Housing Authority's eviction board.

Professor Michael Saks of the University of Iowa College of Law noted in his discussion on "Enhancing and Restraining Accuracy in Litigation" that courts often reject empirical research that points toward more accurate findings of fact, speedier adjudications, and less costly decision-making. Courts may ignore empirical evidence suggesting that polygraph tests are more accurate than jury determinations of truthfulness based on demeanor, or that an instruction to jurors to disregard a piece of evidence will likely cause jurors to emphasize such evidence. Professor Saks suggested that one reason courts may choose to ignore this empirical evidence is because they have an interest in promoting a degree of uncertainty in the legal system, an "optimal gray" area. The existence of this optimal gray area insures that a broad sampling of cases continues to enter the court system, allowing courts to continue to announce, refine, and revise the law.

In his presentation on the effect empirical studies on civil procedure have had on the administration of justice, Professor Maurice Rosenberg of the Columbia University Law School provided examples of influential empirical research in this area. For example, studies of the discovery process undertaken in the early 1960s influenced the 1970 Amendments to the Federal Rules of Civil Procedure. Professor Rosenberg suggested that by concentrating on manageable topics in key areas of contention, such as the impact of Rule 11 on civil litigation, researchers could provide even greater assistance to the development of civil procedure in the future.

During his presentation, Professor Laurens Walker of the University of Virginia Law School contended that the practice of amending the Federal Rules of Civil Procedure, without first conducting research on the effect of the changes, must end. He urged that limited field experiments be conducted before any general amendments to the Rules are made so that the probable impact of the amendments reasonably can be predicted.

Professors Thomas Metzloff and Neil Vidmar of Duke Law School discussed "Empirical Perspectives on Medical Malpractice Litigation." They reviewed available empirical data in this area and noted the lack of reliable hard research when analyzing the processes used to determine medical malpractice liability.

During the symposium, Russell Wheeler, Director of Special Educational Services for the Federal Judicial Center, gave a detailed case study concerning the creation of the Center, which serves as the research and education agency of the U.S. federal courts.

Allan Lind from the Institute of Civil Justice, William Bridgers from the University of Alabama-Birmingham, and Francis McGovern of the University of Alabama School of Law cooperated in an examination of "Innovative Discovery Procedures in a Mass Tort Case: Legal, Epidemiological and Psychological Contributions." Professor David Trubek of the University of Wisconsin Law School presented a paper entitled "Can Research Help Us Increase Access to Justice?"

Many of the participants in the symposium emphasized the crucial role empirical research can play in attempts to improve procedures, and explained the importance of increasing the availability of this research despite the high cost in both money and time spent gathering data. Publication of the papers presented should serve to increase awareness of the value of empirical research in this area. Final versions of the papers will appear in volume 51 of *Law and Contemporary Problems*, with Paul D. Carrington, former dean of the Law School, serving as special editor.

The author, Michael Carroll '89, is project editor for the Law and Contemporary Problems symposium, Empirical Studies of Civil Procedure.

ABOUT THE SCHOOL

A Perspective on Placement

The end of summer represents an almost universal transition point in this country. At most law firms and legal offices, the approach and passage of Labor Day presages a number of significant events: the last of the summer clerks (the die-hard impoverished) finally return to school, the first of the new associates (the eager impoverished) arrive for work, and the hiring attorneys and their recruiting staffs must prepare for the start of the fall interviewing season. At most law schools, complementary preparations are being made by the school's placement offices and their returning students: interview schedules and rules are distributed, lists and notices are posted, resumes are printed, transcripts are photocopied, suits are cleaned and shirts are pressed. What remains largely unknown to many of the principals involved in this process (including many of the interviewers and interviewees) is how early and to what extent these preparations are made each year in order to ensure a successful recruiting season. Indeed, the timing and other interesting details of a well-organized placement program are often eclipsed by the firm-hosted receptions, fly-back trips, interview lunches and employment offers. This article takes a look "backstage" at the recruiting process at Duke, and at the varied activities of the Law School's Placement Office.

The Process

At Duke, the Law School's Placement Office begins to plan and prepare for the fall interviewing period during the preceding spring. In early March, Cynthia Peters, the Law School's Director of Placement, invites approximately 1100 law firms, government agencies and public service organizations to recruit at Duke. This year, over 400 accep-

tances (officially referred to as "interview requests") were received by the Placement Office before April 1st. By the time classes had commenced in mid-August, more than 500 employers (about the same number as last year) had asked to interview upperclass students at the Law School. In addition, the Placement Office continued to receive a variety of recruitment-related requests from employers well into September. Although the majority of the employers who interview at Duke are medium-to-large-sized law firms having offices in the bigger metropolitan areas, with each year, the number of smaller firms, firms located in smaller cities, governmental agencies, corporations and non-profit legal organizations continues to grow. In recent years, for example, as many as twenty to thirty governmental agencies, the same number of corporations, and a smaller handful of public service organizations have interviewed at Duke during the fall. This year, the Placement Office also received over 800 additional letters of inquiry and requests for student resumes from employers, many of them from small-to-medium-sized law firms.

According to Ms. Peters, it takes her and her small staff (two other persons) about six weeks, from early April to the middle of May, to prepare a preliminary interview schedule for those employers who initially respond to her invitation. For most law schools, the biggest difficulty in scheduling is achieving an equitable distribution of the most desirable interview dates from year to year, as employers, especially the law firms, generally prefer an earlier rather than a later interview date. A number of other law schools employ a "rotating-triad" scheduling system (in which employers are placed into one of three fixed groups,

each of which is given an early interview date one year, a somewhat later date the next year, and a much later date the following year). Instituting such a system at Duke is under review.

The Law School's previous policy was to schedule law firms on a first-come first-served basis, but the Placement Office at Duke presently uses a more flexible system. Each employer may select up to three preferred interview dates at the time an interview request is submitted. All requests for on-campus interviews which are received by the Placement Office on or before April 1st are scheduled as a single group. The interview requests are drawn at random, and the employer is scheduled for one of its preferred dates if one is still available, or as close to one of those dates as possible if its preferred dates are no longer open. In any event, the earliest appropriate date is assigned to the employer. All requests received after April 1st are scheduled on a first-come, first-served, space-available basis. Once the initial scheduling is completed, employers are given an opportunity to reschedule their interviews for any open date, or to place themselves on a waiting list for those dates which have already been completely filled. During this period, however, cancellations are somewhat rare. The Placement Office also makes an attempt, should an employer request, to coordinate its interview scheduling with several other area law schools, including the University of North Carolina at Chapel Hill, North Carolina Central University, Wake Forest and Campbell. This additional service allows employers to schedule a split day or consecutive days at Duke and one or more of these nearby schools.

Law firms pay a registration fee per room per day for the conve-

nience of interviewing at Duke. The fee is waived for government agencies and public service organizations, and is partially refundable if a firm provides at least three weeks notice prior to a cancellation, or if a firm cancels due to an insufficient sign-up of students. In addition to the use of a room, recruiters receive an informational packet on the Law School, a placement bulletin containing the pictures and brief resumes of the second- and third-year law students at Duke, and lunch.

Most importantly, employers who recruit at Duke are given the opportunity to interview approximately thirteen students for thirty minutes each, or nineteen to twenty students for twenty minutes each. Most employers, not surprisingly, select the shorter interview period, thereby allowing themselves the chance to see more students. With some frequency, though, the twenty-minute interviews tend to run longer than the allotted time, thereby cutting into other students' interview time, and the interviewer's scheduled breaks. As for additional services, Ms. Peters and her staff have also been known to assist alumni recruiters with dire emergencies, such as directing them to the proper office for Duke football tickets. Of course, a home football schedule is thoughtfully included along with the March invitation letter in order to avoid such last-minute scrambles.

The Law School does not permit the pre-screening of resumes or the pre-selection of interviewees by employers who are interviewing upperclass students on campus during the fall. Rather, the resumes of students who have been scheduled for an interview, or who have been placed on a waiting list for an interview, are delivered to the interviewer at his or her hotel the evening before the initial day of interviews. The Placement Committee believes that every Duke student is of sufficiently worthy calibre that all of them deserve the opportunity, should they desire it, to present themselves to any firm or office in which the applicant is interested. Recognizing

the selectivity of certain employers, however, the Placement Office encourages recruiters to provide the School with a detailed summary of their program's hiring criteria, including grade point average cut-offs and preferences, journal or other writing experience, moot court participation, additional graduate degrees or professional licenses, certain undergraduate majors, or other special requirements. In this manner, the students are allowed to self-

screen themselves, enabling them to determine whether their academic and other credentials would make them a competitive candidate for employment with particular employers.

Approximately fifty percent of the second- and third-year law students at Duke obtain their jobs through the fall interviewing process. The remainder of the students wage letter-writing campaigns and travel to various cities at their own expense to seek out job interviews.



Students use Placement Office resources to learn about jobs.



Cynthia Peters, Placement Director, counsels students looking for jobs.

By graduation, about ninety percent of the second- and third-year students have secured a job, and by the following December, the percentage of third-years having jobs usually exceeds ninety-three percent. Starting salaries for members of the class of 1988 ranged from \$25,000 paid in small towns or for legal services positions to \$71,000 paid by large firms in large cities. The average salary was \$48,766, and the mean salary was \$46,500.

The Season

The 1988 on-campus fall interviewing season extended from September 7th until November 4th. There were a total of thirty-nine interview days spread across nearly eight weeks, of which thirty-five days (including, for the first time, three Saturdays) were scheduled before, and five days were scheduled after, the Law School's fall break. Many students use this week-long vacation for placement travel. Although it is true that in past years interviewing at the Law School has dropped off considerably after the fall break, Ms. Peters remembers many occasions when recruiters were able to meet students they wished to hire during this time frame.

One of the most significant changes in the placement regime this year was the advent of Saturday interviews. Professor Richard Schmalbeck, Chairman of the Law

School's Placement Committee, describes this development: "The Saturday interviewing innovation was a compromise effort designed to reduce the problems of post-placement week interviewing, those being primarily that students have frequently seemed to lose interest in interviewing by that time (perhaps because they have decided to accept earlier offers), and would-be employers often cancel their interview dates (with some loss of goodwill) when they learn of how few students have signed-up. Going to Saturday interviewing permits us to squeeze a significant number of additional employers into the period when most students still seem to be in the market."

This year, the Saturday interview dates allowed seventy-five employers (twenty-five employers on each of the three Saturdays) an opportunity to interview students before the School's placement break. Ms. Peters felt that the Saturday interviews were popular with both the employers (who appeared less distracted by client matters, missed meetings, and other office work) and the students (who were less distracted by classes and fellow students). Although employer interest in Saturday interviews was initially weak, many employers subsequently asked for one of the three Saturdays rather than accept a much later weekday. As plans are made for next fall's recruiting season, the Saturday interview experi-

ment will be evaluated to determine whether it should be expanded, curtailed, made permanent or eliminated. Given the limited number of weekdays between Labor Day and fall break, however, it is quite likely that Saturday interviewing will become a permanent feature of placement activities at the Law School.

Facilities

The Law School's Placement Committee, which sets general policy and oversees the activities of the Placement Office, traditionally has insisted that all placement interviews be held in the Law School building, despite the increasingly cramped space conditions at the corner of Science and Towerview. The reason for this long-standing policy is that the faculty hopes to minimize the disruption to students' class schedules, allowing them to attend classes and interview with employers back-to-back, or, if necessary, with some overlap. Unfortunately, there are no dedicated interview rooms and no unused office space at the Law School. Ms. Peters explains, "Interview rooms have to be scrounged for around the building." As alumni and other returning recruiters are well aware, the Placement Office frequently assigns interviewers to windowless conference rooms and co-opted faculty offices. A recent first-time interviewer at Duke described his meager quarters in the library basement, the infamous Library-B Conference Room, as "dungeon-like." Despite the ingenuity of the Placement Office, only fifteen or so rooms are available on any given day.

The Placement Office itself (now housed in two former faculty offices) suffers from the space crunch. In addition to housing staff and equipment, the Placement Office contains a small library of job-related material. The Office keeps on file copies of resumes and NALP forms from all firms which either interview on campus or are on an inquiry list. They also have information about judicial clerkships, federal job op-

portunities, teaching positions and fellowships, graduate law programs, and a broad selection of general placement reference materials. The Office also maintains information on the various bar examinations and requirements for all of the states and the District of Columbia. States Ms. Peters, "The lack of space is perhaps the biggest difficulty right now. Our offices are extremely cramped with the two staff people and our reference library squeezed into one 12' x 14' room. My office is also the supply room and the computer room. There is no space for any additional staff, and the office is often full to overflowing with students." Like all other space-related problems at the Law School (room is desperately needed for the continuously expanding library collection, offices, meeting rooms, lounges, and office and computer equipment), the need for interview facilities will be satisfied, if ever, only upon completion of the new or renovated Law School building.

The Market

Besides the need for proper interviewing rooms, the most common complaint voiced by employers is that they are unable to recruit (or consistently recruit, or consistently recruit substantial numbers of) Duke Law students. Those employers who are affected by this problem feel that recruiting at Duke is at times frustrating and not always productive, because they are unable to hire Duke students on a regular basis, if at all. This situation stems from the character and size of the Law School. Despite slight increases in recent years, the Law School is committed to maintaining a relatively small student body (the size of the student body at Duke is about the same as those at Cornell, Stanford and Yale). The class of 1989 is composed of 195 students (120 men and 75 women), and the class of 1990 is composed of 190 students (120 men and 70 women). Because of these small class sizes, the demand for Duke students currently exceeds the available supply. This year, for

example, there were approximately 500 employers attempting to recruit a potential applicant pool of less than 400 second- and third-year law students.

Moreover, as a strongly-competitive national law school, Duke attracts students from around the country and from a large number of foreign countries. The members of the class of 1989, for example, come from 36 states (the geographical breakdown of the class by region is as follows: Northeast 33%, Southeast 30%, Midwest 20%, West 14%, and Foreign 3%). Similarly, the students in the class of 1990 are from 41 states (Northeast 39%, South 25%, Midwest 15%, West 17%, and Foreign 4%). Many of these students intend to return to their home towns and cities upon graduation. Among those students who decide to work elsewhere following graduation, their choices of where they would like to work and settle is almost as varied as the places from which they have come. For example, statistics compiled for the most recent graduating class indicate the following geographic distribution of employed graduates: Northeast (including Washington, D.C.) 50%, South 23%, Midwest 9% and West 13%. Twenty-six states are represented in these percentages. In other words, the broad geographical dispersion of Duke Law graduates reflects the incoming diversity of the Law School's student body.

At times, the aggregate employment decisions of Duke students will have a more pronounced effect in certain job markets than in others. Traditionally, the most popular cities sought after by Duke Law students are Atlanta, New York and Washington, D.C. Other cities in which at least five alumni have been placed in the most recent five years include Birmingham, Boston, Chicago, Cleveland, Dallas, Los Angeles, Miami, Philadelphia, Phoenix, Pittsburgh, San Francisco, Seattle, Tampa and Tokyo. Last year, the ten most popular cities, as reflected by the immediate employment choices of the class of 1988, are (in descending

order) Washington, D.C.; New York; Philadelphia; Atlanta; Los Angeles; Boston, Jacksonville and Raleigh (tied); and Baltimore and Charlotte (tied). As Ms. Peters is fond of advising disheartened recruiters, "Keep trying! Persistence is the best solution."

It appears that students are generally satisfied by the services offered by the Placement Office. According to Pauline Ng, a third-year student and President of the Duke Bar Association (the Law School's student government), "Placement is improving every year, especially for the first-years. There are more firms recruiting here, the schedule was moved up so that there were very few firms interviewing in November, and Saturday interviewing really helped. Cindy and the Placement Committee also addressed several grievances which we raised last year concerning inappropriate interviewing procedures and offensive questions posed by certain recruiters." Ms. Ng, however, does voice a concern held by some students: "The Placement Office suffers from a lack of office space and staff. There's not enough room in that office to look up information comfortably, and they don't have enough time to serve as counselors, to boost the confidence of students during a very discouraging time." Hyla Bondareff, another third-year student, raises an additional matter: "There is so much emphasis placed on obtaining jobs with large law firms; the students are not being presented with enough employment alternatives."

Professor Pamela Gann, who began service as Dean of the Law School this year, recently discussed placement activities at Duke, and indirectly responded to some of these concerns. "Ideally," she said, "interviewing should be condensed into a shorter time period. We need to contract the entire process to make it more manageable for both the students and the Placement Office. The faculty also recognizes the problems arising from the physical limitations of the Law School, complicated by an increase in the number of firms seeking to recruit here.

We feel, however, that it is important to keep all interviewing at the Law School. In the long run, we would also like to see as many employers as possible recruit at the Law School." Although Dean Gann believes that the most important consideration with respect to placement is whether students are able to find jobs, she also emphasizes, "We have a duty to present career alternatives to the students. This involves attracting public service organizations to Duke, expanding our loan forgiveness program, and stimulating awareness among the student body. I feel that the Law School is making progress in this area."

The emphasis on large-firm practices, however, is largely a product of student expectations, and is somewhat unaffected by other considerations. Professor Schmalbeck describes this phenomenon at length. "Students seem generally to have excessively stereotypical views about what their placement goals ought to be. Most students, it seems, want to work in large law firms in one of about six to eight cities, except for the students at the top of the class, who want to do a clerkship first, then work at a large law firm in one of those cities. There is of course nothing wrong with that on an individual basis, but some students would be happier doing something else. And my sense of this is that peer pressure has a good deal to do with the fact that everyone seems to be pursuing the same goal. One of the consequences of this is that a lot of our graduates who are three or four years out of school are quite dissatisfied with jobs they took as third-year students, and begin looking for different positions. Again, there is nothing wrong with that; they will generally find jobs they are happier with, and the experience they have gained on their first jobs may serve them well. But in at least some cases, the people who go through this scenario incur some unnecessary unhappiness in making a transition they wouldn't have had to make if only they had thought a little more about what

they really wanted to do with their lives when they were third-years. There isn't much the Placement Committee can do about this, except to encourage the Placement Office to continue to try to be as hospitable as possible to interviewers who do not represent large firms in large cities, even if those interviewers sometimes have only a few interviewees to talk to."

In an attempt to bring more job-related information to the students in a personal way, the Law Alumni Association sponsors an annual Conference on Career Choices. The Conference invites alumni speakers from several diverse fields of law and from around the country to discuss their legal careers. It also sensitizes students to the many options available to lawyers, including public service law, varying types and sizes of law firm practice, teaching, working in "off-Broadway" cities, and fellowship opportunities. The Conference complements and builds upon the ongoing activities of the Placement Office.

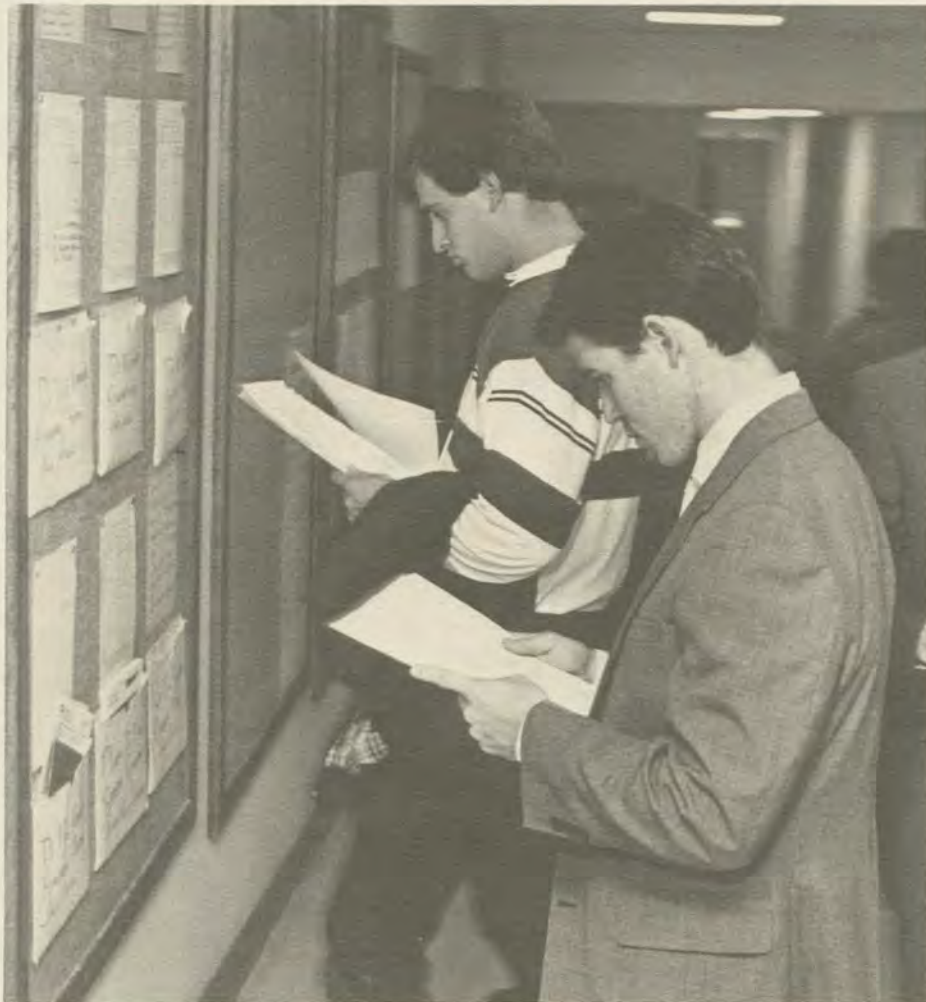
Beyond "The Season"

Cindy Peters has been at Duke since 1978, and now serves as Associate Director of Placement. Recently, when asked about her job, she replied, "The facet I enjoy the most is dealing with students when I feel that I've helped them to understand themselves better and in what direction they are headed. I also like hearing from alumni, learning how they're doing and how they like their work, and so on. In fact, my first placement class is celebrating their fifth reunion this year." Of course, there are the inevitable downsides to the job. "The most difficult part of my job is juggling the needs of the students and the demands of the employers with the limitations of the building, the number of staff and the hours in the day and still keep my sanity! Unfortunately, there's no way to keep everybody happy all of the time."

In her five years as "jobmaster," Ms. Peters has instituted and overseen numerous changes in the Place-

ment Office. Although this article has focused on the fall interviewing season up until this point, recruiting at Duke actually has become a year-round activity. Faculty members and older alumni frequently recount the time when first-year law students did "more interesting and fulfilling" things during their initial summer of law school, such as assisting famine victims in Bolivia, kayaking in Alaska, or teaching English as a foreign language to refugees. Today, there is tremendous pressure (both career and financial) on first-year law students to find and pursue law-related work during their first summer. At Duke, as at many other major law schools, increasing numbers of employers participate in a spring recruiting season, largely directed toward first-year law students, but also embracing limited numbers of second- and third-years. As a routine course, every employer who interviews at Duke during the fall is invited back during the spring. Last year, approximately fifty-seven employers interviewed at Duke from late January through early March. Forty-four employers recruited at Duke in the spring of 1987, and there were thirty-nine in 1986. Other employers elected to be placed on a first-year inquiry list, or asked the Placement Office to collect and send resumes to them.

There are a number of telling distinctions, however, between the fall and spring recruiting seasons. The number of employers visiting Duke is considerably smaller in the spring than in the fall; most of the recruiters who come in the spring represent private law firms (although the North Carolina Department of Justice and the Federal Bureau of Investigation did interview on campus last spring); the number of positions which are available in the spring typically are more limited than in the fall; the Law School permits the pre-screening of first-year students' resumes in the spring; and ordinarily, the first-year students have not yet received any Law School grades.



Students take the opportunity to study firm resumés before talking to firm representatives.

The increased popularity of judicial clerkships also has contributed to the year-round recruiting effort at Duke, as rising third-years apply for these positions throughout the early spring of their second year and well into the following fall. Twenty-four students (approximately fifteen percent) of the class of 1988 had secured a judicial clerkship prior to graduation (the largest group in the School's history). Of these clerkships, twenty-two were federal court clerkships and the other two were state court clerkships.

In recent years, the Placement Office has also sought to expand the services which it makes available to Duke Law alumni. According to Ms. Peters, a growing number of graduates, typically attorneys who have been out of law school for one to four years, are contemplating a significant career move involving

a job change. Because of her limited staff, however, Ms. Peters presently is able to offer only minimal assistance to alumni and then only outside the fall recruiting season. The Placement Office periodically publishes a special inquiry list for alumni which describes known openings for lateral-hire associates. (The most recent alumni inquiry list, Number 47, was published in July.) The most current inquiry list is always available from the Placement Office upon request. The Placement Office also has the technical capacity, but as yet not the manpower, to compile and produce "coded" alumni lists to employers seeking experienced attorneys. As designed, these lists would contain specific information provided by interested alumni, including bar membership, area of practice, regional preference, experience and academic qualifications.

Another development which is directly related to the Law School's placement activities is the burgeoning interest of current Duke students and recent alumni in staying in or returning to North Carolina to work. Over the last few years, about six percent of the Law School's graduates have settled in various North Carolina cities, including (in order of popularity) Raleigh, Charlotte, Durham, Greensboro, Fort Bragg and Morganton. Fueling this development, in part, is the gradual rise in the median salaries being paid by firms in the state, relative to those salaries being paid in nearby metropolitan job markets such as Atlanta. Of course, as more Duke graduates decide to settle in North Carolina, the competition for local jobs with students from other law schools in the state also increases. Duke students who do not have any pre-existing ties to North Carolina tend to have a more difficult time convincing local firms of their desire to remain in the state than do students who are from the area. Consequently, the Placement Office is continuously seeking out those North Carolina firms that are willing to hire a Duke student. With higher acceptance and retention rates, though, more area law firms are becoming interested in recruiting at Duke each year.

In the last several years, some of the international students attending the Law School (some of these students are J.D. candidates, while others are lawyers in their own countries who are pursuing an LL.M. degree in comparative or international law) have indicated a desire to work for an American law firm for some time before returning home. Such a clerkship allows a foreign student the opportunity to make contacts with lawyers in this country and gain some experience in the practice of American law. For a law firm, too, the chance to work with and establish contacts with a lawyer from another country is often invaluable.

This past summer, for example, Li Xiaoming, now a second-year J.D. candidate from Beijing, China,

who has a masters degree in American and English Literature from Jilin University, worked for Morrison & Foerster in that firm's Los Angeles office. Mr. Li found the experience very valuable, especially with respect to the practical aspects of applying the law to specific client problems. Reflecting on his summer, Mr. Li remarked, "I liked the firm very much, especially the people. You really have to work at a firm like MoFo just to learn how to ask the right questions. My efficiency in researching improved dramatically, and I learned to interact with other people both in writing and orally, which is good because in law school you're very much on your own." When asked how he got along with his colleagues at the firm, Mr. Li replied, "The other summer associates were very friendly, and relationships built up more quickly than expected; I thought I'd spend all my time working. I'm also very obliged to the lawyers. There were some personal things that warmed me a lot, like being able to call my family in [Beijing] once a week."

For firms like Morrison & Foerster, there may be some unexpected benefits that result from its hiring foreign law students and lawyers. Mr. Li, for example, intends to return to the Chinese Court of International Arbitration upon graduation. From his summer with a U.S. law firm, he now knows and can contact experienced lawyers who are able to answer complicated questions of American law. In addition, a new law passed in China has opened the possibility of United States citizens serving as arbitrators in China, arbitrators appointed by Mr. Li's court.

Judy Horowitz, the Law School's Assistant Dean for International Studies, believes that Mr. Li's experience is representative of many other international students seeking jobs in this country. "The students gain hands-on experience, insight into the practice of American law, and exposure to the culture of a law firm. The firms, too, gain a valuable experience while interacting

and working with foreign students." There are special difficulties, however, for those foreign students who attempt to secure jobs in the United States. As Dean Horowitz explains, "American firms generally have problems evaluating the resumes of foreign students, assessing their overseas legal experience, and judging their ability to contribute to the firm. This is especially true for attorneys who are trained under a civil law system and who will have to adapt to a common law environment." Are students from some countries more sought after than students from other countries? "These things move in cycles," answers Dean Horowitz. "It depends on which country is most desirable at any given moment. Right now, Japanese, Korean and Chinese students, as well as any student with outstanding academic credentials, are in demand. International students find jobs, however, if they are intent on getting them, and if they are aggressive in their search." Dean Horowitz likes to tell the story of Xavier van der Mersch, a law student from Belgium, who wrote forty-nine letters of inquiry to American law firms. His first forty-eight responses were disappointing, but the forty-ninth reply was an invitation to interview at the firm. The student eventually obtained a job of several months with the firm, Cleary Gottlieb Steen & Hamilton. After working in that firm's New York office and passing the New York bar exam, he became associated with the firm's office in Brussels. As this story demonstrates, though, most such opportunities are with large firms in big cities, especially those having a broad international practice or those having key international clients.

The Placement Office provides international students with help in writing cover letters and preparing resumes. Ms. Peters also surveys firms willing to recruit, interview and hire foreign students, and facilitates interviews when requested. Last year, for the first time, Duke was also invited to participate in an international law students job fair

which was held in February and hosted by New York University School of Law. Foreign students from ten universities, predominantly law schools located in the north-eastern United States, attended the event, including several international students from Duke. Although no solid job offers were obtained through last year's job fair, Dean Horowitz expects that the opportunity is there for the future. The Duke alumni network is also an important source of jobs and references for the Law School's foreign students, and Ms. Peters urges all alumni who are interested in hiring such students to contact her.

Asked what she thought was the most pleasant development in her five years in the Placement Office, Ms. Peters replied that it was the dramatic increase in the number of Duke alumni returning to the Law School to recruit and interview the next generation of Duke attorneys. And the most surprising? "Placement is no longer a seasonal thing. When I first started at the Law School in 1982, the spring was fairly quiet and the summer was relaxed. Now, with heavy first year recruiting, the job stays hectic year round."

Predictions for the future are found in a recent report on placement activities at the Law School: "While economic conditions may affect the job market for attorneys during the coming years, the quality and reputation of Duke Law School, the loyalty of its alumni/ae, and the high level of performance exhibited by our graduates in the legal profession give us ample reason to remain optimistic about the future job prospects for our students."

Like Labor Day, Memorial Day constitutes a harbinger of sorts. For the practicing legal community, the commencement of summer represents the culmination of employers' law school recruiting efforts. For law schools, though, the end of May merely signifies the beginning of another year of placement activities.

Brian Lam '89

THE DOCKET

In the Public Interest

It seems to be a common perception that Duke Law School graduates become corporate lawyers in large corporate firms in large cities and, therefore, are not involved in "public interest law." Duke Law School placement statistics seem to confirm that perception. Over the past three years, for example, only one percent of the graduating class started their legal careers by entering public interest positions, while over seventy percent joined private firms. A closer look, however, reveals that many Duke law alumni are involved in providing legal service in the public interest. Some work full-time in such positions, perhaps following another—sometimes very different—position upon first entering the profession. Others are committed to responding to public needs although working for private firms.

At the second annual Career Conference at the Law School, five Duke Law School alumni engaged in a wide variety of public interest activities spoke to current students regarding their career choices. Mark Goodman '85, Executive Director of the Student Press Law Center in Washington, D.C., represented alumni who work for public interest institutions. District Attorney Peter Gilchrist '65 of Charlotte, North Carolina, and Public Defender Wallace Harrelson '62 of Greensboro, North Carolina represented different aspects of government service in the public interest. Geoffrey Simmons '77, who is in private practice in Raleigh, North Carolina, talked to the students about the importance of providing pro bono legal service, and Brian Stone '63, Executive Director of the Atlanta Volunteer Lawyers Foundation, explained how his organization helps to facilitate provision of pro bono service in the Atlanta community. An enthusiastic audience which nearly filled the



The Public Interest Panel at the second Career Conference (l. to r. Peter Gilchrist '65, Wallace Harrelson '62, Brian Stone '63, Mark Goodman '85, Geoffrey Simmons '77)

Moot Courtroom evidenced increased interest in law in the public interest among the students. Several other Law School programs are also responding to this increased interest in public service positions.

Law School Programs

Though all public interest panelists agreed that intangible rewards—or "psychic income" as Peter Gilchrist '65 put it—are an important consideration in choosing a career in public service, they did acknowledge that salary considerations could be a concern for those who are interested in doing this kind of work full time. Several programs at the Law School now address this problem.

The Duke Law School Student Funded Fellowship Program (SFF) is a student-run organization that provides fellowships to students interested in pursuing summer employment with public interest organizations whose salaries are insufficient for summer living expenses. Funding for the fellowships is provided

by donations from current Duke Law students, faculty, the Law Alumni Association and some alumni. Fellows are selected by surveying contributors who rate the proposals submitted by the applicants. The SFF has recently greatly increased its fund raising success. Using the slogan, "Work a day in the public interest," during its fund raising drive, SFF encouraged students who had accepted high paying positions to contribute one day's salary to the Fund. Over the last couple of years SFF has thus raised over \$12,000 annually, which is close to three times the annual amounts raised previously. The additional money has allowed the organization to fund more students who are interested in finding out about opportunities in public interest law.

The success of the SFF program encouraged a group of students and alumni to begin work to establish a Public Interest Law Foundation (PILF). PILF is akin to the SFF organization in that it raises money for the purpose of granting fellow-

ships to those who are interested in working in public interest positions. PILF hopes to make fellowship awards to Law School graduates who propose one year projects in public interest law. Similar foundations now operate at other law schools, such as Berkeley, Harvard, Yale, Michigan and Georgetown. The PILF is an independent, non-profit organization in that it is operated and funded by its membership, which consists of Duke Law alumni, students, faculty and interested community members. PILF hopes to provide fellowships predominantly or exclusively to recent Duke Law School graduates. Two positions on its Board of Directors are reserved for faculty or administrators of the Law School and are currently filled by Professors Katharine Bartlett and Richard Schmalbeck. The Board of Directors will evaluate project proposals from third year students and/or alumni and select one or more to receive one-year grants. The group recently finished its first pledge drive and intends to make its initial grant in the spring of 1990.

In still another effort to help its graduates who wish to enter public interest law full time, in the spring of 1988, the Law School faculty developed, considered and adopted a loan forgiveness plan to help graduates who decide to pursue lower-paying public interest jobs re-pay their student loans. In making their decision, the faculty considered the fact that over fifty percent of Duke Law students currently graduate with outstanding indebtedness for their education. Indeed, the average debt is approximately \$40,000, exclusive of any undergraduate loan debt. In response to this same problem, other law schools, such as New York University, the University of Chicago, Harvard, Columbia and Stanford, have established similar programs. The Duke Law School faculty established the loan forgiveness program to make it possible for its graduates to make the decision to enter lower-paying public interest positions without having

the decision turn on whether they would be able to make their loan payments.

Public Interest Institutions

Career conference panelist, Mark Goodman '85, Executive Director of the Student Press Law Center (SPLC), admitted that he had been "a victim in law school of that notion that you have to make a lot of money to be happy." It was, therefore, scary for him to take a very different path from that of most of his classmates upon graduation, but he has found that with careful budgeting he is able to live comfortably in Washington, D.C.—and make his student loan payments. And, as do many people involved in public interest organizations, Goodman finds that he has taken on some fund raising responsibilities and has thereby been responsible for raising salaries at SPLC. "But the important thing is that I am lucky enough to enjoy what I do. I look forward to going in to work in the morning."

SPLC is the only organization in the country providing advice and counsel to high school student newspapers on first amendment and censorship issues. The Center takes calls from students across the country. Most calls are requests for an opinion, though in some cases

the callers are seeking legal representation. Often-asked legal questions can be answered immediately. Other questions may require more in-depth research by Goodman or by one of the interns working in the office.

Because of time considerations, since Goodman is the only attorney in the office, he rarely serves as the attorney of record in a case. Instead, for callers who need representation, he helps to find an attorney in that local area who is willing to take the case on a pro bono basis. He has found that "there is a lot of interest in doing first amendment work so it usually is not difficult to find a local lawyer who really wants to take the case." He does, however, file an amicus curiae brief on occasion. "I wrote an amicus brief to the United States Supreme Court my first year on the job," he told students at the Career Conference. And he recently filed another such brief in *Hazelwood School District v. Kuhlmeier*, 108 S. Ct. 562 (1988) (high school paper published by journalism class could not be characterized as public forum so that school officials retained the right to impose reasonable restrictions on student speech), a case which focused national attention on the issues the Center addresses.



The Public Interest Panel attracted a large student audience.

Much of Goodman's time is spent as a spokesperson for the issues and for the students. He is often on the road speaking to a wide variety of audiences—groups of high school or college students and/or their teachers, press associations affiliated with a state or a particular school, groups of school attorneys or school board members, and judges. At times he is also a spokesperson to the press himself regarding these issues. Following oral argument in the *Hazelwood* case, he was interviewed on several national news broadcasts. At the Career Conference, he recalled, "I think my mother finally believed that I had made the right career choice when she saw me on the CBS Evening News with Dan Rather."

Working as director of a public interest organization can, on the other hand, involve extensive litigation. Durwood Zaelke '73, Director and Senior Staff Attorney in the Washington D.C. office of the Sierra Club Legal Defense Fund, estimates that sixty to eighty percent of his time is spent in litigation.

Zaelke also served as the director of their Alaska office, from 1980-1983, and before that spent two years in the Justice Department as a special litigation attorney. He began his career as the Associate Editor of the *Environmental Law Reporter*, right out of law school, then worked with an L.A. law firm before returning to Washington. He also is teaching environmental law as an adjunct professor at American University.

Practicing public interest environmental law has given Zaelke "an excuse for asking questions about some of the most pressing problems of our time. And then I get paid to help find answers," he adds. "I've had extraordinary luck in my career," Zaelke says. "I've been in the right place at the right time, and I've been able to work on great issues, from Love Canal to the Three Mile Island nuclear accident, from protecting the traditional subsistence culture of Alaska Natives to working on the greenhouse effect and global warming."

Zaelke says that one of his luckiest breaks came in 1978 when he was hired by another Duke Law grad, Jim Moorman '62, who had just been appointed by President Carter to head the Justice Department's Land and Natural Resources Division. Moorman previously had been with the Sierra Club Legal Defense Fund in San Francisco, Zaelke explains, "and he was setting up a new unit at Justice to function like the Legal Defense Fund—to devise innovative litigation strategies to attack new problems."

Zaelke was one of the two lawyers hired to start the new "think tank" at the Justice Department. His first assignment was to develop a hazardous waste enforcement program with Justice and EPA. In 1978, hazardous waste was a new issue, and Zaelke was the only lawyer at Justice working on the problem. "I was investigating the facts, searching for law, even writing speeches." While twenty-eight statutes addressed some aspect of the hazardous waste problem, there was not a comprehensive regulatory scheme, and the statutes that existed were difficult to use. "We built the initial program on the 'imminent and substantial endangerment' provision that was in the Resource Conservation and Recovery Act and several other statutes," Zaelke said. Congress eventually gave Justice funding for thirty new positions for hazardous waste enforcement. "We filed perhaps fifty cases under this program, and won most, though long after I'd left."

Zaelke also worked on the initial Justice-EPA investigation of hazardous waste dumping at Love Canal by Hooker Chemical Company. "There was evidence from the local veterinarians reporting that no pets in the area lived longer than three years. And that was just the tip of the iceberg." The case was a dramatic and highly visible one that Justice hoped would spur Congress into action. "We wanted Love Canal to be a test case—a test of our muscle as well as the law," Zaelke said. When the case was finally filed,



Durwood Zaelke '73

Justice asked for \$124 million, a record at that time.

Zaelke, however, had already moved on to his next assignment at Justice, involving the nuclear accident at Three Mile Island. "This assignment was to see whether Justice should bring criminal charges against any of the operators," Zaelke said. Zaelke's last assignment at Justice was to develop an enforcement program for energy conservation, which was perceived as particularly important in the late 70's. "We did succeed in finding some law to apply, and in getting Congress to give us seven new positions," Zaelke said. But the program was dismantled under the Reagan administration.

Then came the irresistible call of Alaska. Zaelke headed north to Alaska in May of 1980 to serve as the director and senior staff attorney for the Sierra Club Legal Defense Fund's office in Juneau. "My orders," Zaelke recalls, "were to show that cases could be won in Alaska—or to shut down the office. We had a one-lawyer office and we'd been taking a beating," Zaelke added. "In fact, we'd been litigating Alaska cases for more than ten years, mostly out of our San Francisco office, and we'd never won a single injunction."

"I felt pretty cocky when I first got to Alaska, after working at Jus-

tice. But of course I really did have power at Justice—the power of the federal government. I felt naked the first time I went into federal court in Alaska.” Zaelke was representing a small local conservation group that wanted to enjoin the world’s largest molybdenum mine, owned by Rio Tinto Zinc, a multinational corporation. The mine had a start-up cost of a billion dollars. “The odds didn’t look good,” Zaelke said. “The case would have been tough even if I had still been with the Justice Department.” But that made it even more challenging.

He recalls sitting in a local bar in Anchorage after the oral argument on the mining case, looking out at Cook Inlet, writing two press releases, one for victory, one for defeat. “I was calling the judge’s clerk after every beer to see if the judge had ruled yet. I don’t remember which beer I was on, but I know I’d finished the first press release when the clerk told me that the temporary restraining order had been granted. Needless to say, I was excited. But I had to run out immediately and find \$5,000 to post bond before the TRO would go into effect. I didn’t remember until later that night that I’d left the bar without paying.” (He notes that he paid up on his next visit.) He later won a preliminary injunction against the mine, then a permanent injunction pending completion of an environmental impact statement. The Ninth Circuit affirmed.

Zaelke says he loved every minute of his tour in Alaska. “The country was overwhelmingly beautiful,” though he worked so much he did not get to see as much as he would have liked. He did get to spend some time on Admiralty Island, in the village of Angoon, the only settlement on the million-acre Island. Angoon quickly became Zaelke’s favorite place; it is the last traditional Tlingit Indian village in the world, where the Indians still subsist by hunting, fishing, and gathering. Eighty-four percent of the 600 villagers do not have jobs in the wage economy.

Zaelke worked with the village in an effort to protect their traditional subsistence hunting territory from clearcut logging. “Our experts on forestry and wildlife testified that up to half of the villagers’ territory would be harmed by the logging, and our expert anthropologists testified that the village could not survive such a devastating blow,” Zaelke said. The battle involved ten different legal actions, and ten different TROs and injunctions, three trips to the Ninth Circuit, and a petition to the Supreme Court. Ultimately, however, the courts concluded that the land could be clearcut. Zaelke adds that pro bono assistance for Angoon’s litigation was provided by a classmate, Dan Mason ’72, and his San Francisco firm, Furth, Fahrner, Bluemle & Mason.

Zaelke is continuing to work with Congress to arrange a land exchange, where other federal timber lands would be traded for the land now being clearcut, and Angoon’s traditional way of life would be protected. Less than half of Angoon’s subsistence area has been cut, and Zaelke believes that there is “a realistic possibility Congress will acquire what’s left.” Zaelke was adopted into the Tlingit tribe in 1986 and given the name Kooyotaxtee. It means “mover of hearts.”

Zaelke is now concentrating his interest on investigating an entirely new field: international environmental law. He is looking for international legal principles to attack global problems, such as the greenhouse effect, destruction of the ozone layer, and whaling that is continuing in contravention of the international ban.

Zaelke says his career has been rewarding not just because of the issues, although they certainly are interesting and challenging. It is the people he gets to work with who make the job “the best in the profession. The clients are wonderful, concerned people. Sometimes they seem half mad when you first hear their story—maybe about a toxic dump site—but by the time all the facts are uncovered, they usually

turn out to be right.” The experts also are interesting folks, as are the people in the coalitions he occasionally joins. But Zaelke says the young lawyers and law students are the best of all. “We’re able to hire great people—bright, dedicated, and terrific to work with,” including a couple of recent summer clerks from Duke. All lawyers should be so lucky.

Alexandra Carr Allen ’86 spends a great deal of her time considering similar issues as a lobbyist for the Public Interest Research Group (PIRG) in Washington, D.C. She considers such work to be rewarding and finds it challenging to be able to affect policy at a high level at such a young age.

The first PIRGs founded by Ralph Nader in the early 1970s were campus-based groups of students who had an interest in channeling their collective energies to affect public policy. The organizations expanded to a broader citizen base. In 1983, the U.S. PIRG was founded to serve as a national, non-partisan research and advocacy organization to research consumer and environmental issues and lobby for reform at the national level. A Board of Directors, made up of state representatives, sets the agenda for the staff, including four staff attorneys, an Executive Director, a field director and two non-attorney lobbyists at the national office.

Allen explains, “The Board’s directives are fairly general. For example, they may indicate that the Group should work toward a strong air pollution bill. Our job is then to do the research necessary to establish specific positions and determine how best to implement them.” The research may involve carefully dissecting an already existing statute or bill, researching broader policy questions or marshalling facts and statistics which will have a bearing on legislation. Then she may make PIRG’s position known through individual informal meetings with staffers or members of Congress or by testifying before committees. “I’ve learned a lot about how laws

are made. Realizing that over 500 floor votes a year are taken on a wide variety of sometimes highly detailed matters makes me think back to law school when we would pore over one section of a statute trying to determine legislative intent. When you see law being made that becomes something of a fantastic notion."

Allen's background is well suited to the work she is doing. As an undergraduate, she was an engineering and public policy student. Before entering law school she worked at a small engineering firm which provided consultants to help companies comply with environmental regulations. "I knew coming into law school that I wanted to do something in the area of public interest work probably, because of my background, in the area of energy or environment." Her law school summers were spent in government legal offices, one summer at the Environmental Protection Agency and one summer at the North Carolina Attorney General's Office.

Though not all lobbyists are law-trained, Allen considers the training she received at Duke Law School particularly appropriate for the work she is doing. In addition to using her legal research skills, she has found her training in applying concrete analysis to a complex statutory scheme to be important. She has also found her moot court experience and her training as an advocate to be extremely useful. She explains, "You are an advocate for your position, and the process is more confrontational than I expected." Moot court was a good experience since it required anticipating questions as well as thinking on your feet when the unpredictable question was asked.

Pro Bono Work

Of course, many attorneys in private practice spend a good bit of their time working in the public interest through their pro bono work. Not everyone goes as far as Terri Southwick '85, however, who took a four-month leave from her posi-

tion as an associate at Arnold & Porter in Washington, D.C. last fall to work with the homeless in that city. Now that she is back at the firm full time she is working with a group of other Arnold & Porter associates, including another Duke Law alumna, Rebecca Swenson '84, to set up a legal center for the homeless at a shelter run by the Community for Creative Non-Violence (CCNV).

Southwick became concerned by the homeless problem soon after moving to D.C. As she puts it, she first responded with her pocketbook but soon decided to get more personally involved and spent some time volunteering with programs for the homeless including some pro bono work for the D.C. Bar's Washington Legal Clinic for the Homeless. Eventually she decided to take an unpaid leave of absence during which she could devote herself full time to the work. "I argued with myself—and others—for a while as to whether it wouldn't make more sense to stay at my job and just send them money, but I decided that I had to get more personally involved," she recalls.



Terri Southwick gave actor Martin Sheen a tour of the CCNV Shelter.

When she first decided to take the leave, Southwick had intended to continue her volunteering and to work on broader public policy questions involved in the growing homeless problem. "I had intended to do less actual legal work and to get more involved in developing my understanding of the homeless and of the shortage of low income housing," she recalls. A rather dramatic change in circumstances altered her plans. Soon after her leave began, the Washington Metro erected a gate at the entrance of one of the downtown stations preventing the homeless from seeking shelter in the station. At midnight each night, Mitch Snyder and other advocates for the homeless, as well as homeless people themselves, protested by blocking the closing of the gate. This nightly ritual of civil disobedience quickly generated over fifty criminal cases, and Southwick became involved in trying to find pro bono representation for them, even representing some of them herself. Southwick, who works in the area of copyright and intellectual property at her firm, found it "very different from anything I was accustomed to doing. There was no lead time to learn the ropes. I was getting advice from friends like Becky Swenson almost daily, and even using my bar review materials to refresh my memory as to how to handle these cases. I also learned a lot by making court appearances—but it was baptism by fire."

Southwick explains the protesters' position. "It wasn't that they were insisting that the Metro system become a shelter for the homeless. They agreed that the homeless problem was not Metro's responsibility, but in a sense it is *everybody's* responsibility to do what they can when people are dying on the streets from cold and exposure." This immediate problem was somewhat alleviated when the Metro system sold an old bus to the city for use as a shelter in that area.

Her work in trying to find lawyers during this period, as well as her volunteer work at the Shelter

and her own pro bono legal work with the homeless, helped convince her that she should begin working to set up a legal center at the CCNV shelter. The center will have dual functions. There will be one-on-one legal counseling available to any homeless person in the city. Most of that counseling will be provided by the D.C. Bar's Legal Clinic for the Homeless in the offices set up by Southwick in the shelter. The CCNV-run shelter at 2nd and D Streets, N.W., also currently houses a 32-bed infirmary, a dental clinic, a drug and alcohol detoxification center, a housing assistance counseling program, and a jobs program. The legal center received donations of office furniture, including desks and filing cabinets, from Arnold & Porter.

The second function of the legal center will be to provide resource material to attorneys and others working on behalf of the homeless. They have started a small basic law library which will include items of particular interest to those working with the homeless. For example, they hope to assemble a step-by-step manual to help volunteer attorneys who, like Southwick when she began working with the homeless, may be dealing with less familiar legal issues. They have also compiled volumes of legislative and administrative materials. Southwick and her fellow associates are hopeful that programs like Duke Law School's Student Funded Fellowship, which provides stipends to students interested in working a summer in a public interest job, and the new Public Interest Law Foundation, which may be able to make a year long grant to a Duke graduate interested in public interest law by 1990, will help provide personnel for the center in addition to volunteer attorneys.

There is still much work to do before the center is fully operational. Becky Swenson, for example, is dealing with the difficult question of how to establish and pay for malpractice insurance. But Southwick is already looking forward to the

time when she can devote more energy to working on broader solutions to the real problem—the shortage of affordable housing—which she sees as an increasingly national problem requiring a national solution. She cites the statistic that twenty to thirty percent of those at the shelter are employed but can't break into a housing market which requires large deposits of renters. She recently took a vacation to join Mitch Snyder of the CCNV and other advocates from across the country as they fasted for 48 days and held daily vigils at the Capitol to draw attention to the lack of low-income housing and the need for congressional action.

Both Swenson and Southwick admit spending a lot of time on the project—certainly the fifteen percent of their "firm time" which may be devoted to pro bono projects—but both agree that it has been worth it. Says Southwick, "I have done all of this as much, if not more, for myself as for anyone else. It has been very important to me to be able to have a personal impact for the better on the lives of others."

Geoffrey Simmons '77 knows this feeling well, as he has been heavily involved in pro bono legal service programs since his graduation from law school. Simmons was, in fact, honored in 1987 as the recipient of the Pro Bono Service Award of the North Carolina Bar Association and in 1988 as the recipient of the North Carolina Black Lawyers' Associations' Community Service Award. He also recently became a member of the ABA Standing Committee on Lawyers' Public Service Responsibility and is President of Legal Services of North Carolina.

Simmons recalls knowing that he wanted to serve those less fortunate than he when he entered law school. As a member of the Public Interest Lawyers panel at the Duke Law School Career Conference this spring, Simmons remembered discussing these aspirations with former Law School Dean Ken Pye as a prospective law student. "I was

proud to be able to tell him that I had lived up to those plans when I saw him this spring at a basketball game."

Simmons also professes to be encouraged by intensified interest in public service at the Law School as exemplified by the attendance at the Career Conference public interest panel, particularly given the fact that he understands that the students are spending so much money on their legal education. He also sees heightened interest in this area in the legal community at large, citing a recent ABA-sponsored conference on public service which attracted over 500 people attending 40 workshops.

Simmons was not always sure that he would be able to devote so much of his time to this effort. He has been in private practice in Raleigh since 1979 concentrating in real estate and personal injury work, and admits, "I had questions about whether I could pay the overhead on my office and still do the pro bono work." He has found, however, that this work has benefitted his practice both by providing additional experience and by increasing his visibility within the community.

Simmons has been involved in a wide variety of cases and programs. In 1982 he became a charter member of the Wake County Volunteer Lawyers Program. When the Legal Services budget was cut back it became necessary for local attorneys to help handle the unserved cases. In Wake County, the Program put together a network of lawyers who would volunteer to take two cases a year. The organization also provides training, seminars, workshops and manuals in legal areas the volunteers are likely to encounter. Simmons has served as Chairman of the Board for the organization since 1985. Under his leadership, panel membership has increased at least ten percent per year and the total number of cases handled and hours donated has increased steadily.

In addition to working through this organization, Simmons has found some interesting pro bono projects

on his own. In the early 1980s, Simmons helped a black township retain its cohesiveness. "The Method Township is an historic, all-black town within a town located in Raleigh." Simmons explains, "Throughout the South, after the Civil War, freed blacks were given land near plantations on which to build towns. They established all their own services, such as post office, schools, water systems and so on." As the city of Raleigh grew, it encompassed the township and residents began to fear that their quality of life, the historic composition of Method and the township itself might be destroyed by rapid urban development. Simmons helped the township organize into a non-profit corporation which he represented in zoning matters before the City Council. Later, he helped organize the Method Civic League, Inc., a business corporation owned by residents. The corporation bought lots on which were constructed single family dwellings harmonious with the existing composition of the neighborhood. The corporation is now paying dividends to its stockholders. "I just helped them figure out how to invest in themselves," says Simmons.

Building on his association with the Method Township, Simmons was a founding member of and is legal counsel to the Business Building Society of Wake County, which offers training and assistance in economic development to minority small business owners. "It's something like a Chamber of Commerce," reports Simmons. "There are seminars and workshops on different aspects of financing and nurturing a business." The Society is now establishing its own credit union.

In an interesting effort to bring legal knowledge to the general public, for almost four years Simmons hosted a radio program called "Lawyers Forum." "Of course, I didn't give specific legal advice, but it gave me an opportunity to talk about general legal principles and the rights and obligations arising from them." Sometimes callers were referred to Legal Services for repre-

sentation. Many listeners were elderly and/or homebound. "I think that it made people feel better about lawyers and the legal profession."

Pro Bono Networking

Many attorneys in private practice would like to provide meaningful pro bono legal service to the approximately one in four people living below the poverty level in this country who face a legal problem annually and who cannot be reached by federally funded legal services programs. Two Duke Law alumni have established programs which facilitate the efforts of private attorneys to serve these essential needs.

Brian Stone '63 serves as Executive Director of the Atlanta Volunteer Lawyers Foundation, a private, non-profit corporation, and Linda Tucker '81 was the first Director of Pro Bono Services and Private Bar Involvement for the North Carolina Bar Association. Both agree that the purpose of these programs is to serve as "a catalyst to get interested, well-intentioned lawyers together with people who need their services." As Tucker points out, even if an attorney wants to do the work and has a particular interest, such as problems of the homeless, the elderly or the handicapped, it is difficult and time consuming just to figure out where his or her services are most needed and how to channel individual energies. "We can help by presenting do-able tasks."

Stone's involvement with the Atlanta Volunteer Lawyers Foundation began in 1979 when, as he recalled at the 1988 Career Conference, his restlessness with private practice led him to respond to a bar journal ad seeking a director for the program. The Foundation is a non-profit corporation created to serve the unmet legal needs of the indigent citizens of Fulton County. It is now the largest private pro bono organization in the country, having recruited over 19,000 volunteer attorneys.

As with most such organizations, the program takes cases that Legal

Services cannot handle, either because of the subject matter or because of limited resources, though Stone points out that the program is now so well known that most calls come directly from the public. They recruit and assign volunteer lawyers to provide service through three programs. A Saturday Clinic, which actually pre-dates the Foundation, provides six lawyers weekly to see clients with legal problems that are not generally highly specialized. These attorneys are usually young associates from large firms in the area who have an interest in getting some experience in addition to fulfilling their professional public service commitment. Approximately 100 attorneys join the program each year. Most stay with it for two to three years at which time they are recruited to join one of the Foundation's forty to fifty pro bono panels which are designed around specialty areas. These attorneys work on more complex cases, one at a time.

A third program recently started by the Foundation recruits third-year law students from area law schools to handle five to eight cases each. The students are certified under the third-year practice rule in Georgia and are supervised by a clinical director who is a licensed attorney. Implementation of this program has helped clear up a backlog of cases.

Tucker left private practice in Raleigh in the spring of 1983 to establish a pro bono program administered through the North Carolina Bar Association. What she anticipated would be a one year commitment became a five year project to establish a network of nineteen organized pro bono panels in thirty-eight counties. "I worked with such wonderful, willing people that it remained interesting and challenging," she reports. This fall, having seen the program successfully through its five year evaluation review, Tucker left the position and is now looking for a new challenge. "The next phase of the project is to activate the forty-six remaining counties—

expansion of the project rather than innovation or creation."

In May 1983, Tucker started the program "from scratch" which gave her the opportunity to study a number of alternatives before deciding how to organize in North Carolina. Because her project was grant-funded, she decided to organize through a network of self-sufficient local programs which could always function independently. Her immediate task was to travel the state visiting with bar leaders, Legal Services officers, community service organizations and attorneys in private practice to get local organizations of volunteer attorneys established. Each organization is locally sponsored and locally governed. In each area, Legal Services generally does intake for individual clients and sorts out those who really have a legal problem from those who can be handled by community or government services. The cases which they are unable to handle can then be referred directly to a volunteer attorney working with the local organization. Tucker's program services the existing groups by helping to monitor membership—seeking to avoid burn-out in some volunteers and to ensure that the group is truly representative of the lawyers in the area. That office also provides training for volunteers. They organize statewide CLE programs and help local volunteer organizations sponsor their own CLE programs.

They are also establishing a library of video tapes on a number of subjects which can be used by individuals or can be used in larger groups with a commentator to answer audience questions. Her office also publishes a newsletter every other month with a mailing list of over 1700, including local bar leaders, Legal Services offices, community organizations and local volunteers. In addition to news of legal decisions and available resources which may be of interest to the volunteers, the newsletter provides recognition of volunteers.

The NCBA program itself was the recipient of the Harrison Tweed

Award presented by the ABA and the National Legal Aid and Defenders Association in 1986. They also make recommendations for the annual Pro Bono Service Award of the North Carolina Bar Association. The first such award in 1984 as well as the first annual ABA Pro Bono Publico Award selected by the ABA Standing Committee on Lawyers' Public Service Responsibility was presented to the Charlotte, North Carolina law firm of Robinson, Bradshaw & Hinson, P.A. The Robinson firm includes 14 lawyers who are alumni of the Duke Law School. At that point the firm had devoted 1200 hours as plaintiffs' counsel in the first class action lawsuit tried on the merits in the nation that attacked the Reagan Administration's social security disability regulations. Judge James B. McMillan of the U.S. District Court in Charlotte ruled, on February 14, 1984, in favor of the claims of approximately 30,000 North Carolinians who had been denied Social Security disability benefits. The crux of the Plaintiffs' attack was that the Social Security Administration was systematically applying their regulations to deny benefits even though those regulations conflicted with binding precedent from the Fourth Circuit Court of Appeals. In short, the executive branch was applying its rulings in the face of conflicting rulings from the judiciary.

Since the case began—indeed to the present day—the case has continued at full speed, reaching every stage of the federal judiciary at least twice. In March 1985, the Fourth Circuit Court of Appeals upheld the trial court's ruling on the merits in favor of plaintiffs but applied procedural constraints to cut back the size of the class from a then-estimated 30,000 persons to some 12,000 persons. Considering the number of people cut out of the class by the Fourth Circuit ruling, the Robinson firm's lawyers, led by John Wester '72, decided to appeal this portion of the ruling to the U.S. Supreme Court. Wester admits that this appeal was a long shot because

"every trial attorney knows that the Supreme Court grants certiorari in only about three percent of the cases in which it is sought." In June 1986, however, the firm won a reversal of this part of the Fourth Circuit's ruling in the U.S. Supreme Court, a decision that essentially reinstated the full effect of Judge McMillan's initial ruling in favor of the larger class of claimants. Following later additional rulings by both the Fourth Circuit and the U.S. Supreme Court rejecting the government's position, the Social Security Administration was ordered to provide notices to apply for new disability hearings to more than 77,000 North Carolinians. Wester and the Robinson firm continue to work on the case. In September of this year, Wester returned to court to argue that the guidelines to be applied in the new hearings provided did not comply with the court's ruling.

Wester recalls, "I've spent my legal career in litigation, mostly in federal court, but it was particularly exciting to work on a case that turned on such basic constitutional issues." In his first oral argument in the Fourth Circuit in this case Wester was asked to cite the most significant case for his argument. Wester answered "It's an older case—*Marbury v. Madison*, opinion by Justice Marshall, 1803."

To date, the firm has devoted more than 2,700 hours of legal services to the case—all pro bono. Wester explains that the firm has handled the case no differently from any other case for any other client of the firm. All of the attorneys' fees already awarded or to be awarded to the firm (now estimated at over \$250,000) will be donated to the Volunteer Lawyers Project of Mecklenburg County for assistance in representing indigents and elderly persons in future cases. The Mecklenburg County Bar has organized a foundation to administer the use of the funds—at least a portion of which will be used to hire people to help individual class members in their new hearing.

According to Wester, a particularly rewarding aspect of the case is to be able to benefit so many people, most of whom simply could not pay for legal representation to fight for and protect their rights. He is confident that other lawyers, if presented with a similar opportunity, would be as willing to accept the challenge. Providing those opportunities is the purpose behind programs like those established by Stone and Tucker.

Government Service

Many opportunities exist in government service to work in the public interest. Two alumni engaged in different aspects of such service, Wallace Harrelson '62, a public defender in Greensboro, and Peter Gilchrist '65, District Attorney for the 26th Judicial District of North Carolina (City of Charlotte and Mecklenburg County), spoke to students attending the Public Interest Panel at the second annual Career Conference. Clearly, both thoroughly enjoy their work and reported to the students that both offices provide tremendous legal and trial experience with correspondingly great responsibility. As Gilchrist put it, "Without doubt, both the public defender's office and the district attorney's office offer the greatest opportunity to develop trial skills quickly. Because of the sheer volume of cases for the number of attorneys, you are really thrown into the deep end of the pool to learn on the job." And, as Harrelson pointed out, there is exposure to three court levels in his office as attorneys handle cases from beginning to end, including appeals if necessary.

Because of the supervisory roles they now hold, both Gilchrist and Harrelson have administrative duties that cut into their own courtroom time. Gilchrist, who manages a staff of thirty-six (including twenty-one lawyers), finds that "you can often accomplish more on a broader scale as an administrator, but I do miss the excitement of the courtroom." Harrelson, who is responsible for

eleven assistant attorneys, three investigators and five clerical staff, still manages to spend a significant amount of time in the courtroom as he has personally handled all the rape and murder cases in his office since 1978.

Both men also find that their positions give them an important role in nurturing the next generation of attorneys—a role they enjoy. Harrelson has watched with pride as several attorneys formerly on his staff have moved onto the bench as district court judges. Gilchrist says that it is his conscious philosophy to hire the brightest, most energetic lawyers from a growing applicant pool, though he knows many will stay only for a brief period of time before moving on to new challenges because any problem caused by the turnover is compensated for by their performance and enthusiasm.

At the Career Conference, Gilchrist admitted to "leaving Duke Law School with plans to be worth a million by the time I was thirty-five." He worked for Arthur Andersen & Company for three years and for a land development company for a year before becoming an Assistant Solicitor in 1970 and then District Attorney in 1975. "I guess you could say I went from working with the top five percent of the socio-economic scale to working with the bottom five percent," he mused at the Conference. He was anxious to use his legal training, in particular to practice his trial skills, and he has certainly had that opportunity. As he reports, the prosecutor's office handles "everything from the spurious complaint from the possibly unbalanced citizen to the devastatingly violent child abuse case or the most sophisticated white collar crime schemes" in addition to the more "commonplace" crimes, such as rape, burglary and murder. Now, in his fourth term (1987-1990), he considers himself fortunate to have found job satisfaction. "Certainly, I've discovered that financial incentive is not the driving force for me," he reports. He feels that, in the end analysis, "though I may

not win the war, I know that I have fought the good fight."

Harrelson was himself a prosecutor in domestic court for two years and was in private practice for five years before becoming the first public defender appointed in the state of North Carolina in 1970, which he viewed as a challenge. He was responsible for setting up his own office and was then a source of advice and counsel as the additional seven public defender offices and the appellate defenders office were established.

As a public defender, he represents indigents charged with crimes (distinguishing for his audience at the Career Conference Legal Services attorneys who handle civil cases for indigent clients). For Harrelson, both his greatest satisfaction and his greatest dissatisfaction involve his clients. "I represent people who are going the wrong way down a one way street. They screw up a lot—no matter what you tell them—and they're not always appreciative of your work." But, he finds it very satisfying to see to it that "people who are entitled to and need legal representation are properly and well represented"—even those who can't figure out which direction the street goes.

Alex Hurder '75 has worked for Legal Services in Tennessee since his graduation from Law School. He now serves as managing attorney for Legal Services of Middle Tennessee, Inc. He agrees that Legal Services can be described as government sponsored legal service to the indigent but points out that they are not actually government employees. Each office applies for—and generally receives—a federal grant each year. Other funding may come from community sources such as the United Way. And, they may also receive attorneys fees in some class action cases. They then operate much like a private law firm with certain restrictions on their client base imposed by federal regulations which generally correlate to the federal poverty level. Legal Services offices are also limited to handling

civil cases, but there is still much variety—both in the substantive legal areas and in the approaches to them which may involve counseling, negotiations, administrative hearings or full scale litigation. Hurder has also seen some changes in the types of cases handled by Legal Services over the years. Cases involving public benefits always constitute a large proportion of their cases. The various public benefit programs all involve very complex—and constantly changing—regulatory schemes.

Domestic problems, particularly those involving domestic violence, have increased in importance in their case load and often involve coordinating programs with other agencies. Their case load involving child support has decreased as most states have begun pursuing these

matters through the office of the attorney general. Housing issues are of importance to Legal Services clients. Many of the offices are becoming involved in the homeless problem in addition to working with those who are in danger of losing a home.

Consumer problems are also an important part of Legal Services work; and, increasingly, interesting ways are being found to use the bankruptcy law for the benefit of the poor.

Though there is a good deal of trial work, including administrative hearings, much of the legal work involves counseling. In fact, for many repetitive questions and problems, Hurder's office has developed educational materials on the legal rights involved. They have found prepara-

tion of such materials to be an efficient use of attorney time allowing dissemination of the information to a broad client base.

Hurder has found great satisfaction in working in Legal Services. He finds it challenging to work with the fast changing network of regulatory and case law, and he particularly enjoys the client contact. "I love it, and I would certainly recommend it to anyone interested in flexible and challenging legal work," he says.

This article highlights some representatives from our alumni body who are involved in law in the public interest. Each provides valuable service in responding to public needs and by serving as a role model.

Evelyn M. Pursley '84



Dean Pamela Gann and Geoffrey Simmons '77 confer during the meeting of the ABA Standing Committee on Lawyers' Public Service Responsibility held at the Law School in January 1989.

*Alumna Profile***Taking the Helm***Pamela B. Gann '73*

Those who know Pam Gann were not surprised when she became Dean of Duke Law School. In fact, her decision to accept the position as dean seemed characteristic of Gann, whose deep commitment to education and to Duke Law School are well known.

Pam Gann describes accepting the position as dean of the Law School as "giving up things personal to me and in turn doing something that is necessary and very important for the institution." What Gann is giving up is time usually spent researching, writing and teaching classes at Duke in the areas of federal income taxation and international business transactions. What she will be doing for the institution is guiding the Law School through a period which will involve substantial fund raising to meet the goals of improving the Law School facilities, providing additional chaired professorships and student financial aid. There is every indication that she is fully up to the job.

Choosing the Dean

The search for a new dean began over a year ago when Paul Carrington announced his intent to step down at the end of his second five-year term as dean. A Search Committee, which included four members of the Law School faculty, a University faculty member and an alumnus, was formed and charged not with selecting the new dean but with administering the selection process. The Committee conducted a nationwide search, contacting the deans of approximately twenty law schools and other individuals known to the faculty to ask for recommendations.

Members of the Duke Law faculty were not considered for the position until after this nationwide search was conducted. "It was always understood that after we surveyed the outside world, we would look at our own faculty," said Law Professor Paul Haagen, a member of the Dean Search Committee. According to Haagen, the Committee conducted the nationwide search first in order to help identify who it was they were looking for and to provide some basis for comparison.

While the nationwide search was being conducted, Professor Richard Maxwell, Chairman of the Dean Search Committee, surveyed the faculty as to what they were looking for in a dean and, specifically, who among their colleagues they would be interested in seeing considered for the position. Gann, who was originally a member of the Committee, resigned from the Committee when the results of the survey made it clear there was con-

siderable interest among the faculty in a Gann candidacy. A final ballot containing the names of both faculty and candidates from outside the faculty was conducted which showed overwhelming support for Gann. "It was astounding," said Haagen. "There was almost complete unanimity. We really had one recommendation for the Provost and that was Pam Gann."

When asked about the faculty's selection of Pam Gann, Maxwell replied, "It's the smartest thing they've done since I've been here!" He describes Gann as a "highly competent administrator who has the ability to take a project and move it from A to B with vigor and efficiency." Maxwell says that not only is Pam Gann extremely intelligent, but she demonstrates considerable wisdom.

Maxwell, who served as dean of the UCLA Law School for over ten years, describes the job of Law School dean as a terribly difficult one that involves great sacrifice. Serving as dean, according to Maxwell, involves putting one's scholarly career on hold. He sees Gann's willingness to make that sacrifice as evidence of her dedication to the institution.

The New Dean

Gann began serving as dean on July 1, 1988. Her appointment marks a number of firsts for the Law School. She is the first woman, the first North Carolina native, the first Duke Law graduate and the first previously practicing attorney in North Carolina to assume the post. At age 39, Gann is also one

of the youngest law school deans in the country.

When asked about being the first woman appointed dean of the Law School, Gann replied "I don't view that as a big surprise. It's what I call the aging-up process"—referring to the fact that many of the women who began entering law schools in the 1970's are now reaching the age where they are beginning to assume such positions. "We have gone from literally almost no women when I entered Law School to very quickly rising numbers," Gann said. "We are going to have increasingly more women teaching and entering law administration as the numbers of women attending law school increase and as those women reach a certain age," she said. When Gann attended Duke Law School she was one of only 13 women in a class of 166. Since then the numbers have grown such that the fall 1988 entering class at Duke is comprised of 43 percent women.

Although she did not seek out the job, Gann is already carrying out her duties as dean with the enthusiasm and dedication that are characteristic of Pam Gann. But this should come as no surprise to anyone familiar with her. A Monroe native, she excelled from the time she entered grade school. An accomplished pianist, Gann entered piano competitions against students several years her senior. While in high school she watched a televised college-level course in new math and took the final exam at UNC-Charlotte. She was also head cheerleader for the Piedmont Panthers, editor-in chief of "The Prowler" yearbook and class valedictorian. After high school graduation, Gann attended UNC-Chapel Hill where she graduated Phi Beta Kappa in three instead of four years with a bachelor of arts degree in math.

Gann describes her decision to attend Law School as "a process of elimination." Although she enjoyed math, she considered herself to be more people-oriented. Gann says she thought of law as a service to people and that was appealing to

her. At Duke Law School, Gann was elected to the Order of the Coif and served as articles editor for the *Duke Law Journal*. She graduated with honors in 1973.

Professor Melvin Shimm taught criminal law when Gann was a student at Duke Law School. When asked what he remembers about her from his criminal law course, Shimm said, "She got an A, I remember that." Shimm also said that Gann "impressed me very much the same way then as now. A very intelligent, serious, purposeful type of person."

Gann remembers her law student experience with mixed feelings. "I don't think I learned anything from being scared and harangued," she says, "It freezes the mind." She, therefore, approves the change in classroom style and atmosphere. "Though there is still a very high expectation of class attendance and preparation, the Professor Kingsfield image is definitely on the decline, and classroom rapport is on the increase." She fondly remembers another kind of rapport. "With everyone in the first year class taking the same curriculum, there is a community of interests I had never experienced before. I think it creates a bond we carry for the rest of our lives."

After Law School graduation, Gann headed for Atlanta to work for King & Spalding. She found that tax law provided the perfect blend of her interest in numbers and public policy issues. Gann returned to North Carolina after less than a year to work for Robinson, Bradshaw & Hinson in Charlotte.

In 1975, Gann received an offer to teach at Duke Law School. Although there was considerable emphasis on education in her family when she was growing up (her father having served as a public school principal and associate superintendent for personnel of the Union County School system), Gann had not previously considered teaching. Nevertheless, she decided to give it a try, with the thought that she would return to private practice if

she did not like teaching. Gann did like teaching and was promoted to associate professor in 1978 and to professor in 1981. Her teaching and research fields include federal income taxation and international business transactions. While at Duke, Gann has held visiting appointments at the University of Michigan and the University of Virginia. She has taught internationally in Paris, France; Copenhagen, Denmark; Changchun, People's Republic of China; and at the Salzburg Seminar in American Law and Legal Institutions, Salzburg, Austria. Her professional activities in the area of taxation include membership on the Board of Directors of the New York University/Internal Revenue Service Continuing Professional Education Program, the Tax Committee of the American Association of University Professors, and the International Fiscal Association.

Gann is married to Duke Law Professor William Van Alstyne. She sees working with her husband as a plus. "Sharing the same professional interest and the same work location can only be a benefit," she says. Gann explains that it is hard enough to maintain two professional careers and that being in the same location makes that easier. In addition to their shared professional interests, the couple enjoys traveling, hiking, and scuba diving. This past summer they both taught in the Duke in Denmark program and then spent a week hiking in Norway. Previous trips include trekking on the Inca Trail in the Andes, hiking in Switzerland and taking annual scuba diving trips to the Caribbean. Closer to home, they are frequently seen at Duke basketball games or wheeling through campus on Van Alstyne's Honda 750 motorcycle.

The Job

At the Law School, Dean Gann plans to do more fine tuning than overhauling. She plans to continue the internationalization of the Law School and to strengthen the School's links with the University. Also important will be leadership decisions, such as faculty appointments, and

discussions with the faculty as to what extent interdisciplinary studies should be integrated into the Law School curriculum. Since taking over as dean, however, Gann has spent most of her time on alumni relations, fund raising and the budgeting process. She anticipates that these activities will continue to occupy most of her time as dean. During the fall semester she spent almost as much time "on the road" meeting with alumni as she did on campus. She will continue to meet with alumni though her travel schedule will be somewhat curtailed as she begins to teach again—a tax seminar and an international trade course—in the spring.

In the area of alumni relations, Gann believes the fact that she already knows many of the alumni and is familiar with their experiences at Duke could be a benefit. "Although anyone can gain that experience," she said, "an outsider would have to start from scratch." Gann said that her familiarity with the alumni gives her a "quick start."

"It is a joy to watch her interact with our alumni," says Evelyn Pursley, the assistant dean with responsibility for alumni affairs. "Her genuine warmth and her energy and enthusiasm for what she's doing and for this institution in which all of us share a common interest are so apparent and obviously appreciated."

Robert Montgomery, Duke Law alumnus and Chairman of the Law School Board of Visitors, says that even those alumni who did not know Gann before her appointment agree that she is an excellent choice. Montgomery thinks that Gann is a perfect fit for the needs of the Law School right now. "Duke is so fortunate to have had Paul Carrington when we did and to have Pam Gann when we do," Montgomery said. Montgomery believes the job of dean these days requires someone who can "quietly build consensus." He thinks that Gann is ideally suited to build consensus among the faculty, the alumni, the University administration and the



Dean Gann and Professor Van Alstyne on a recent biking vacation in Peru.

students. Montgomery believes serving those four constituencies is a tremendous job—and he is confident that Gann is well suited for the challenge.

In addition to strengthening overall alumni relations, Gann would like to strengthen the Law School's ties to North Carolina alumni and the North Carolina bar. John Beard, Immediate Past President of the Law Alumni Association and practicing attorney in Raleigh, believes such a strengthening of ties with the North

Carolina alumni could "inhere to the benefit of the Law School." Beard, who has also served as President of the North Carolina Bar Association, believes that locals may be more likely to respond to calls for help from the Law School due to, among other things, their close proximity. Beard is excited about the fact that Gann is a North Carolina native and Duke graduate. "She knows the state, knows the people and knows the concerns of the alumni in the area," he said.

Gann's biggest challenge as dean, however, is financial. She plans to raise \$20 million for the Law School over the next five years. Gann aims to put \$12 million toward expanding the Law School facilities; the other \$8 million will go to endow new professorships and scholarships.

Board of Visitors Chairman Montgomery, thinks the biggest task facing Gann is making plans for the expansion of the Law School a reality. Montgomery sees a serious need to upgrade the physical structure of the Law School. He points out the lack of "common spaces" where students can meet and discuss what they are learning. He also feels that the Law School facilities could be an impediment to recruiting top quality students. "All things being equal," Montgomery said, "if a student visits Duke, UVA and Cornell, it might be difficult for Duke to attract the student." Montgomery is impressed by the fact that Gann has committed herself to making the new building a reality and thinks it will be helpful to have the enthusiasm she brings to the job. Professor Shimm also believes Gann's paramount objective as dean will be to get the expansion of the Law School facilities underway. He says the fact that Gann is highly resourceful and energetic should serve her well in this enormous undertaking.

Gann recognizes that the need to raise funds for the Law School is one of the more difficult aspects of her new position. The pressure to raise funds, she points out, is not unique to Duke Law School. "All national law schools, and all private schools for that matter, want to get where tuition receipts will be a declining percentage of total receipts,"

Gann said. Since private institutions cannot rely on the legislature to increase funding, there is increasing pressure to raise external resources in order to decrease reliance on tuition.

Other than long-range financial planning, Gann describes the Law School as "in very good shape." "We have no trouble attracting and maintaining an excellent student body and faculty," she said. Gann also believes the curriculum at Duke Law School and the placement statistics are first rate. She believes the challenge to raise money for the Law School, if met, will ensure its continuing excellence.

The Response

Faculty, students and alumni familiar with Pam Gann are all confident that she was the right choice for the job. "Her peculiar qualities fit so well the special needs of the Law School now," said Professor Shimm. Shimm recalls being impressed by Gann as a faculty member when she chaired the Appointments Committee, which he describes as one of the most difficult Committees to chair. "I thought she ran that Committee as well as I have seen a Committee run," which persuaded him that she would be very effective in her dealings as dean with the University administration, the Law School faculty and the alumni.

Professor Shimm, who has worked with eight deans at Duke Law School, says "I'm just amazed, in the small area that I intersect with her, at all she's doing—her mastery of detail, her ability to stay on top of matters and see them through." As to Gann's appointment, Shimm says "It was so obvious and inevitable it makes me wonder, why did

we spend a year spinning our wheels?"

Pauline Ng, Duke Bar Association President and third-year law student says students are very pleased with Gann's selection. Ng says that Gann is always willing to listen to students and points out in particular Dean Gann's willingness to meet with student leaders for roundtable discussions and the fact that she is scheduling "brown bag lunches" with students in order to stay in touch with the concerns of the student body. "She was always open to having students come talk to her as a professor," Ng said, "so it seemed natural that she would open her door to students as dean." Ng also believes the fact that Gann was a student at Duke, a faculty member and an alumnus of the School makes her better able to empathize with all three constituencies.

A visit to Dean Gann's office gives you the feeling that she is already perfectly comfortable with her new role. Her infectious laughter can be heard from outside her door. She greets you with warmth and enthusiasm and gives you the feeling that she has as much time as you need. Rather than sitting behind an imposing desk, she joins you on the couch. You leave convinced that she believes in, and is enjoying, what she is doing.

Pam Gann begins her tenure as dean with an unusual amount of support and unity behind her. This support combined with her intelligence, leadership ability, energy and dedication to the Law School should enable her to meet her ambitious fund raising goal while continuing the momentum of the Law School.

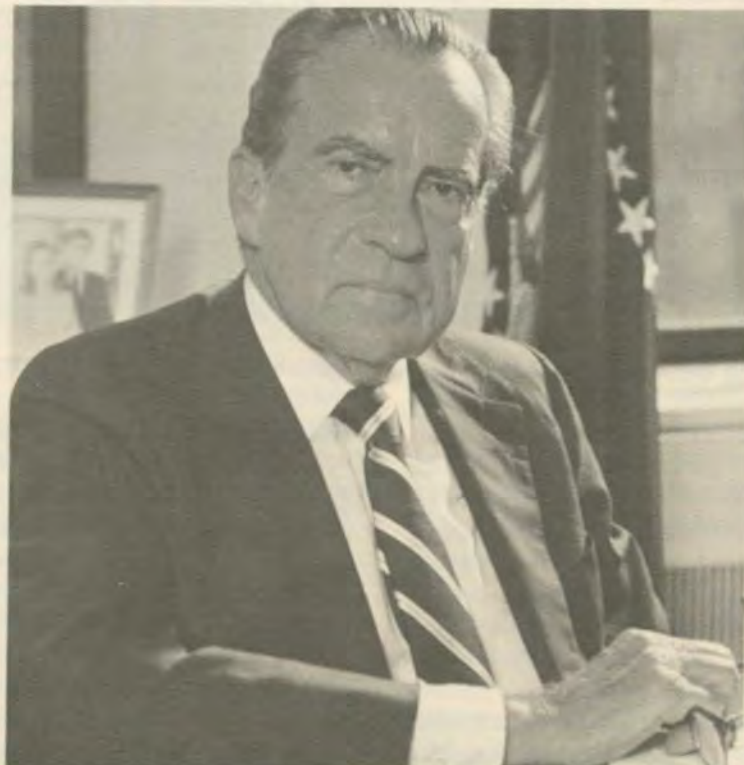
Diane Morse '90

*Book Review***1999: Victory Without War****Richard M. Nixon '37*

The latest book by Richard M. Nixon '37, *1999: Victory Without War* concerns where the United States and the rest of the world will be twelve years from now, at the beginning of the twenty-first century. The book contains Nixon's thoughts as to how the United States can work to ensure that the next century is a "century of peace."

In developing these thoughts the book considers all aspects of the foreign policy of the United States, an area in which Mr. Nixon has considerable experience and expertise. As is to be expected, much of the book focuses on the relationship between the United States and the Soviet Union. There are chapters on competing with the Soviets, negotiating with them and deterring them through nuclear weapons. Nixon believes we must compete for the "hearts and minds of third world countries to prevent communist revolutions." He also suggests yearly summit meetings between the U.S. and the U.S.S.R. as a method for continuing negotiation. Although Nixon dismisses the views of both the far left—that the conflict between the U.S. and the U.S.S.R. is based on misunderstandings—and the far right—that the Soviet Union is an "evil empire" that must be destroyed—he still believes that the Soviet Union is a country determined to dominate as much of the world as possible.

In this vein there is much discussion of the effect of Gorbachev's rule on the policies of the Soviet Union. Nixon sees the liberalization of government by Gorbachev as a tactic to improve the country's internal efficiency, not as a change in philosophy. He says: "We must al-

1999**VICTORY WITHOUT WAR****RICHARD NIXON**

**(Simon & Schuster, 1988)*

ways remind ourselves that the purpose of the Gorbachev reforms is not to move toward more freedom at home or toward a less threatening foreign policy abroad, but rather to make the communist system work better." (p. 45) He sees a danger in allowing Gorbachev to strengthen the Soviet Union economically, because this may lead, in a few years, to its being able to be more aggressive militarily.

Nixon's statement that "Gorbachev does not seek peace in the way we do" means that Gorbachev is only looking for ways to outwit the United States, by appealing to popular opinion, while still working to spread communism throughout the world. But Nixon believes that if the United States adopts the correct strategies in dealing with the Soviets, as well as the rest of the world, the democratic system can triumph.

The book's subtitle, "Victory Without War" is contrasted with what Nixon believes many Americans are now willing to accept, "peace without victory." This, to him is impossible, and he writes: "The Soviets seek victory without war. If we seek peace without victory we are doomed to defeat." "Victory without war" means that the United States must strive for the victory of its political system in the world, through its foreign policy toward the Soviet Union and all other countries. Nixon believes that the result of disarmament, "peace without victory," would be a disaster, in part because of the Soviet superiority in conventional forces, and in part because he believes the Soviets would violate any such disarmament agreement.

There is much discussion of nuclear weapons and nuclear deterrence. Nixon argues that after World War II, when the United States had nuclear superiority it could prevent Soviet expansion. But when the U.S.S.R. also became a nuclear power, the U.S. no longer had an advantage, and the Soviets were able to exploit their superiority in conventional forces. He feels that the United States must maintain parity with

the Soviets in nuclear forces, or the Soviets will be able to use their nuclear superiority just as the Americans did.

In our dealings with the Soviets, Nixon takes a Realpolitik approach. Our negotiating strategy must clearly define those areas in which agreement can be reached, and over which the two systems will always be in conflict. "We believe we are on the right side of history. They believe they are. Therefore, as a start in developing a new live-and-let-live relationship, both superpowers should accept how and why they are different, learn to respect each other's strength and abilities, and avoid rhetoric which gratuitously puts the other down, while recognizing that we will both remain forceful advocates of our own beliefs." (p. 33)

Throughout the book Nixon emphasizes that the United States must realize that the Soviets firmly believe in the communist system, and that we will not be able to convince them to become a democracy. On the other hand, he sees hopeful signs in the growing rebellion of various ethnic groups in the Soviet Union. He believes that decentralization of power could liberalize Soviet government.

In addition to the discussion of our present and future relationship with the Soviets, there are chapters on China ("the awakened giant"), Japan ("the reluctant giant"), Europe ("the fragmented giant"), and the Third World. Nixon believes that during the rest of the century we must strive to develop and improve our relations with all of them.

In his chapter on the Third World, he argues that we must prove to these nations that we are interested in them for more than the exploitation of their resources and as outlets for our exports. He says that over half of our foreign aid goes to Israel and Egypt while there are many other countries in which the United States has a major strategic stake and which desperately need our aid. "We cannot help the Philippines or the struggling democracies of Central America build for peace

if we are too strapped from subsidizing war in the Mideast."

Nixon considers Japan to be our greatest ally, and he warns against alienating the Japanese by imposing trade barriers. He also explains why the Japanese are reluctant to rearm, a decision that has allowed them to devote a disproportionate amount of their economy to trade. But, although he finds this understandable, considering the results of World War II, he believes the Japanese should spend an equal percentage of their GNP on either defense or foreign aid as the United States does.

In discussing China, Nixon praises the reforms of Deng Xiaoping, calling him "one of the most remarkable statesmen of the twentieth century." He sees our relationship with China as based on a shared interest in preventing Soviet expansion, rather than on any similarity between our two systems. "It was in the interests of both nations that we forge a link based not on common ideals, which bind us to our allies in western Europe and around the world, but on common interests . . . ; our mutual interest in deterring the Soviet threat." (p. 244) In addition to this common goal, however, he feels that the two countries can greatly benefit each other both economically and culturally.

Overall, the book is clearly written, and is a good definition of Nixon's views on all aspects of American foreign policy. He covers our relations with virtually every area of controversy, including the Middle East, Central America, the Philippines, and South Africa. A final chapter urges Americans to adopt an international, rather than an isolationist, view of our place in the world. He feels that if the United States can accept responsibility for promoting democracy around the globe, this goal can be achieved, and that the end of the century can be reached without a nuclear war.

Reviewed by Janet Sinder, Reference Librarian and Instructor in Law, Duke University School of Law.

SPECIALLY NOTED

Margaret Bradshaw Retires



(l-r: The Honorable Charles L. Becton '69, Margaret Bradshaw, Dean Gann, and Marvin Bradshaw)

Margaret Bradshaw, Law School information secretary and "adopted mom" to hundreds of Duke Law students, retired on November 4, 1988. For the last 15 years, Margaret's cheerful voice at the switchboard has directed calls, answered unending questions, dispensed advice, and soothed anxious students as they made their way through three years of law study.

Law students, faculty and staff will greatly miss Margaret's kind concern. Margaret was the School's unofficial public relations representative; hers was the first face seen upon entering the building. She greeted guests and visitors, speaking kindly to all who passed her desk and generally making everyone feel as though they had known her for a long time. According to former Dean Paul Carrington, "Margaret certainly provided humanity and warmth to the Law School's main hall; many students benefitted over

many years." Rene Stemple '86 remembers, "Margaret provided constant emotional and moral support to students, perhaps without even realizing it."

Margaret considered all the students to be her children. She was known to search the building for a student who had an emergency call; she shared the joy when coveted job offers arrived and the hurt when a rejection was received; she made friends with the children of the Law School community, offering cookies and smiles. Sherry Caplan, Senior Administrative Assistant, was amazed by Margaret's memory. "It really blows my mind how she remembers all the students' names, even those from way back," she said.

To bid farewell to Margaret, Dean Pamela Gann and the Duke Bar Association hosted a party in her honor on November 3 in the newly-renovated Student Lounge. Students and faculty, as well as former and current employees of the Law School, gathered to wish Margaret and her husband, Marvin, well as they both begin retirement.

On behalf of the faculty and staff, Dean Gann presented Margaret



Students bid Margaret Bradshaw farewell at retirement party.

with a Duke University rocking chair, which was immediately tested and pronounced quite comfortable by its recipient. Dean Gann noted that about 36 percent of our alumni were at the Law School while Margaret was the information secretary. Pauline Ng, president of the Duke Bar Association, gave Margaret a photo album and photo collage containing pictures of current students. "For years, we [the Duke Law students] have always carried Margaret in our hearts no matter where or how far we went away from the School; we wanted to get her a gift so that no matter where or how far she went away from the School, she could still carry us in her heart," said Ms. Ng in presenting the photo collections.

Another photo collage, representing the children of the Law School's international students, was presented by Carl-Olof Bouveng,

an LL.M. candidate from Sweden, in recognition of the care and concern that Margaret shows to both the international students and their families while they are away from home studying in Durham.

Acting as the emissary of the Mordecai Society, Dean Gann also presented Margaret with an engraved silver tray in acknowledgement of her many years of invaluable service to the School. Dean Gann explained that the Mordecai Society is composed of an anonymous group of alumni and current students who, among other things, award outstanding service to the Law School.

A Duke employee for 22 years, Margaret came to the Law School in 1973, after having worked for the Duke Development Office and the Center for the Study of Aging and Human Development. While at the Law School, she also served as secretary to former Professor Richard

Hobbitt, who left the Law School in 1974, and to Professor Bertel Sparks, who retired this past July.

As for retirement plans, Margaret says, "I'm going to do a few things before I'm too old to do them." She and Marvin hope to spend time travelling. "I've got friends at the coast and friends in the mountains and they all say 'come visit!'" They will also relax and enjoy the home they have recently bought in Roxboro, a few miles north of Durham. "I can't wait to just sit back by the fireplace and watch it snow," Margaret says.

Until then, Margaret wants the Law School community to know that she has enjoyed her association with the School. "It's been a real wonderful experience and I've met a lot of delightful people. I've cherished every moment. I know that I will miss everyone, but I think I can adjust."

Gaede to be Law Alumni Association President



All LAA officers were present at Law Alumni Weekend '88. (l-r): Chuck Petty, Immediate Past President; John Beard, Outgoing President; Nick Gaede, President-Elect; Vin Sgrosso, Vice President/President-Elect; and Chip Palmer, Secretary/Treasurer.

During the Law Alumni Association meeting on October 22, 1988, John Q. Beard '60, passed the presidency of the Law Alumni Association (LAA) to A.H. (Nick) Gaede '64. Gaede presented Beard with a gavel stand commemorating Beard's 1987-88 presidency to hold and display the gavel which Beard so ably

wielded as president. Gaede thanked Beard for his significant contributions to the Association. As President-elect in 1986-87, Beard revised the Association by-laws for the first time since 1962. As President, he then governed the Association as it operated under the revised by-laws for the first year. Innovations of

note included inviting representatives of the local law alumni associations to attend the fall meetings of the Law Alumni Council, governing body of the LAA, where they receive information from the various administrative offices and departments of the Law School, and the establishment of two standing committees—nominations and awards—to administer these annual business items for the Council.

Beard thanked the assembled alumni for the opportunity to serve as President of the Association and urged other alumni to become involved in supporting the Law School. He commended Mr. Gaede to the group as the new President, citing his leadership of the Law Alumni Council standing committees while serving as President-elect. He expressed his optimism for the continued vitality of the LAA under the leadership of Gaede and the other new officers, Vincent Sgrosso '62, Vice-President/President-elect and Richard (Chip) Palmer '66, Secretary-Treasurer.

Alumnus Donates Painting to Duke Law School



Rick Horton and Wendy Robineau

Rick Horton '80, an artist in New York City, has donated one of his paintings to the Law School. The painting is entitled "The Reclaiming" (1987 50" x 38" oil and pastel on paper). Horton made the donation in memory of his friend and classmate, John Hunt Rutledge. Rutledge received his M.D.-J.D. degrees from Duke University (J.D. '78, M.D. '80) and was serving as Deputy Commissioner for the New

Jersey State Department of Health at his death in 1987. Horton said that "The Reclaiming" was a favorite work of Rutledge, and that Rutledge had visited his studio and seen the painting in progress.

Arrangements for the donation of the artwork were made by Horton's North Carolina representative, the Jerald Melberg Gallery of Charlotte and Wendy Robineau of Art-Consult, Inc. on behalf of Duke Law School.

The Law School had engaged Robineau (who has special connections to the Law School as spouse of alumnus and adjunct professor Donald Beskind '77) to help locate an appropriate work of art to be purchased with a memorial fund established by the friends and family of Howard Schlegel '66. A committee representing faculty, students, and staff recommended acquiring a work by Horton, whose painting career was featured in the summer '87 issue of *Duke Law Magazine*. When approached, Horton offered to donate this piece. A por-

tion of the Schlegel Fund was used for expenses involved in acquiring the piece, leaving sufficient funds to purchase an additional work.

Horton exhibits often in North Carolina. He has work at the North Carolina Museum of Art in Raleigh and at the Duke University School of Medicine. Horton has also exhibited in galleries throughout the country and has work in public collections such as the Museum of Modern Art in New York, the Musee National d'Art Moderne in Paris and the Puccini Museum in Italy.

The gift was announced by Horton and Dean Pamela Gann at the Law Alumni Association meeting held in conjunction with Law Alumni Weekend on Saturday morning, October 22 at the Law School. In acknowledging the gift, Dean Gann remarked, "This painting, *The Reclaiming*, which Rick is donating, will not only be a beautiful addition to the Law School, but will be especially appreciated as the work of an alumnus."

Gerald T. Wetherington Receives Murphy Award

The Honorable Gerald T. Wetherington '63, Chief Judge of the 11th Judicial Circuit (Dade County) Florida, received the fourth annual Charles S. Murphy Award during a ceremony at Law Alumni Weekend on October 22, 1988. The Murphy Award is presented annually by the Law School Alumni Association to an alumnus of the School who, through public service or dedication to education, has shown a devotion to the common welfare, reflecting ideals exemplified in the life and career of Charles S. Murphy.

Murphy was a 1931 graduate of Duke University; he received his LL.B. from Duke Law School in 1934, and an honorary LL.D. from Duke in 1967. A native North Carolinian, Murphy died in 1983. During his career, he held several positions



Judge Wetherington receives painting from John Beard.

in the Truman, Kennedy, and Johnson Administrations. He also served as a member of the Law School's Board of Visitors and as a University Trustee.

Judge Wetherington graduated first in his Law School class and also ranked first among those taking the Florida bar examination in 1963. He received fourteen American Jurisprudence Awards for highest grades in law courses. After graduation, he was in private practice in Dade County, Florida and later served there as Assistant County Attorney. Wetherington was a Professor of Law at the University of Miami from 1967 to 1971, and continues to teach there as an instructor. He served as a Visiting Professor at Duke Law School during 1966-67.

Judge Wetherington was first appointed to the Circuit Court of Florida in 1974. He was elected to a six year term in 1976 and re-elected for another six year term in 1982. He became Chief Judge of the court in 1983 by a vote of his peers. From 1982 to 1984, he was the presiding judge of the Dade County Grand

Jury. During his terms on the bench, Wetherington has consistently been rated number one among state court judges by Dade County Bar Polls.

Wetherington has received numerous awards, including the Florida Bar's Outstanding Jurist of 1985, the Award of Merit of the Florida Bar in 1985, the Outstanding Public Administrator Award of the South Florida Chapter of the American Society for Public Administration in 1986, and the Grand Jury Association of Florida's Citizen of the Year Award of 1987. He has also served as President of the National Association of Chief Judges of Metropolitan Courts.

As a member of many judicial panels and commissions, Wetherington has been instrumental in the creation of judicial education programs. This year he was appointed to a commission to select a new manager for the City of Miami, and he is also chairing a torts commission set up by the Florida Bar to recommend legislation to the Florida Legislature.

John Q. Beard '60, President

of the Law Alumni Association, presented Judge Wetherington with an original watercolor, "Carolina Barns," by nationally acclaimed Durham artist, Bob Blake. In accepting the award, Wetherington praised his classmates, many of whom were in attendance celebrating their 25th reunion, and his professors, especially noting his debt to the late Jack Latty, Robinson Everett, and Melvin Shimm, whom Wetherington called "the world's greatest classroom teacher." Present at the ceremony were Wetherington's wife, Lee, and daughter, Chriss, a second year law student at Duke. Also attending were Mr. Murphy's sister, Katherine Murphy Cook, and her husband, Robert N. Cook of the Law Class of 1936.

Previous recipients of the Murphy Award are Carlyle Ring '56, former President of the National Conference of Commissioners on Uniform State Laws; Hale S. McCown '37, retired justice of the Nebraska Supreme Court, and Gerald Tjoflat '57, who serves on the bench of the United States Court of Appeals for the Eleventh Circuit.

Charles A. Dukes Award given to Charles W. Petty, Jr.

During Law Alumni Weekend ceremonies, Charles W. Petty, Jr. '63, was named a recipient of the Charles A. Dukes Award by the Awards and Recognition Committee of the Board of Directors of the Duke University General Alumni Association. The Award is named for the late Charles A. Dukes, a 1929 graduate of Duke University, former Director of Alumni Affairs, and faithful alumnus. The Award is given annually to an alumnus/a who has gone "above and beyond" the call of duty in a voluntary leadership role. John Q. Beard '60, current President of the Law Alumni Association, presented Petty with a plaque designating the Award.

In recent years, Petty has held several offices on the Law Alumni Association Council—Secretary/Treasurer in 1984-85; Vice-President and President-Elect in 1985-86; President in 1986-87; and Immediate



John Beard (l), and Chuck Petty

Past President in 1987-88. Petty was nominated for the Dukes Award by the Law School particularly for his service as President of the LAC.

Although scheduled to become President in 1986-87, Petty actually had to assume responsibility in 1985-86, when the then president could no longer serve. Under Petty's leadership, the Law Alumni Association (LAA) and its governing body, the Law Alumni Council (LAC), were

rejuvenated and instituted several new programs. The Council commissioned a new alumni directory, and undertook the revision of the Association by-laws to reflect changes in structure and procedure. With Petty's guidance, the LAA co-sponsored the first Annual Conference on Career Choices and initiated expansion of the local association program.

While President of the LAA, Petty continued to serve as an active member of the Law School Board of Visitors and the Law School Council for the Annual Fund. He was coordinator for the Class of '63's twentieth and twenty-fifth reunions and is a member of the Barristers Club.

Petty is a partner at the newly-merged firm of Hopkins, Sutter, Hamel & Park in the Washington, D.C. office, where he practices in the corporate finance and energy areas.

Robinson Professorship Established

Russell M. Robinson, II '56 recently pledged \$600,000 to establish a professorship at Duke Law School. Income from the endowment fund will be added to the original gift until it reaches the \$1 million goal required to establish a chair at Duke University. The Russell M. Robinson, II Professorship of Law will recognize a law professor who has made a "distinguished contribution to the legal profession through scholarship, teaching and public service."

President H. Keith H. Brodie and Dean Pamela B. Gann announced the gift at the annual Duke Law School faculty dinner in September. "We are grateful for this magnificent and timely gift," Brodie said. "It strengthens the foundation of the Law School's outstanding program."

Dean Gann found it especially significant that the gift comes from an alumnus of the Law School. "We're particularly pleased that the endowment gift is from one of our own graduates. Russell is a lawyer

who has made a significant contribution to his Law School, the University and the legal profession in North Carolina."

A native of Charlotte, North Carolina, where he has practiced law since his graduation in 1956, Robinson is an alumnus of both the University and Duke Law School, where he served as editor-in-chief of the *Duke Law Journal*. Professor Melvin Shimm, who began teaching at the Law School the same year Robinson entered the School, remembers being "powerfully impressed with him in every respect. In retrospect, surveying my thirty-five years of teaching at the Law School, my initial impression is confirmed. I would confidently rank Russ as one of the two best students I have ever taught."

Robinson helped form the Charlotte firm Robinson Bradshaw & Hinson now numbering over fifty attorneys. Recognized for his work in securities, mergers and acquisitions, Robinson is the author of

North Carolina Corporation Law and Practice, a work so well known to most North Carolina lawyers that it is often referred to as "my copy of Robinson." He is presently chairman of the North Carolina Corporation Act Drafting Committee of the General Statutes Commission, a position he also held from 1968 to 1973 and a position where he has gained the respect of fellow committee member and Duke Law Professor, James D. Cox. "Russell Robinson is as formidable an opponent and as good a listener in listening to a group of divergent interests as I have seen," says Cox. Robinson is also presently serving as a member of the Law School Board of Visitors and as a trustee of the Duke Endowment.

The entire Law School community joins President Brodie in "thank[ing] Russell Robinson for yet another example of his steadfast friendship for the University."

Alumni Activities

Class of 1933

William C. Lassiter retired as General Counsel of the North Carolina Press Association in 1984. He is presently engaged in the general practice of civil law from his home in Raleigh and will retire at the end of 1988.

Class of 1939

George A. Burwell of Warrenton, North Carolina retired from his firm, Burwell & White, effective December 31, 1987.

John E. Hoffman and *Edward J. Moppert* '49 have been partners since 1950 and practice under the firm name of Hoffman & Moppert in Fort Wayne, Indiana.

Class of 1944

Luise M. Hanson continues to operate a farm and ranch in northern Montana.

Class of 1949

Duncan W. Holt, Jr. retired from the Legal Department of the Atlantic Richfield Company; he is now serving in a consulting capacity.

Edward J. Moppert continues his practice with partner *John E. Hoffman* '39 in Fort Wayne, Indiana; the firm is Hoffman & Moppert.

Class of 1950

Guy A. Hamlin retired in December 1987 as Special Deputy Attorney General, North Carolina Depart-

ment of Justice; he performs volunteer work with the VA Hospital.

Thomas G. Hart will retire in February 1989 as Vice President/General Counsel of Bowater Inc., producers of pulp and paper products in Darien, Connecticut.

Class of 1951

Thomas T. Chappell has opened the firm of DeGonge Chappell, P.A. in Belleville, New Jersey, specializing in the defense of civil matters.

George B. Foss, Jr., who retired in 1983 from Fowler, White, Burnett, Hurley & Strickroot in Miami, has formed his own firm and continues to practice law, commuting occasionally from his home in Mexico.

John E. Marsh, Jr. retired as an attorney with the US Department of Justice, Federal Aviation Administration. He continues to practice from his home in Alexandria, Virginia as a part-time consultant, specializing in aviation law and real estate limited partnership syndications.

Class of 1952

James C. Rebberg retired after 39 years on the faculty of the School of Law at Mercer University in Macon, Georgia.

Class of 1956

Lloyd C. Caudle continues as a partner in the Charlotte, North Carolina firm of Caudle & Spears. He serves as a Trustee of Duke University and as a member of the Law School's Board of Visitors.

Class of 1957

Richard E. Glaze, a partner since 1965 with the Winston-Salem, North Carolina office of Petree, Stockton & Robinson, has been elected to membership in the American College of Real Estate Lawyers. He also serves as chairman of the North Carolina Bar Association Real Property Section's Specialty Committee and has written several recent articles on real property.



Richard E. Glaze

Class of 1959

Robinson O. Everett, Chief Judge of the United States Court of Military Appeals and part-time Professor of Law at Duke, was recently elected to the 1988-89 American Judicature Society Board of Directors. The Society is a national independent organization with 20,000 members working to improve the nation's justice system.

Alvin B. Fox, senior trial lawyer in the firm of Fox, Wittan and Reiss in Newport News, Virginia, has been elected President of the Newport News Bar Association.

Class of 1962

James W. McElhaney is author of the American Bar Association's practice guide, *McElhaney's Trial Notebook* (2d ed. 1987). He is also a columnist for the *ABA Journal's* new feature, "Litigation," and is Senior Editor and columnist for *Litigation*. McElhaney is the Joseph C. Hostetler Professor of Trial Practice and Advocacy at Case Western Reserve University School of Law.

Leonard V. Wood, an attorney in Altamonte Springs, Florida, has been elected for a six-year term to the bench of the 18th Judicial Circuit covering Brevard and Seminole Counties. He has previously represented those two counties in the Florida House of Representatives.

Class of 1963

Thomas M. Dole has recently been elected a Director of The Stackpole Corporation of Boston, Massachusetts.

Mark B. Edwards is now a partner in the North Carolina firm of Poyner & Spruill, located in the Charlotte office.

Julian C. Juergensmeyer, a member of the faculty at the University of Florida College of Law in Gainesville, will be a Visiting Professor at Duke Law School for the spring semester of 1989.

Charles W. Petty, Jr., a partner in the Washington, D.C. office of Hopkins, Sutter, Hamel & Park, was named the recipient of the Duke

University Charles A. Dukes Award. (See article on p. 55)

Gerald T. Wetherington, Chief Judge of the Eleventh Judicial Circuit of Florida, received the Law School's Charles S. Murphy Award during a ceremony at Law Alumni Weekend. (See article on p. 54)

Class of 1964

Anton H. "Nick" Gaede, Jr. was recently elected into membership of the American Law Institute. He also recently assumed the Presidency of the Law School Alumni Association. (See article on p. 53)

Class of 1965

Donald B. Gardiner is a partner in the Columbus, Ohio office of Squire, Sanders & Dempsey, which merged with his former firm of Murphey, Young & Smith.

Craig B. Ward announces the formation of the firm, Trismen, Ward & Willard, P.A. in Winter Park, Florida. Also with the firm is *Beth J. Willard '83*.

Class of 1966

Christine Y. Denson now serves as the Deputy Commissioner of the North Carolina Industrial Commission.

Class of 1967

James A. Adams was named co-recipient of the Leland Forrest Award for Outstanding Teaching at Drake University Law School, where he is a member of the faculty.

Calvin J. Collier has been named Senior Vice President and General Counsel of Kraft, Inc. of Glenview, Illinois.

Wayne A. Rich, Jr. is serving for one year as the Acting Deputy Director, Executive Office for US Attorneys at the United States Department of Justice in Washington, D.C. He is the author of the "Trial Tactics" chapter of the Public Integrity Section of the USDOJ Criminal Division's *Guide to Prosecution of Public Corruption Cases*.

M. Emmett Ward, III is Director of Finance for the firm of Mudge Rose Guthrie Alexander & Ferdon

in New York City, where he lives with his wife and two year old daughter.

William F. Womble, Jr. has recently completed his term as President of the North Carolina Association of Defense Attorneys. He has also served as an appointee of the Chief Justice of the North Carolina Supreme Court to the Committee for Study of Mandatory Continuing Judicial Education. Womble is a partner in the Winston-Salem office of Womble, Carlyle, Sandridge & Rice.

Class of 1968

Robert C. Fox, a charter member of the faculty of Metropolitan State University in St. Paul, Minnesota, is the subject of a chapter in C-SPAN's new book entitled *America's Town Hall*.

Rosemary Kittrell is now a staff attorney for the Prosecuting Attorney's Council of Georgia, located in Atlanta.

Thomas L. Romp has joined the Westminster Company, a subsidiary of Weyerhaeuser which operates in the Carolinas and Virginia in the development and management of commercial and residential real estate. Romp serves as Vice President of Property Management.

Marlin M. Volz, Jr. has recently been elected President of the Quad City Estate Planning Council for 1988-89. Volz is Vice President of the Trust Department of the Davenport Bank and Trust Company in Davenport, Iowa. He has also co-authored the three-volume edition of "Iowa Methods of Practice."

Class of 1969

Edward R. Leydon has recently been promoted to Area General Counsel—France and the Americas for Rorer International Pharmaceuticals in Philadelphia.

Dale B. Ramerman was elected in September to a four year term as a Superior Court Judge in King County, Washington.

Young M. Smith, Jr. is a partner with Smith & Smith in Hickory, North Carolina.

Class of 1970

J. Edward Weber has been engaged in the general practice of law since 1984 at his firm, Hereford & Weber Chartered in Sarasota, Florida.

Class of 1971

James K. Kerley has opened a solo practice in Sierra Vista, Arizona.

Gail L. Richmond has written a chapter on federal taxes affecting real property for *Florida Real Estate Transactions* published by Matthew Bender.

Michael L. Richmond has been appointed Vice-Chair of the Continuing Legal Education Committee of the Florida Bar.

Class of 1972

Joseph E. Claxton has been appointed Vice President for Executive Administration of Mercer University effective September 1, 1988. He also continues to serve as General Assistant to the President of Mercer University.

Cym H. Lowell has moved to Dallas as a shareholder in Johnson & Swanson. He is a member of the Council of the ABA Section on Taxation.

John W. Patterson served as editor of "Legal Aspects of Doing Business in Virginia for Foreign Businesses" which was published by his firm, McGuire, Woods, Battle & Boothe in cooperation with the Virginia Department of Economic Development.

Richard J. Salem was named Belmont Abbey College's Distinguished Alumnus for 1988 in May. He is a founding partner of the firm Salem, Saxon and Nielsen in Tampa, Florida, where he serves on the boards of several leading civic organizations.

Thomas H. Sear has recently joined the firm of Anderson, Russell, Kill & Olick in New York City where he lives with his wife and two daughters.

David A. Thomas is a Professor of Law at Brigham Young University; he publishes in the areas of property, civil procedure and legal history. He and his wife Paula and

their eight children reside in Orem, Utah.

Thomas J. Triplett has been named Commissioner of Finance for the State of Minnesota.

Class of 1974

Timothy R. Cappel has founded the new law firm of Greenwald and Cappel in Costa Mesa, California, where he practices in the area of general business litigation.

Candace M. Carroll has become a partner in Hill & Baskin, a San Diego, California firm specializing in civil litigation and bankruptcy.

Lynn McLain Cook is a professor at the University of Baltimore Law School. Her two-volume treatise on Maryland and federal evidence law was published by West in August, 1987.

Kenneth W. McAllister has been named General Counsel and Secretary of First Wachovia Corporation, an interstate bank holding company in Winston-Salem, North Carolina. He lives with his wife and daughter in High Point.

Edward A. McDermott, Jr. is now associated with National Bulk Carriers, Inc. in New York City.

Mary Ann Tally has been elected to an unprecedented third term as Vice President for Continuing Legal Education of the North Carolina Academy of Trial Lawyers. Tally is a public defender for the state's Twelfth Judicial District in Fayetteville.

Lynn D. Wardle, Professor of Law at Brigham Young University, has co-authored *Contemporary Family Law: Principles, Policy and Practice*.

Class of 1975

Nathan C. Goldman, who is in private practice in Houston, has authored *American Space Law: Domestic and International*, published by the Iowa State University Press in 1988.

Stanley G. Hilton has written a biography, *Bob Dole: American Political Phoenix*, published in 1988 by Contemporary Books, Inc.

Danae K. Prousis is a partner in the Chicago firm of Winston & Strawn.

Class of 1976

Barbara R. Arnwine is Director of the Lawyers' Committee for Civil Rights of the Boston Bar Association.

Lewis E. Melahn is the owner and principal agent of the Melahn Insurance Company and is a partner with Fenlon, Fenlon & Melahn in Mexico, Missouri, where he lives with his wife and two children.

Neil R. Pearson is now a partner of the New York City firm of Carter, Ledyard & Milburn, where he heads the corporate insurance group.

J. Alexander Tanford published "Better Trials Through Science" in the *North Carolina Law Review*, and has recently presented papers at several legal conferences. He will be Visiting Scholar at the University of Iowa College of Law in the spring of 1989.

Class of 1977

Donald H. Beskind, a partner in the Chapel Hill, North Carolina firm of Beskind & Rudolf, has been elected to the Board of Governors of the North Carolina Academy of Trial Lawyers.

Donald M. Etheridge, Jr. has rejoined Duke University as Director of Planned Giving. Etheridge served in the University Counsel's Office from 1984-87. He also teaches a financial information class at the Law School.

Susan Freya Olive has been named to the Board of Governors of the North Carolina Bar Association. She is also a member of the Attorney Qualifications Review Committee for the US District Court for the Middle District of North Carolina and is Vice-President of the Durham firm, Olive & Olive.

Robert L. Pettit has been appointed by President Reagan to serve as Associate Deputy Secretary of the United States Department of Transportation.

Kim William West has been named a partner at Lewis, D'Amato, Brisbois & Bisgaard in Los Angeles.

Class of 1978

James T.R. Jones is an Assistant

Professor at the University of Louisville School of Law.

Linda Malone is now a professor at the Marshall-Wythe School of Law at the College of William & Mary. Her treatise on environmental regulation of land use will be published by Clark Boardman in early 1989.

James E. Padilla is now a partner at the New York City office of Mayer, Brown & Platt.

Robert D. Phillips, Jr. is a partner with Adams, Duque & Hazeltine in San Francisco.

Susan Griffin Phillips has a part-time solo business litigation practice in Orinda, California.

Christopher Glenn Sawyer, a partner in the Atlanta firm of Alston & Bird, has been elected vice president/president elect of the 5,200-member Atlanta Bar Association. He previously served as secretary-treasurer of the Association.

Rodney A. Smolla is a professor on the faculty of the Marshall-Wythe School of Law at the College of William & Mary.

Arthur C. Zeidman has been appointed legal counsel for Variety Wholesalers, Inc. at the company's national headquarters in Raleigh.

Class of 1979

Aaron G. Graff, Jr. has been named a partner of Touche Ross,



Aaron G. Graff, Jr.

the Big Eight accounting, tax and management consulting firm. Graff is a tax partner based in Atlanta.

Mark R. High became a partner in the Detroit, Michigan firm of Dickinson, Wright, Moore, Van Dusen & Freeman.

Evan Zucker is now with the firm of Mulvaney & Kahan in San Diego, California.

Class of 1980

Carlos M. Baldwin is serving as a special agent with the Naval Investigative Service at Camp Lejeune, North Carolina.

Randall A. Burrows was recently elected to partnership with McKenna, Conner & Cuneo in San Francisco.

Ann K. Ford was made a partner in the Washington, D.C. firm of Fisher, Wayland, Cooper and Leader, where she practices in the areas of communications, copyright and trademark.

Thomas W. Giegerich has become a partner in the firm of Dewey, Ballantine, Bushby, Palmer & Wood in New York City. He resides in Yorktown, New York with his wife and three children.

John H. Hickey announces the opening of his firm, Hickey & Jones, in Miami. The firm specializes in complex commercial litigation.

John H. Pavloff is now the Assistant District Attorney for Chester County, Pennsylvania in West Chester.

Bruce P. Vann is a partner in the Los Angeles firm of Gipson, Hoffman & Pancione, specializing in corporate and securities work.

William L. Webber has joined the Washington, D.C. firm of Howrey & Simon, where he divides his practice between civil litigation and white collar criminal litigation.

James P. Wolf has been named a partner in the firm of Mathews, Osborne, McNatt and Cobb in Jacksonville, Florida.

Class of 1981

David S. Addington is currently serving as Deputy Assistant to the President for Legislative Affairs at The White House.

Jonathan E. Claiborne is a partner with Whiteford, Taylor & Preston in Baltimore. He is also active in the local community theater, performing in seven plays over the last four years.

Timothy J. Corrigan is a partner in the Jacksonville, Florida firm of Bedell, Dittmar, DeVault, Pillans & Gentry, specializing in litigation.

G. Beate Czerwenka, now living in Bonn, West Germany, has published a book on international sales law entitled *Rechtsanwendungsprobleme im internationalen Kaufrecht*. The book is published in German and deals extensively with the United Nations Convention on Contracts for the International Sale of Goods of 1980, which went into force on January 1, 1988.

Russell H. Fox has been named President of the American SMR Network Association, Inc., a Washington, D.C. based trade association representing the mobile telecommunications industry.

Carl R. Gold is in solo practice in Towson, Maryland. He is writing a layman's guide to civil rights for the Maryland State Bar Association.

Richard A. Hague has won election to the Delaware State Senate, as a representative of the 4th Senatorial District. He is the supervising attorney of the New Castle County Attorney's Office in Wilmington.

Alan S. Madans has been named a partner in the Chicago firm of Rothschild, Barry & Myers.

Joanne D. Martin was elected to partnership in the firm of Peper, Martin, Jensen, Maichel and Hetlage in St. Louis, where she practices exclusively in litigation.

W. Robert Vezina has joined the Tallahassee, Florida firm of Cummings, Lawrence & Vezina. The firm has 11 lawyers and specializes in construction litigation throughout the southeast.

Beth H. Woodland-Hargrove is now with the Attorney General's Office for the State of Maryland in Baltimore.

Class of 1982

Morris A. Ellison has recently

graduated from "Leadership South Carolina," a program created by the South Carolina Governor's Office and the business community to identify and further develop outstanding leaders in the state. Ellison is with the Charleston firm of Buist Moore Smythe & McGee and is also active in local civic organizations.

David S. Felman is now working at Simpson Thacher and Bartlett in New York City, where he practices in the corporate and securities law areas.

John S. Harrison has become a partner in the firm of House, Blanco & Osborn of Winston-Salem, North Carolina, where he concentrates in civil litigation, including banking, construction, insurance, and commercial law.

James B. Hawkins has been promoted to General Attorney for South Central Bell Telephone Company in Birmingham, Alabama. He also has moderated and taught the "People's Law School" to provide employees and their spouses with legal orientation and information.

Richard R. Hofstetter recently became a partner in the Indianapolis law firm of Hendrickson, Travis, Pantzer & Miller where he concentrates in the areas of corporate, tax, real estate and international law.

James R. Peacock III is now a partner in the Dallas firm of Thompson & Knight.

I. Scott Sokol had a staff position with the Dukakis/Bentsen campaign and that of US Representative Buddy MacKay. He was a Dukakis delegate to the Democratic National Convention in Atlanta, elected from the 5th Congressional District of Florida.

D. Reginald Whitt, a Dominican friar, has joined the Law Faculty of the University of Kentucky as an assistant professor. Formerly associated with a Philadelphia law firm, he also taught at Villanova's law school before spending two years at Yale serving in the Catholic ministry and studying theology.

Class of 1983

Jennifer Maher Dibble has joined the extended faculty of Duke Law

School as a Lecturer in Law, where she teaches legal writing to international LLM students and one section of first years. She and her husband, Steve, and their two children live in Raleigh.

Lynn Rosenthal Fletcher is practicing bankruptcy law with the Washington, D.C. firm of Zuckerman, Spaeder, Goldstein, Taylor & Kolker.

Robert P. Fletcher is with Hopkins, Sutter, Hamel & Park in Washington, D.C. where he is a litigator.

Wendy Layne Hagenau is an associate at the Atlanta firm of Powell, Goldstein, Frazer & Murphy.

Lynn A. Holsinger has become associated with the firm of Hill, Betts & Nash in New York City.

Gregory E. Lindley has joined the firm of Prince, Yeates & Geldzahler in Salt Lake City, Utah.

Beth J. Willard reports the opening of the firm, Trismen, Ward & Willard, P.A. in Winter Park, Florida. Also a partner at the firm is *Craig B. Ward '65*.

Class of 1984

William D. Frost, a Captain in the United States Navy, has recently received the Navy Achievement Medal. He received the decoration for his superior performance of duty while stationed at Marine Corps Base, Camp Lejeune, North Carolina.

Mark E. McGrady is now an associate with Schwartz, Kelm, Warren & Rubenstein in Columbus, Ohio.

Steven P. Natko is now associated with Pepper, Hamilton & Scheetz in Philadelphia, where he continues to practice in the areas of public and corporate finance.

Briget M. Polichene is serving as counsel to the House Committee on Banking, Finance & Urban Affairs, Financial Institute Subcommittee, in Washington, D.C. where she is responsible for banking legislation.

Wilson A. Schooley has been appointed National Chairman of the American Bar Association Young Lawyer's Division Committee of Lawyers & the Arts. He is an associate with Jennings, Engstrand & Henrikson in San Diego, California.

M. Jane Williamson has received her second promotion in the last seven months. She is now the Assistant Executive Secretary of the Federal Deposit Insurance Corporation in Washington, D.C., where she has responsibility for day-to-day management of the Freedom of Information Act and Privacy Act programs.

Class of 1985

James S. Christie, Jr. has joined the firm of Bradley, Arant, Rose & White in Birmingham, Alabama. After graduation, he spent two years in the Peace Corps teaching at the University of Yaounde, Cameroon, School of Law and Economics and a year clerking for the Honorable Seybourn H. Lynne, in the United States District Court for the Northern District of Alabama.

James E. Lilly continues to practice in the areas of commercial lending and banking law with Womble Carlyle Sandridge & Rice in Winston-Salem, North Carolina, where he lives with his wife and two children.

Michael A. Kalish is associated with Epstein, Becker & Green in New York City in the labor/litigation department.

Charles V. Stewart has joined the firm of Jones, Day, Reavis & Pogue in their Washington, D.C. office.

Class of 1986

Sherwood E. Blitstein has joined the real estate development firm of Centrum Properties in Chicago, where he works on acquisitions and leasing.

Nancy K. Jones is now an associate with the Chicago office of Jones, Day, Reavis & Pogue.

Mitchell D. McCrate has joined the firm of Sidley & Austin in Chicago, where he is an associate.

Mark D. Reeth is now associated with the firm of Manger, Kalison, Murphy & McBride in Morristown, New Jersey.

Daniel R. Schnur was recently elected to the Board of Directors of the Richmond, Virginia Venture Capital Club, Inc.

Ellen S. Soffin is associated with the Washington, D.C. firm of Pierson, Ball & Dowd.

Jonathan R. Spencer has recently become associated with Fleischman & Walsh in Washington, D.C.

Class of 1987

Carl David Birman has become the Executive Director of the Lawyers Committee on Nuclear Policy in New York City, a group that works to inject principles of international law into the debate over nuclear weapons and the threat of nuclear war.

James E. Felman completed his judicial clerkship with the Honorable Theodore McMillian of the Eighth Circuit, and has become associated with the firm of Winkles, Trombley, Kynes & Markman in Tampa, Florida.

Brian B. Gilbert has recently become associated with the Chicago firm of Gould & Ratner.

Pamela J. Hazen was recently sworn into the United States Court of Military Appeals by Chief Judge Robinson O. Everett, a member of the Law School faculty.

S. Wayne Johnson has relocated to the Calgary, Alberta, Canada office of Bishop & McKenzie.

Gary E. Mason has become a

litigation associate at the Washington, D.C. office of Skadden, Arps, Slate, Meagher & Flom.

Elizabeth A. Miller received a research fellowship to the Max-Planck Institute in Munich, West Germany, where she studied foreign and international patent, copyright and competition law from July-December 1988.

Marleen A. O'Connor has joined the law faculty at Stetson University College of Law in St. Petersburg, Florida as an assistant professor. Her areas of interest include real property and business associations law.

Alice Higdon Prater has completed her clerkship with the Honorable James Hancock, United States District Court for the Northern District of Alabama. She is an associate of the Birmingham, Alabama firm of Johnston, Barton, Proctor, Swedlaw and Naff.

Laurel E. Solomon has become an associate at the Durham, North Carolina office of Faison & Brown.

W. Joseph Thesing has completed his clerkship with the Honorable Robert Miller, United States District Court for the Northern District of Indiana. He has joined the firm of Jenner & Block in Chicago as an associate.



Duke Law Alumni Champions: *The above softball team, composed primarily of Duke Law Alumni, captured the Summer 1988 Philadelphia Bar Association Young Lawyers Section Charity Softball Tournament for the third summer in a row. Alumni contributing to the victory were Steve Scolari '84, Tucker Boynton '79, Brian Cary '85, Jerry Novick '84, George McFarland '84, Paul Nofer '87, and Dave Lockwood '84.*

Personal Notes

'72—*Ronald W. Frank* and his wife, *Marsha* (former editorial assistant for *Law & Contemporary Problems*) proudly announce the birth of their son, *Connor*, on February 7, 1988.

'74—*Lynn McLain Cook*, and her husband, *Bryson*, had a baby boy, *Joseph Bryson Cook* ("Jeb") in October 1987.

—*L. Lynn Hogue* and his wife, *Carol*, are pleased to report the adoption of their infant daughter, *Elizabeth Rowland Hogue*, who was born in October 1987.

'75—*Danae K. Prousis* and her husband, *Dennis Rasor*, are the proud parents of their third child, *Rebecca Ann*, born March 25, 1988.

—*Kenneth S. Coe, Jr.* announces the birth of his second child, a son named *Kenneth S. Coe III*.

'76—*James A. Davids* and his wife, *Sue*, announce the arrival of their third child, a son named *Steven*.

'77—*Jeanne Trahan Faubell*, and her husband, *David*, announce the birth of a daughter, *Elizabeth Constance*, on August 2, 1988.

—*W. Edward Meeks, Jr.* and his wife, *Carolyn*, proudly announce the birth of their third child, *Rebecca Jarrell Meeks*, born July 28, 1988.

—*Andrew Jay Peck* reports the birth of his first child, a son named *David Gurian-Peck* on July 31, 1988.

'78—*Susan Griffin Phillips* and her husband *Robert D. Phillips, Jr.*, both Class of '78, announce the birth of their second child and first daughter, *Anna*, born in February 1988.

—*Sarah H. Steindel* reports the birth of her second child and first daughter, *Rachel Ann*, born December 7, 1987.

—*Arthur C. Zeidman* and his wife, *Lynn C. Baumblatt*, are the proud parents of their third and fourth children, twin sons, *Steven Frank* and *Joseph Leonard*, born on May 9, 1988.

'80—*Carlos M. Baldwin* married *Cheryl Marie Imes* on June 21, 1988.

Julia Hampton Brasfield, and her husband, *Hunt*, are happy to report the birth of their second son on September 22, 1988, named *Edward Merrill Brasfield*.

—*Ann K. Ford* and her husband, *Nicholas Frabotta*, are the proud parents of a daughter, *Nell Corbett Frabotta*, born May 30, 1988.

'81—*Jonathan L. Abram* and his wife, *Eleni M. Constantine*, announce the birth of their daughter, *Zoe Constantine Abram*, on May 13, 1988.

—*Carl R. Gold* reports the birth of his daughter, *Tracy Claire*, on January 30, 1988.

—*Leo Rose III* and *Jennifer Poulton Rose*, both Class of 1981, proudly announce the birth of their first son and second child, *Leo Rose IV*, on March 23, 1988.

—*David E. Sturgess* and his wife, *Kathleen*, announce the birth of their third son, *Matthew Dale*, and first daughter, *Kristen Lee*, on September 6, 1988.

—*Kimberley Egerton Thompson*, and her husband, *Mark*, are the parents of a son, *Cameron Stuart Thompson*, born May 31, 1988.

—*W. Robert Vezina* announces the birth of his first child, a daughter named *Alex Michelle*, in January 1988.

'82—*Richard R. Hofstetter* and his wife, *Kathy*, are pleased to report the birth of their daughter, *Anna Elisabeth*, on May 7, 1988.

—*Edith K. Revet* married *Paul Klemann* on June 17, 1988. They

make their home in *Rotterdam, The Netherlands*, where they both practice law.

'83—*Patty Travers Billings*, and her husband *Brad*, are pleased to announce the birth of their second daughter, named *Stephanie Anne*, on November 9, 1988.

—*Lynn Rosenthal Fletcher* and *Robert P. Fletcher*, both Class of 1983, are proud to announce the birth of their first child, a daughter named *Laura Parker Fletcher*, on June 16, 1988.

—*Christopher C. Kerr* married *Karen L. Kaczor* in June, 1988, in *Buffalo, New York*, where *Chris* practices in civil litigation.

'84—*Cathy A. Gay* married *J. Blair Richardson, Jr.* on June 18, 1988 in *Alexandria, Virginia*. She is an associate with *Fried, Frank, Harris, Shriver & Jacobson* in *Washington, D.C.*

—*Lauren Wood Jones* and her husband, *David*, announce the birth of their son, *Christopher Kendall Jones*, on February 23, 1988.

—*Scott D. Livingston* and *Rebecca Bloch Livingston*, Class of 1985, are the proud parents of their second son, *Alex James*, born July 5, 1988.

—*Charles R. Simpson* and his wife, *Jan*, are pleased to report the birth of their second daughter, *Katherine Jane*, on November 3, 1987.

'85—*James S. Christie, Jr.* and his wife *Donna*, are the proud parents of their first child, a son named *James S. Christie III*, born on September 16, 1988.

—*Michael A. Kalish* married *Barbara Barbash* on November 29, 1987. They reside in *Brooklyn, New York*.

—*Rebecca Bloch Livingston* and her husband, *Scott*, Class of 1984, announce the birth of their second son, *Alex James*, on July 5, 1988.

'86—*Mitchell D. McCrate* and his wife, Ellen, are pleased to report the birth of their second son, Jordan Louis McCrate, on April 22, 1988.

—*David McKean* and Kathleen Mary Kaye were married on October 15, 1988 in Cambridge, Massachusetts.

—*Daniel R. Schnur* and his wife, Debbie, are the proud parents of their second child, a girl named Madeleine Jane, born June 13, 1988.

'87—*Richard W. Brown* and *Deborah L. Dunn*, both Class of 1987, married on October 8, 1988 in Atlanta, Georgia.

—*James E. Felman* and *Marleen A. O'Connor*, both Class of 1987, were married in St. Louis, Missouri on June 26, 1988. They have moved to the Tampa Bay, Florida area.

'88—*Martha A. Schauer* married Michael Klinker on May 21, 1988.

Obituaries

Class of 1939

David James Turlington, Jr. died on March 14, 1987. Turlington was a graduate of both the Law School and Duke University, and was a special agent for the FBI from 1940 to 1945. He practiced law for over 42 years, serving as city attorney for Clinton, Dunn, Roseboro and Salemburg, North Carolina, as well as solicitor for Sampson County. He was also active in local church and civic organizations.

Class of 1941

Herman L. Schultz, Jr. of Cedar Rapids, Iowa, died on May 23, 1988.

Class of 1942

S. Horace McCall, Jr. died on May 30, 1988. Active in many civic and church groups in Troy, North Carolina, McCall was a former mayor of that town. He served in the Army during World War II and operated a farm.

Class of 1947

Robert T. Winston, Jr. died on March 20, 1988. He was a judge of

the 30th Judicial Circuit Court of Virginia, after practicing law for 39 years with the firm of Greear, Bowen, Mullins & Winston in Norton, Virginia. Winston was past president of the Wise County Bar Association and served on the council of the Virginia State Bar Association.

Class of 1950

Fuller Holloway, who was retired and resided in Penn Valley, Pennsylvania, died on September 18, 1988.

Class of 1980

Jane Ann Morgan was a victim of the explosion and crash of Pan Am Flight 103 over Lockerbie, Scotland in December. The explosion aboard the jetliner killed all 258 passengers and 11 people on the ground shortly after take-off from London en route to New York. Ms. Morgan, who was practicing entertainment law at the Albert Partnership in London, was flying home to spend the Christmas holidays with her family in California.

Ms. Morgan attended the Law School for two years, 1974 and 1975; she completed her third year of study at Columbia Law School and was awarded her J.D. from Duke in 1980. Since graduation, she had lived and worked in New York City, before moving to London in the fall of 1988.

Ms. Morgan is survived by her parents, Dr. and Mrs. George E. Morgan of San Marino, California and her brother, Dr. G. Edward Morgan of Pasadena.

Visiting Faculty

Shinichiro Michida, a member of the Law Faculty of Kyoto University in Japan, died on June 10, 1988. Professor Michida was a Visiting Professor at Duke Law School in the spring of 1987, where he taught a course on International Transactions with Japanese Firms. He had also taught at Harvard, Michigan and several other American law schools.

UPCOMING EVENTS

Conference on Career Choices
 Board of Visitors Meeting
 Barristers Weekend
 Commencement
 North Carolina Bar Association
 Duke Law Alumni Luncheon

February 24, 1989
 March 17-19, 1989
 April 7-8, 1989
 May 14, 1989

Law Alumni Weekend '89

Friday, June 30, 1989
 Grove Park Inn, Asheville, N.C.
 September 29-October 1, 1989

The following classes will celebrate their reunions in 1989:

Class of 1938, 1939, 1940 (joint reunion)	50th reunion
Class of 1949	40th reunion
Class of 1954	35th reunion
Class of 1959	30th reunion
Class of 1964	25th reunion
Class of 1969	20th reunion
Class of 1974	15th reunion
Class of 1979	10th reunion
Class of 1984	5th reunion

The law classes of 1944, 1945 and 1946 will have a joint reunion in 1990.

For more information on upcoming events, call the Law Alumni Office at 919/489-5089.

Alumni Directory 1987

The 1987 Duke Law Alumni Directory (the first since 1982) was commissioned by the Law Alumni Council to be presented to all Law School alumni who paid dues to the Law Alumni Association and/or made a contribution to the Law School Annual Fund campaign during 1986-87. Complimentary copies were also mailed to the members of the Class of 1987. Additional copies of the directory are available for sale for \$15. If you wish to order a directory, please send your request with your \$15.00 check made payable to the Law Alumni Association to: Duke University School of Law, Office of Alumni Affairs, 3024 Pickett Road, Durham, N.C. 27705.

1988-89 Duke Law School Alumni Association Dues

Over twenty-five percent of our alumni have paid their 1988-89 association dues of \$15. Your dues help support both on-campus and off-campus events for alumni and special projects such as the alumni directory. If you have not returned your dues card, please fill out the information below and return it with your \$15 check made payable to the **Duke Law Alumni Association** to: Duke University School of Law, Office of Alumni Affairs, 3024 Pickett Road, Durham, N.C. 27705

DUKE LAW SCHOOL ALUMNI ASSOCIATION

- Enclosed is payment of my \$15 Law Alumni Association dues.
- I would be interested in organizing a local alumni organization if there is not yet one in my area.
- I am interested in helping to plan reunions for my class.
- I would be willing to participate in a panel for the Conference on Career Choices.
- Please send me information on how I can place a nomination for the Charles S. Murphy Alumni Award.
- I would be interested in service as a Placement Representative if there is not one in my area.

Name _____ Class _____

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Firm/Position _____

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Business phone _____

Home address _____

Home phone _____

Return to Law School Alumni Office.

PLACEMENT OFFICE

Anticipated opening for third , second , and/or first year law students, or experienced attorney

Date position(s) available _____

Employer's name and address _____

Person to contact _____

Requirements/comments _____

I would be willing to serve as a resource or contact person in my area for law school students.

Submitted by: _____ Class of _____

Return to the Law School Placement Office.

ALUMNI NEWS

The *Duke Law Magazine* invites alumni to write to the Alumni Office with news of interest such as a change of status within a firm, a change of association, or selection to a position of leadership in the community or in a professional organization. Please also use this form for news for the Personal Notes section.

Name _____ Class of _____

Address _____

Phone _____

News or comments _____

Return to Law School Alumni Office.

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Durham, NC 27706

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