Full circle
Alumni adjuncts share expertise with today's students

IN THIS ISSUE
- New program in dispute resolution
- Professor Matthew Sag on technology and the law
- 2L negotiates dad's NFL contract
Alumni involvement is an integral and irreplaceable part of the School of Law’s success. The cover story in this issue of Loyola Law highlights one of the most significant ways our graduates contribute their talents and expertise to the law school: as highly valued members of our adjunct law faculty.

We’re also pleased to announce Loyola’s new Dispute Resolution Program under the leadership of Teresa Frisbie (JD ’86), who joined the law school last fall. The program puts Loyola at the forefront of the movement toward alternatives to traditional litigation.

We’re grateful for the continued support of alumnus Roger Kiley Jr. (JD ’66), and for the recent funding the law school received from the Gates Foundation, which will help to launch a unique new LLM degree program in Rule of Law for Development this fall at Loyola’s Rome Center.

It’s always a pleasure to highlight the extraordinary work of our faculty and students. Included in these pages is an update on Loyola’s outstanding tax law faculty. Visiting Professor Matthew Sag, an expert in the area of intellectual property, has written an article for this issue on the Google Book Search project. We’re delighted that Professor Sag and Juan Perea, a leading scholar in the area of race and law, will join Loyola’s full-time law faculty this summer.

We’ve also profiled two exceptional students. Matthew Smith, a 2L, recently made national headlines for negotiating the two-year contract extension of Chicago Bears Coach Lovie Smith, who also happens to be Matthew’s father. Susie Bucaro tells how a serendipitous encounter with a group of Loyola law students and faculty in Tanzania several years ago prompted her to pursue a legal education at Loyola. Loyola law students continue to take top honors in regional and national competitions; this issue spotlights the latest achievements in this area.

Be sure to check out recent alumni happenings and upcoming events. We value your participation and continue to offer events and initiatives that will keep our graduates fully engaged with the School of Law.

David Yellen
Dean and Professor of Law
LEGAL BRIEFS

Loyola University Chicago School of Law continues to lead with innovative curricula and programming. Here’s a sampling of what’s new and notable at the law school.

LEGAL EDUCATION

Making law schools more transparent

As the movement toward making law schools more transparent to potential students picks up steam, Dean David Yellen is playing an active part in ensuring that prospective students have the details they need to make informed decisions about where and when to go to law school.

Yellen serves on the American Bar Association’s (ABA) Standards Review Committee (SRC), part of the ABA’s Section of Legal Education, which is responsible for accrediting law schools in the U.S. The SRC is currently considering a number of significant changes, including moving accreditation standards away from “inputs” like student-to-faculty ratio, library holdings, and size of facilities, toward measuring “outputs”—student learning outcomes.

Yellen is chairing a SRC subcommittee that is revising Standard 506, known as the “consumer information” standard. The committee is proposing replacing the currently very broad standard with a much more detailed set of requirements on reporting student employment outcomes months after graduation.

“For example, we’re proposing that schools post on their Web sites some very detailed information on the percentage of graduates employed, whether those jobs they have, whether those positions are full or part time and permanent or temporary, and whether those positions pay,” Yellen explains. In addition, because relatively few alumni are willing to reveal their salaries and those who do tend to be earning more, “We’re proposing that schools disclosing salary statistics of new graduates ought to be quite clear about what percentages of graduates are reporting,” Loyola has already updated its Web site to include more of the kind of information the subcommittee is recommending, Yellen says.

Another subcommittee chaired by Yellen has already finished its work, recommending that ABA accreditation reports be made public.

ADVOCACY

Intraschool Moot Court Competition

Chief Justice Thomas Kilbride of the Illinois Supreme Court served as a judge in the final round of Loyola’s annual Intraschool Moot Court Competition, held in the Ceremonial Courthouse in March. Noah Moss (2L) and Loyola Law School third-year Emily Stalzer won Loyola’s 2011 Intraschool Moot Court Competition. Marie Lynch (2L) was awarded second place. Pictured, from left: Scott Ammann, general counsel, Chicago Housing Authority; Chief Justice Thomas Kilbride; and Loyola Professor of Law Allan Shoenberger.

LIFE AFTER INNOCENCE

Student-drafted law helps the exonerated

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estin an unusual opportunity to make law, Loyola students recently researched, drafted, and lobbied for legislation that automatically expunges the records of exonerated individuals. Senate Bill 389 passed the Illinois House and Senate by a nearly unanimous vote and was signed by Governor Pat Quinn on March 10.

The students are part of Life After Innocence at Loyola, an initiative led by director Laura Caldwell (JD ’92). Life After Innocence assists recent exonerates in adapting to life after wrongful imprisonment, including helping them gain employment and skills—for example, learning to use the latest computers and cell phones.

A significant barrier to re-entry for exonerates is not having their records expunged of the erroneous charges and convictions for which they were incarcerated. Without a clean record, these individuals find it difficult to obtain jobs. The expungement process is cumbersome and often frustratingly slow.

After consulting with Speaker of the Illinois House Michael Madigan and Senator Dan Kotowski, the Loyola students made a “wish list” for exonerates and narrowed it to the essentials: Expungement and mental health benefits seemed the highest priorities.

Together, the students and Caldwell learned the process of drafting and passing a law. They received guidance from Speaker Madigan’s counsel, David Ellis and Arne Satkowski, whom Caldwell describes as “our guiding lights.” The students researched, drafted provisions, brainstormed with legislators, and even attended the hall of the Capitol in Springfield to lobby and pick the brains of lawmakers and their staffs so that their legislation had the best possible chance of passing. At the end of a long day of knocking on doors of Illinois state legislators, Caldwell and a student even continued their lobbying at the Chigo, a Springfield establishment where legislators and their staffs go after work.

During the debate on the legislation before the Criminal Law Committee of the Illinois House of Representatives, Caldwell and SL Rebecca Volik testified that the legislation was necessary to right the wrongs that were committed, and to make it possible for exonerates to lead productive lives after their incarceration.

“IT was really amazing,” says Volik. “To feel passionate about something and have the opportunity to do something about it—I am really thankful for that.”

The result of these persistent efforts was S.B. 389 (technically part of a state police bill), which grants automatic expungement if the exoneree receives a pardon based on innocence or a certificate of innocence. It also provides mental health benefits to exonerates to help them with issues such as post-traumatic stress disorder. The students hope to have a ceremonial signing with the governor in the near future.

“IT’s really interesting, fun work, and a challenging but satisfying way for those of us committed to legal education to give back,” Dunn says.

The combined work of the SRC represents the largest potential change to law school accreditation in many years. “It’s not tiring, it’s looking at the fundamentals of the accreditation process,” Yellen says. “It’s really interesting, fun work, and a challenging but satisfying way for those of us committed to legal education to give back.”

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Members of Loyola’s Life After Innocence (LAI) hosted a panel discussion and book signing to celebrate Laura Caldwell’s book Long Way Home.

Pictured, from left: Kurt Winiecke (JD ’97), Antoine Day (LAI client), Lindsey Johnson (2L), Marvin Reeves (LAI client), Chris Reed (2L), and Laura Caldwell (JD ’92), director and founder of Loyola’s Life After Innocence.

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Almost all law students at Loyola take at least one course in federal income tax. "Until several years ago, tax was a required course at Loyola," says Jeffrey Kwall, Loyola’s Kathleen and Bernard Beazley professor of Law, and director of Loyola’s LLM in tax law program. "It’s interesting to find that our students’ interest and enthusiasm for tax law has actually increased in recent years, yielding stronger enrollments than ever before in intermediate and advanced tax courses."

The tax certificate at Loyola, now celebrating its 12th year, has also grown significantly, with an average of 31 JD graduates earning a certificate in the area of tax law from Loyola in each of the past two years. With the competitive job market and the current economic downturn, more students are taking advantage of advanced degrees. Several recent graduates have benefited from Loyola’s accelerated LLM in tax by completing 12 additional hours of post-JD study.

**Strong faculty, clinical options**

Student interest in tax law at Loyola is due largely to its exceptional faculty. Along with the many devoted adjunct tax faculty members who are successful and talented practitioners in their field and bring real-life experience to our students (also see page 6), Loyola’s full-time law professors play important leadership roles in the tax community.

*Samuel Brunson, the newest member of the tax law faculty, brings to Loyola an impressive list of accomplishments as well. His article “Repatriating Tax-Exempt investments: Tax Havens, Blocker Corporations, and Unrelated Debt-Financed Income” was recently accepted for publication by the Northwestern Law Review.*

*Loyola’s Federal Tax Law Clinic, which represents low-income clients who are engaged in income tax controversies with the IRS, continues to thrive under the strong leadership of Director Mike Novy and Assistant Director Daniel Pavlik.*

"Helping our students grow and succeed is really what we strive for," says Kwall. "And it’s gratifying to know they’re enjoying the process.*"
A special moment stands out during each semester that Martha Sabol (JD ’99), a shareholder at the Chicago firm Greenberg Traurig LLP, teaches the Due Diligence course at the School of Law. “This is not a class in which students sit and take notes,” Sabol says. “I’m calling on them all the time, and their participation is part of the grade. The first couple of classes, they don’t really get it—and then one day I walk in the room and they’re already discussing and defending and challenging, learning from each other, not waiting for me to come in and lead the class.”

“You can feel the energy. They’re doing what lawyers do.” Sabol is one of a cadre of diverse legal professionals who bring their experience and talents to teaching part time at the School of Law—the vast majority of whom, like Sabol, are alumni of the law school. While all Loyola part-time law faculty members are highly skilled practitioners, Michael Kaufman, professor and associate dean for academic affairs, notes that having graduated from Loyola’s School of Law adds an extra dimension to adjuncts’ experience. “Because they’ve gone through the same educational experience that their students are now having, our alumni adjuncts have the same strong foundation in ethics, public service, professional responsibility, and mutual respect,” he says. “They pick up the infectious sense of compassion and care for our students they received from their own professors, and bring it back for today’s students.”

A significant commitment

Loyola’s alumni adjuncts work in law firms, the judicial system, government, corporations, and not-for-profit organizations. “We make a tremendous effort to ensure diversity in the ranks of adjuncts—
in gender, race, ethnicity, religion, professional environment, and perspectives on the law—and that reflects the wide diversity in our alumni base and student body,” Kaufman says.

Adjuncts are selected for their deep expertise in a specific area of advanced law, as well as their ability to provide practical skills training in keeping with the School of Law’s heightened emphasis on experiential learning (see Loyola Law’s Fall 2010 issue, UIC.edu/Fall2010). “School of Law Dean David Yellen says, ‘Our adjuncts contribute incredibly to the richness of our curriculum, and our students—especially by their third year—just love being taught by people who are out there practicing law and can provide real-world insights.’”

Tom Luetkemeyer (BA ’79, JD ’82)
Partner, Hinshaw Culbertson LLP
Courses: Employment Law, Labor Law, and Employment Discrimination

‘I have a newfound respect for those who teach,’ says the Honorable Mary Anne Mason (JD ’77), judge of the Circuit Court of Cook County—Chancery Division, who last spring taught Advanced Legal Writing at Loyola for the second time. “Now I understand what effort is involved in preparing for an hour of classroom time.”

The students keep you on your game

Given that the preparation is significant and the stipend is modest, what motivates Loyola’s enthusiastic adjunct faculty to keep teaching? “It’s a blast. There’s not a lot of money in it, it’s just fun,” says Dina Ross (JD ’94), principal at Dina B. Ross Law Offices. “The students always challenge you and keep you on your game. They’ve always got a new way of looking at things—that forces you to examine how you see things.” Legal Writing I and II instructor Ruta Stropus (BA ’96, JD ’98), director of attorney recruitment and professional development for the Office of the Illinois Attorney General, says that when a student struggles with the concept of writing in a new way, and goes through the process of learning this new skill, she’s “reminded that it takes time to master a new task. That helps me as I’m struggling to learn something new. And the challenge of taking a subject and breaking it down so others can understand it and be good at it—that’s an intellectual stimulus,” she says.

The Honorable Sanjay Taylor (JD ’91), associate judge for the Circuit Court of Cook County, who teaches Illinois Litigation.

Full Circle (Continued from Page 6)

Craig Boyer (JD ’81), a principal at Deloitte Tax LLP and the designer and instructor of Loyola’s Advanced Partnership Tax course, says, “I get as much benefit from teaching as I hope my students do. Not only does it help me refine my understanding, it also gives me the chance to articulate it, and that helps me articulate it to my client. If the students understand my presentation of complex concepts, my clients will understand it.”

And, Boyer adds, “From a credentialing standpoint, it makes me pretty proud to say I’m a faculty member at a law school.” Sabol’s role as an adjunct is actually part of her long-term career plan. A corporate vice president before she went to law school at age 36, Sabol plans an eventual “retirement” career in full-time teaching. “As I’m going back to the law school, I’m building my own future and getting the experience to do it,” she explains.

CONTINUED ON PAGE 10

8 LLOYOLA LAW
Stalwarts of the adjunct faculty

The amount of satisfaction that comes with part-time teaching keeps some Loyola law graduates on the adjunct faculty for many years. “Our longtime alumni adjuncts are part of the fabric of our community,” says Kaufman. “They not only teach, but help us with curriculum development, mentoring, and career services for students.”

Luetkemeyer has taught Employment Law, Labor Law, and Employment Discrimination for 24 years without a break. “Teaching is fun, it keeps me current, and it’s great to periodically come across individuals I’ve taught in the past,” says Luetkemeyer, whose past students include Illinois Attorney General Lisa Madigan; the Honorable Virginia Kendall, judge of the United States District Court for the Northern District of Illinois; Jim Robinson, district director of the United Steelworkers Union; Maria G. Garcia, general counsel for the Chicago Park District; and Kathleen Mcginty, bureau chief, Illinois Department of Healthcare and Family Services.

Since 1987, Luetkemeyer has also been a coach for Loyola’s Wagner Labor and Employment Law Moot Court Team, which won the national championship in 2009 and 2010.

Donner’s teaching record is almost as long as Luetkemeyer’s. Since the summer before he took the bar, when he co-taught a class on litigation skills, Donner has been a part of the School of Law faculty. A published expert on the subject of jury selection skills, Donner designed what he believes is the first law school course in the U.S. to focus exclusively on the law of jury selection. He also spent 10 years as coach of Loyola’s Chicago Bar Association Moot Court Team and five years coaching the school’s ABA Negotiation Competition Team.

Of his significant loyalty to the law school, Donner comments, “The School of Law’s importance isn’t apparent to new graduates. It’s not until years later that you realize what a massive influence it has, as you constantly run into people in the profession who are from Loyola. From that connection, they immediately know a lot about you.

“Loyola gives you a core, a way of looking at the law, that lawyers from Loyola and elsewhere know means something. That’s only going to continue if those of us who graduated from Loyola put some effort back into the school. There are lots and lots of us who are living lives we never imagined before we studied there. We owe a lot to Loyola.”

Gregory Furda (BA ’69, MA ’71, JD ’75), senior counsel at the Chicago firm of Sidley Austin LLP, is another of those individuals. “If I had not gone to Loyola’s School of Law, I’m convinced that I would have been a bum,” says Furda, who had felt directionless before law school but believes that his time at the school of Law “gave me purpose and demanded that I be a responsible person and contributor to society. As a result, I’ve had a career and a life that have been a dream; sometimes I have to pinch myself. I greatly appreciate the ability to contribute and give back.”

Furda has returned the favor, not only through his establishment of the Emilie Tavolieri Furda scholarship Fund in honor of his late mother, but also through many years of teaching at the law school.

Taking the joking advice of his sister, an adjunct at a chiropractic college, to ‘never let students smell fear or they’ll eat you alive,’ he taught Land Use from 1995–2008, adding a new seminar course, Building American Cities, along the way for students who had an especially great interest in the subject. “We had no papers, no exams. I worked with them to refine topics they were interested in researching, and then let them go until they presented their theses to their classmates,” Furda explains.

“It worked really, really well. One of the greatest compliments I ever received came from Nina Appel, then dean of the law school, who heard me describe how to do a peer-reviewed seminar and said, ‘I’ve got to try that.’ Those words were a total validation…the epitome of being a lawyer.”

For a complete list of the School of Law’s talented and diverse adjunct faculty, visit: LUC.edu/law/adjunct2011.
Loyola shapes the future with new Dispute Resolution Program

There are still too many lawyers who only understand or possess one skill set,’ explains Frisbie. ’To be an excellent advocate for your client, particularly in this tough competitive climate, you need to be able to do interest-based problem solving. ’

“Negotiating a contract. ’”

Loyola’s new Dispute Resolution (ADR) program—was a natural fit for the Loyola’s leadership in alternative dispute resolution. Frisbie recognizes a need for this program by providing additional skill for students at Loyola. ’

Frisbie is currently building the curriculum to meet that standard, including expanding available courses. ’

“it was Frisbie’s ability to connect with students that impressed Loyola’s hiring committee. ’

Clients are more frequently embracing ADR because it’s more understandable to the layperson than litigation and can reduce legal costs. ”

“I’ve seen ADR in action many times. I think it has contributed directly to our use of ADR in every situation. ”

TERESA FRISBIE

TERESA FRISBIE

A passion for ADR

Frisbie became interested in ADR more than a decade ago. ”

“Because of Blackman’s discovery rules and a lack of civility, litigation can get drawn out and expensive,” she continues. ’

Frisbie is big on planning, and leaving private practice for a full-time position in academia required a shift in her life plan.

Teressa Frisbie (JD ’91) with students from Loyola’s International Mediation Team.
STUDENT PROFILE: MATTHEW SMITH

How he got the gig: “My dad likes to talk in old-fashioned parables. He refers to our family as a ‘wagon train’ and our family football ‘business’—both my brothers are going into coaching, too—as ‘circling the wagons.’ My dad’s agent is a wonderful man whom we all love, but it’s always nice to have family working for and with you. I plan to go into sports representation, and when I went to law school, we decided as a family that this would complete the circle.”

Going deep: Looking ahead to his father’s contract expiration, Matt traveled to away Bears games last season and made a point of discussing NFL issues with CEO Ted Phillips and other Bears higher-ups. “I’ve known Ted for years, but I had a long-term plan going—to introduce myself as an informed person. My family’s always been all about football and I know how the business works. That’s my strongest feature going forward into this profession: sports is kind of a closed society and I’ve grown up in it.”

Doing his homework: Getting ready to sit down at the negotiating table, Matt researched NFL coaches’ salaries and how the value of the Bears had improved since Lovie Smith began coaching the team—including a significant jump in merchandise sales and TV ratings. “I also looked at what Dad stands for as a person and a coach, and how well that fits with Chicago. Dad’s as good a coach-to-city match as you’ll find anywhere in the NFL: both are hardworking and results-oriented.”

Preparation pays off: Matt’s thorough preparation and long-time rapport with Phillips led to a comfortable negotiation process that took only two weeks. “Ted was great and treated me as an equal. Dad wanted to stay and the Bears wanted to keep Dad, so we started from that point and no one had to pitch. I was very fortunate—this was a situation set up for me to succeed in.”

Classes in action: Matt found two classes especially useful as he negotiated his father’s contract. “John Breen, my Contracts professor, is an excellent professor who demands a lot from us. I’ve never been better prepared for a class—or to put that class to use.” The Antitrust class Matt took this spring with Spencer Waller dealt with bargaining power, market share, and other concepts relevant to NFL happenings. “I’ll take as many classes from Professor Waller as I can. He’s so engaging that he brings out the best in students.”

On choosing Loyola: Matt found the job market challenging after earning a BA degree in classics from Northwestern University. His wife, Kathleen Smith (JD ’09), who now runs the Smith family foundation and is counsel for Ronald McDonald House Charities, inspired him with stories of her Loyola law studies. “I decided that law school was a good fit for me and will be a strong background for a career in sports representation.”

A solid choice: “Besides proposing to my wife, coming to Loyola’s School of Law is the best choice I’ve ever made. I’ve been around extremely intelligent professors and students, developed wonderful relationships, and grown as a person. I’m thankful that Loyola has been able to do all this for me.”

▶ Legacy bound: 2L kicks off sports representation career by negotiating dad’s NFL contract

When Chicago Bears Head Coach Lovie Smith announced at a February press conference that his contract renewal was negotiated by Matthew Smith, a buzz ran round the room. The reporters there already knew Matt—as the coach’s son. Matt, who just completed his second year at the School of Law, shares his thoughts on what he calls “the exhilarating experience of negotiating with the most storied franchise in the NFL.”
In and out of Africa

Chicagoan with ties to Tanzania and Kenya makes surprise Loyola connection abroad

You’re not convinced it’s a small world, just ask Susie Bucaro. The Chicago native just happened to be in the middle of a two-year teaching post in the East African country of Tanzania when she met a visiting group of Loyola law professors and students. “They planted the seed in my mind about going to law school after I finished teaching in Tanzania,” says the third-year student. “Now here I am.”

Settled back in Chicago and at Loyola, Bucaro has been a member of the American Bar Association National Appellate Advocacy Moot Court and the National Moot Court teams, and served as chief justice of the Moot Court Board and editor and staff writer at the Public Interest Law Reporter.


“You’re not convinced it’s a small world, just ask Susie Bucaro.”

“I have such a strong place in my heart for Tanzania now that I can’t imagine it’s going to cease to be a part of my life,” says Susie Bucaro.

Conversation over cashews

A curious thing happened to Bucaro in March 2006. “One day, we hear this guy calling to us from the gate of our house in Dar es Salaam,” she recalls. It was a Loyola law student who taught at a school in nearby Zanzibar several years earlier. He’d returned with other students and Professor Diane Geraghty and Dean Michael Kaufman through the International Children’s Rights Initiative. He asked Bucaro if she could introduce the Chicago contingent to Bucaro’s students and invited her to a reception at the Chicago group’s hotel.

“She’s a real inspiration because her home base is in Tanzania,” says Bucaro. “I definitely think I received the externship with Judge Williams because she saw Nairobi and Tanzania on my resume, and there was that connection,” says Bucaro. “She’s a real inspiration because her home base is in the Seventh Circuit Court of Appeals, but she has a ton of ties to East Africa.”

That’s exactly the diverse future Bucaro hopes for herself. “I have such a strong place in my heart for Tanzania now that I can’t imagine it’s going to cease to be a part of my life,” she says.

Loyola in Dar es Salaam?

With an undergraduate degree in political science and international studies, Bucaro hoped to work in international human rights law. She knew it would be helpful to have international experience, and one route to that experience is teaching abroad. So Bucaro signed on with Jesuit Volunteers International.

“They extended an offer to go to Tanzania, and I didn’t even know where it was,” she recalls. “My parents were less than enthusiastic about their daughter going all the way to East Africa, but it turned out to be the most amazing experience of my life.”

In November 2005, Bucaro began teaching English to Swahili-speaking 11- to 15-year-old students at the Jesuit-affiliated Loyola High School in Dar es Salaam. There was no curriculum, there were no books, and Bucaro had no training as a teacher.

“In the first year, I had no idea what I was doing,” Bucaro says. “I could tell by the blank stares that I wasn’t getting through to the majority of the students. The next year, I revised my teaching style because I’d learned enough Swahili to understand the quirks of the language and why it’s so difficult for many to learn English. There’s no ‘r’ or ‘sh’ in Swahili, which also doesn’t have gender pronouns. I realized I needed to hone on these differences because they’re not ingrained in the language the students had been speaking their whole lives.”

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“You’re not convinced it’s a small world, just ask Susie Bucaro.”

“I have such a strong place in my heart for Tanzania now that I can’t imagine it’s going to cease to be a part of my life,” says Susie Bucaro.

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BY MATTHEW SAG

A s a copyright lawyer in Silicon Valley, I witnessed the birth of new technologies and new business models with the potential to change the world. My primary motivation as a legal scholar has been to try to understand the impact of new technology on the law, and the influence of law on the development of technology. There is no better illustration of the possibilities and problems that go hand in hand with new technology than the Google Book Search (GBS) project.

In 2004, Google Inc. announced its intention to build a comprehensive search engine that would allow full-text searching of millions of books. Aiming to bring Internet searching to the offline world, Google partnered with various libraries to digitize and index millions of individual books. Predictably, a class action lawsuit on behalf of authors and publishers followed. For a while it looked as though these suits would have a huge impact on the application of copyright law in the digital environment. However, in 2008, the parties announced a combined settlement agreement in which they essentially agreed to disagree about the fundamental copyright law issues implicated in digitization.

Diverse implications

The scope of the settlement took spectators by surprise. Whereas Google’s initial vision of Book Search was limited to search and partial display, the settlement transforms the GBS into a vehicle for the direct electronic distribution of entire manuscripts through consumer purchases and institutional subscriptions. Google appears poised to become a significant disruptive force in the publishing industry. There is no doubt that approval of the GBS settlement will yield enormous cultural, intellectual, and educational benefits. It will expand access to millions of out-of-print books for all readers; it will also facilitate a revolution in access for print-disabled persons and users in remote locations without immediate geographic access to the nation’s marquee research libraries. The GBS promises new ways to profit from out-of-print works, as well as the possibility that increased access will draw in new readers and open up new niche markets.

However, there are also anxieties attendant with the expansion of the GBS envisioned under the settlement. While it is clear that the e-book has arrived, no one knows what this actually portends. Publishers fear that their role will be undermined by consumer disregard for copyright law and the availability of digitized books on file-sharing networks. Authors worry about this economic harm, and they express more intangible concerns about a loss of control in the manner of exploitation of their works. Publishers also fear that authors and online bookmakers may cut them out of the distribution chain altogether. Even if they retain their centrality in the book economy, there are signs that the e-book market will not tolerate the premium pricing strategies that enable publishers to charge an average cover price of $26 for a new hardcover—a disgusting proposition for an industry used to occasional blockbuster hits offsetting non-performing investments. While publishers and authors may be distressed over lower prices and diminished sales, libraries, educational institutions, and academics fear high prices, especially once access to the GBS database via institutional subscriptions comes to be seen as indispensable. This concern is compounded by the anxiety that libraries will shed their expensive paper collections too quickly in reliance on the institutional subscription model and then regret that de-accessioning is the true cost of institutional subscriptions becomes apparent. Once access to Google’s online and searchable archive goes from being a luxury to a necessity, library budget constraints may well accelerate the process of de-accessioning in order to pay for that access. From a reader’s perspective, the current GBS architecture raises questions about privacy and anonymity.

Settlement raises flurry of objections

The settlement was followed in short order by a manuscript of objections from foreign governments, academics, individual authors, and the U.S. Department of Justice. Oral arguments in the final fairness hearing regarding the Amended Settlement Agreement were held before the U.S. District Court for the Southern District of New York on February 18, 2010. On March 22, 2011, one year, one month, and four days after the fairness hearing, U.S. District Court Judge Denny Chin ruled that the amended settlement agreement was not “fair, adequate, and reasonable” as required by Rule 23 of the Federal Rules of Civil Procedure and could not be approved. Although he understood the potential benefits of the universal digital library the settlement proposed, Judge Chin was unwilling to use the class action mechanism to free Google from the tangle of millions of individual copyrights. The ruling may yet be appealed. If it stands, the GBS may never live up to its full potential. ■

Matthew Sag is an expert in intellectual property and the economics and analysis of law. His recent article, “Copyright and Copy-Reliant Technology,” published in the Northwestern Law Review, examines the role of copyright law in the development of Internet search-engine technology. In addition to writing about technology, he also publishes working papers on free academic repositories such as SSRN.com, where his articles have been downloaded more than 2.5 million times. His article on the Google Book Search Settlement was cited in the second footnote of Judge Chin’s decision rejecting the class action settlement. Sag also engages in academic discussions on Twitter and posts video presentations to his YouTube channel, with more than 7,000 views and counting. He served as a visiting professor of law at Loyola this spring, and will join Loyola’s full-time law faculty this summer.

Technology & the law

Online full text searching unleashes plethora of new legal issues

There are anxieties attendant with the expansion of the Google Book Project. While it is clear that the e-book has arrived, no one knows what this actually portends.
NEW FACULTY

Joan P. Furey will join Loyola’s full-time law faculty in July. He served at Loyola in full-time faculty in July. He served as a visiting professor at the University of Florida. He is a member of the Florida Levin College of Law, where he has served as a full-time law faculty member since 2011. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July.

Matthew Sag will join Loyola’s full-time law faculty in July. He also serves as a faculty member at the University of Florida. He is a member of the Florida Levin College of Law, where he has served as a full-time law faculty member since 2011. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July. He served as a full-time law faculty member in July.

Cynthia Hin, Clifford E. Vickery


Articles and Book Reviews


John Blum, John J. Waldron Research Professor, Variables of Health Reform and Their Impacts on the Elderly,” 12 Marquette Elder’s Advisor 85 (No. 1, Fall 2010).


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PRESENTATIONS, AWARDS, AND HONORS

Emily Becker presented "Leadership in Overcoming Social Injustice: The Dignity in Social Protest" at The American University School of Law. Becker is a guest blogger for a nationally ranked blog and is serving as a panel moderator at the conference "How Democratic Is the Constitution?" and "The Scandal of Paralegalism and the Law’s Response" at Loyola University Chicago School of Law.

Christina Cooper presented and moderated the panel "The Smarter Than 1L" for the ABA’s Annual Labor and Employment Section meeting held in Chicago, November. The presentation pitted students, including Loyola’s Kate Comey and Alex Weisberg, against experienced trial lawyers in arguing hypothetical cases. She also served as a member of the executive board this past year. She is the 2012 recipient of the Indiana University School of Law Alumni Association Early Achievement Award. The award is the highest honor bestowed upon an Indiana University School of Law graduate who has been in practice for less than 10 years, and who has made a significant contribution to the legal profession and the community. The award was presented in May.

John Blum presented his paper “New Governance and Health Reform” at Hamline Law School’s program “Reinventing Regulation.”

John Brautigan presented his paper "We Are All As Human" at the American Law and Economics Association Annual Meeting in Phoenix, New Jersey, and on the New Jersey Legal Panel of the Canadian Law and Society Association Conference in Montreal; spoke on "Happiness Analysis on Cost-Benefit Analysis" at the Society for Benefit Cost Analysis Annual Conference in Washington, D.C.; and at the Law and Society Association Conference in Chicago; presented his paper "Retribution and the Experience of Punishment" at the Criminal Justice Law Professors Conference in Chicago and presented his paper "Happiness and Punishment" at Cardozo Law School in New York; and served as a panel moderator at the conferences "How Democratic is the Constitution?" and "The Scandal of Paralegalism and the Law’s Response" at Loyola University Chicago School of Law.

Stacey Platt served as an instructor for an estate planning course at The University of Chicago Law School.

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Reflecting Loyola’s highly regarded trial advocacy program—supported by the mentorship of alumni as well as of faculty and staff—law students continue to boast a winning record in local, state, and national competitions. Here’s an overview of our successes in 2010-11.

MOOT COURT

2010-11 National Most Court Competition Regional Champions, Regional Best Brief, Regional Best Oral Advocate
2013 Thomas Tang Most Court Competition Regional Champions, Regional Best Brief, Regional Best Oral Advocate
2011 National Most Court Competition in Child Welfare and Adoption Law National 3rd Place Best Oral Advocate, National Quarterfinalists
2011 Jessep International Most Court Competition Regional Semifinalists
2011 Giles Sutherland Rich Most Court Competition Regional Semifinalists

ALTERNATIVE DISPUTE RESOLUTION

2011 International Law School Mediation Tournament International Semifinalists, Regional Champions, Regional Best Mediator
2010 American Bar Association Negotiations Competition Regional Champions, National Semifinalists
2011 American Bar Association Client Counseling Competition Regional Semifinalists
2011 William C. Vis Moot (West) Vienva Top 64 teams out of 255 teams, Honorable Mention Best Individual Oral Advocate

MOCK TRIAL

2011 American Association for Justice Mock Trial Competition Regional Champions, National Semifinalists
2010 Mock Trial Tournament of Champions National Quarterfinalists
2011 National Trial Competition Regional Best Advocate Award, Regional Semifinalists
2010 National Civil Trial Competition National Quarterfinalists

Houston Invitational Mock Court Team The prestigious Andrews Kurth Moot Court National Championship is hosted annually by the University of Houston Law School, where the top 16 moot court programs in the country are invited to participate. Loyola has been invited for three consecutive years; the team placed second this year. Pictured, from left: Matt Barrett (2L), Kim Thielbar (2L), and Charlotte Carey (1L).

Carboy Fellowship Mock Trial Team Loyola comprised the American Association of Justice (AAJ) regional championship in Indianapolis and won the Regional Championship for the fifth year in a row. The team went on to compete in the AAJ national competition in April in Las Vegas and placed third out of 244 teams. Pictured, from left: Jarby Pollock (3L), Brendan Dallley (2L), Shannon White (2L), and Austin DeLucia (2L).

International Mediation Team Loyola participated in the International Academy of Dispute Resolution (IADR) competition in London in March after having taken first place for mediation skills at the regional IADR competition held at Loyola in February. The team advanced to the final rounds of the London competition and placed third for mediation skills among 34 teams from four continents. Pictured, from left: Kathryn McElroy (3L), Jeff McDonald (3L), and Melissa Becker (3L).

Loyola Law
Making Loyola a priority

In thanks for giving him his start, alumn puts School of Law at top of his annual giving list

“I na nutshell, Loyola is the fundamental reason why I’ve accomplished what I’ve accomplished since I graduated,” says Roger Kiley Jr. (JD ’66), one of the School of Law’s most distinguished graduates and lead donors. Kiley has channeled his gratitude into generous support. In recent years, he’s made annual gifts of $15,000 and is a lifetime donor of more than $100,000 to law programs. “I love a priority

Mayer Brown, he founded a tutoring program at Precious Blood School on the West Side and ran a legal aid clinic for the Church Federation of Chicago. During his years on the bench, he found time to teach trial advocacy at Loyola, Northwestern University, and Chicago-Kent College of Law, and to provide in-service training to circuit court judges throughout the state. In recognition of his leadership in the legal profession as well as his service to the law school and to others, Kiley has been honored with the School of Law’s Medal of Excellence and, most recently, the University’s prestigious Damen Award. Tribute to his gifts to public interest initiatives and programs at the law school, Kiley most often has allowed his gifts to remain unrestricted. He says, “It hasn’t occurred to me to start a scholarship or professorship; instead, I’ve chosen to let the school decide where my contribution is most needed.”

Kiley hopes that his generosity will inspire others. He encourages current students and recent graduates to lend their leadership and talents to public service roles. In return, he advises, they gain significant experience and a foundation on which to make choices throughout their careers. He also encourages new graduates to begin giving immediately. “Think about the role that Loyola plays in your career and what gifts you have gained from the experience and just give,” he says. “You’ll begin a good habit that grows into something nice as you continue your career.”

Loyola will further its commitment to promoting justice and legal reform, protecting human dignity, and eliminating poverty with the introduction this September of a one-year, practice-oriented LLM program in Rule of Law for Development.

The program, also called PROLAW™, has received a $1.1 million grant from the Bill and Melinda Gates Foundation, which works closely with partners like Loyola to support and expand innovative approaches to serve those in need. “The Gates Foundation grant has given Loyola a real boost in its international effort to build the rule of law as a major component in the fight against poverty,” says PROLAW™ directors William T. Long,Offered at Loyola’s John C. Felice Center in Rome, Italy, the new LLM program will prepare students for careers in rule of law advisory work. Long notes, “In addition to working directly with governments undertaking legal and justice reforms, PROLAW graduates will be qualified to work with international organizations, non-governmental organizations, consulting firms, and educational institutions and think tanks.” PROLAW’s uniquely practice-oriented approach will build on a solid foundation of theory to provide its graduates with the functional skills and knowledge necessary to become immediately effective advisors in any of these contexts.

This truly international program is open to legal professionals from around the globe who already hold a JD degree from an accredited university. It will attract a student body that ranges in age from U.S. law graduates with a passion for making a difference in the world to experienced lawyers and judges from developing countries who are dedicated to implementing rule of law initiatives in their own nations. PROLAW students will be required to complete 27 credit hours in two academic semesters and a thesis by the following fall.

Loris, an attorney and alumnus of Loyola’s RLume Center, comes to the program after a distinguished career in international service. He served as a legal advisor to the United States Agency for International Development (USAID) and as director general of the International Development Law Organization (IDLO).

“I’m very happy to be back at Loyola with this program, which will allow me to work on an aspect of the rule of law agenda that has been somewhat neglected,” says Loris. “As we see in places like Egypt and Tunisia, real progress on building the rule of law is best made when the people of the country set their own reform agendas and drive them through their own efforts. PROLAW will help these countries ensure that they have their own trained leaders to carry on with the next waves of change.”

For more information, visit LUC.edu/prolaw.
Loyola alumna Greta Weatherby, former CEO of the Chicago Bar Association and Illinois Supreme Court Justice, has been named the 2011 recipient of Loyola’s Donald L. Hollowell Distinguished Service Award. The award was presented to Weatherby at the School of Law’s Black Law Students Association annual alumni awards dinner in April.

1980s

Kirk J. Israelsen (JD ’80) has been elected senior attorney at Aonix Law Offices.

Robert “Randy” Wilk (JD ’80) was elected to the 17th Judicial Circuit of Illinois and appointed to the office of associate judge in February. Wilk was a criminal and civil litigator with the firm of Svennum & Cam P.C. in Rockford.

1990s

Michael J. Hanahan (JD ’90) has been inducted into the Society of Illinois Construction Attorneys (SICA). Membership in the society is by invitation only, and Hanahan is one of only three inductees for 2010. He is a partner at Schiff Hardin in the firm’s construction group.

Michael T. McFall (JD ’90) was appointed by United States Treasury Secretary Timothy Geithner to run the newly created Federal Insurance Office. McFall will be the first leader of the office, and will consult with Secretary Geithner on insurance issues and how to modernize and improve insurance regulation.

James B. Penny (JD ’93), a partner at the Tucson, Arizona, law firm of Rabl, Penny & Beal PLLC, and certified specialist in injury and wrongful death by the State Bar of Arizona, was elected to serve a one-year term as president of the Pima County Bar Association for 2010-11.

Katherine Walsh Brown (JD ’94) was sworn in as a partner at Schiff Hardin in the firm’s insurance section. She will consult with Secretary Geithner on insurance issues and how to modernize and improve insurance regulation.

1950s

Laurel G. Bellows (JD ’74) has been selected by the American Bar Association (ABA) as president-elect nominee; she will serve as president of the ABA from August 2012–13.

John M. Polizas (JD ’75), formerly assistant treasurer for investor relations and media relations for Sysco Corporation, has joined Three Part Advisors LLC, a strategic communications and consulting firm, as an investor relations and communications consultant.

Colin T. Nelson (JD ’76) has written a new legal thriller, “Repqna!”

1970s

Joseph A. Power Jr. (JD ’77) was the recipient of the 2010 Trial Lawyer Excellence Award, the largest medical malpractice award in Illinois history. He also received the 2010 Trial Lawyer Excellence Award for outstanding career achievement from the Jury Verdict Reporter in its 50th Anniversary Reception and First Annual JVR Awards.

Theda C. Snyder (JD ’77) is the author of a new book, Women Rainmakers: Best Marketing Tips, published by the ABA. The book includes more than 150 tips for marketing a law practice that can be used by any lawyer. Snyder lives in Beverly Hills, California.

Steven M. Puissant (JD ’78) was elected to the board of directors as a national director with the Defense Research Institute. He was also appointed chair of the Judicial Task Force of its America Committee. The third edition of his book Illinois Governmental Tort and Section 1983 Civil Rights Liability was published last year by LEIS/NEKISIS. Puissant was recently named deputy general counsel at the Chicago law firm of Hinshaw & Culbertson LLP.

1960s

Vern Lahart (BA ’50, JD ’53) is the 1965 law school recipient of the University’s Dames Award. The award will be presented to Lahart at Loyola University Chicago’s Founders’ Dinner on Saturday, June 11.

Loyola law alumni are leaders in local and national firms, courtrooms, public interest organizations, classrooms, and other venues. Here’s an update of what your classmates have been doing. Share your own news by contacting Elisabeth Brookover at ebrooko@luc.edu, 312.915.6911 (fax), or Loyola University Chicago school of Law, philip H. Corboy Law Center, 25 E. Pearson St., Chicago, IL 60611. Be sure to include your full name, class year, and contact information. We’re looking forward to hearing from you!

Black Law Students Association awards

Loyola alumna Greta Weatherby, Integro Business Support Group LLC (JD ’97, rental), and James Montgomery, The Chemical Firm (rented from right), were honored this year at Loyola’s Black Law Students Association’s 2011 Alumni Awards Dinner held at the law school in April. Also pictured (from left) are ALA President Brandon Brown (JL), Dominique Caouette (3L), and Arlinton Sherley (3L).

Alumni Board of Governors

Loyola law alumni who generously give their time to serve on the 2010-11 Alumni Board of Governors include (front row, from left) Hon. Gino L. Chianotti (JD ’80), Marilyn A. Sabet (JD ’86), Margie Zuzoski (JD ’86), Allison M. Futcher (JD ’86), Alison Smith-Haley (JD ’94) Hon. Jennie L. Giambastiani (BA ’83, JD ’87), Hon. Donald L. Hollowell Distinguished Service Award recipient, was honored in December by Loyola’s Black Law Students Association and will serve as president of the Illinois Trial Lawyers. He is currently the third vice president of the Illinois Trial Lawyers Association and will serve as president in 2013.

Jennie L. Giambastiani (BA ’83, JD ’86) was honored in December by the American Immigration Lawyers Association, Chicago chapter, for her time and commitment to improving pro bono services to immigrants and refugees in her capacity as the pro bono liaison judge for the Chicago Immigration Court.

Mark W. Hiand (JD ’87) is the senior vice president, general counsel, and corporate secretary of One Derivatives Exchange.

Mark J. Ballulli (IAGGLS ’79, JD ’83) has been appointed supervising judge of the County Division of the Circuit Court of Cook County.

Stephen D. Phillips (JD ’85) was recently inducted into the International Academy of Trial Lawyers. He is currently the third vice president of the Illinois Trial Lawyers Association and will serve as president in 2013.

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Passing the torch—through philanthropy

Patrick Kearnan-Garce (J’70), co-founder of the Insure Women, Inc., and recipient of the Chicago Women’s Foundation’s Women of Distinction Award, introduced Mindy Winer (J’01), executive director of the Chicago Women’s Foundation, to the audience. The event provides a welcoming opportunity for scholarship beneficiaries and recipients to connect.

Supreme moment

Dean David Weller (J’01), center, was sworn in as a newly appointed Illinois Supreme Court associate justice on Monday, May 6, 2013. In a ceremony attended by family, friends, and colleagues, Weller was joined by his mother, Margaret Ann Weller, father, Daniel J. Weller, and siblings, who were present at the event, and who watched as Weller took the oath of office.

IN MEMORIAM

2000s

Marla B. Anderson (J’00) has been elected to partnership at Quarles & Brady, where she is a member of the firm’s employee benefits and executive compensation law group in its Milwaukee office.

Lezlie L. Bayles (J’00) has been elected to partnership at the Chicago office of Bryan Cave LLP.

Jennifer G. Breda (J’00) has been elected to partnership at the Chicago office of Sedgwick LLP.

Michael E. Field (J’00) has written and published two novels, Inside Information and Occupational Hazards.

Romero S. Quinto Jr. (J’00) has joined Morgan, Lewis & Bockius LLP as a partner in the firm’s litigation practice group. His practice focuses on complex commercial litigation.

Loyola's Law Alumni Board of Governors, and Wes Webendorfer, 2L, recipient of the Power Rogers & Smith Scholarship, at the annual Scholarship Dinner. The event provides a welcome opportunity for scholarship beneficiaries and recipients to connect.

2010s

Daniel J. May (J’09, LL.M. ’10) has joined the Consumer Collections Group of Weltman, Weinberg & Rosen L.P.A. as an associate.

Daniel R. Laid (J’10) was sworn in as a newly appointed Cook County associate state’s attorney in November.

Eric R. Shah (J’10) and Megan Lee Davidson were married on November 6, 2010, at St. Peter’s Episcopal Church in Chicago. The couple resides in Chicago, where Shah is an associate attorney at Stone & Associates Ltd.

IN MEMORIAM

Julio Martinez (J’33)

John P. Goedert (BA ’34, JD ’40)

Harold J. jaross (J’53)

James T. Ahern Sr. (BA ’54, JD ’66)

Steven S. Saddy (JD ’85)

James E. Kenny (J’67)

Thomas V. Laprade (JD ’91)

Honore Katherine Zenk (BA ’58, JD ’62)

Robert L. Coyne (JD ’65)

William H. Page II (JD ’92)

Karen Katherine Zevil (BA ’71, JD ’74)

Daniel J. May (JD ’99, LL.M. ’10)

Daniel J. May (BA ’02, JD ’06)

Daniel J. May (JD ’07)

Martha L. Cottrell (JD ’72)

Terrence M. Johnson (BA ’71, JD ’74)

Paul Marshall, Gerstein & Borun LLP as an associate. She practices patent and trademark law.

Aseet Patel (JD ’06) joined the Chicago law firm of Banner & Howard.

Daniel S. Rubin (JD ’07) was sworn in as a newly appointed Illinois Supreme Court associate justice on Monday, May 6, 2013.

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Loyola goes to Vietnam

Loyola recently became the first American university to receive accreditation for a semester-long study abroad program in Vietnam. In 2007, Loyola started exploring higher education options in Vietnam, focusing on English language instruction for medical personnel, business education, education for nursing faculty, and study-abroad opportunities for American students. A 2009 pilot program for eight Loyola students, who took classes and worked on a service-learning project at Vietnam National University, followed. Now, at the Loyola Vietnam Center, 30 students per semester will have the chance to study in one of the world’s fastest-developing nations. For more information, visit LUC.edu/studyabroad/vietnam.

New era for Loyola athletics

The Norville Center for Intercollegiate Athletics opened on March 3 with hundreds of Loyolans on hand to honor Alfie and Al (BS ’60, trustee) Norville, for whom the building is named. The center features state-of-the-art spaces, facilities, and equipment that will help spur a new era of achievement for Loyola athletics. The opening of the facility completes Phase I of reimagine, the campaign to renew student life at Loyola. When all five phases are complete, the Lake Shore Campus will boast a stadium with arena seating; a new, true student union; a renovated Halas Center, and a new face for Loyola on Sheridan Road.

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Join the company of annual donors like Caroline (JD ’92) and Paul (JD ’80) Vickrey, who support the work of Cynthia Ho, the Clifford E. Vickrey Research Professor and director of Loyola’s Intellectual Property Program.

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