



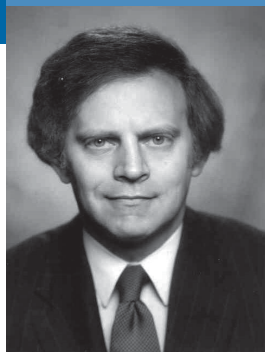
FELLOWS OF THE  
AMERICAN BAR FOUNDATION

Supporting the Study of Law,  
Legal Institutions, and Legal Processes

# Fellows News

Fall 2004, Number 90

## FROM THE CHAIR



James R. Silkenat

The Fellows program of activities in Salt Lake City during the ABA Mid-Year meeting in February will be a bit more extensive than usual. This is true for several reasons: first, because it is the first time that the Fellows (and the ABA) have had a chance to meet in this important and growing region of the country; and, second, because the

range of Fellows activities has expanded sufficiently in the past few years that it is important that we address new and timely issues when we are able to get together on a national basis (which really only happens at the ABA Annual and Mid-Year Meetings). A more complete listing of Fellows events and programs in Salt Lake City is contained elsewhere in this issue of the Fellows News.

The most innovative new activity in Salt Lake City will be a Luncheon Seminar on Friday, February 11, jointly sponsored by the Fellows and the ABA Young Lawyers Division, concerning the recent findings of the American Bar Foundation's "After the JD" study. This is ground-breaking research that shows how new and younger lawyers are being impacted by the changing dynamics of the legal profession and suggesting a few ideas about how best to adapt to this new professional framework. Speakers on this panel will include Bryant Garth, Former Director of the American Bar Foundation.

This special Luncheon Seminar is timely not only because of the substantive issues we will be discussing, but because it marks the beginning of a new relationship between the Fellows and the younger members of the legal profession, as represented so ably by the ABA Young Lawyers Division. It is the intention of all of the Fellows officers

to encourage the inclusion of younger lawyers in Fellows activities, both at the State and national levels. This will not only strengthen the work of the scholars/researchers at the American Bar Foundation (by increasing our involvement with issues directly affecting the most rapidly growing part of our profession), but will make the Fellows a more vibrant and stimulating organization.

The next important set of Fellows events in Salt Lake City will revolve around the Annual Fellows Dinner and Reception on Saturday, February 12.

At the Annual Dinner, I am very pleased that we will have an opportunity to honor two outstanding members of the Fellows and one of the leading educators of the public concerning law and legal issues. The Fellows Outstanding Service Award in 2004/2005 will be presented to James B. Lee of Utah. James is a former member of the ABA Board of Governors, a former Fellows State Chair in Utah and, in 1988, the Utah State Bar's Outstanding Lawyer of the Year. He is a Life Fellow of the American Bar Foundation and is a partner at Parsons Behle & Latimer in Salt Lake City.

The Fellows Outstanding Scholar Award this year will go to Alice H. Henkin of New York, Director of the Aspen Institute Justice and Society Program, and one of the most active advocates for public education about the law. Alice has been Chair of the International Human Rights Committee of the Association of the Bar of the City of New York and has served on the Board of Directors of Human Rights Watch. She writes frequently about international human rights issues.

Finally, and far from least, the Outstanding Fellows State Chair Award this year will be presented to Doreen D. Dodson of Missouri. Doreen has done a wonderful job in organizing Fellows activities in

Missouri and keeping our members there involved in Fellows programs on a national level. Doreen is a partner in The Stolar Partnership in St. Louis and is a member of the ABA House of Delegates.

Our Keynote Speaker for the Annual Dinner will be David Boies, one of the best known and most respected litigators in the United States, on the topic of “*Courting Justice: Law, Politics and American Democracy.*”

After serving as a partner at Cravath, Swaine & Moore in New York City (where his work ranged from cases involving IBM, to those involving General Westmoreland), Mr. Boies founded Boies, Schiller & Flexner, which has been at the forefront of a number of the most visible and important cases to hit American courts: he represented Vice President Al Gore in Bush v. Gore; he successfully defended Napster when the company was sued by the RIAA; and he served as Special Trial Counsel for the U.S. Department of Justice in its antitrust suit against Microsoft. He has also been involved in high-profile litigation involving the New York Yankees, Tyco International, Qwest Communications, Sotheby's/Christie's and Hollinger International.

Mr. Boies was Time magazine runner-up Man of the Year in 2000 and the National Law Journal's Lawyer of the Year in 1999 and 2000. Most recently, Mr. Boies is the author of Courting Justice: From New York Yankees vs. Major League Baseball to Bush v. Gore, 1997-2000.

A third important Fellows event in Salt Lake City will be our Opening Reception on Friday night, February 11, at 6:00 p.m. at the Wells Fargo Building. This is an outstanding venue in downtown Salt Lake City with a view of the Lake and the mountains and is an excellent opportunity to begin the Mid-Year Meeting in a relaxed

## Fellows in Print

**John M. Ferren**, *Salt of the Earth, Conscience of the Court: The Story of Justice Wiley Rutledge* (Chapel Hill: University of North Carolina Press, 2004).

**Angus G. Goetz, Jr.**, “Fee Forfeiture for Professional Misconduct,” 83 *Michigan Bar Journal* 32 (2004).

**Daniel J. Hoffheimer** and Natasha Cavanaugh, “The Uniform Trust Code and Asset Protection: The Discretionary/Support Distinction and Spendthrift Provisions,” *Probate Law Journal of Ohio* 36 (November/December 2004).

**Selma Moidel Smith**, “Honors to Her Honor: Chief Justice **Jean Hoefler Toal**,” 15 *Experience1* (Fall 2004).

social atmosphere with friends and colleagues from around the country.

A final Fellows program in Salt Lake City will be our Fellows “Research Seminar” on the topic of “*New Approaches to Access to Legal Services: Research, Practice and Policy.*” This program will feature new ABF research projects on public interest law firms and innovations in the provision of pro bono legal services, as well as comments from leading members of law firms, corporate law departments, and law schools including Martha Barnett, former ABA President. It will take place from 2:00 p.m. to 4:30 p.m. on Saturday, February 12. This Research Seminar is in honor of a significant gift to the American Bar Foundation by Peter and Liz Moser to establish a Research Fund in Legal Ethics, Professional Responsibility and Access to Legal Services.

I hope you will be able to actively participate in these important Fellows events in Salt Lake City at the ABA Mid-Year meeting. Please feel free to invite your friends and colleagues who are not yet members of the Fellows to give them a brief taste of what we do. A Fellows Registration Form for Salt Lake City is included elsewhere in this issue of the Fellows News. (Please note that even if you cannot attend the meetings, you may make a contribution to help kick off the Moser Research Fund. A space is available on the Registration Form in this issue to indicate your contribution.)

I look forward to seeing you in Salt Lake City in February. In the meantime, have a very Happy Holiday season. As always, if you have suggestions for Fellows programs or initiatives, please let me know. I can be reached by phone at 212-492-3318 or by e-mail at [silkenat.james@arentfox.com](mailto:silkenat.james@arentfox.com).

## Send Us Your News!

Submissions for the “Fellows in Print,” “Fellows in the News” and “State Happenings” features in *The Fellows News* are always gratefully received. Please send the information to Laura Curley in the Fellows Office at 750 North Lake Shore Drive, Chicago, IL 60611 (or call her at 1-800-292-5065).

# Welcome New Fellows

## ARIZONA

**Hon. David G. Campbell**, Phoenix

## CONNECTICUT

**Leonard Rovins**, Westport

## DISTRICT OF COLUMBIA

**Judith S. Kaleta**

## FLORIDA

**John F. Mariani**, West Palm Beach

**Michael V. Mitrione**, West Palm Beach

## ILLINOIS

**Lori D. Ecker**, Chicago

**Peter V. Fazio, Jr.**, Chicago

**William V. Johnson**, Chicago

**Karen L. Kendall**, Peoria

**Christopher N. Knight**, Chicago

**Richard J. Rappaport**, Chicago

**Larry R. Rogers**, Chicago

**Thomas J. Smedinghoff**, Chicago

## KANSAS

**Arthur Palmer**, Topeka

## MISSISSIPPI

**Richard Noble**, Indianola

**William H. Liston**, Winona

**Lawrence D. Wade**, Greenville

## NEW YORK

**Mark K. Alcott**, New York

**Hon. Melanie Cyganowski**, Central Islip

**Debra L. Raskin**, New York

**Anne C. Vladeck**, New York

## PENNSYLVANIA

**Charisse R. Lillie**, Philadelphia

## VIRGINIA

**Tracy Allen Giles**, Roanoke

## WISCONSIN

**Robert J. Loots**, Mequon

**Ann M. Murphy**, Milwaukee

## State Happenings

**DC**The DC Fellows 2004 Annual Dinner was hosted by Morgan, Lewis & Bockius LLP on Wednesday, October 6. Nina Totenberg, the Legal Affairs Correspondent for National Public Radio was the guest speaker. Her presentation on *Brown v. Board of Education* provoked a lively discussion. The dinner also provided the occasion to acknowledge and welcome new DC Fellows.

**KS**The annual dinner of the Kansas Fellows, organized by State Chair, **Professor James M. Concannon**, was held on November 6 at the Indian Hills Country Club. ABF Senior Research Fellow Stephen Daniels addressed the group and spoke on the topic of "The Strange Success of Tort Reform."

**NY**Recent NY Fellows events include a reception held in honor of the new ABA President-Elect, **Michael S. Greco** on Tuesday, November 30 and an upcoming luncheon seminar featuring a discussion by Lawrence R. Baca, Chair of the ABA Commission on Racial and Ethnic Diversity in the Profession, of important issues involved in minority participation in the legal profession. During the seminar, the first New York Fellows Outstanding Achievement Award will be presented to **Kay C. Murray** of New York City. Ms. Murray has had an outstanding legal career in New York as General Counsel of the New York City Department of Juvenile Justice. Both of these events were organized by Fellows Chair **James R. Silkenat** and hosted at the offices of Arent Fox.

**OR**The Oregon Fellows participated in an ABA/ABF sponsored reception on October 14 at the Convention Center in Portland. Held during the course of the Oregon State Bar Convention, this gathering was organized by Portland Fellow **Susan D. Marmaduke** and Oregon State Co-Chair **Marilyn J. Harbur** and sponsored by Ms. Marmaduke's firm of Harrang Long Gary Rudnick PC.

## In Memorium

DAVID J. ANDREWS, LONDON, UK

JOHN B. BATES, PIEDMONT, CA

DANIEL D'AMBROSIO, CHATHAM, NJ

HARRIET P. HENRY, SCARBOROUGH, ME

ARTHUR KARGER, RIVERDALE, NY

LINWOOD PERKINS, CORTE MADERA, CA

WALTHER M. PICKETT, JR., WASHINGTON, CT

JOHN F. SCULLY, HARTFORD, CT

LEE E. TEITELBAUM, ITHACA, NY

GORDON K. WRIGHT, LOS ANGELES, CA

## The Fellows of the American Bar Foundation

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The American Bar Foundation is an Illinois not-for-profit corporation (501(c)(3)) organized in 1952. The Foundation's federal tax identification number is 36-6110271.

## *Join Us In Salt Lake City!*

### **Fellows Registration**

*Imperial Ballroom Foyer,*

*Grand America Hotel*

Wednesday, February 9 12:00 P.M. – 5:00 P.M.

Thursday, February 10 8:00 A.M. – 5:00 P.M.

Friday, February 11 8:00 A.M. – 5:00 P.M.

Saturday, February 12 8:00 a.m. – 3:00 p.m.

### **Friday, February 11**

**12:30 P.M. to 1:45 P.M.**

Joint Fellows/YLD Luncheon: “After the JD: Now What Do I Do?” (ticketed event)

*Little America Hotel, Grand Ballroom A, 1<sup>st</sup> Floor*

In our first ever joint event with the ABA's Young Lawyers Division, we will co-sponsor a discussion of the Foundation's research on the actual career paths and career development patterns followed by young lawyers after law school. What sorts of environments and skills help young attorneys reach their goals? What factors most influence job satisfaction among young lawyers? Does educational debt affect career choices? These questions will be addressed by a panel which will include: Bryant G. Garth, ABF Senior Research Fellow; James R. Silkenat, partner, Arent Fox; Joel F. Henning, Consultant, Hildebrandt International; Janine Smith, Associate, Burr & Forman; and Alfreda Coward, partner, Coward & Coward.

**6:00 P.M. to 8:00 P.M.**

Fellows Opening Reception (ticketed event)

*Wells Fargo Building, 23rd Floor, Mt. Olympus Room*

The prestigious Wells Fargo building is the newest Salt Lake City skyscraper and is conveniently located within walking distance of the meeting hotels in the heart of downtown Salt Lake City. It is the tallest building in the city and offers a spectacular view of the city.

### **Saturday, February 12**

**9:00 A.M. to 12:00 P.M.**

Salt Lake City Tour (ticketed event)

*Main Street Entrance of the Grand America Hotel*

(buses loading between 8:30 a.m. and 9:00 a.m.)

This tour is a complete look at what makes Salt Lake City unique. You will see the historic downtown area including the Temple Square and the Mormon Temple, which took 40 years and 4 million dollars to complete. Hear the world famous Tabernacle organ and enjoy the stunning architecture of the Assembly Hall and the Joseph Smith Memorial. The drive along south Temple Street will take you past elegant turn of the century mansions and churches to the University of Utah, the first university built west of the Missouri River.

**2:00 P.M. to 4:30 P.M.**

Fellows Research Seminar – “New Approaches to Access to Legal Services:  
Research, Practice, and Policy”

*Grand America Hotel, Savoy Room, Lobby Level*

A continuing area of interest and focus for the American Bar Foundation since Barbara Curran’s landmark study of the Legal Needs of the Public in the 70’s, the topic of access to legal services by those who need them, will be addressed in this Seminar. The discussion will center on two current, on-going ABF research projects, one that is based upon a national survey of public interest law firms conducted by ABF Research Fellow Laura Beth Nielsen, and a second being undertaken by Senior Research Fellow Stephen Daniels and ABF Associate Director Joanne Martin, which is examining the pro bono and not-for-profit legal services provider community in a large metropolitan area.

A discussion of this research and the topic generally will be moderated by ABF Director Robert L. Nelson and enhanced by a distinguished panel of commentators including Martha W. Barnett, former ABA president and partner at Holland & Knight; Karen L. Tokarz, professor and Executive Director of Clinical Education, Washington University School of Law; and Thomas F. Geraghty, professor and Director of Bluhm Legal Clinic, Northwestern University School of Law.

This Seminar will be delivered in recognition of the significant gift made by Peter and Liz Moser to establish a Research Fund in Legal Ethics, Professional Responsibility, and Access to Legal Services.

**6:00 P.M. to 9:30 P.M.**

Annual Fellows Reception and Dinner, Grand American Hotel (ticketed event)

6:00 P.M. – *Reception, Grand America Hotel, Grand Reception A, Lobby Level*

7: 00 P.M. – *Dinner, Grand America Hotel, Grand Ballroom A, Lobby Level*

Keynote Speaker: David Boies, partner, Boies, Schiller & Flexner  
“Courting Justice: Law, Politics and American Democracy”

Please join us in celebrating this year’s recipients of the Fellows Awards —

Outstanding Service Award: James B. Lee (Utah)

Outstanding Scholar Award: Alice H. Henkin (New York)

Outstanding Fellows State Chair Award: Doreen D. Dodson (Missouri)

All Fellows Award recipients exemplify the qualities that the Fellows represent – excellence in practice, professionalism, and the study of law.

**Sunday, February 13**

**12:30 P.M. to 2:30 P.M.**

State Chairs’ Luncheon

*Grand America Hotel, Venezia Room, Lobby Level*



# Fellows in the News

**AZ** Phoenix Fellow, **Heidi McNeil Staudenmaier**, was elected to a four-year term on the Executive Council of the American Bar Association's Business Law Section. She will chair the Strategic Planning Committee of the Council. Ms. Staudenmaier has been active with the ABA for many years, having served as editor-in-chief of *Business Law Today* and a former officer of the Young Lawyers Division.

**CA** The Superior Court of California, County of Santa Clara elected Life Fellow, **the Honorable Alden E. Danner**, as the new Presiding Judge for 2005 and 2006. The Presiding Judge has ultimate responsibility for the court's budget and performs a variety of duties related to overall court administration. Judge Danner's term will commence January 1, 2005.

The Commission of Judicial Appointments held a confirmation hearing on Tuesday, October 5, 2004 on Justice **Norman L. Epstein's** nomination for Presiding Justice of Division 4 of the 2nd District Court of Appeal. Justice Epstein became a Fellow in 1997.

**The Honorable Sandra Thompson**, of Torrance, was sworn in as President of the National Association of Women Judges. The National Association of Women Judges provides strong, committed judicial leadership to ensure fairness and gender equality in American courts. Judge Thompson has been a Fellow since 1995.

**DC** Life Benefactor Fellow, **Mortimer M. Caplin**, was recently interviewed by *Taxes Magazine* about his years as IRS Commissioner in the Kennedy-Johnson administrations, the IRS today, and budget issues now facing the nation. The interview can be found in the October 2004 issue of *Taxes Magazine*. Mr. Caplin has also been appointed for a three-year term to the ABA's Standing Committee on Pro Bono and Public Service.

**FL** Miami Fellow, **Michael J. Higer**, has been selected to co-chair the State Court/Federal Court Liaison Committee of the Business Law Section of the Florida Bar. The primary goal of this committee is to foster a closer relationship between the judiciary and the business committee.

During the ABA Annual Meeting held in August, Life Fellow **Stephen N. Zack** became the first Hispanic American to become Chair of the ABA House of Delegates. The House of Delegates is the ABA's policy-making body, and the two-year post of Chair is the second-highest office in the ABA.

**IL** Life Fellow, **James B. Wham's** 9th Annual Memorial Day Service Address was submitted to the House of Representatives by Judge John Shimkus, on Tuesday, September 28, 2004. The Address was given on May 31, 2004 at VFW Post 9770, in Brownstone, IL.

**LA** **Robert G. Pugh**, Life Fellow, and the Honorable Tom Stagg were named LSU's Paul M. Herbert Law Center's Distinguished Alumni of the Year. The award is given to individuals who exemplify the highest quality and ethical standards of the Law Center.

**MI** Life Fellow, **Charles R. Rutherford**, has been awarded the first "Senior Lawyers Award" by the Senior Law Section of the State Bar of Michigan. The award has been named the "Charles R. Rutherford Senior Lawyers Leadership Award" and will be conferred annually on a worthy recipient. This award is made to those Section members who have demonstrated qualities of leadership within the legal profession highlighted by an extensive devotion of time, service, and tireless effort within the State Bar or other elements of the organized bar.

**NE** Chief United States District Judge, **the Honorable Richard G. Kopf**, a Lincoln Fellow, was awarded the Distinguished Alumni Award from the University of Nebraska at Kearney Alumni Association.

**NY** Hofstra Law School has named New York Fellow **Professor Eric M. Freedman** as the Maurice A. Deane Distinguished Professor of Constitutional Law. Professor Freedman's work combines scholarship in constitutional law and history with public interest litigation on behalf of civil liberties.

**OH** Life Fellow, **John W. Palmer** has recently returned to Columbus, OH after serving two back-to-back Fulbright Awards in Poland and Estonia.

**WI** Life Fellow, **Chief Justice Shirley S. Abrahamson** of the Wisconsin Supreme Court received the American Judicature Society's (AJS) highest honor, the Dwight D. Opperman Award for Judicial Excellence. The award, which is new this year and comes with a \$5,000 honorarium that Justice Abrahamson has donated to the court system, is named for a former AJS director. The award is reserved for trial and appellate judges who have had at least 10 years of judicial service and whose written opinions "make clear that bench, bar and community alike would willingly entrust that judge with the most complex cases of the most far-reaching import."

**VA** Richmond Fellow, **James W. Morris III**, has been elected President of the American College of Trial Lawyers. The American College of Trial Lawyers is an honorary association of lawyers from the United States and Canada. The College is dedicated to improving and elevating the standards of trial practice, the administration of justice and the ethics of the trial profession. Membership is extended to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality.

## The Fellows Event Registration Form

*Salt Lake City, February 11 and 12, 2005*

Name: \_\_\_\_\_ (Please Print)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Spouse/Guest (Name) \_\_\_\_\_

Event	Ticket Price	Number Attending	Total Cost
Registration (for Fellows only)	\$60		\$60
Joint Fellows/YLD Luncheon Seminar Friday, February 11	\$25		\$
Fellows Opening Reception Friday, February 11	\$65		\$
Fellows Tour of Salt Lake City Saturday, February 12	\$25		\$
Fellows Annual Reception and Banquet Saturday, February 12 (business attire)	\$100		\$
		Event Total:	\$
<input type="checkbox"/> I would like to make a contribution to the Moser Research Fund in Legal Ethics, Professional Responsibility, and Access to Legal Services			\$
		Total:	\$

Enclosed is my check in the amount of \$ \_\_\_\_\_

Please charge my  Visa  MasterCard (Sorry, no American Express)

Credit Card Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Please return this form with your payment to:  
 The Fellows of the American Bar Foundation  
 750 North Lake Shore Drive  
 Chicago, IL 60611  
 Attn: Salt Lake City

If paying by credit card, you may fax this form to:  
 (312) 988-6579 Attn: Salt Lake City

**Remittance refundable up to 48 hours prior to event.**

# New ABF Publications

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## *After the JD: The First Results of a National Study of Legal Careers*

Among the surveyed members of the law school graduating class of 2000:

- The medium duration of a typical work week is 50 hours.
- 80% of these lawyers are either moderately or extremely satisfied with their decision to become a lawyer.
- The median educational debt carried by those who left law school with some debt was \$70,000.
- A third of these recent graduates have changed jobs at least once since graduation.

## *The Lawyer Statistical Report: The Legal Profession in 2000*

- In 2000 there were 1,066,328 lawyers in the U.S.
- In 1951, women comprised 3% of the lawyer population; in 1980 they were 8% of the profession; and in 2000, women lawyers made up 27% of the lawyer population.
- About 48.3% of the lawyers in private practice are sole practitioners and 14.3% are working in firms of more than 100 lawyers.
- Alaska has the seventh highest population to lawyer ratio (237/1) among the 50 states and the District of Columbia.

Want to know more? Copies of the After the JD report are available in a pdf format on the ABF website at <http://www.abfn-sociolegal/NewPublications/index.html>. *The Lawyers Statistical Report* may be purchased for \$40 (plus \$5 for shipping) from the American Bar Foundation, 750 North Lake Shore Drive, Chicago, IL 60611.

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