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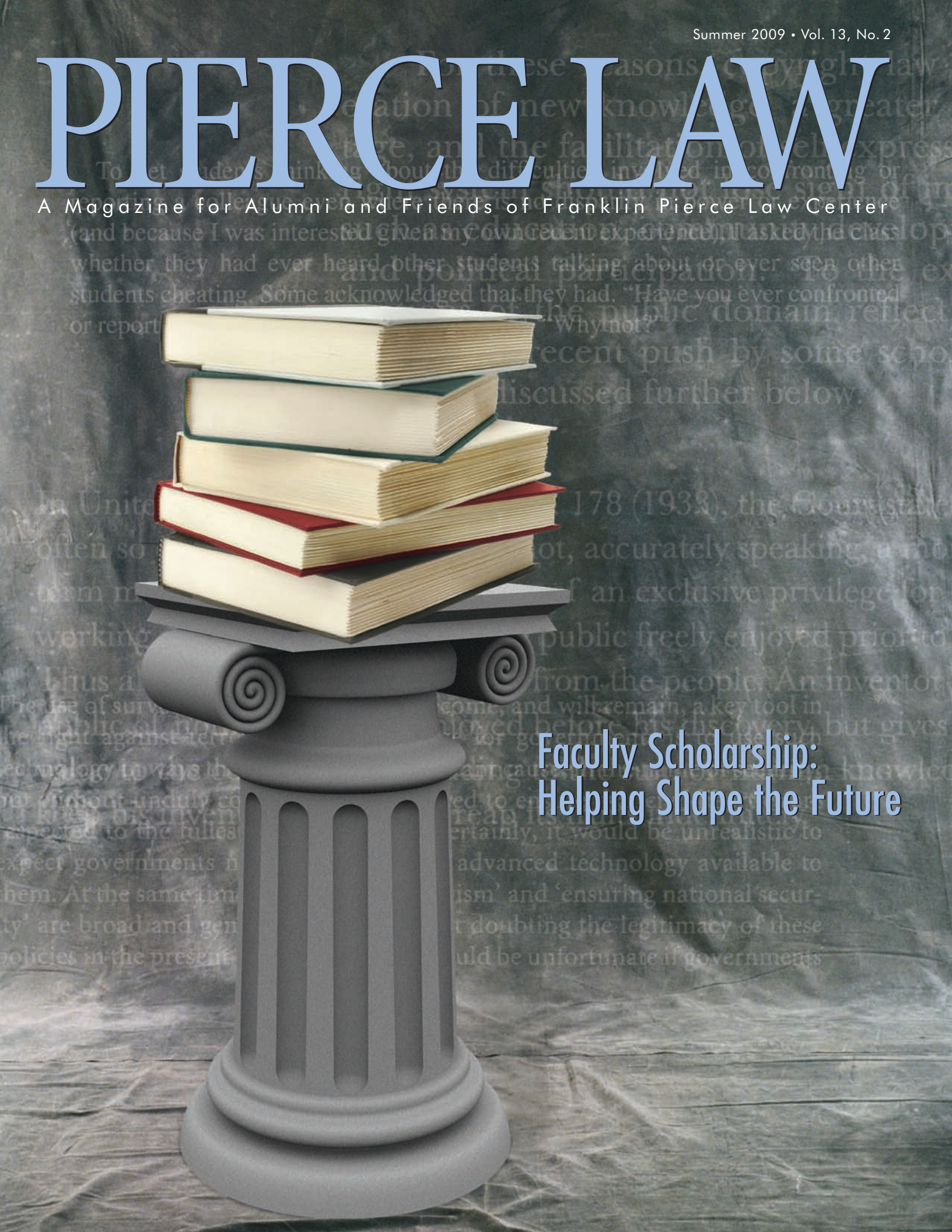
PIERCE LAW

A Magazine for Alumni and Friends of Franklin Pierce Law Center



Faculty Scholarship: Helping Shape the Future

DEAN'S MESSAGE



Dear Alumni and Friends,

2009 has been a year dedicated to reaching the goals set forth in our Strategic Plan, and we are well on our way to accomplishing many. Among them, to increase faculty research, writing and scholarship, and "to develop curriculum opportunities to ensure graduates acquire a substantive foundation, and the fundamental lawyering skills and practical wisdom to allow them to embark on successful legal careers."

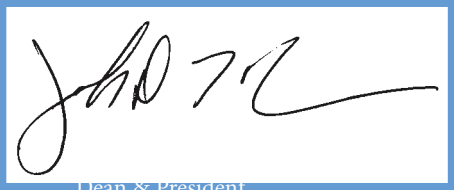
We are pleased to feature the recent accomplishments in faculty research and writing in this edition of the *Pierce Law* magazine with a series of one-on-one interviews. "Our faculty is shaping critical debates about the direction of the law and public policy, while also offering workable solutions to pressing real world problems," says Professor John Orcutt, our newly appointed associate dean for research, in his introduction to the interviews.

In one interview, Professor John B. Garvey talks about Pierce Law's most recent curriculum innovation, the Daniel Webster Scholar Honors Program, which is "reinventing the way that law is being taught." This program is only one of the many innovations that we are making today to strengthen the curriculum as defined in the directives of the Strategic Plan.

Our Social Justice Program will gain vigor this fall with its first full-time director, Erin Corcoran, who is currently a member of the professional staff of the United States Senate Committee on Appropriations. She has held positions on the staffs of Senator Barbara Mikulski, Human Rights First, The Hebrew Immigrant Aid Society and the United States High Commission for Refugees in Zambia.

Additionally, the goal of enhancing the interdisciplinary depth of our legal curriculum is one of the key reasons we continue our affiliation discussions with the University of New Hampshire. The creation of blended programs with the colleges of UNH may help to bring important improvements to the curriculum and carry Pierce Law into the next decade.

As always, I welcome your thoughts and comments.



Dean & President

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Features

2 Faculty Scholarship: Helping Shape the Future
by Mona Qureshi-Hart JD '98 and Sharon Callahan

Interviews with:
Professor Sophie Sparrow,
Professor Mary W.S. Wong
Professor John B. Garvey
Professor William O. Hennessey JD '86
Professor Kimberly Kirkland
Professor Sarah E. Redfield
Dr. Stanley Kowalski JD '05



Page 3

21 PIC Fellowship Report
James O'Shaughnessy '10

22 Alumni Firsts
Peter Ramsey JD '88
by Jack Kenny
Mark Born JD '99
by Sharon Callahan



Page 22

Court Analytics™

Page 24

Departments

25 In the Global Interest
26 Newsbriefs
30 Faculty in Action
31 Alumni Office News
37 Class Actions

Front cover
Illustration by Ann Desmarais/Desmarais Design

Back cover
Pictured: *Team members Greg Robbins, Richard Uchida JD '84, Vera Buck JD '82 and Thomas Bigelow at the 5th Annual LRAP Golf Invitational; Commencement 2009; Mitchell Bragg '10 at the alumni event held at the Boston Red Sox vs. Washington Nationals baseball game.*

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By John Orcutt, Associate Dean for Faculty Research and Professor of Law

Faculty Scholarship: Helping Shape the Future



I am delighted to introduce to you the work of just a few of Pierce Law's impressive roster of faculty scholars. While teaching will always be at the heart of the school's mission, our faculty is also in the midst of pursuing leading research endeavors that are helping to shape the future of the law, the legal profession and society generally. Our faculty is shaping critical debates about the direction of the law and public policy, while also offering workable solutions to pressing real world problems. In just the last few years, the faculty's scholarship has covered such broad fields as intellectual property, business law, criminal justice, educational reform and education law, equal access to justice, financial systems reform, food law, health and agriculture issues for the developing world, human rights, immigration, legal ethics, sustainable technology-based economic development, tax, and technology-transfer. Pierce Law is also at the forefront of reinventing the way that law is being taught with advanced faculty research in legal teaching and the creation of the nationally-renowned Daniel Webster Scholar Honors Program, which serves as a real world experiment for improving the delivery of legal education. To top things off, faculty members are also expanding their multidisciplinary research efforts.

In addition to relying on the rich curiosity and initiative of our faculty, Pierce Law also recognizes the need for structured R&D efforts to pursue some of society's most pressing problems. In 2007, Pierce Law created the International Technology Transfer Institute (ITTI), whose mission is to increase the flow of technology (either through improved innovation creation processes or increased technology transfer) to countries in need of help. ITTI takes a multifaceted approach to its mission. It serves as a think tank that produces policy papers on pressing innovation development issues and welcomes leading academics and professionals from around the world to assist in those efforts. ITTI also provides a variety of practical, real world solutions to innovation problems in developing countries — from providing patent landscape analyses and patent explorations to providing the support for the establishment of fully functional technology transfer offices. Pierce Law is also launching an exciting new Social Justice Institute this fall under the leadership of Professor Erin Corcoran, who will be joining our faculty. Finally, Pierce Law operates an IP Amicus Clinic to help educate the courts on important matters of IP law. In each case, these focused R&D efforts create an outlet for our faculty to weigh-in on crucial issues that benefit from their expertise, while also providing our students the invaluable hands-on experience of working on such exciting projects.

Never losing sight of their fundamental teaching mission, our faculty continues to form educational relationships with the students that go well beyond the classroom. Whether by including the students in their research efforts, debating the legal issues of the day in the Jury Box or talking IP with Professor Tom Field on the couches next to Jan's desk, the faculty-student bond at Pierce Law remains as strong as ever.

Please enjoy the following interviews of Professors Sophie Sparrow, Mary M.S. Wong, John B. Garvey, Kimberly Kirkland, William O. Hennessey JD '86, Sarah Redfield and Dr. Stanley Kowalski JD '05 on their research efforts. These seven individuals are just the tip of the iceberg for what the faculty is doing here at Pierce Law. These are exciting times to be at Pierce Law and I could not be prouder of the work and accomplishments of all my colleagues.



SOPHIE SPARROW: *Professor of Law*

Turning a Love of Teaching into a New Book for Law Faculty

"Anyone with enough interest can be a good teacher." – *Professor Sophie Sparrow*

Q: Why did you decide to become a teacher?

SS: I've always liked helping people acquire new knowledge and skills, watching them grow and become independent.

Working in a summer camp, teaching first-year law students while I was in law school, practicing law — I love teaching and always learn something new. When I was practicing law, clients would come in and say, "I need you to do this." And I would say, "Actually, let me show you how to do this yourself." Helping other people learn gives me lots of energy. I feel fortunate that I do this for a living.

Q: When did you first get involved in researching teaching methods and when did you decide to write a book about them?

SS: I have always been fascinated by the complexity of learning. Several years ago, I became licensed to teach public elementary school. During a year of studying and practice teaching, I was captivated by the current science of learning. Educational experts today know what helps students learn across any discipline.

When I joined the Pierce Law faculty a year later, I tried to apply those principles to my classes. From going to law teaching conferences and talking to other professors, I also realized that most law professors have had little exposure to the science of teaching and learning.

My co-authors, Michael Hunter Schwartz (Washburn) and Gerald Hess (Gonzaga), and I had been thinking about writing a book for a while. Mike, Gerry, and I have presented many law teaching workshops and programs over the years and our idea was to put out a basic "soup-to-nuts" law-teaching book. There are loads of resources that talk about teaching. There are fewer that walk you through the steps. For example, educational experts say, "Engage students in active learning." Faculty asks, "How do I do that in a tax class with 80 students?" Our book will show them how.



Q: Please tell us about your book.

SS: It's called *Teaching Law by Design: Engaging Students From the Syllabus to the Final Exam.* It was published by Carolina Academic Press in July, 2009. The book includes concrete suggestions based on the current science of teaching and learning. How do you design a course? Prepare a syllabus? Choose a text? Plan a class? Start a class? Answer students' questions? Create a positive learning environment? Write and grade a test?

We've also included an appendix with samples. For many people, these sample problems, questions, syllabi, and rubrics — scoring sheets — will be really helpful. It is one thing to read about what goes into a good syllabus; it's another thing to have an actual example that you can build on.

Our hope is that this book will be useful for teachers at all levels of experience. We have many suggestions; we recognize that we don't even follow them all, and we explain this to our readers. But we wanted to showcase the kinds of teaching practices that can make a difference in student learning. You have to be authentic as a teacher. Some suggestions may work for some teachers, some not. We wanted to provide choices but also not make the book so long no one would read it.

Q: You worked for a year as a member of the faculty at the Phoenix School of Law. Did your experience there help you to write this book?

SS: Absolutely! As part of the founding faculty at Phoenix, I taught first year students and worked on faculty development. We had "best practices" meetings at least every other week where the entire faculty would discuss how to improve teaching. For example, one week we focused on the best practices for writing an exam. At another meeting, we talked about how to create an effective classroom dynamic. We'd brainstorm ways to solve problems we had in our classes.

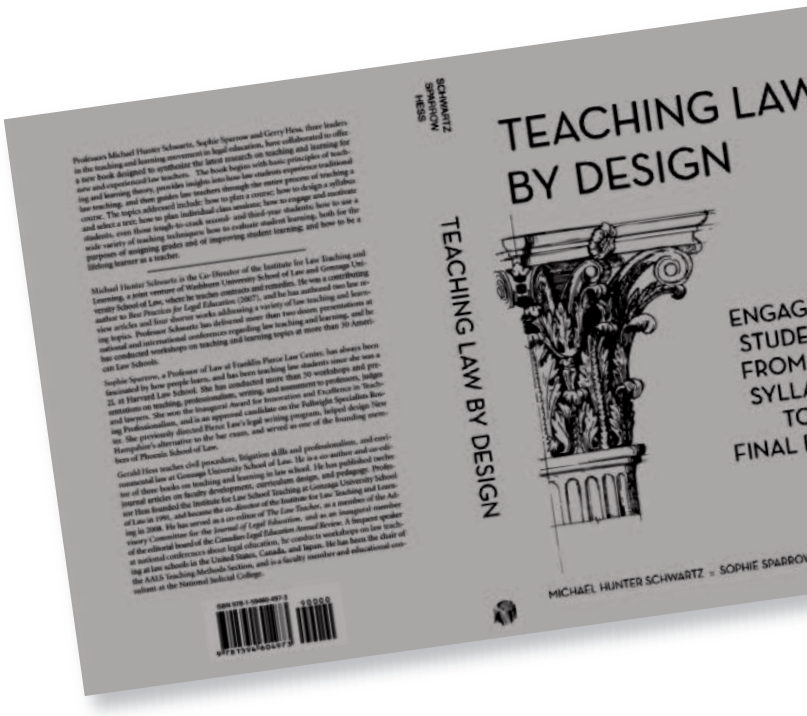
We'd also sit in on each other's classes. As a teacher, sometimes it's hard to get a feel for what is really going on in the classroom. An observer can give you that feedback. Did the diagram on the board make sense? When did the students start to fidget?

Q: Have you assisted faculty members at other schools? What do you look for when you are observing a class?

SS: Every year, I do several faculty development workshops at other schools. Some of these involve observing others teach. I have two basic questions: "What is the dynamic?" "Who is acting like a lawyer?"

First, I look at what the students are doing. Are they taking notes or checking their email? How many students are volunteering? Are the discussions mostly between individual students and the teacher, or are students speaking to each other? How long does the teacher wait before calling on a student?

One observation approach I often use is to note, minute by minute, who is talking - the teacher or a student? The people talking are practicing and getting feedback on their lawyering skills. It's wonderful to see a class where many of the students are getting that kind of practice.



Q: Have teaching techniques changed over the years? What are some of the best teaching techniques that you have observed?

SS: Some techniques are classic, like asking good questions. Remember Socrates? But any technique can be done well or poorly. There are ways to ask questions that don't stimulate learning. Same with technology. PowerPoint™ slides can be highly effective or a waste of time.

Over the last 30 years we've made huge gains in understanding learning, incorporating new research on brain patterns, emotional and social intelligence. Some of the research confirms what good teachers have been doing all along. Sometimes the science suggests we should do the opposite of what we're used to.

One of the most effective techniques is having students work in small groups where they have to draw upon their collective knowledge and skill sets. It takes a lot of preparation to design suitable tasks, but when the students are prepared and engaged in solving a hypothetical problem, they are more likely to significantly learn the material. To do this well, you have to create a culture where students are willing to work hard, take risks, and help each other learn.



Q: Is a positive learning culture developed schoolwide or just in the classroom?

SS: Ideally it's both, but it doesn't have to be. Even where there is little sense of school community, you can create a positive culture in one classroom for one semester.

One of the things about teaching at Phoenix School of Law was that everyone was invested in making the school a success. That was a unique opportunity, which is harder to achieve at an established school. But you can still do it.

We're lucky here. Pierce Law has a great environment and a great sense of community. People from other schools talk about it when they visit — there is a sense that people are positive about being here.

Q: Does the size of the class affect learning?

SS: Yes, large classes are harder, but you can work with it. Lately I have been focusing on a teaching strategy called team-based learning. Students work in diverse teams during the whole semester. They are held accountable for individual assignments, team projects, and their ability to contribute to their team. Because students spend most of their class time solving problems in teams, they have more opportunities to gain deep knowledge and refine their skills.

I've now used team-based learning in required and elective courses, ranging from nine to 85 students. Students can be pretty skeptical at first, especially 2Ls and 3Ls, but by the end of the semester, many students have said that they learned a lot from the process. I'm still working on it.

Q: You have another teaching book in the works? What is that one about?

SS: Along with Elon Professor Steven Friedland, my co-authors from *Teaching Law By Design* and I are working on a second book, *Techniques for Teaching Law II*. Like the first book, *Techniques for Teaching Law II* will include contributions from law teachers about how they implemented different techniques. We will be writing overviews, including our examples, and editing submissions from our colleagues. We want to honor diverse views and approaches to teaching law students.

Q: Do you have any final words of advice for those working to improve the effectiveness of their teaching using your techniques?

SS: Start small and take incremental steps. Try one new thing each semester. Talk to colleagues and ask for help. Invite students to help you out — almost everything I do has been improved by students' feedback. Spend ten minutes a week writing in a teaching journal. Keeping a teaching journal turns out to have an enormous impact in helping teachers develop confidence in their teaching. We all have ten minutes a week.

Sparrow specializes in teaching and learning. She is particularly interested in active teaching strategies that help students develop the skills they need for a balanced life practicing law: working with others; writing well; navigating complex legal doctrine and facts; engaging in self-assessment; and practicing professionalism. She teaches Legal Skills I and II, Remedies and Torts.

Sparrow has conducted more than 50 workshops and presentations on teaching, professionalism, writing and assessment to professors, judges and lawyers, including conferences hosted by the Institute for Law School Teaching, the American Association of Law Schools, the Legal Writing Institute, and the New Hampshire Judicial College.

In January 2004, she won the Inaugural Award for Innovation and Excellence in Teaching Professionalism, sponsored by the American Bar Association and Conference of Chief Justices. She became an approved candidate on the Fulbright Specialists Roster in September 2008.



Mary W.S. Wong: *Professor of Law*

Exploring International Copyright Issues in the Information Society

"Given my background and the nature of digital technology, I suppose it's natural that I should think it's important for lawyers to have an awareness of legal issues and developments in countries and systems other than their own. This can be a challenge when many laws are historically and essentially territorial in nature. I also believe it's important for a law teacher to try to convey to students a sense of the intellectual allure and social relevance that law by its nature possesses. I hope that my students leave my classes with the ability not just to be good practicing lawyers, but also with a passion for thinking about and possibly helping to shape the outcome of the legal issues of their day." – *Professor Mary W.S. Wong*

Q: Please tell us about your research.

MWSW: My work centers mostly on copyright law with an international and comparative flavor. I like to do comparative research because of my particular background. I was educated in Singapore, which inherited the British common law system, and spent some time with an international law firm in the United States.

Common law involves the interpretation of statutes through case law. In many common law countries, even if the common root is English law, local customs, local circumstances, and technological developments may have taken different countries in somewhat different directions. So my focus has been to look at copyright law to see how it has been applied or how it diverges between the United States and other countries from the same tradition, such as the United Kingdom, Canada, and Australia.

Q: How do you go about researching these topics?

MWSW: I gather my ideas from many sources such as articles, blogs and academic list serves. It doesn't have to be a law review article; it can be a newspaper such as *The New York Times* or a blog post by a colleague. I also talk to colleagues at Pierce Law and at conferences.



Q. Are you currently writing an article for a specific publication?

MWSW: Actually, I just finished a piece that is quite specific, as it was part of a symposium program where I was invited to present. The symposium was the 2008 Vanderbilt Intellectual Property Roundtable on "User-Generated Content, Social Networks and Virtual Worlds." Some early ideas that ultimately became the focus of this paper were originally explored in a presentation I made at the 2007 Intellectual Property Scholars' Conference held at DePaul University. The final paper is entitled "Transformative User Generated Content — Infringing Derivative Works ... or Fair Use?" In it, I discuss two interrelated but less explored principles of United States copyright law, and analyze their intersections and limits in a comparative common law context.

As in most academic writing, you begin with an idea or a theme, and it can become quite different or bigger than you thought it would be. This article is about specific copyright principles, but it is also about the nature of authorship in a technologically advanced economy. Who is an author when you remix somebody else's music or when you create a new form of art from someone else's work? You have invested creativity into this new piece, but your new piece is actually a derivative of or a transformative work of someone else's copyrighted work. Who is the author of the second piece? This implicates copyright notions of authorship, copyright notions of derivative works, and copyright notions of transformative works and fair use — which is actually a very U.S.-centric concept. In this new piece, I'm taking these concepts outside of the U.S. context, looking at how other jurisdictions approach the same problems. It's particularly interesting because they don't have the same definitions.

Q: Are there cases you can cite that would be familiar to readers?

MWSW: There are many cases in the U.S. on derivative works and transformative works. One of the most recent that is probably familiar to many is the Harry Potter Lexicon case, where J.K. Rowling and her publishers successfully sued Steve Vander Ark and RDR Books for copying elements of the Harry Potter novels in producing an encyclopedia and companion guides to Rowling's novels.

Q: Do academics from other countries who speak on similar issues see things differently?

MWSW: Yes, actually they do sometimes, and I've received some very interesting feedback on many of my presentations. It's great to get the opportunity to learn from others, especially those from different legal systems. For example, at the Vanderbilt Roundtable, I heard from an English academic, a Canadian academic and an Israeli academic.

"I wanted to see whether those of us who have been steeped in the private property framework could learn something from the different norms and principles that have emerged in human rights jurisprudence." *– Professor Mary W.S. Wong*

Q: Can you provide an example of a derivative work?

MWSW: The most basic example would be translating somebody's novel into a different language. It's still the same work in many respects, but you have now changed it and given it a new form of expressiveness. In the old days it was easier, because the potential types of derivative work were limited, and the legislation may have provided useful definitions. The problem was, and is, that copyright law does not have one single or universal rationale for its existence. You can divide the various possible rationales into two types: economic and moral. In our example, you could say that the translation is the derivative work and provide that the initial author has rights to control that, the idea being that you should be able to exploit your work in a different and secondary market. But if you are thinking about moral rights, this may not be an accurate or ideal position. Furthermore, technology has, over time, enabled you to do so much more to a work. You can break up a piece of music; you can change the rhythm, the entire feel of it or add to it. That's what they do with remixes. You can re-edit an entire movie — you can take a horror movie and turn it in to a romantic comedy, using existing film clips. These are all highly creative, but they are also derivative.

Q: Do they persuade you to think differently?

MWSW: Well, it's more about raising questions and stimulating discussion. They'll ask, for example, if I've read certain articles by someone from their country. It creates dialogue and allows for a lively exchange of views as well as learning about a different approach.

Q: You speak at conferences around the world. Do you approach your topics differently when you speak to audiences outside the United States?

MWSW: Yes, for example, if I give a talk on fair use for a U.S. audience, my stating point would be U.S. law. But outside the United States, I try to begin with a comparison with their domestic laws. This way, I learn more about their legal system and it also generates better discussion.

Q: One of your most recent works involves copyright and human rights. Can you tell us more about this concept?

MWSW: I've received lots of feedback about this piece. It's titled "Toward an Alternative Normative Framework for Copyright Law: From Private Property to Human Rights", and it was published in the *Cardozo Arts & Entertainment Law Journal* this past winter. Normally we think of copyright as a form of intellectual property. We talk about it in terms of ownership — this is what I own so I can exclude you from it. I was trying to think of copyright outside of this traditional private property framework. How would it look within a human rights framework?

Q: How does this relate to the moral rights issue you mentioned earlier?

MWSW: Well, these frameworks are really two very different starting points. Intellectual property scholars are not used to looking outside the private property framework. But human rights is a different arena: it is more within the realm of public international law. I was looking at these two different models to see if some of the problems I perceive with the private property model could be alleviated using a human rights model.

Under a human rights framework, there is a fundamental human right to own property. But there are also other fundamental human rights such as free speech and freedom of expression, to make a decent living and to participate in the cultural life of a community. Where traditional copyright is concerned, you create something, and you are given rights of private property over it. Yet the ultimate objective is the betterment of society and the advancement of human learning and progress; copyright also continues to place the authorial figure on a figurative pedestal.

Q: How does human rights fit into what you've just described?

MWSW: If you look at the larger human interest — learning, progress, knowledge, development, and education — these are all part of what human rights tries to achieve. As such, there is a fundamental tension between owning something privately and being able to exclude everyone else; versus saying what you own is supposed to be for the fundamental good. I think that we have dealt with this tension as far as we can within the private property framework. For example, we say private property is limited by certain exceptions, such as fair use. I wanted to see whether those of us who have been steeped in the private property framework could learn something from the different norms and principles that have emerged in human rights jurisprudence.

Q: What do you consider the main benefit you obtain from your research?

MWSW: How I've benefited from doing my research, as well as the conferences, roundtables, symposia I speak at, is just being part of a global community of scholars. There are many individuals out there, often more senior than yourself, who are taking your work seriously. They are giving you feedback, and sometimes it can be negative, but it's meant to be constructive. You can learn from others — they come up with ideas and theories you might not have thought of. It makes you realize you're part of a larger intellectual community, and I think it makes you a better scholar.

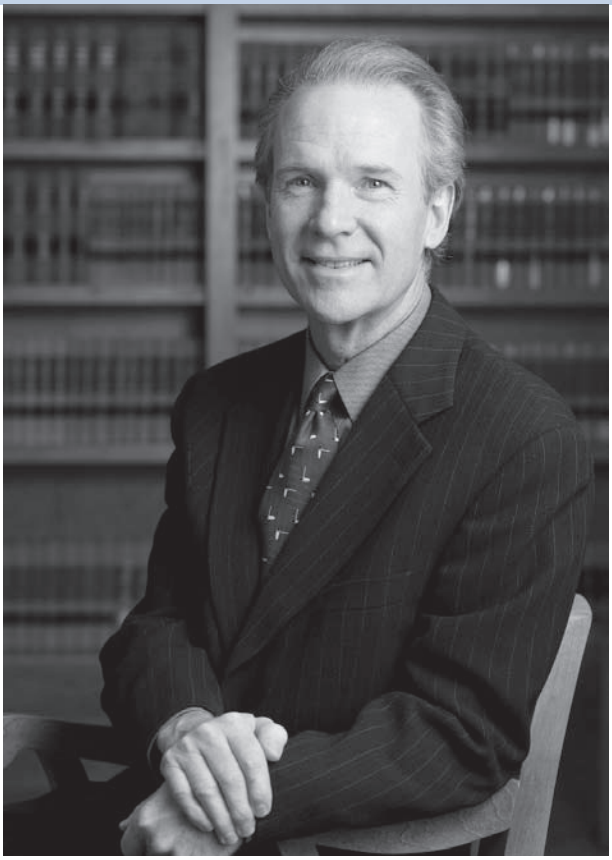
Wong's latest article, entitled "Toward an Alternative, Normative Framework for Copyright: From Private Property to Human Rights," appears in the Cardozo Arts & Entertainment Law Journal *(2009, Volume 26, Number 3). Wong currently teaches Copyright Law, Copyright Licensing and IP in the Information Society. She serves as faculty advisor to the Student Intellectual Property Law Association (SIPLA), the Entertainment Law Society (ELS) and the Asian Pacific American Law Students Association (APALSA). She is currently an elected Councilor for the Non-Commercial User Constituency to the Generic Names Supporting Organization at ICANN and chairs the American Bar Association IP Law Section's (ABA-IPL) international copyright subcommittee. In addition, she is a member of the ABA-IPL Copyright Reform Task Force and the Editorial Board for the Section's flagship publication, Landslide. Wong joined Pierce Law from the Singapore Management University, where she was an Associate Professor of Law in the Lee Kong Chian School of Business. From 1998 to 2003, she was special counsel to Morrison & Foerster LLP where she counseled American, European and Asian clients on a wide range of technology transactions. Wong has also been a senior lecturer at the Faculty of Law of the National University of Singapore, where she taught intellectual property and contract law. In addition to her teaching and research, Wong speaks regularly at conferences in the United States, Europe and Asia. She is an associate fellow of the Intellectual Property Academy of Singapore and has also served as a member of the New York New Media Association's Programs Committee, the Singapore Government's e-Commerce Consultative Committee, and the Singapore Academy of Law's Membership and Social Committee.*



John B. Garvey: *Professor of Law*

Making Law Students Client-Ready

The Daniel Webster Scholars Honors Program



"We agree with those who have opined that "[l]aw schools have a moral and ethical obligation to society — and, to an even greater degree, to their students — to adequately prepare the students to succeed as professionals."[1] After many thousands of hours of analysis from different interest groups, the overwhelming consensus is that law schools can and should do much better in this regard.[2] Law schools are training students who will represent clients and become fiduciaries. As such, law schools are the fiduciaries of the future fiduciaries. Change is not only necessary, but, as the Daniel Webster Scholar Honors Program and other initiatives around the country demonstrate, possible. *– Professor John B. Garvey, from "Making Law Students Client-Ready: A New Model in Legal Education," Duke University Press*

The first program of its kind in the nation, the Daniel Webster Scholar Honors Program provides students an alternative to the traditional bar examination. It focuses on preparing law students to be client-ready. Initiated by the New Hampshire Supreme Court, it is a comprehensive, practice-based, teaching and bar licensing honors program which takes place during the last two years of law school. The program, launched in 2008, is a collaborative effort of the New Hampshire Supreme Court, the New Hampshire Board of Bar Examiners, the New Hampshire Bar Association, and Pierce Law. Two classes have successfully completed the program, and nearly all received job offers prior to graduation.

Q: Lawyers have called for reform in legal education for over a century. Can you give us some background on the primary issues?

JBG: During the 1870s, numerous groups of lawyers with elite practices were distressed by the lack of standards and the low estate to which the bar had fallen in their local communities. The ABA was created in 1878, and established a committee to develop a unified legal profession with common admission and educational requirements for the entire country. In 1881, this committee began efforts to "wrest legal education from the local control of the practicing profession during the early years of the 20th century and to place it increasingly in the law schools, "by passing a resolution recommending attendance at law school for three years and that all states give credit toward required apprenticeship, for time spent in law school." At the end of the 19th century, it was common for a Board of Bar Examiners to require either a two-year apprenticeship along with one year of law school or three years of law school. Over time, the apprenticeship option was eliminated and three years of law school became the nearly universal requirement. Today, all but seven states require all applicants for admission to have graduated from a three-year law school program or its part-time equivalent.

The calls for change have accumulated rapidly since the 1970s. Since then, leaders have concluded that most law school graduates lack the minimum competencies required to provide effective and responsible legal services and that the now-traditional Langdellian (case study) method of education is only one aspect of legal training, and must be integrated with appropriate training in professional skills and values.

The 1992 MacCrate Report was commissioned by the ABA and resulted in multiple recommendations for 'improving and integrating the process by which lawyers acquire skills and values,' and emphasized the importance of clinical legal educa-

tion. This report was followed by the Carnegie Foundation's 2007 report called "Educating Lawyers," and a publication from the Clinical Legal Education Association, entitled "Best Practices for Legal Education," which made recommendations for legal education reform.

Q: How does the DWS program address these issues?

JBG: According to Robert MacCrate, the central message is that law schools should do three things: one, broaden the range of lessons they teach, reducing doctrinal instruction that uses the Socratic dialogue and the case method; two, integrate the teaching of knowledge, skills and values, and not treat them as separate subjects addressed in separate courses; and three, give a much greater attention to instruction in professionalism. The DWS program achieves all three goals.

Q: How did Pierce Law become the first law school in the nation to offer such a program?

JBG: The Daniel Webster Scholar Honors Program was the brainchild of Senior Associate Justice Linda S. Dalianis of the New Hampshire Supreme Court. She believed, after serving as a trial judge for more than twenty years and a state Supreme Court justice for several additional years, that "there must be a better way to prepare students to practice law." Justice Dalianis led an effort to improve legal education coordinated between the New Hampshire Supreme Court (which is the state's only appellate court), the New Hampshire Board of Bar Examiners, and the dean and other faculty from the state's only law school, Pierce Law.

Q: Could you describe the initial structure of the program and how it was designed?

JBG: When deciding how to make the program a reality, the committee began by examining what courses Pierce Law offered, what courses it did not, and what courses might be necessary to qualify someone to pass the bar. Ultimately, the committee determined that it could accomplish its "goals by requiring certain courses that are already offered but have not previously been required, and by adding practice courses such as: Advanced Civil Procedure/Civil Litigation Practice; Contracts and Commercial Transactions Practice (Articles 3 and 9); Criminal Law Practice; Family Law Practice; Real Estate Practice; Wills, Trusts and Estate Practice." Additionally, the committee decided to offer program participants practice courses that would be small, emphasize the MacCrate skills and values, and be taught in the context of real life.

Because the program was also intended to be an alternative bar exam, methods of assessment were a primary consideration. The committee determined that each scholar would 'maintain a portfolio that would contain all of the practice exercises as well as other materials, such as a video of the scholar doing an opening statement, direct and cross examinations, conducting a mediation, or interviewing.'

Q: The mission of the program is to make students client-ready by providing a practice-based, client-oriented education. Can you describe how this is done in greater detail?

JBG: In addition to traditional law school courses, Webster Scholars take a series of courses that involve simulation and they are required to participate as externs and/or in a clinic. They create portfolios of their work, which is reviewed at the end of each semester by a bar examiner. They meet with a bar examiner each year to discuss their portfolio and talk about their development. Where traditional courses usually involve a midterm and a final, with limited feedback along the way, Webster Scholar courses involve a hands-on learning environment. As one example, in the pretrial advocacy course, the students are divided into two law firms and serve as "junior associates." There is a professor who serves as the "senior partner" for each firm. The TAs are students who took the course the year before, and they serve as "senior associates."

Standardized clients play the roles of the parties and various witnesses. Sometimes working in small groups and sometimes working alone, the junior associates: interview clients and witnesses; prepare or answer a complaint; prepare and answer interrogatories; take and defend a deposition with a real court reporter who takes it in "real time" and provides a transcript; prepare a motion or an objection to a motion for summary judgment which is then argued before a real judge in the judge's courtroom; and prepare a post-discovery evaluation of the case for the senior partner. Throughout the semester, the "junior associates" also submit timesheets to their "senior partners."

The "junior associates" receive constructive feedback from their "senior partners," "senior associates," and from each other, as well as from court reporters, judges, attorneys, standardized clients and witnesses.[3] They are also able to observe and critique their taped deposition and oral argument performances. At the end of the course, each scholar prepares a reflective paper in which, using the MacCrate skills and values as a guide, the student identifies those skills and values that were addressed in the course, reflects upon the student's own perceived strengths and weaknesses, and discusses how the student plans to cultivate strengths and improve weaknesses.

This process is repeated in the five other DWS courses and themes from one course are often brought forward into another course. By working together and by reflecting upon their actions, Webster Scholars have an integrated learning process which allows them to grow and gives them experience that is relevant to practice.

Q: What types of positions have Daniel Webster Scholars obtained following graduation?

JBG: They have a wide variety of legal positions, including Supreme Court and Superior Court clerks, associates in large and small general practice firms, public defenders, patent prosecutors, IP litigators — just about everything that new law students do. About half of them are in New Hampshire, and the rest are all over, including Boston, Chicago, D.C., New York and New Jersey.

Q: What type of feedback have you received from employers?

JBG: The feedback has been universally outstanding. I have had unsolicited comments from various employers who have said that Webster Scholars come to work with poise, knowledge and maturity that greatly exceeds the typical law school graduate. I now get calls from employers asking me for Webster Scholars!

Q: Did your experience differ greatly between the first class of scholars and the following classes?

JBG: I think the experience has evolved each time. It has been a work in progress. The first time, I spoke to students about a program that didn't exist. I had to say 'trust me.' We all went through the first year together. With the second class, I was able to say, we have some 3Ls now, and I can tell you that you don't have to trust me, you can ask them about their experiences. Now we have students that have graduated and have been practicing law for a year. We have a pipeline and everything has become more real. I have a much better sense of the continuity. Its organic — things have just built on their own.

I would say the primary difference is that the first year was sometimes like live improvisational theatre — you are given a topic and told to run with it. With the benefit of the first year, the second year was more scripted. Now with three years of experience with the program, I am able to tune it up and offer it to more students. In fact, I'm pleased that we have been able to expand the incoming group from 15 to 20 for the class of 2011.

Q: Have you received inquiries from other schools about the program?

JBG: A lot of other schools have contacted me, but more significantly, the Society of American Law Teachers (SALT) has taken us on as a project and is going to try to get other jurisdictions to replicate our program or at least aspects of it. Others have asked us to promote our program in Massachusetts as well as nationally.

Q: The faculty and the New Hampshire Supreme Court have recently finished a comprehensive review of the DWS Program, and have elected to make it a permanent, rather than a pilot program. Will any changes be made to the program next year?

JBG: I'm very excited by the vote of confidence, but it won't change our approach. We are constantly working to improve and fine tune the program and we'll continue to do that. I will always consider the program as a work in progress. We are working to incorporate a new software platform, which is now being used in the UK, to help run the simulations, and we will be the first school in the United States to use the software. We have expanded to 20 students per class, and we will continue to look at ways to make the program available to as many students as possible without diluting its value. Since we are developing the program from scratch, it's important to grow at a pace that ensures that we maintain quality control and efficiency.

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1 Trujillo, supra note 120, at 70; see also Garvey Podcast, supra note 144; ABA Standards for Approval of Law Schools 301(a) (2002) (law schools have an obligation to "prepare [their] graduates ... to participate effectively and responsibly in the legal profession").

2 Best Practices, supra note 8, at 8.

3 An added benefit is that by seeing practicing attorneys and sitting judges volunteer their time to the program, the Webster Scholars learn from their example the importance of giving back to the profession.

Prior to joining Pierce Law as a full-time faculty member in 2005, Garvey was a member of the adjunct faculty. He first taught Evidence at Pierce Law in 1985, and continues to teach Evidence and other courses. Garvey began his legal career as a lieutenant in the United States Navy Judge Advocate General's Corps and received both the Navy Achievement Medal and the American Bar Association Award for Professional Merit. In 1981, Garvey joined Sulloway & Hollis in Concord, NH, where he devoted a 24-year career to a wide range of litigation matters, focusing primarily on commercial litigation, plaintiff's personal injury, class actions and medical malpractice defense. He has received numerous honors, including the New Hampshire Civil Liberties Union "Bill of Rights Award" and has been selected for Best Lawyers in America, Super Lawyers, Who's Who in America and Who's Who in American Law.



William O. Hennessey JD '86: *Professor of Law*

Bridging Culture and Knowledge: Innovation and Intellectual Property

"At Pierce Law, we try to bring together people who can extend our vision to the far rim of the globe and of the future. We become better lawyers, and even more importantly, more effective citizens in the global village."

– Professor William O. Hennessey JD '86

Q: Please tell us about your upcoming article, to be published in the *Houston Law Journal*, "Thirty Years (and More) of Intellectual Property Protection in China." What is the focus?

WOH: Houston Professor Craig Joyce teaches copyright law in our IPSI program each year. Last summer, Craig asked me if I would be willing to give the annual Baker Botts Distinguished Lecture in IP Law for the year 2009. I had never written about IP in China to speak of, so the topic was of interest to me. The story goes back to 1979 when I was teaching Chinese language and literature at Oberlin College and worked as an interpreter for the first Chinese science delegation to visit the U.S. after diplomatic relations were established. I decided to write about the transition of China from a very traditional society that lingered on all the way up through the Great Proletarian Cultural Revolution and ended with the death of Mao in 1976, to the modern, more open society we see today. It reminded me of the story about Napoleon Bonaparte in 1816, when he surveyed a map and pointed to China, saying, "China is a sickly, sleeping giant. But when she awakes the world will tremble." He was right.

Q: Briefly, how have China's IP laws and policies and enforcement of those laws and policies evolved?

WOH: That's also a part of the story. Pierce Law founder Bob Rines was very prescient in recognizing China's rise, and education of IP professionals in the U.S. and particularly Pierce Law, has been an important (if not the most important) part of the story of how China has joined the international IP community. As we saw in a recent World Trade Organization (WTO) case, China's laws are very well established, but enforcement is improving more slowly, because China is the size of the U.S. and has four times the U.S. population. Enforcement in the U.S. is bad enough. In China, it's like thinking you can successfully direct traffic for all the fish in the Pacific Ocean.



Q: Your newest textbooks center on international intellectual property law and policy, and particularly comparative IP law and policy. Which countries, acts and treaties are addressed?

WOH: Well, the casebooks are geared to American law students, although they have been used in a couple of European schools as well. So they are not treatises in any sense of the word. The most important pedagogical point I think is to emphasize the role that international law plays in domestic legislatures and law courts. American students do not readily absorb the concept that international law places requirements on the American government and its courts to honor its international obligations. So when the U.S. Congress enacted the Fairness in Music Licensing Act in 1996 and the WTO said the statute violated the TRIPS Agreement, what happened? The other emphasis is on the role of international organizations in the creation of international IP treaties, so the WTO and the World Intellectual Property Organization (WIPO) are important to an understanding of how the international IP system works, and how change comes about.

Q: What is your role as a member of the Advisory Board of the WIPO Worldwide Academy?

WOH: The Advisory Board meets occasionally to review the important work of the Academy, which is now ten years old. As I mentioned before, education is critical to the creation of an IP profession and respect for the concept of intellectual property. It's a lot like our own Advisory Council for IP here at Pierce Law. The word "board" is appropriate, because it's a "sounding board."

Q: Does the U.S. still set the pace for the rest of the world when it comes to IP law and policy practice?

WOH: The U.S. plays a pivotal role in all international IP law and policy discussions. The world is changing rapidly, and change comes slow to the U.S. One example is patent reform, which is not forthcoming yet. But since the U.S. is the most important technology and brand market, the preeminence of the U.S. in international IP law and policy negotiations is unlikely to be seriously challenged in the near future.

Q: In your 2006 article, "What's New? Innovating the Teaching of Intellectual Property Law," published in the *Journal of Intellectual Property Rights*, you address some important "how-tos" for fostering innovation. Last year, in Ghana, you presented at the Second Global Summit on HIV/AIDS, Traditional Medicine & Indigenous Knowledge on lessons for those countries or regions interested in a culture of innovation. For those countries or regions interested in — or on the cusp of — entering the competitive side of IP, what comes first, innovation or policy to protect it?

WOH: Innovation occurs in every society on a daily basis with or without IP protection. But, as Abraham Lincoln, who himself had patents, famously stated, patents "add the fuel of interest to the fire of genius." So IP protection is not just about recognizing individual rights; it's also about attracting investment and promoting economic development. My talks in Ghana are "how-tos" in the sense that we are promoting a tools-based approach to economic development. Many developing countries in Latin America, Africa, and Asia have come to realize this. I was there to promote the *IP Handbook of Best Practices* made possible with funding from the Rockefeller Foundation and the Kauffman Foundation and distributed free of charge to low- and middle-income countries. Our own professors, Stanley Kowalski, Jon Cavicchi, and Karen Hersey, were key figures in the creation of that book. Anybody in the world can download it at www.iphandbook.org.

Q: Can you please tell us about some of the things you have done with the United States Agency for International Development (USAID)? What has USAID brought to foreign nations with regard to IP and/or innovation practices?

WOH: The Agency attempts to promote U.S. interests abroad by helping people help themselves. For all its critics, it shows the world the good side of how America works. It's called "soft power." Why spend money on bombing America's adversaries when you can effectively spend a lot less of it to demonstrate to people in poorer nations that America works for them as well as us? My own negligible role has been to participate in USAID-funded projects with the USPTO in developing countries such as Togo, Sri Lanka, and Bangladesh. I learn as much from those trips — or more — than I can ever learn from books about how creative and innovative their peoples are. Developed countries like the United States don't have a monopoly on creative thinking.

Q: What other challenges exist for international IP law and policy practitioners?

WOH: The perennial problem of overcoming domestic protectionism and balancing the relationship between the knowledge "haves" and the knowledge "have-nots." This is not a new challenge. The U.S. refused to protect copyrights of British authors for over a century, because the U.S. Congress wanted Americans to have cheap access to British works. Go to my hometown, Pawtucket, Rhode Island. There you can see the first textile mill in the United States, built in 1790 using technology stolen from James Arkwright in England. Now that the U.S. is an "IP powerhouse," it wants to make sure American authors and inventors are protected abroad. What goes around comes around.

Q: How does your work worldwide help to build connections for our students and alumni?

WOH: The best part of my job is watching the success of our graduates in private practice, national and international organizations, innovative companies, and the non-profit sector. IP is about "knowledge-based assets." Our international network of graduates is key to finding about where the future is taking us.

Hennessey directs the Pierce Law–Tsinghua School of Law Intellectual Property Summer Institute in Beijing, China and was recently appointed by the United States Chamber of Commerce and the United States Embassy in Beijing, to a new intellectual property initiative in China, the Intellectual Property Working Group. The Group is designed to strengthen ongoing collaboration with intellectual property authorities. He is co-author of International Intellectual Property Law and Policy *and principal co-author of* International and Comparative Patent Law.



Kimberly Kirkland: *Professor of Law*

Investigating Ethics Policies at the Nation's Largest Law Firms

"My job is to help students develop and gain confidence in their lawyering skills and judgment. I love seeing students who were full of trepidation on their first day of law school, leave here capable and excited about their futures as client counselors and advocates and as representatives of the profession."

– Professor Kimberly Kirkland

Q: What is the focus of your newest project?

KK: I am currently in the early stages of my first collaborative empirical research project. I've done a fair amount of empirical research myself, but I've never worked with a team of scholars on a project before. It's a wonderful opportunity. I am working with Deborah Rhode at Stanford University, Susan Saab Fortney at Texas Tech and Peter Joy at Washington University at St. Louis.

Our goal is to learn how law firms can effectively promote ethical conduct among lawyers. We are asking whether the ethical infrastructures firms are employing — the formal policies and the systems that firms put into place to promote ethics compliance — actually work. We are also looking at the less formal means by which firms communicate ethical norms and asking whether those informal mechanisms are effective in promoting ethical conduct.

Q: Would you please describe the norms and policies you will be studying?

KK: We are still in the process of narrowing our focus. We want to identify several central policies and norms we will investigate in depth. At present we are considering studying norms relating to billing practices and the norms communicated through firms' formal ethics training — what sort of training do firms implement and does it stick. We are also talking about investigating whether and how firms attempt to ensure lawyers don't lose their professional independence in their effort to please clients.

We hope to identify the full range of systems and informal mechanisms firms are putting into place to address the norms we identify. Step one will be to figure out how firms are trying to manage these norms from the top. Step two will be to ask, are those formal systems or informal mechanisms working?



Q: How will you report on systems that don't work?

KK: The firms and lawyers we study will be guaranteed anonymity. We will report our findings and draw conclusions from those findings about what types of ethics infrastructures seem to be most effective. We hope this information will help all firms. It may also give firms a metric to point to as they make their case to their malpractice insurers for lower rates.

Q: What size firms will you be researching?

KK: We will be looking at large firms with more than 200 lawyers throughout the United States. There are currently groups studying large firms in Australia and in the U.K. We hope to come together with those researchers some time in 2010 or 2011 to compare our results. There are some significant differences in how aggressive firms are about ethics infrastructures in Australia, the U.K. and the U.S.

Q. Is one more aggressive?

KK: From what I know thus far, the Australians appear to be more proactive. Much of this has been prompted by regulatory bodies in Australia. We have similar regulatory bodies in the U. S. — lawyer discipline and oversight bodies — but they are not as aggressive.

Regulators in Australia recently allowed Australian law firms to go public, meaning firms can now incorporate and sell stock to non-lawyers. (U.S. firms are not currently permitted to do this.) Having permitted non-lawyer ownership, regulators and academics in Australia are concerned that non-lawyer shareholders may put pressure on lawyers to do things that while profitable, may be unethical. As a result, the regulatory authorities in Australia are auditing firms to make sure they are complying with ethical rules and that firms have systems in place that will help them do that. The regulators have developed an auditing mechanism for any firm that takes on the public structure.

The first firms to go public have been plaintiff's firms. They've used it as a way to capitalize their large-scale litigation. They use the infusion of capital to pay the up-front costs of large tort cases. It is expected that other types of firms will go public as well. It's viewed as a way to incentivize associates, it would allow associates to have a vested interest in the firm before they become partners.

Q: What will the ABA think about this project?

KK: I imagine the ABA will be enthusiastic.

Q: Where has your ethics expertise taken you most recently on your speaking schedule?

KK: I spoke at the Law & Society meeting in Denver, CO, at the end of May on the "Moral Consciousness of Large Firm Ethics Counsel." But one of the most interesting things I've done this year was not a speaking engagement. In April, I was invited to act as a judge at a conference, really a competition, at the University of Indiana Law School. Bill Henderson who teaches at the University of Indiana and Anthony Kearns from Australia put together a competition called "Future Firm" at the University of Indiana. The competition was designed to encourage lawyers to rethink the traditional large law firm business model. Over the course of the weekend, teams made up of senior partners at large law firms, lawyers from several new-model breakaway boutique firms, general counsel from Fortune 500 companies, junior lawyers from large firms and law students competed to create a model for the large law firm of the future. Firms are under increasing pressure from clients who are pushing for lower fees and 24/7 access, partners who want to make top dollar and are willing to change firms to increase their incomes, and associates who are unhappy with large billable hour requirements, fewer training opportunities and diminishing chances of making partner. These pressures are enormous and the traditional corporate law firm business model does not appear to be able to adapt to meet these challenges. The model has to change and the question is how to change it.

All of the teams came up with models that offered clients alternatives to the billable hour and increased training and security for junior lawyers in exchange for cuts in current large first-, second- and third-year salaries.

Q. How does your research and this competition relate to the ethics classes you currently teach?

KK: I teach an ethics seminar, "Ethics, Morals and the Law," and I'm now teaching Professional Responsibility and the Legal Profession as well. In both classes students think and talk about the ways in which the context in which you practice influences your ethical decision-making. The "business" of practice affects how lawyers interact with the rules and with their own sense of ethics and morality. My research and this competition reinforce to me the importance of exposing students to the business and organization of the practice of law before they begin practicing. Students need to understand the real pressures they will face as they try to navigate successful careers with integrity.

Kirkland teaches Civil Procedure, Employment Law, Pre-trial Practice, Ethics, Morals and the Law, and Professional Responsibility and the Legal Profession. Before joining the faculty, Kirkland worked for ten years litigating employment, commercial and professional liability cases. The primary focus of Kirkland's research is the legal profession and lawyers' ethics in practice. She is the author of "Ethical Infrastructures and De Facto Ethical Norms in Large US Law Firms: The Role of Ethics Counsel," 11 Legal Ethics 181 (2008), "Confessions of a Whistleblower: A Law Professor's Reflections on the Experience of Reporting a Colleague," 20 Geo. J. Legal Ethics 1105 (2007) and "Ethics in Large Law Firms: the Principle of Pragmatism," 35 U. Memphis Law Rev. *631 (2005). Kirkland speaks about her research at conferences nationally and internationally.*



Sarah E. Redfield: *Professor of Law*

Closing the Achievement Gap

Working Toward Diversity in Education

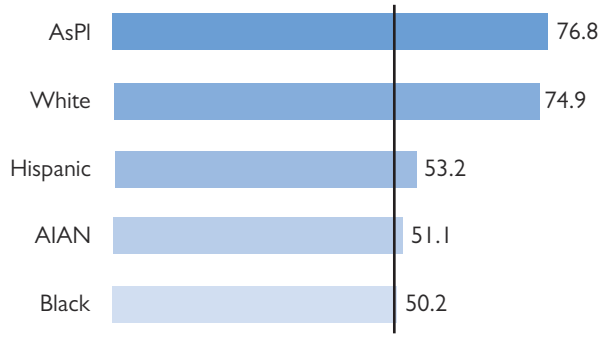
"I've long been interested in social justice and social change, from my college days registering voters in the South, to my environmental work for the Maine Attorney General, to my current work with education issues. I'm particularly interested in the role the law does, can, and should (or should not) play in these arenas." – *Professor Sarah E. Redfield*

Q: Would you please explain what you refer to as the achievement gap?

SER: The American bar is 90% white and has been for some time. The American population is not and is significantly changing. As the country becomes more diverse, the bar remains essentially white, and that isn't improving. In most law schools today, there is not enough diversity to change the profession.

If you don't have enough diversity in the students going to law school, you won't have enough diversity going into the profession. The numbers of African-American students are going down in law schools; Hispanic students and other minorities are basically level.

There will not be a more diverse bar unless something changes. Under-represented minority students — Hispanic, black, American Indian, Alaskan Native — leak from the education pipeline all the way from preschool to the profession. Current numbers show that about half these students won't graduate from high school. Another 20% or so will not finish college. For those students who do graduate with BAs, their LSATs and GPAs are generally not as high as their white or Asian peers. And in today's competitive climates, law schools find it difficult to admit them in significant numbers.



Comparative high school graduation rates.[1]

Q: What could change this?

SER: One thing is that *U.S. News and World Report* could stop ranking law schools. Then law schools would be less concerned about LSAT and GPA scores because it would not affect their rankings.

Another choice would be for law schools to put the walk with the talk and be willing to match their admissions to their assertions. Some schools have done this — Thomas Jefferson in San Diego and some new law schools are examples. But, for the most part, things are static. I am not advocating admitting unqualified students, but a more holistic and diverse approach.

So what else could change it? More diverse kids could stay in high school, could do better, could graduate from college and could do better on their LSATs. There would be a larger qualified pool for law schools. The law academy and profession could work in a more focused way on projects along the education pipeline directed to these ends. I know it sounds a little strange to suggest that you can change the entire education system, but you can't change *U.S. News and World Report.*

Q: When did you first become interested in working on diversity and achievement gap issues?

SER: Over the last four years while I was in Sacramento, California, I worked with a charter high school on a "pipeline" project, which means working with more than one level of the education system, as students move along from elementary school through high school to higher education to the profession. The high school, the University of the Pacific, McGeorge School of Law and the University of the Pacific's Education and Liberal Arts colleges, and the bench and bar of Sacramento all worked together. That was the beginning of my indoctrination and education for myself about what the issues are in school reform and the achievement gap. As I said earlier, we have an achievement gap between races and it is pretty steady.

I got interested in what the legal community could do about it. And it turns out we are already doing a lot. Here, at Pierce Law, we have a course in Street Law that takes our law community and reaches out to high school kids. In other parts of the country, other law schools are doing more and more things. And there are some programs out there that now have evidence that they have brought about change.

Q: What are some of the programs now in place?

SER: For example, one of the biggest programs is in the state of California, Career Partnership Academies, which have now been studied long enough that we know they produce results for minority kids. There is a structure in California for how this has to be done, and at least one part of the Academy work has to be with industry sector partners. If we had a law partnership academy, we would have to show the state that the bar is involved in supporting the kids. In addition, the high school has to have partners in the community and at least three years of subject-specific curriculum. For example a student could do police 'ridealongs' or have a law student mentor or an externship with a community law office. The student will also take a certain set of courses. This multi-faceted and sustained approach hooks students — test scores have improved and the students graduate. They have tracked their students and can even tell you what colleges they are attending.

Q: Would you please describe some of the law-related partnership programs that are currently in practice?

SER: There are examples of law school-centered or law school-started programs all over the country. Cleveland is one of my favorites. Cleveland-Marshall College of Law, together with the City of Cleveland and the Cleveland bar, started a mentor-teaching program. Nearly 700 lawyers are teaching constitutional law, in teams of four, in every high school in Cleveland. They developed the curriculum thoughtfully, and they did it well. Their goal was to see social studies scores rise, and they have. It's a phenomenal scheduling event. And there have been some unintended consequences. It wasn't necessarily going to be a mentoring program, but these lawyers go out and meet these kids, and what do you think happens?

Q: I understand that you are currently writing an article on the achievement gap for publication. Would you discuss the focus and the title of the article?

SER: The article is entitled "No Chance in Hell." The name comes from a research presentation on the Grutter *v.* Bolinger (2003) case involving affirmative action and the University of Michigan's law school. In her opinion, Justice O'Connor found that the United States constitution "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body." The Court held that the law school's interest in obtaining a "critical mass" of minority students was indeed a "tailored use." O'Connor noted that sometime in the future, perhaps twenty-five years hence, racial affirmative action would no longer be necessary in order to promote diversity. The opinion implied that affirmative action should not be allowed permanent status and that eventually a "colorblind" policy should be implemented.

So last year, educators got together to see how we were doing on Justice O'Connor's 25-year window. Their conclusion was "No Chance in Hell." My article addresses what has the bar done so far, why I think it hasn't worked, and what I think the bar could do to try and change this picture.

For example, some of the programs like the ones that we have talked about have not been written about. And that's part of the problem — no one has written about them. How do you get the successful ones known elsewhere? You can find their websites, and some get some local press. But only one of my colleagues has written a law review article about these programs. Brigham Young University Law Professor Brett Sharff wrote, "Starting a Law School Youth Mentoring Program." Without more publication, there is a huge 'siloing' of what people do.

Q: What other things are you doing to promote change?

SER: One of the things I started doing when I went to California was to get more engaged in national work. At McGeorge, we started an informal consortium of law schools known as Wingspread that was doing this type of work. More and more schools and bars are becoming interested and there is much to be gained from the Wingspread collaboration and meetings.

I am also on the Presidential Advisory Council on Diversity (ACD), one of three major ABA diversity committees. The ACD deals specially with the pipeline in the profession. I think that through the ABA, this committee, and the current president Thomas Wells, Jr., who is supportive of these issues, there will be change. But change is difficult. The ABA is very big. You can almost do more at a small, single law school. Still, when the ABA says something, a lot of people are listening.

Q: What will the ABA do to bring about change on the part of law schools?

SER: This year, the ABA president is holding hearings and a summit on these issues. Whether these events will result in a direct impact on law schools remains to be seen. The ABA law school standards do include rules on diversity. They require equal educational opportunity and that law schools 'shall demonstrate by concrete action a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.'(Standards 212, quoted and 211).

The application of these rules is controversial within schools, within the law school community, and within the United States Department of Education, which authorizes the ABA to accredit law schools.

Q: Can you tell me if No Child Left Behind has brought about positive change?

SER: That's an interesting question. One thing it did for all of us was to require data — you measure or count something, such as, how many were in a program and how many finished the program. NCLB is a big count-something law. It required that states not only report data on students, but also that the data be disaggregated.

For example, reports on math scores now show not only what the scores were, but also how the students did, disaggregated by race, gender, income, and foreign language. NCLB also required that special education statistics be reported separately. And some schools found out that they were not doing very well. The more you reported, the more people began to study it, which created more attention on graduation rates.

Again, this was a counting/ reporting issue. Graduation rates suddenly became very important. For example, how do you count your graduation rates from high school? Do you count the students who started in the beginning of that year and finished, or the students who started in 9th grade and finished high school? Finally, the federal government had to propose a new rule governing how to calculate to calculate this.

All these pieces are fuel for understanding what is generally called the achievement gap, which is the difference between white and Asian and underrepresented minority students. Now you can see the numbers — you can see test scores disaggregated, you can see the national test scores.

Look at the numbers more carefully. If you look at the numbers and see that on average minority students who are age 17 read at the same level as white eighth graders, how many of them do you think will make it into law school? Do you think you can do well at the LSAT if you are reading below basic, the lowest level on the National Assessment of Educational Progress (NAEP)? We are not providing an equal quality of education to children of all races and the NCLB and NAEP data show the results.

Q: Did you find a huge diversity in the wealth of the school districts in California?

SER: Wealth is a huge factor. But that's only part of the story. Data shows differences that are race-based though not necessarily coterminous with income. These are children we have placed at risk because we haven't provided them with interesting rigorous work to do in a high expectation atmosphere. There are a lot of differences in education of the teacher, the qualifications of the teacher, as well as the rigor and kind of courses that are offered.

Q: How and when will your work make a difference?

SER: Law offers interesting and engaging work. Just turn on your TV and you can watch a law show or *CSI* pretty much every hour of the day. Some kids are interested in law because of the media, others because they have had a bad relationship with the law enforcement community. The law community clearly has the engagement piece. Beyond this, every lawyer knows how to read, graduated from high school, attended college, took the LSAT, and knows how the process goes. They can guide others. From all of this, the law community has some wonderful strengths to bring to this endeavor — as soon as they know what to do. Our community can work at what we are strong at, reading, writing, critical thinking, and pedagogy. Even without training, lawyers are going to teach the way they have been taught. They are going to push students, ask questions.

Now, I am hoping to finish this article and hope that others will write more.

Q: Do you hope most of the students who are mentored by members of the bar will go into the law profession?

SER: Hope, yes. Expect, no, Be satisfied with some, yes.

These programs are designed to encourage students to graduate from high school, to have aspirations, and to understand access to careers and college. There are lots of choices of careers; they don't all have to lawyers or police chiefs. I give them my business cards and ask them to email me when they decide what they want to do. I encourage my colleagues to do this as well. To quote President Kennedy, 'A rising tide lifts all boats.' We want to educate these students so they do have choices.

1. High School Graduation Composite, Alliance for Excellent Education, About the Crisis, http://www.all4ed.org/about_the_crisis (last visited April 6, 2009).

A nationally-known expert and author on education law, Redfield's book entitled Thinking Like a Lawyer: An Educator's Guide to Legal Analysis and Research *was published in 2002 by Carolina Academic Press. Redfield co-authored* Special Education Law Case Materials, *published by Lexis Nexis in 2007 (2nd edition), for use by law students as well as educators. Her current education law textbook,* Education Law: An Interactive, Problem-Based Approach, *written with Scott Johnson JD '97, will be published by Lexis Nexis this fall. She has also published law review and bar articles on threatening speech, the convergence of law and education, and K20 school reform. This year, she will offer lectures at several meetings on education law, including the 16th Annual Education Law Conference, the ABA Annual Meeting and the ABA National Conference for Minority Lawyers.*



Dr. Stanley Kowalski JD '05: *Director ITTI*

Pierce Law's Contribution to Combating the Global AIDS Crisis:

Developing a Patent Landscape of HIV Vaccine Technologies

"Building intellectual property capacity in developing countries will accelerate equitable access to essential innovations in pharmaceuticals, vaccines and agricultural technologies. This will advance social justice and promote the global public interest by improving basic health and nutrition, especially among the poor … disproportionately represented by women and children. Stable societies will only be built, sustained, grow and prosper, when such fundamental needs are adequately provided." *– Dr. Stanley Kowalski JD '05, Director, International Technology Transfer Institute (ITTI) and Assistant Clinical Professor of Law*

Q: What projects are you currently working on in Pierce Law's new International Technology Transfer Institute (ITTI)?

SK: Within ITTI, we have two programs, one that focuses on patent landscape analysis and the other on intellectual property (IP), innovation management and technology transfer capacity building in developing countries. We view our work in ITTI as an integrated approach that links IP to international development via education, scholarship and outreach. The combined vision and expertise of the ITTI faculty, which includes Professors Jon Cavicchi JD '84/LLM '99, John Orcutt and Karen Hersey, creates the synergy that drives our global mission.

The patent landscape analysis program, which Jon Cavicchi and I cofounded in the fall of 2006, focuses on technologies that are critical to the needs of developing countries. For example, we recently worked on agricultural innovations, such as genetically-engineered insect-resistant sweet potato cultivars, critical to the needs of resource-poor farmers in Africa.

Right now we are working on a larger project in collaboration with our colleagues at the Public Intellectual Property Resource for Agriculture (PIPRA) at the University of California-Davis, on a significant patent landscape involving technologies that are relevant to the research and development of a vaccine for HIV, also for eventual deployment in Sub-Saharan Africa.

Our work involves layers of analysis, as there are many technologies and steps involved in developing vaccines, from viral purification to delivery. We examine these technology-by-technology, step-by-step, and have worked on DNA, protein and viral vector platforms, prime boost methodologies, and now we are working on adjuvants.



Q: Once you have thoroughly researched a patent landscape, does this then allow for the development and distribution of a vaccine? Would you explain how the process works?

SK: Well, let's take it step by step. In the ITTI Patent Landscape Clinic, our students first analyze the technology. For example, we will look at all the parts of a vaccine. We look at the final product (the vaccine itself). We then look at its components and the processes used to develop the vaccine. This all requires a somewhat sophisticated understanding of the science and technology, which the students are expected to acquire from assigned readings. Then we ask, what are the patent documents potentially relevant to each of these? We search patent databases to identify the potentially relevant documents. A vaccine might have a patent applicable to each component and method that goes into making it. Therefore, we attempt to assemble and analyze a solid representative set of patent documents that are related to a specific vaccine technology. We begin to ask questions as to what components are covered. Who owns the patents? Are they dominated by corporate or by public sector organizations? Who dominates this technology sector? Then, we discuss potential strategies for managing these types of 'patent barriers' or 'thickets.'



Students worked during the spring semester in the International Technology Transfer Institute (ITTI) as members of the clinic's HIV Patent Landscape Team. They researched protein/peptide vaccines for HIV. Pictured (l.-rt.) are: ***first row****, Chika Teranishi '10, Kristal Wicks '10 and Pravin Conda '10,* ***second row****, Swetha Maladkar MIP '09 and Ramani Marakani '11,* ***third row****, Michelle Windom JD '09 (project leader) and Alex Ferre '10 (team leader).*

Of course, the ultimate objective of our work is to contribute to the global effort to accelerate the development and delivery of an efficacious HIV vaccine to those who most desperately need it. Possible strategies could involve partnerships between public and private sectors to assemble their technologies (and IP) in order to more rapidly develop a vaccine and accelerate its deployment. But it is important to remember that ITTI is in the education business; we are here to build global capacities that will then support sustainable and equitable development.

The patent landscape research work also relates to the other major component of ITTI, which is to build IP capacity in developing countries. If a future HIV vaccine is going to be distributed to countries of Sub-Saharan Africa, such as Ghana, Uganda, Tanzania, and Nigeria, we need to identity the potential IP issues associated with it, and determine who in these countries could be our counterparts … responsible for accessing and managing this technology. The critical question is whether these countries have adequate human and institutional capacity needed to manage IP and innovations in health in order to facilitate access and deployment.

Q: Would you provide an example of a technology transfer office in the United States?

SK: Good examples include the National Institutes of Health and the University of California system, Cornell University and MIT. Developing countries need either national or regional technology transfer offices that could serve as hubs for fostering and advancing technological and innovation development. This would facilitate both the development and the moving of innovations to the people who live both in the country and in the region, for example Vietnam and the greater Indochina region.

Q: Have you set up a technology transfer office in a developing country?

SK: As a matter of fact, one of our outstanding students, Natalia Pence JD '09, led a team comprised of myself and Professor Peter Gregory (Cornell University) to Bogotá, Colombia in November 2008, to visit The Universidad Militar Nueva Granada (UMNG) and engage in discussions about setting up a technology transfer office there. This office would facilitate innovation development within the university, and possibly the country, and work to implement a system for bio-prospecting and developing Colombia's vast treasure of genetic resources and biodiversity, which has scarcely been tapped.

Q: Please tell us about the publications that you plan to submit articles to regarding these projects?

SK: We would like to publish an article about the Colombia project, as a case study about how this type of technology transfer office is set up and established in a country such as Colombia — a country that is truly innovative but now needs enhanced institutional infrastructure in order to move ahead in development towards a knowledge-based economy. It's all there (the human capital); all that is needed now is education, organization and implementation.

We also are preparing an article on our HIV vaccine patent landscape work, which will be published in *Nature Biotechnology*. This will focus on the complexity of the technology as well as the complexity of the patent landscape, which, in turn, creates challenges for research, global access and deployment. We also have several manuscripts in preparation which address IP and technology transfer capacity building in Africa, where we will not only examine the current challenges but also suggest strategic options for overcoming these.

Kowalski holds a PhD in plant breeding from Cornell University. As a research scientist he worked in the fields of crop science, genetics, biochemistry and cell biology. Long interested in international development, due both to his exposure to the international programs at Cornell and the influence of Professor Norman Borlaug, a 1970 Nobel Peace Prize Laureate, he has transitioned his career towards building intellectual property capacity and innovation systems in developing countries. At the International Service for the Acquisition of Agri-Biotech Applications (ISAAA), Kowalski conducted the preliminary freedom-to-operate analysis of Golden Rice. After ISAAA, he earned a JD with an emphasis in intellectual property at Pierce Law.



Finding the Intersection of Law and Public Education

By James O'Shaughnessy '10

I applied for a Public Interest Coalition Fellowship for several reasons. I wanted to work in a law office and take advantage of my first summer after law school. I wanted to learn about employment and labor law and I was certain a PIC Fellowship would open doors otherwise unavailable to me. I have always believed that a quality education is the most important part of a person's life.

As an intern, I hoped to learn how the NEA promotes public education and how they accomplish their advocacy goals through representation and legislative action. Additionally, I wanted to learn how the NEA-NH helps teachers mediate disputes, and what role the union plays in negotiating collective bargaining agreements in public education.

Fortunately, my job at the NEA-NH more than surpassed my summer goals. I learned about public education law, municipal and government law, labor and collective bargaining law, New Hampshire Right-to-Know law, and employment discrimination and wrongful termination law. I was surprised by the active role a public union plays in state politics, especially an organization like the NEA, which with approximately 3.2 million members nationwide, is the largest labor union in the country.

My first project was to help determine the legal arguments and issues for a teacher whose contract was non-renewed without receiving any reasons from her superintendent. I was stunned when on my first day my supervisor handed me this teacher's seven-inch-thick personnel file and asked me to write a brief evaluative memorandum stating whether she had a basis for filing a grievance with the school board and the New Hampshire Department of Education.

In my second week, I was asked by the executive director to write a legal memorandum to NEA-NH's Executive Board, its president, its director of public affairs, and both staff attorneys, to answer the question of whether Manchester's Board of Mayor and Aldermen could legally incorporate the school district as part of the City's municipal corporation. I was also asked to determine whether the City of Manchester could legally amend its charter by proposing a ballot amendment in the November 2008 general election. As part of this project, I researched No Child Left Behind, New Hampshire Board of Education regulations, the New Hampshire constitution, and New Hampshire's charter amendment and revision laws to find out if the ballot amendment would create any legal issues for the City.

Later during my externship, when Manchester decided not to pursue incorporation, a group of private citizens gathered over 4,000 signatures to place an amendment question on the ballot in the election, asking voters whether Manchester should put a "tax cap" in its charter. Without a doubt, my first two weeks at NEA-NH far exceeded my expectations. In two weeks, I had already learned a great deal about how New Hampshire's educational and municipal systems function.

My involvement in an unfair labor practices charge brought by the Laconia Education Association against the Laconia School District was the highlight of my summer and the most meaningful experience of my fellowship. In late April 2008, the Laconia School District unilaterally implemented a block scheduling change at the Laconia High School. As a result, NEA-NH's local association, the Laconia Education Association, was denied its statutory and contractual right to negotiate changes in working conditions. The Association filed an unfair labor practices charge and brought the Laconia School District before New Hampshire's Public Employment Labor Relations Board (PELRB).

The case was heard in early July 2008. I helped prepare witnesses and exhibits for the hearing. I drafted a motion and witness questions for testimony. During the PELRB hearing, I recorded testimony and kept a complete record of the hearing. Before my fellowship ended, I wrote the entire brief in support of the association's charge. It was a challenging and rewarding project, requiring me to cite to New Hampshire Supreme Court and United States Supreme Court decisions, as well as PERLB administrative law and American Arbitration Association opinions and decisions.

Overall, my summer externship was a tremendous learning experience. Before beginning the externship, I had so many questions about the intersection of law and public education in New Hampshire. How are the laws made? What are the school's obligations to teachers? And to the children? How are contracts negotiated?

I now have answers for many of these questions. Most importantly, I took one step closer to achieving some of my career goals; helping children, by working in education law, and making a positive impact on society.

A New Hampshire native, O'Shaughnessy is working at Devine, Millimet & Branch this summer. He and his wife, Amy, reside in Manchester, NH.

BY JACK KENNY

What does a young man do after he has majored in political science, worked as an investigator for a prominent law firm, graduated from law school, passed a bar exam and landed a job as a hearings examiner with the Division of Motor Vehicles? For Peter Ramsey JD '88 of Manchester, NH, the answer was to start a career in the world of theater.

Naturally.

Peter Ramsey JD '88:

Bringing the Performing Arts to New Hampshire's Historic Palace Theatre

"I grew up next to the Barn Playhouse in New London," says Ramsey, 55. The president and CEO of the Palace Theater Trust in Manchester recalls summer nights when, "I would hear songs from "Oklahoma," "West Side Story," all those great shows." He became hooked on the sounds and later the sights of the theater. He loved being near the stage, but not on it.

"I stuttered as a youth and I was afraid of it," he says. His on-stage career was limited to one non-speaking part, as a Munchkin in a high school production of the "The Wizard of Oz."

"I sang a song with two other guys," he remembers. The singing didn't last long, either. "I had a lousy voice."

He earned a BA at Keene State College, and then worked as an investigator for the Manchester law firm, Nixon and Brown. The principals, David Nixon and Stanley Brown, encouraged him to go to law school and he enrolled at Pierce Law. He worked part-time nights on the copy desk at the *Union Leader*. By then, he was married with a child and the money didn't go very far.

"I didn't go to Fenway Park for three years," says Ramsey, a native son of Red Sox Nation. "That's how poor I was." Not long after graduation, he passed the bar exam—in Florida.

"My dad had moved to Florida and I thought I might live down there," he recalls. He returned instead to New Hampshire and took a job as a hearings examiner with the Department of Safety in Concord. Then he and his mother, Margaret, decided to start a summer playhouse in Meredith. The Lakes Region Summer Theatre consumed his evenings and weekends until it grew to the point where he left his city job and devoted himself full-time to the playhouse.

Then in the summer of 1999, former Manchester Mayor Sylvio Dupuis, heading up a new board of trustees of the Palace Theatre, asked Ramsey if he would be interested in taking over management of the legendary downtown theater that was then coming out of bankruptcy. Ramsey took the challenge and arrived at the locked-up theater on the day after Labor Day.

"When I opened the door, I didn't even know where the lights were," he said. When he looked at the books, he found the theater trust had $15,000 in the bank. Its debt was more than $200,000, he said.

Today the Palace has an annual operating budget of close to $3 million. Attendance last year was about 150,000 and more than 25,000 school children were bused in from all around the state for weekday shows, including several December performances of the ever-popular "A Christmas Carol."

Meanwhile, Ramsey, who served four terms as state representative in the 1980s, was elected to the state legislature again last year. He was an assistant soccer coach at Saint Anselm College for nearly two decades, where he has been head coach for the past four years. Somewhere along the way, he pursued a Master's degree in public administration at the University of New Hampshire, but stopped a few credits short of the degree.

"Some things in life just never get completed," he said somewhat ruefully. But he is glad he stayed the course at law school, even though he never entered the practice.

"I loved my three years there," he says. "I would recommend law school to people who want to challenge themselves. It's been incredibly helpful to me in the theater world—with contracts, with negotiation skills, with the ability to analyze a situation."

Ramsey lives in Manchester with his wife, Pat, and their three children, Catherine a senior at William and Mary, Kelsey a sophomore at University of New Hampshire, and Christian, 12, "an all-star Little Leaguer." Their dad, in addition to his role at the Palace, is very proud of his work at the Palace and to be a graduate of Franklin Pierce Law Center.

He is also pleased to be running New Hampshire's busiest theater. "I tell everyone I've got the best job in the state," Ramsey says. "I get paid to put smiles on people's faces."

Jack Kenny is a freelance reporter based in Manchester, NH. He can be reached at jkenny2@netzero.com. Photo by John Hession.


PALACE

BY SHARON CALLAHAN

Mark Born JD '99
Launches Court Analytics Website

"I came to realize after practicing law for a few years that obtaining a quick trial date could make a huge difference in how a case was resolved," says Mark Born JD '99, founder of Court Analytics. "There is an old saying, 'Justice delayed is justice denied,' and in some courts there are backlogs of over three years."

"As we started to look into things we realized the differences between courts ran deeper than just timelines — actual outcomes of cases varied considerably depending on where you filed and what type of case it was. We've found you can't really fully advise your client without taking into account these facts," explains Born.

A principal at the Ware Firm in Austin, TX, Born's career spans over ten years in litigation, first at Fenwick & West in Palo Alto, CA, and later at McKool Smith in Austin. In 2005, he decided to design a system that lawyers could use to understand how the Federal Court system worked from a purely empirical standpoint — how things are rather than simply how they are perceived to be. And today, Court Analytics and its statistical research engine is the outcome of years of research and analysis.

Court Analytics (www.courtanalytics.com) provides statistical analyses of the United States Federal Court System. Using Court Analytics' Statistical Research Center, users can analyze individual district courts or circuits, compare up to ten courts at a time or obtain in-depth analysis of particular types of cases. Currently, the system draws from more than 25 years of Federal Court data.

Where did Born come up with the idea for Court Analytics?

"The idea for this project came when I was reading the book, *Against the Gods, The History of Risk*, which describes the use of probability and statistics in shaping decisions throughout human history. I hadn't really seen anything like that in the legal field," says Born. "There were not a lot of analytical measurement tools out there that lawyers could use to make better decisions, such as whether to settle a case or where to file. Also, I was repeatedly asked such questions by my clients. Most decision-making in the legal field is based on word-of-mouth and case law analysis. It was clear to me that we needed to augment this toolset," explains Born.

According to Born, the Federal Courts, using the Internet, began to allow access to their docket sheets so that people could, for the first time, obtain court records for huge numbers of cases. In addition, the Federal Judicial Center collects useful data and makes it available in very raw form. These data sources allowed Born to build an extensive database of Federal Court cases, including data for all 94 district courts and all types of cases.

"Using Court Analytics, attorneys can now find specific information about how many cases were filed, where they were filed, how many went to jury trial, how many were won by the plaintiff, and how many were won by the defendant," explains Born. "Attorneys can also find information about the possible outlook for a case that may have been filed over a year ago or more. For example, the probability that a case will end in a jury trial for a newly filed case is substantially different from that of a case over two years old."

In addition, Court Analytics also enables attorneys to select up to ten different courts for specific types of cases, such as patents, and see a comparison between the courts and how to handle such cases. Details regarding jury outcomes, bench trials, time to trial, and transfer rates can now be found in just a few clicks on the Court Analytics website.

The site is continuing to expand and is expected to offer detailed information on specific practices by individual attorneys, companies, and judges in the near future.

Born says his time at Franklin Pierce was instrumental in preparing him both for the legal field in general and for entrepreneurship in particular.

"I think Franklin Pierce is a unique institution in the legal community — it was initially a small law school that became internationally known and is now recognized as an intellectual property powerhouse," says Born. "That only happens through a spirit of innovation and a willingness to take chances. That spirit permeates the education provided by Franklin Pierce."

Born lives with his wife, Patricia McNeill-Born JD '99, and their two children, Sumner, age 5, and Adeline, 2.

IN THE *GLOBAL* INTEREST

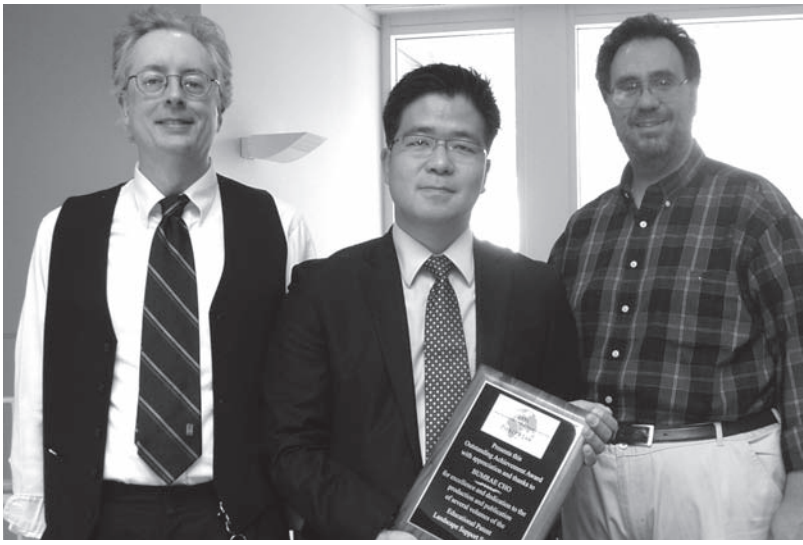
By Dr. Stanley P. Kowalski JD '05, Assistant Professor of Clinical Law and Director of the International Technology Transfer Institute

In June, Pierce Law's International Technology Transfer Institute (ITTI) presented an Outstanding Achievement Award with appreciation and thanks to Bumrae Cho JD/LLM '09 for excellence and dedication to the production and publication of several volumes of the Educational Patent Landscape Support Series. Cho's dedication, professionalism and leadership have been indispensable contributions to the establishment of ITTI.

Born in Seoul, South Korea, Cho graduated from Yonsei University, College of Engineering, Seoul, Korea, with a BS in food and biotechnology in 1996, and later from The Graduate School of Law, with an LLM in intellectual property law in 2003. Before his matriculation to Pierce Law, he worked at NewKorea International Patent & Law Office, as a general manager of the international and chemistry/biotechnology departments and as a patent specialist. During this time, he developed clients in Europe, the United States, Japan, China and Taiwan, produced dozens of patent landscape searches as well as freedom-to-operate searches for several global pharmaceutical/biotechnology companies, drafted patent applications for diverse fields of technology and was involved in several pharmaceutical patent litigations in the Korean Supreme Court.

While at Pierce Law, Cho contributed to several ITTI projects, including patent landscape research on transgenic-plant biotechnological applications that confer weevil resistance to sweet potato for distribution to resource poor farmers in Sub-Saharan Africa, and patent landscape analyses of HIV DNA and adenoviral vaccine technologies applicable to the research and development of an efficacious HIV vaccine for eventual distribution in both developed and developing countries. These projects were performed in collaboration with the Public Intellectual Property Resource for Agriculture (PIPRA), a University of California-Davis based organization that supports global innovation for both humanitarian and small-scale commercial purposes. As team leader, Cho worked with PIPRA to understand and parse highly complex HIV vaccine technologies, which were then subjected to rigorous patent landscape analysis.

As a team member, a teaching assistant and then a project leader, Cho made significant contributions at all phases of the ITTI patent landscape projects he worked on, from the initial analysis of a technology to the final preparation of a high quality report. In addition to the several project reports he co-authored, he also produced the invaluable *Manual for Academic Patent Landscape Research*, which is a detailed compilation of his ITTI patent mining, research and analysis activities, organized as a step-by-step protocol; as a core reference, this manual will provide critically essential institutional memory that will guide future generations of ITTI students to systematically and efficiently conduct patent landscape analysis projects.



Bumrae Cho JD/LLM '09 (center) accepts Outstanding Achievement Award presented by Assistant Professor of Clinical Law and Director of the International Technology Transfer Institute Dr. Stanley Kowalski JD '05 (l.) and Professor of Law and Intellectual Property Librarian Jon Cavicchi JD '84/ LLM '99 .

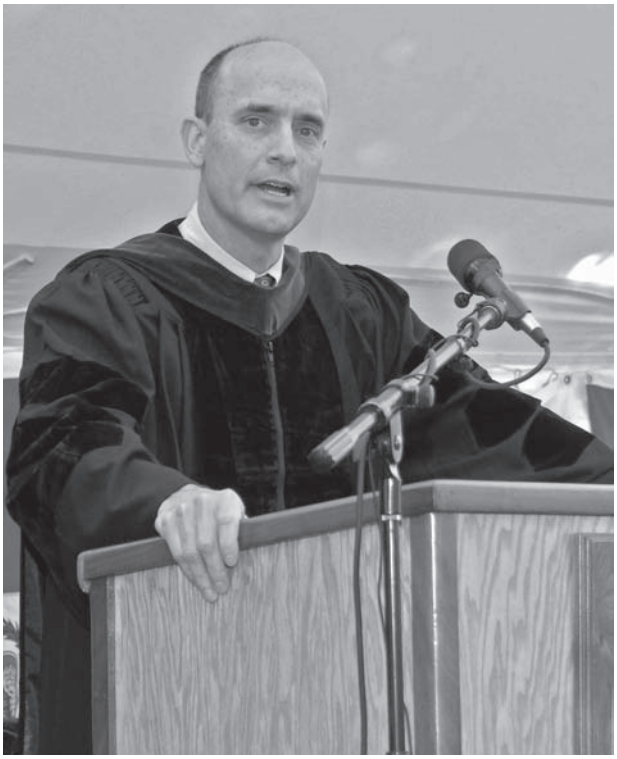
During his summers, Cho worked at Genzyme Corporation in Cambridge, MA, as a summer intern, where he organized volumes of clinical data for filing FDA applications. He also worked at McKenna Long & Aldridge LLP in Washington, DC, as a summer associate. He will start his career in the United States in the fall of 2009 when he returns to the firm as an associate in the Intellectual Property Department.

Among his many professional skills, Cho is multilingual, fluent in Korean and English and proficient in Japanese. He is also an accomplished clarinetist, having performed with the Korean National Police Band in Inchon, Korea, and the Euphonia Orchestra in Seoul.

His proactive approach to solving problems and tackling assignments is counterbalanced with patience and generosity when dealing with fellow students, he works well with others and is always willing to help colleagues understand complex topics. In all of his endeavors he brings a very sophisticated appreciation/sensitivity for cross-cultural complexities. He can effectively communicate to diverse groups on diverse topics, with an attention to detail coupled with vision and perspective.

His contributions to ITTI have been significant. He is among a handful of Pierce Law students who have been instrumental in the successful establishment of ITTI.

Judge James Baker Addresses Graduating Class



Judge James Baker of the United States Court of Appeals for the Armed Forces delivered the commencement address in May.

Baker wrote the main text used in Dean John Hutson's National Security Class, *In the Common Defense: National Security Law for Perilous Times* (Cambridge University Press: 2007). Baker was appointed to the United States Court of Appeals for the Armed Forces, which is composed of five civilian judges appointed for 15-year terms by the President with the advice and consent of the Senate, in 2000. The court has appellate jurisdiction over cases arising under the Uniform Code of Military Justice. Decisions of the court are subject to review by the United States Supreme Court.

Prior to his appointment, Baker served as special assistant to the President and legal adviser to the National Security Council (NSC) where he advised the President, the National Security Advisor and the NSC staff on United States and international law involving national security including use of force, the law of armed conflict, intelligence activities, foreign assistance, terrorism, arms control, human rights, and international law enforcement. Prior to that, he served as deputy legal adviser to the National Security Council and as counsel to the President's Foreign Intelligence Advisory Board and Intelligence Oversight Board.

A graduate of Yale Law School, Baker teaches national security law at Georgetown University Law Center, the University of Iowa College of Law, and the University of Pittsburgh School of Law.

Students from 16 nations, 33 states, the District of Columbia and Puerto Rico crossed Pierce Bridge to be granted degrees at this year's ceremonies. Student speaker Jermaine Lashley of Brooklyn, NY, told his classmates and friends that his expectations of checking his kinder tendencies at the door while attending law school were smashed within hours of stepping on the Pierce Law campus. Instead, he found a cohesive and compassionate community he will value his whole professional life. If anyone asks about his alma mater, he says, he will proudly shout, "Franklin Pierce Law Center," where the Class of 2009 taught him to never let self-interest override the common good.

Anubhav Sharma of West Lafayette, IN, echoed Lashley's sentiment about the cohesiveness of the class, assuring his classmates that he will see them at alumni events even as they take their intellectual property education across the world.

Dean Richey Tapped by State Department for International Committee

Associate Dean Susan Richey has been elected United States representative to the Confidentiality Commission of the Conference of the States Parties for the Organisation for the Prevention of Chemical Weapons.

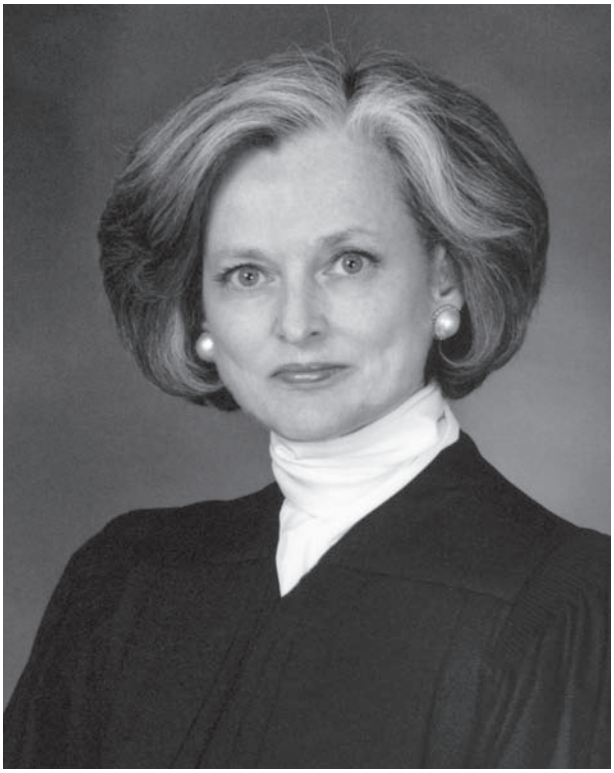
Richey was nominated on the basis of her individual competence, integrity and background in dispute resolution, international law and national legal systems. She joins 19 other representatives from around the world. The Organisation for the Prohibition of Chemical Weapons is the implementing body of the Chemical Weapons Convention.

In addition to her duties as associate dean, Richey teaches courses on trademark, copyright and advertising at Pierce Law and at workshops sponsored by the World Intellectual Property Organization and UNITRAD, the training arm of the United Nations. She currently serves on the International Trademark Association's Alternative Dispute Resolution Committee.



Associate Dean Susan Richey

The Honorable Carol Ann Conboy JD '78 Appointed to New Hampshire Supreme Court



Superior Court Judge Carol Ann Conboy JD '78

In a unanimous vote, the Executive Council recently confirmed the appointment of Carol Ann Conboy JD '78 to the Supreme Court of the State of New Hampshire, making her the first Franklin Pierce Law Center graduate and the second woman to sit on the court.

Dean John D. Hutson spoke for the entire Pierce Law community when he stated, "We are very proud to have one of our alumni and a long-time Trustee elevated to New Hampshire's highest court where she joins former professor and dean James Duggan. Judge Conboy has been an esteemed jurist for many years and this appointment bodes well for justice in New Hampshire."

In making the announcement, Governor John Lynch said, "Throughout her career she has distinguished herself through her judicial temperament and in-depth knowledge of the law."

Becoming only the second woman to serve the Bench will be unlikely to faze the Judge. She was a lieutenant in the United States Air Force during the Vietnam War, a time when few serving in the armed forces were female. Conboy's 1978 Pierce Law graduating class of 94 included only 17 women.

Pierce Law Clinic Students Win Employment Case

Administrative Law and Advocacy Clinic students, both past and present, were pleased to learn in May that the New Hampshire Supreme Court had ruled in their favor in an employment law case they have been working on for more than two years. In that time, they argued against a law firm with more than 750 employment law specialists at four different court levels.

The case was overseen by the clinic's director, Professor Mary Pilkington-Casey, and was argued in the New Hampshire Supreme Court by Professor Peter Wright, director of the clinics. The ruling will affect how Appeal Tribunal chairmen make their decisions; ensure that employers do not change reasons for termination; and encourage claimants to have a clear understanding of the allegations against them.

The Administrative Law and Advocacy Clinic entered the case in December 2006, when the defendant, Julie Motuzas, requested help in preparing for her Appellate Board hearing following what she alleged was an improper firing from Sam's Club and the Appeal Tribunal's denial of unemployment compensation. She brought tapes of the hearing, which then student Gideon Korrell JD '07 transcribed. Korrell advised Pilkington-Casey that they should take the case. During the spring semester student, Kelly Dollins JD '07 drafted the brief and argued before the New Hampshire Department of Employment Security Appellate Board.

Believing that Motuzas' rights were being violated, the Administrative Law and Advocacy Clinic took the case. Students and Pilkington-Casey were involved in two Appellate Board briefs and hearings and one Appeal Tribunal hearing. After losing the last Appeal Tribunal and Appellate Board arguments, they took the case to the New Hampshire Supreme Court. The New Hampshire Supreme Court reversed the Appellate Board and the Appeal Tribunal decision finding that the Appeal Tribunal chair erred when interjecting impermissible grounds for finding misconduct.

Graduating Students Receive Awards

Pierce Law honored six graduating students with special recognition awards, given annually prior to commencement.

Theresa (Tess) Casey of Concord, NH, received the National Association of Women Lawyers Award, presented to the law student who contributes to the advancement of women in society, promotes issues and concerns of women in the legal profession, exhibits motivation, tenacity and enthusiasm, demonstrates academic achievement, and earns the respect of the dean and faculty.

Michael Joe Clement of Penacook, NH, was selected to receive the American Bar Association and Bureau of National Affairs, Inc. Award for Excellence. The award honors superior academic performance and is given to a student for study in one of three areas of law: labor and employment, intellectual property or health law.

Austin Padgett of Milton, FL, received the American Law Institute-American Bar Association Award, presented to a law student in the graduating class who best represents a combination of scholarship and leadership.

Adam Rick of Concord, NH, was given the Howard James Nedved Commencement Award presented to a graduating student who participated in the Association of Trial Lawyers of America Student Trial Advocacy Competition and the National Trial Competition; and who has participated in the Bar Review and has applied to take the bar exam in any state.

Joseph Mattson of Center Harbor, NH, received the Yacos Prize honoring the memory of Judge James E. Yacos who sat on the bench of the U.S. Bankruptcy Court in New Hampshire for 15 years. It is awarded to the Pierce Law student who has shown exceptional merit in an area of commercial legal studies.

Shashwat Purohit of Rajastha, India, received the Graduate Student Award given to the Pierce Law graduate student who demonstrates exemplary leadership and global perspective by teaching, learning or contributing productively to a global legal system.

Christopher Paul of Amherst, NH, was awarded the Northeast Law Student Ethics Award that recognizes students who have demonstrated exemplary ethical conduct.



Adam Rick JD '09 of Concord, NH, with donor Ginny Nedved received the Howard James Nedved Commencement Award at a champagne reception held annually prior to commencement for graduating students.

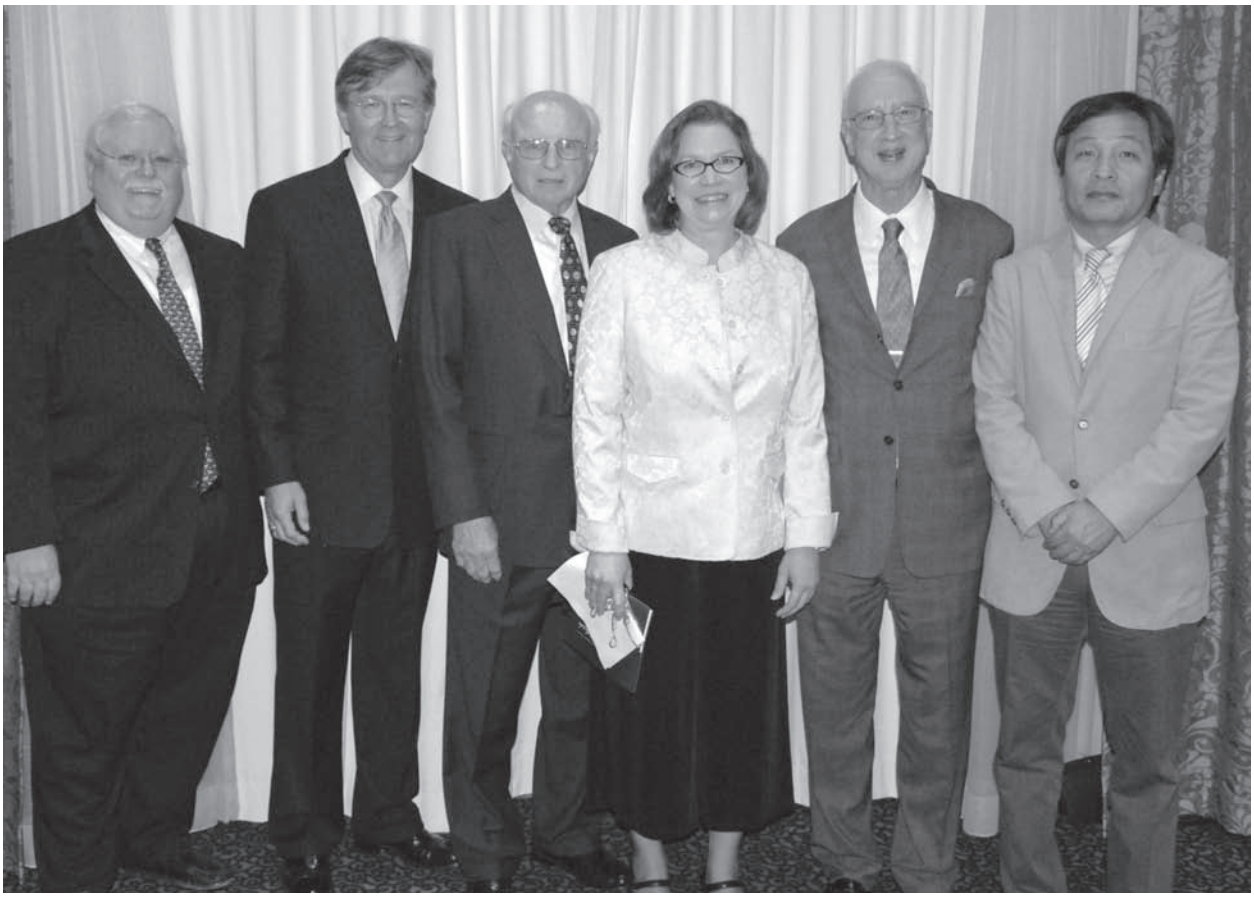
Pierce Law Welcomes Two New Faculty

Pierce Law will welcome two new full-time professors in the fall of 2009.

Erin B. Corcoran will serve as Pierce Law's first full-time director of the Social Justice Institute. She is presently on the professional staff of the United States Senate Committee on Appropriations and has also served on the staff of Senator Barbara Mikulski, Human Rights First, the Hebrew Immigrant Aid Society, and the United Nations High Commissioner for Refugees in Zambia. Corcoran has taught at George Washington College of Law, American University, Washington College of Law, and has spent several years as Public Interest Law Scholar Mentor at Georgetown University Law School, from where she received her JD. She earned her BA from Montana State University. Her scholarship and presentations have centered on human rights interests, with special focus on international issues.

Dana Remus Irwin, a graduate of Yale Law School and Harvard College, comes to Pierce Law from Drexel University's Earle Mack School of Law. She took a leave of absence from Drexel 2008-2009 to clerk for United States Supreme Court Associate Justice Samuel A. Alito. Prior to teaching at Drexel, she clerked for Chief Judge Anthony J. Scirica on the U.S. Court of Appeals for the Third Circuit. Irwin's scholarship has included articles and presentations on the intersection of law and technology and legal ethics. She will teach a variety of general law courses.

New Professorship Honors Retiring Professor Karl Jorda



Alumni and friends enjoyed a gala reception held in honor of Professor Karl F. Jorda who retired in June. Pictured (l.-rt.), Douglas J. Wood JD '76, chair of the Board of Trustees, Dean John D. Hutson, Professor Karl F. Jorda, Jennifer Tegfeldt JD '85, Chief Judge Paul R. Michel of the United States Court of Appeals for the Federal Circuit, and Young-Wook Ha MIP '90/JD '92, a member of the Board of Trustees.

During his 20 years at Pierce Law, Professor Karl F. Jorda has nurtured students, encouraged scholars and practitioners, and reinforced the pre-eminence of Pierce Law in the field of intellectual property. To honor his distinguished tenure, the school has established the Karl F. Jorda Professorship in Patent Law.

Jorda's impressive resume includes: chief intellectual property counsel at a major pharmaceutical firm; former president of the New York Intellectual Property Law Association and the Pacific Intellectual Property Association, and former member of the American Intellectual Property Law Association, the American Bar Association, Intellectual Property Section, the Association of Corporate Patent Counsel, Intellectual Property Owners, International Trademark Association, and the International Intellectual Property Law Association; and most recently serving as the David Rines Professor of Intellectual Property Law and Industrial Innovation and first director of the Germeshausen Center.

Individuals, corporations and foundations are invited to invest in a 21st century legal education by donating to the professorship. The income from the permanently invested endowment will support a faculty appointment whose scholarship is on the cutting-edge of legal education, practice and research, building upon Pierce Law's foundation of innovation and entrepreneurship.

FACULTY *IN ACTION*

Around the Globe

Professor William O. Hennessey JD '86 was the guest speaker at the sixth annual Baker Botts Lecture sponsored by the Institute for Intellectual Property and Information Law of the University of Houston Law Center in February. Hennessey offered a personal reflection entitled "Thirty Years (and More) of IP in China." He is the director of Pierce Law's China Intellectual Property Summer Institute and has traveled to, lectured and written about China for 30 years. His talk was a summation and reflection on those three decades of monumental change in intellectual property law in China.

Professor Mary Wong attended the 34th Internet Corporation for Assigned Names and Numbers (ICANN) meeting in Mexico City, Mexico, in February. As one of only three elected councillors representing the Non-Commercial User Constituency (NCUC) in the Generic Names Supporting Organization (GNSO), she attended major policy discussions to advise ICANN on domain name policy for the Internet. Included on the agenda was the introduction of new generic top-level domains and reforming the ICANN structure. The council advises the ICANN Board on all policy matters relating to generic top-level domain names.

In July, **Trustee Gordon Smith** made a presentation at "Trading Ideas 2009," a session of the Asia Pacific Economic Cooperation (APEC) at the request of the Intellectual Property Office of Singapore. Smith recently spoke at the KPMG Asia-Pacific International Financial Reporting Standards (IFRS) Conference held in Singapore. Keynote speaker Mr. Tharman Shanmugaratnam announced that Singapore would be adopting the new international financial reporting standards by 2012. According to Smith, "About 100 nations have adopted or permit the use of these new standards and the U.S. will soon follow suit." According to Smith, "The new rules embody significant changes in the way companies report their financial performance. One of these concerns is reporting the 'fair value' of assets and liabilities. In today's business world, of course, intangible and intellectual property assets comprise a large part of the value of most enterprises. I expect the business communities in many developing nations will have difficulty complying because of the lack of a competent professional infrastructure with IP valuation skill sets."

Across the Nation

An article entitled "From Custom to Law in Copyright" by **Professor Thomas G. Field Jr.** has been cited among the best intellectual property journal articles of the year. It has been selected for inclusion in the Thomson Reuters (West) annual anthology, *Intellectual Property Law Review*. The article was first published in Pierce Law's *IDEA: The Intellectual Property Law Review*.

Professors Sophie Sparrow and **Margaret Sova McCabe** presented a teaching workshop, "Using Team-Based Learning to Give Graduate Students Effective and Efficient Feedback on Analytical Writing Assignments," at the 2009 Team-Based Learning Conference held at the University of Texas at Austin in March. The conference, now it its eighth year, is a two-day event focusing on best practices and recent innovations for team-based learning. Participants at the conference included more than 100 educators from diverse fields.



Professor Mitchell M. Simon

In May, **Professor Mitchell M. Simon** chaired a panel at the American Bar Association's 35th National Conference on Professional Responsibility in Chicago, IL. Entitled "Character and Fitness," the panel considered how character and fitness committees can use information from bar applicants' past to predict their future conduct in the practice of law. The 35th National Conference on Professional Responsibility brought together legal scholars, jurists and specialists to discuss trends and developments in legal ethics, professional discipline, professionalism, and practice issues.



Trustee Douglas J. Wood JD '76

Heading up the negotiation team for the Association of National Advertisers, **Trustee Douglas J. Wood JD '76** of Wyckoff, NJ, negotiated a new contract for the advertising industry with two of the nation's largest actors' unions. The contract involves the Screen Actors Guild (SAG) and American Federation of Television and Radio Artists (AFTRA). SAG and AFTRA represent a combined total of about 135,000 actors, but the contract at issue here is only for actors that work in commercials. A partner with Reed Smith, Wood taught at Pierce Law's e-Law Summer Institute in Cork, Ireland, this year.

ALUMNI OFFICE NEWS

Supporting Global Alumni Networks and Alumni Relationships that Last a Lifetime

By Sharon Callahan, Director of Alumni Relations

In 2009, alumni joined classmates at receptions hosted across the United States, from Seattle, WA to Burlington, VT, and as far away as Makati in the Philippines. Special thanks to: Dominick Conde JD '90 for hosting a reception at the offices of Fitzpatrick, Cella, Harper and Scinto at New York's Rockefeller Center; Jamie Sheridan of Holland & Hart for his hospitality in Denver, CO; Joseph Murphy JD '92 for his help in organizing Pierce Law's reception during the INTA conference, held this year in Seattle, WA; and Beth George JD '92 for hosting a reception at her company headquarters of Spelt Right Baking, Inc., Yarmouth, ME.

Additional thanks to William Mandir JD '87 of Sughrue Mion, PLLC, for hosting and housing Pierce Law's one-week International Criminal Law and Justice Seminar at his offices in Washington, DC, in May. Thirteen students from Italy, Maine and California attended the sessions, which included discussions of Torture, International Extradition, Genocide and E.U. Criminal Practice. Classes were taught by Professor Keith M. Harrison and faculty from Duke, McGeorge, Lewis & Clark and the University of Parma, Italy.

Special thanks also to: Judge Kenneth Brown JD '78, Jared Green JD '93 and Holly Haines JD '00 for organizing the 4th New Hampshire Practice Series CLE Day for alumni; Gabriel Meneses LLM '00 for organizing an event during the LESI annual conference held in Makati City, Philippines; and Kevin Crosby JD '06 for hosting an evening event at the Boston Red Sox vs. Washington Nationals baseball game in Washington, DC.

Change to Alumni Email Address in August

As of August 31, the Computer Services Department will stop its forwarding email service. In its place will be a new permanent alumni Pierce Law email account. The email address will be in the form of yourname@alumni.piercelaw.edu. Forwarding of your old piercelaw.edu email will no longer be provided. To set up a new alumni email account, please contact Marc Gosselin at mgosselin@piercelaw.edu by email on or BEFORE August 31. This change was initiated due to the overwhelming number of requests by alumni for an actual email account versus a forwarding service.

Photo Gallery

This issue's photo gallery highlights receptions held in New York, NY, Denver, CO, Seattle, WA, Yarmouth, ME, Makati City, Philippines, and Washington, DC. Also featured are photos from the Champagne Reception 2009 and the 5th Annual LRAP Golf Invitational.



Philippines Alumni Reception *Pictured (l.-rt.) are alumni host Gabriel Meneses LLM '00, Neil Edward Santos III LLM '06, guests Albert Santillan and Xiaolei Li, Terry Taehong Kim MIP '00 and his wife, met in Makati City during the Licensing Executives Society International (LESI) conference in June.*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New York, NY Reception

1. *Stephen Ravin JD '77, Lewis Lindenberg JD '78*
2. *Frederick Millett JD '08, Rajeev Siripurapu JD '08, Jermaine Lashley JD '09, Milin Patel JD '08, Michael Farrah JD '09, Timothy Rosseau JD '08*
3. *Mary Mathew JD '00, Caren Khoo JD/MIP '00, Susan Rosenfeld JD '99, Daniel Cotter JD '00*
4. *Matthew Hintz JD '07, Will Autz JD '07, Eric Martineau JD '07*
5. *Katherine Palakovich-Lang JD '06, Rachel Santarlas JD '03, Susan Lesmerises-DeGraff JD/MIP '03, Brien Santarlas JD '02*
6. *Elizabeth Wade JD '05, Jason Johnson JD '05*


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The 5th Annual LRAP Golf Invitational

1. *Kirk Simoneau JD '09, Professor Ellen Musinsky, guest Larry Vogelman*
2. *Jeanne Herrick JD '98, Michael Ruedig JD '77, guests Michael Callahan and Judge Steven McAuliffe*


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Champagne Reception 2009, Concord, NH

1. *Frank Liu, Kiera Slye, Dan Landau, Rikesh Patel, Alexandros Diamantis*
2. *Theresa "Tess" Casey, Professor Mary Pilkington-Casey, Paul Pilkington-Casey*
3. *Robert Tarcu, Catherine Roehl*
4. ***First row:*** *Karthik Kovi Subramanian, Sargis Knyazyan, Vijay Yadav;* ***Second row:*** *Nupur Choudhary,Vinod Nama, Swetha Maladkar, Shashwat Purohit, Yogeshwar Virk, Anubhav Sharma*
5. *Shauna-Kay Hall, Lisa Hall, Paula Spurill*


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Seattle, WA/INTA Reception

1. *Dean John D. Hutson, Seattle host Joseph Murphy JD '92*
2. *José Brenes MIP '95, Gonzalo Polo MIP '95, guest*
3. *Guests David Greenbaum and John Ottaviani, John Posthoumous '91, Carrie Olson JD '00, James Sullivan JD '92*
4. *Associate Dean Susan Richey, Vianey Romode Vivar Gutierrez LLM '06*
5. *Teresa Wiant JD '91, Rodney Tullett JD '90*
6. *Andres Cikat MIP '01, Paola Freccero MIP '99, Ricardo Amigo IPSI '96, Alan Jarry MIP '01, Francisco Espinosa Reboa LLM '01*


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Denver, CO Reception

1. *Bradley Schmidt JD '05, Director of Development Laura Chaney*
2. *Jamie Sheridan JD '98, Julie Sheridan*
3. *Soumya Panda JD '06, Robert Nelson JD '93*
4. *Kristi Bertrand, Riley Ché Bertrand, Andrew Bertrand JD '98*
5. *Pamela Roth O'Mara LLM '05, Chris O'Mara, Larry Tronco JD '96*
6. *Professor Ellen Musinsky, Mona Hart JD '98, Brian Hart JD '98*


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Do You Twitter?

Pierce Law does.
http://twitter.com/piercelaw

ALUMNI OFFICE NEWS

Red Sox vs. Washington Nationals Game

1. *Host Kevin Crobsy JD '06, Smith Sirisakorn JD '08*
2. *Annette Kwok JD '05, Mehdi Sheikerz JD/MIP '96, Jeffrey Salomon JD '08*


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Yarmouth, ME Reception

1. *Michael Savasuk JD '79, Professor Joseph Dickinson*
2. *Trustee Karin Gregory JD '88, host Beth George JD '92, Andrea Boudreau Shaw JD '02, Joseph Mazziotti JD '78*
3. *Dean John D. Hutson, Brian Champion JD '86, David Marchese JD '86*

Host an Alumni Event

If you would like to host an event in your area please contact the Office of Alumni Relations at alumni@piercelaw.edu or (603) 513-5151. The Office of Alumni Relations supports receptions, reunions and other events to foster relationships that last a lifetime.


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CLASS ACTIONS

1970s

Richard P. Haaz JD '78 of Philadelphia, PA, is one of seven candidates recommended by the Montgomery County Democratic Executive Committee for the county Court of Common Pleas to the full MCDC committee. An election will be held in the fall. Richard P. Haaz, Esquire, is a trial attorney who has represented victims of discrimination, abuse and neglect for over thirty years

Nicholas J. Harding JD '78 has been named a stockholder of Reid and Riege, Hartford, CT. Of counsel since 2005, he is a member of the firm's Environmental Practice Area in the Hartford office.

1980s

Stuart Steinberg JD '80 of Terrebonne, OR, recently traveled to Afghanistan to work for the United Nations Office on Drugs and Crime.



Robert C. Dewhirst JD '82

Robert C. Dewhirst JD '82, Weare, NH, was recently named chair of the Insurance Defense Practice Group of Devine Millimet. His practice includes the representation of insurance companies, municipal corporations and large self-insured companies in the areas of insurance, construction, technology and professional liability.

Jie Wang MIP '87 of Beijing, China, spoke at the New York City Harvard Club in May on "Resolving Business Disputes in Today's China" as part of the American Society of International Law Programs.

John A. Kostrubanic JD '88, Beverly, MA, has joined the business division of Eckert Seamans Cherin and Mellott, LLC, where his practice centers on corporate and securities law.

Tara G. Reardon-Flanders JD '89, Concord, NH, was recently appointed by Governor John Lynch to the position of commissioner of Employment Security. Reardon is an attorney specializing in commercial and residential lending documentation. She is currently serving her seventh term in the New Hampshire House of Representatives and is the chair of the House Commerce Committee. According to Lynch, "In these difficult economic times, the mission of the Department of Employment Security is even more vital. Reardon has the skills we need as our state examines the best way to integrate services for workers and businesses more closely and efficiently in the future."

1990s



Peter J. Gluck JD/MIP '91

Peter J. Gluck JD/MIP '91 recently joined the Irvine, CA, firm of Luce Forward Hamilton & Scripps LLP, where he will co-chair the new Technology Law Group.

Colleen M. Keegan JD/MIP '95, New York, NY, has joined Davis Wright Tremaine where her practice focuses on U.S. and foreign trademark prosecution.

Alexander J. Chotkowski JD '96, West Chester, PA, was awarded the Joint Service Commendation Medal in December 2008 for his service during the U.S. military humanitarian assistance effort in Burma (Myanmar) following the disaster caused by Cyclone Nargis that struck the coast of Burma in May 2008. As a member of the U.S. Marine Corps Reserves, he served as a logistics officer with the U.S. relief effort that was headquartered in Korat, Thailand. He assisted in the coordination for the purchase, distribution and supply of life saving relief items to the citizens of Burma. He is a

CAUGHT ON CAMPUS



Kirsten Koepsel JD 92/LLM '03 of Alexandria, VA and **Sujata Chaudri MIP '99** of New York, NY, taught courses at Pierce Law during this year's Intellectual Property Summer Institute.

commercial litigation attorney at MacElree Harvey, Ltd.

Jacalyn Colburn JD '96, Concord, NH, along with Richard Guerriero of the New Hampshire Public Defender, received the 2009 Frank Rowe Kenison Award given by the New Hampshire Bar Foundation in May. The award "recognizes individuals who make substantial contributions to the betterment of New Hampshire citizens through the administration of justice, the legal profession or the advancement of legal thought."

Justin Richardson JD '96 was recently named partner at Upton & Hatfield, Portsmouth, NH, where he practices in the areas of municipal and environmental law and focuses on regulatory issues impacting both municipalities and industry. He is also chair of the Newington Conservation Commission and was appointed by New Hampshire Governor John Lynch in 2007 to a commission to study the causes, effects and remediation of siltation in the Great Bay Estuary.



Justin Richardson JD '96

Michael J. Kenison JD '97 was recently elected chair of the Board of Directors of the Children's Museum of New Hampshire in Dover. He is an associate the Litigation Department at McLane, Graf, Raulerson, where he practices in a variety of areas of commercial, employment, probate and tort litigation.

James Calkins JD /LLM '98, Arlington, VA, recently helped to form Paterus Law Group, PLLC, Washington, DC, specializing in providing analyses of patent litigation and patent portfolios involving publicly traded companies and predicting the outcome of substantive issues in litigation that may affect stock prices.

Seth L. Shortlidge JD '98, St. Augustine, FL, has formed NTE Energy, which will focus on the development and operation of a portfolio of utility-scale hybrid electric generation facilities located in the United States. To produce hybrid energy, NTE Energy will combine some of the world's leading solar-thermal, photovoltaic and biomass gasification technologies with clean, natural gas fired power plants. The hybrid combinations will provide low-cost renewable sources of electricity produced in a clean and sustainable manner.

Thomas G. Field III JD/MIP '99, Lunenburg, MA, was recently promoted to associate general counsel-intellectual property at Saint Gobain Corporation. **Chi Kim JD/MIP '99** and **Mike Crosby JD '97** are also intellectual property counsel there.

2000s

Congressman Timothy Ryan JD '00, Niles, OH, delivered the commencement address at Hiram College, Hiram, OH, in May. Representing Ohio's 17th Congressional District, he is serving his fourth term as a member of Congress where he leads efforts to revitalize America's economy, encourage manufacturing, improve health care, develop renewable energy and make college more affordable.



James Merrill JD '01

James Merrill JD '01, Manchester, NH, managing director of Devine Strategies, the strategic consulting subsidiary of the Devine Millimet law firm, was recently named by *Business NH* magazine as one of "25 Leaders for the Future." The January issue recognized 25 New Hampshire residents who are expected to be prominent and influential Granite State leaders over the next 25 years. The judges looked for individuals who had demonstrated leadership in the state and are dedicated to fulfilling that role in the future.

Elizabeth D. Hochberg JD/MIP '03, Washington, DC, was recently featured in a United States General Services newsletter article entitled the "Face of GSA." The article recognized Hochberg for her work as assistant general counsel in the GSA's General Law Division as part of a team that provides fiscal law guidance to all of GSA on copyrights, patents, trademarks and "fair use," as well as her work as a pianist, piano teacher and performer.

Jeffrey Kobulnick JD '03, Los Angeles, CA, was named this year's recipient of Bet Tzedek Legal Services' Elyse S. Kline Pro Bono Lawyer of the Year Award. The award is named after the first director of litigation at Bet Tzedek who died at the age of 48. She worked with Bet Tzedek from 1978 to 1987, when she left to work with children and their families through the Los Angeles Public Guardian offices. Recipients of the memorial award possess her outstanding legal skills, commitment to clients and casework, excellent collaborative skills and many hours of pro bono time. Kobulnick was selected for all the above reasons and in particular for his ongoing work with and dedication to Bet Tzedek's Holocaust Survivors Justice Network over the past year. The Network is a revolutionary collaboration of attorneys, paralegals and other professionals partnered with social service agencies across North America to deliver top quality legal services on a pro bono basis to Holocaust survivors.



Jeffrey Kobulnick JD '03

In addition to personally assisting numerous Holocaust survivors with applications for reparation payments from the German government, Jeff has played an instrumental role in conducting an assessment of the Network, helping Bet Tzedek further expand the Network and shape its future.

Anne E. Yates JD '03, Atlanta, GA, has joined Adorno & Yoss as a senior associate.

Stephen Chan JD '04 received his MS in library science from the University of North Carolina at Chapel Hill (UNC-CH), where he was awarded a number of honors, including the American Library Association Spectrum Scholarship, the American Association of Law Libraries George A. Strait Minority Scholarship, and the Chinese American Librarians Association Sheila Suen Lai Scholarship. He is currently an instructional technology research assistant at the UNC Eshelman School of Pharmacy, where he researches and recommends technology for faculty to enhance classroom pedagogy. While at UNC-CH, he has also worked at the Kathrine R. Everett Law Library in several capacities, including research assistant to the deputy director.

Vicenç Feliú JD/MIP '04, Washington, DC, is the new director of the law library at the University of the District of Columbia David A. Clarke School of Law.

Enrique F. Mesa Jr. JD '05 has joined LawServe in Manchester, NH, where he is practicing immigration law.

Melissa Penson JD '05 has accepted a post at Smith-Weiss, Shepard & Durmer, Nashua, NH, where she is specializing in civil, family and criminal matters.

Bradley V. Schmidt JD '05, Fort Collins, CO, is currently working for IBM Research.

Seamus Boyce JD '06, Fishers, IN, was recently elected onto the Indiana State Bar Association Board of Governors. An associate with Church Church Hittle & Antrim, he recently wrote the amicus brief for both the National School Boards Association and the American Association of School Administrators in the U.S. Supreme Court review of a Ninth Circuit case, Safford Unified School District *v.* Redding. It involved student searches in public school and qualified immunity for public educators. In June the Supreme Court held that the rights of the student were violated.

Leslie Leonard JD '06 was recently named to the Board of Directors of New Generation Inc., a homeless shelter for pregnant and parenting women of infants. She is an associate attorney with Boynton, Waldron, Doleac, Woodman & Scott, PA, Portsmouth, NH.

Michinori Irikawa LLM '08 recently joined Westerman Hattori Daniels and Adrian LLP, Washington, DC.

Daniel Lustig JD/MIP '08 was recently selected to serve as a board member on the Puerto Rican/Hispanic Chamber of Commerce of Palm Beach County, FL.

Luke A. Webster JD '08, an associate at Wiggin & Nourie, PA, has joined the Board of Directors of the Manchester, NH-based Amoskeag Business Incubator.

BIRTHS AND ADOPTIONS

Jason D. Haislmaier JD '96 and wife, April, a son, Penn Gerald, April 22, 2009.

Lela Goren JD/MIP' 99 and partner, Shoshanah Brown, a son, Zev Brown-Goren, February 8, 2008.

James Pross JD '04 and **Mia Poliquin Pross JD '04**, a daughter, Clover Paige, January 7, 2009.

IN MEMORIAM

Wayne B. Hersher JD '82
Thomas J. Thomas Jr. JD '84
Marie C. Devine JD '85
Arthur Gormely JD '85
Joyce M. Hooker JD '96

CAUGHT ON CAMPUS

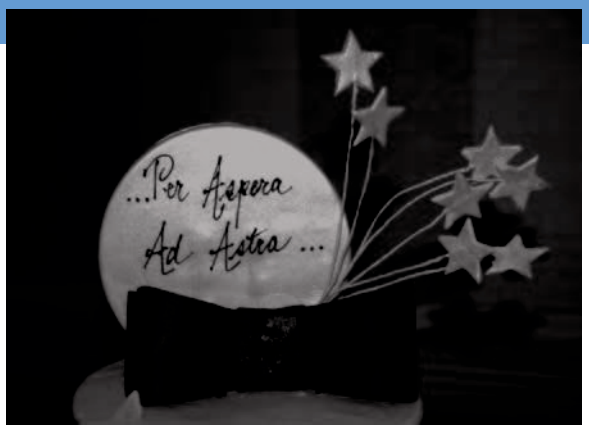


Professor Ellen Musinsky greets **Thomas Fallis JD '87** of Jacksonville, FL, at the F. Dane Buck Building this spring.

Securing the future at Franklin Pierce Law Center:

Reaching for the Stars

The Karl F. Jorda Professorship in Patent Law



"To the stars through difficulties"

May 1, 2009: Franklin Pierce Law Center officially launched the $500,000 campaign to create a lasting legacy to a man who has lived **"per aspera ad astra."** The Karl F. Jorda Professorship in Patent Law will honor the distinguished tenure of Professor Jorda while continuing to advance the field through education, practice and research.

We invite you to join us in reaching for the stars. There are many ways you can contribute to this campaign.

Gifts of Cash, Check & Credit Card

Easy and immediate, you can put your gift to work right away by giving online at *www.piercelaw.edu/jordagift* or send your donation to the Office of Institutional Advancement, Franklin Pierce Law Center, Two White Street, Concord, NH 03301, USA.

Wire Transfer

Especially suited for recurring contributions deposited directly from your paycheck and for international gift giving, please call (603) 513-5181 for wire information.

Securities

If appreciated in value, gifts of securities may offer income and capital gains tax savings while greatly benefiting the campaign to create the Karl F. Jorda Professorship in Patent Law.

Charitable Gift Annuity and Trusts

Gift Annuities and Trusts can be arranged to help you, your loved ones and the campaign to create the Karl F. Jorda Professorship in Patent Law. If you do not need the additional income now, a deferred gift annuity can assist you in preparing for your financial future while supporting Franklin Pierce Law Center.

We recognize everyone has different capacities to give and want to ensure you are able to contribute the most generous gift possible. This chart will assist you with ways you can pledge your support to this legacy campaign.

Total Gifts Needed	Gift Amount x Gifts Needed	12 monthly payments	24 monthly payments	36 monthly payments	5 annual payments
$100,000	$100,000 x 1	$8,333 x 12	$4,167 x 24	$2,778 x 36	$20,000/yr
$100,000	$50,000 x 2	$4,167 x 12	$2,084 x 24	$1,388 x 36	$10,000/yr
$100,000	$25,000 x 4	$2,084 x 12	$1,042 x 24	$695 x 36	$ 5,000/yr
$100,000	$10,000 x 10	$833 x 12	$417 x 24	$278 x 36	$ 2,000/yr
$ 50,000	$5,000 x 10	$417 x 12	$209 x 24	$139 x 36	$ 1,000/yr
$ 25,000	$1,000 x 25	$84 x 12	$42 x 24	$28 x 36	
$ 12,500	$500 x 25	$42 x 12	$21 x 24		
$ 12,500	$125 x 100	$11 x 12			

$500,000 = Total to create the Karl F. Jorda Professorship in Patent Law at Franklin Pierce Law Center. ***Thank you!***

Creating a Lasting Legacy



Thank you to all who are leading the way toward creating the Karl F. Jorda Professorship in Patent Law. We are over ten percent to reaching the $500,000 goal! We invite YOU to add your name to our benefactors list by making a gift today.

The Karl F. Jorda Professorship will help Franklin Pierce retain its global leadership in the teaching of patent law. With your support, you will ensure that students continue to have access to cutting-edge education and that Franklin Pierce Law Center can attract and retain the finest faculty.

For further information on ways you can join the campaign, please contact:

Laura S. Chaney
Director of Development
lchaney@piercelaw.edu
(603) 513-5181

Franklin Pierce Law Center
Two White Street
Concord, NH 03301 USA

To make a contribution online:
www.piercelaw.edu/jordagift

Jorda Campaign Benefactors
as of June 24, 2009

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J. Jeffrey Hawley
William O. Hennessey JD '86
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Calendar of Events

Philadelphia, PA, Alumni Reception	October 15
Washington, DC, Alumni Reception (AIPLA)	October 16
New Delhi, Bangalore, Mumbai, Pune, India Alumni Receptions	November (TBA)
Commencement	May 15
Boston, MA, Alumni Reception (INTA)	May 24







