The Ohio State University Moritz College of Law

All Rise

Winter 2009

MAGAZINE

Alan C. Michaels
Named Dean

Rogers' Legacy • Examining Airline Deregulation • Attorney Fitness

ALL RISE
MAGAZINE

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Do you want to share your thoughts on a topic covered in *All Rise*? Send a letter to the editor by e-mailing Rob Phillips at phillips.854@osu.edu. Or mail a letter to The Ohio State University, Moritz College of Law, c/o Rob Phillips, 55 W. 12th Ave., Columbus, OH 43210. Letters should be kept to fewer than 400 words and may be edited. We can not guarantee that all letters received will be printed in the next edition of *All Rise*.

Diverse viewpoints are presented in this publication, and they do not necessarily reflect the official policies of the law school.

From the Dean

I hope this magazine finds each of you in good spirits and that you all had the opportunity to relax during a holiday break. Much has changed at the law school in the past few months. Ohio Governor Ted Strickland selected our cherished Dean Nancy Rogers to serve as Ohio Attorney General until a newly elected attorney general could take office in January 2009. I was named interim dean and, in November, dean of the law school. I have had a chance to speak with many of you during my nearly 14 years at the law school, and, if we haven't met, I look forward to meeting you in the near future.

The College has an extraordinary momentum from Nancy Rogers' leadership, and I look forward to furthering our success so that you, our alumni, can maintain your pride in your law school, to which alumni make such a difference.

On a sad note, we've recently lost three of the College's esteemed faculty: Robert Lynn, Robert Nordstrom, and Morgan Shipman. It's difficult to put into words what these three professors meant to the law school. Their dedication to students, passion for teaching, and distinguished contributions affected many of you – many of us – profoundly. They will truly be missed.

In this issue, you'll find plenty of interesting feature stories as well as news from around the school. **Jack Creighton '57**, former chief executive of United Airlines, offers some insight in a feature story that looks at the U.S. airline industry in the 30 years since it was deregulated.

Keeping our body (and minds) healthy in the midst of our increasingly busy lifestyles should be a priority for all of us. Five Moritz alumni discuss how they've been successful staying healthy despite busy work and family commitments. I think you'll agree that **Mike Finn '67, Doug Morgan '82, Rich Helmreich '89, Danyelle Wright '99**, and **Rebecca Roderer Price '01** provide valuable advice. Check out another insightful piece from our student columnist, Jonathan Peters '10, and an alumni feature detailing the career of **Deborah Ballam '77**.

Alan C. Michaels
Dean and Edwin M. Cooperman
Professor of Law

The Ohio State University Moritz College of Law

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PROFESSOR BEAZLEY WINS NATIONAL LEGAL-WRITING AWARD

Ohio State University Moritz College of Law Associate Professor Mary Beth Beazley was recently presented the Burton Award for Outstanding Contributions to Legal Writing Education. The award is one of several national Burton Awards given annually to lawyers and law students in recognition of excellent legal writing and other accomplishments. Professor Beazley's award was given for her outstanding educational contribution in the field of legal analysis, research, and writing.

"I'm incredibly honored and thrilled to have received such recognition," Professor Beazley said. "It was also wonderful to hear so many of the other award winners extol the importance of legal writing in the practice of law. I hope that such occasions demonstrate how vital it is for law students to obtain a good foundation in legal writing." The awards ceremony was held in the Great Hall of the Thomas Jefferson Building of the Library of Congress in Washington, D.C. Those in attendance included U.S. Supreme Court Justice Stephen Breyer as guest speaker, nationally syndicated radio talk show host and author Bill Press as master of ceremonies, and 200 prominent

members of the legal community.

Beazley, who was one of only a handful of recipients asked to make remarks at the event, said that the award ceremony was something she will never forget.

"I felt like Cinderella," she said. "I am back to earth now, but it was certainly an experience that I'll treasure."

Professor Beazley has taught legal writing since 1983. Before joining Moritz in 1988, she served as the co-director of the Legal Research, Writing, and Reasoning Program at Vermont Law School following her time as a research and writing instructor at the University of Toledo. At Moritz, she teaches Writing and Analysis, Appellate Advocacy, and Advanced Legal Writing. She is also the coach of Ohio State's National Moot Court Team.

Walt Named Designated Professor in Business Law

Steven Walt joined the Moritz faculty full-time this school year and was recently named the Frank E. and Virginia H. Bazler Designated Professor in Business Law.

For the past two years, Professor Walt has taught as a visiting professor in the fall semesters at Moritz. He teaches business bankruptcy, secured transactions, and sales. In the spring, Walt will return to the University of Virginia School of Law.

As a full-time member of the faculty, Walt will continue to split his time between Moritz and Virginia. Walt will remain in Columbus for four months of the year — from August to December — and will then return to his hometown of Charlottesville, Va., to teach the spring semester.

Walt received his bachelor's degree in philosophy from Kalamazoo College, and he

"I found law at least as interesting (as philosophy), but more practical."

holds a master's degree and a doctorate in philosophy from the University of Chicago. He earned his law degree from Yale University in 1988.

He taught philosophy before deciding to pursue legal education. "I found law at least as interesting but more practical," he said.

Walt was an associate professor at the University of San Diego for three years before taking on the job as professor at Virginia. He is a professor of law and Sullivan & Cromwell Research Professor at the University of Virginia.

He is currently writing and researching areas of contract law. A new edition of *Sales Law: Domestic and International*, a textbook he co-authored, is forthcoming.

Walt's professorship is named after **Frank Bazler**, a 1951 Ohio State College of Commerce graduate and 1953 College of Law alumnus, and his wife, Virginia. The Bazlers made an identical donation to Virginia's alma mater, which is now called Ohio State's College of Food, Agricultural and Environmental Sciences.

PROFESSOR FOLEY PRESENTS UNIVERSITY'S DISTINGUISHED LECTURE

Professor Edward B. Foley presented The Ohio State University's Distinguished Lecture in October titled "The Original *Bush v. Gore*: An Historical Perspective on Disputed Elections."

The distinguished lecture award is one of the highest honors bestowed upon a senior faculty member at the university. Foley, the Robert M. Duncan/Jones Day Designated Professor in Law, has been the director of the College's *Election Law @ Moritz* since its inception in 2004.

Professor Foley has taught at Ohio State since 1991. Before then, he clerked for Chief Judge Patricia M. Wald of the United States Court of Appeals and Justice Harry A. Blackmun of the United States Supreme Court. In 1999, he took a leave from the faculty to serve as the state solicitor in the office of Ohio's Attorney General. In that capacity, he was responsible for the state's appellate and constitutional cases.

Foley's scholarship seeks innovative, institutional, bipartisan solutions to election disputes, and his proposal for a specialized bipartisan court for election disputes was tested experimentally in an Election Law Moot Court on Oct. 20 in Washington, D.C., at Georgetown Law School's Supreme Court Institute, in an event co-sponsored by the American Enterprise Institute and the Brookings Institution.

The University Distinguished Lecture Series was inaugurated in 1996 and is awarded in recognition of outstanding academic achievement, particularly, but not exclusively, in research, scholarship, or creative activity.

Professor Jenkins Named Outstanding Young Lawyer

Professor Garry Jenkins was presented the 2008 Outstanding Young Nonprofit Lawyer Award by the American Bar Association in April.

The award is presented annually for distinguished service by a young attorney in the nonprofit sector. His scholarship on philanthropy has been published in the *Georgia Law Review*, *North Carolina Law Review*, and *Southern California Law Review*.

Professor Jenkins, the College's associate dean for academic affairs and an associate professor of law, regularly teaches Business Associations, the Law of Nonprofit Organizations, and Lawyers as Leaders, an innovative leadership development course for law students. He also is the co-director of the College's Program on Law and Leadership and the faculty advisor to the *Ohio State Law Journal*.

Prior to joining the Ohio State faculty in the fall of 2004, Professor Jenkins was chief operating officer and general counsel of The Goldman Sachs Foundation, a $200 million international corporate foundation. Before joining Goldman, Sachs & Co., he was an attorney with the New York law firm of Simpson Thacher & Bartlett where he specialized in counseling public charities and private foundations; forming and advising private investment funds; and negotiating mergers and acquisitions.

Professor Jenkins has served on numerous nonprofit governing and advisory boards as well as bar committees and special commissions.

Professor Huefner appointed Reporter for ULC Committee

Professor Steve Huefner has accepted an invitation to serve as the reporter for the Uniform Law Commission Study Committee on a Military Services and Overseas Civilian Absentees Voters Act.

The committee is investigating the voting obstacles facing military and overseas civilians and exploring possible state law solutions to those obstacles.

A recommendation is expected to be made to the Uniform Law Commission's Scope and Program Committee and Executive Committee.

Huefner, who this academic year also accepted a new role as director of the College's Clinical Programs, has been at Ohio State since 2000. In addition to his other responsibilities, he is a senior fellow *at Election Law @ Moritz*, the Legislation Clinic director, and along with his *Election Law @ Moritz* colleagues recently co-authored *From Registration to Recounts: The Election Ecosystems of Five Midwestern States*.

Professor Huefner, a Columbia Law graduate, practiced law for five years in the Office of Senate Legal Counsel, United States Senate, and for two years in private practice at the law firm of Covington & Burling in Washington D.C, before coming to Moritz. He also served as a judicial clerk for Judge David Tatel of the U.S. Court of Appeals for the D.C. Circuit and Justice Christine Durham of the Utah Supreme Court.

PROFESSORS SHANE, SWIRE NAMED TO OBAMA-BIDEN TRANSITION TEAMS

The Obama-Biden Presidential Transition Project has named two Moritz professors to assist in a review of government agencies designed to provide the president's advisors with information they will need to begin making strategic policy, budgetary, and personnel decisions.

Peter M. Shane, the Jacob E. Davis and Jacob E. Davis II Chair in Law, and Peter Swire, C. William O'Neill Professor in Law and Judicial Administration, have both joined "agency review teams" charged with advising the incoming administration.

Professor Shane was named "team lead" for review of the International Trade Commission. Professor Shane came to Ohio State in 2003 from Carnegie Mellon University's H. John Heinz III School of Public Policy and Management. He is an internationally recognized scholar in administrative and constitutional law, and is the author of the book, *Madison's Nightmare*, forthcoming in 2009 from the University of Chicago Press. He also is currently the director of the Project on Law and Democratic Development at The Ohio State University Moritz College of Law.

Professor Shane served as an attorney-advisor in the U.S. Justice Department's Office of Legal Counsel and in the Office of Management and Budget, before entering full-time teaching in 1981. Professor Shane has also taught at the University of Pittsburgh School of Law and the University of Iowa College of Law.

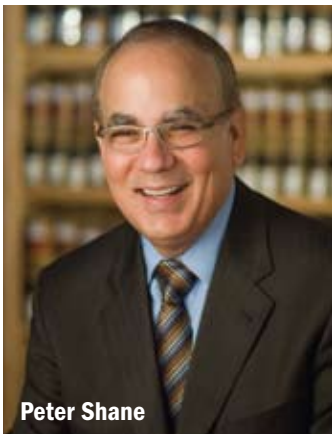
Professor Swire is serving on the Agency Review Team for the Federal Trade Commission. The Federal Trade Commission is the principal federal agency for consumer protection, including privacy and computer security. Along with the Department of Justice, it enforces federal antitrust laws.

Professor Swire is an internationally recognized expert in the fields of privacy, computer security, and the law of cyberspace. From 1999 until early 2001, he served as the Clinton Administration's chief counselor for privacy in the U.S. Office of Management and Budget. In that position, he was White House coordinator for the proposed and final HIPAA medical privacy rules and chair of a White House Working Group on how to update surveillance law for the Internet age.

Professor Swire is director of the Moritz Washington, D.C., Summer Program, and a senior fellow at the Center for American Progress. He has taught several subjects, with recent courses including Antitrust, the Law of Cyberspace, the Law of Cybersecurity, Privacy Law, Torts, and the Ethics of Washington Lawyering.

Among his current research projects, Professor Swire is exploring the effects of the Internet on consumer protection law.

Professors Shane and Swire are also the founding co-editors to the Moritz published journal, *I/S: A Journal of Law and Policy for the Information Society.*


Peter Shane


Peter Swire

Moritz faculty continue to publish casebooks and scholarly books on a regular basis. Here are some recently published or soon-to-be published books:

Casebooks:

Professor Deborah Merritt & Professor Ric Simmons: Learning Evidence: From the Federal Rules to the Courtroom (West)

Professor Marc Spindelman (with J. Areen and M. Regan): Family Law: Cases and Materials, Supp.(Foundation)

Scholarly books:

Professor Peter Shane: Madison's Nightmare: How Executive Power Threatens American Democracy (University of Chicago Press)

Professor Ruth Colker: When Is Separate Unequal?: A Disability Perspective (Cambridge University Press)

Professor Josh Stulberg (with L. Love): The Middle Voice: Mediating Conflict Successfully (Carolina Academic)

Professor John Quigley (with L. Lee): Consular Law and Practice (Oxford)

PROFESSOR CHAMALLAS CITED EXTENSIVELY IN LANDMARK RULING

Professor Martha Chamallas was recently cited extensively in an unprecedented ruling that rejects the use of race as a determining factor for the amount of damages awarded in tort litigation. Chamallas, who is the Robert J. Lynn Chair in Law, has written at length on the use of race and gender in such cases. Judge Jack Weinstein, a Senior U.S. District Judge, drew upon Chamallas' research several times in his landmark ruling in the case *McMillan v. City of New York*.

James McMillan was one of several people severely injured when a Staten Island ferry struck a pier in 2003 (11 people died as a result of the crash). A lawsuit was filed against the city of New York, which operated the ferry. The city of New York introduced evidence, including McMillan's race (African American), to determine his life expectancy and the city's liability for future medical expenses and pain and suffering. The evidence suggested that African Americans with spinal cord injuries were likely to live fewer years than persons of other races. Weinstein declared that there was no factual basis for discriminating against claimants based upon their race and that using race-based data in such circumstances was unconstitutional.

Weinstein relies upon Chamallas' words when applying his interpretation of the law, "The American reality reflects that 'people do not fall naturally into discrete racial groupings' and '[l]egal classifications of race tend to be unrefined and often reflect ignorance of differences within a given category.'" He adds that it would be absurd to categorize someone like President-elect Barack Obama as either white or black for purposes of calculating a damage award.

Weinstein specifically cites two of Prof. Chamallas' articles on the topic: "Questioning the Use of Race-Specific and Gender-Specific Economic Data in Tort Litigation: A Constitutional Argument," published in the *Fordham Law Review* in 1994; and "Civil Rights in Ordinary Tort Cases: Race, Gender, and the Calculation of Economic Loss," published in the *Loyola of Los Angeles Law Review* in 2005.

He aligns his ruling with Chamallas' continued call for the elimination of the use of race and gender-based calculations by courts in damage awards. Chamallas has argued that such reform is necessary to link "tort law with our developing understanding of civil and human rights."

Prof. Chamallas is a leading scholar in a number of fields, including employment discrimination law, torts, and legal issues affecting women.

Professor Garvin Appointed to Uniform Law Committee

Professor Larry Garvin has been appointed to the Uniform Law Commission's Committee to Implement the U.N. E-Commerce Convention.

The committee is charged with drafting a statute that will tailor U.S. domestic law to fit with the U.N. Convention, should the U.S. ratify the Convention.

"The task is complicated by our federal system," Professor Garvin said. "The pertinent federal statute, the Electronic Signatures in Global and National Commerce Act (E-SIGN) has a reverse preemption provision, so in most states it is largely displaced by the Uniform

The committee is charged with drafting a statute that will tailor U.S. domestic law to fit with the U.N. Convention

Electronic Transactions Act (UETA). How all these can be harmonized should be an interesting challenge."

The committee is expected to meet over the next two years to prepare a model statutory text to be adopted by the federal government, the states, or both.

Garvin, the Lawrence D. Stanley Professor of Law, joined The Ohio State University Moritz College of Law in 2003, and he primarily teaches contracts, sales and leases, and small business law. Professor Garvin earned bachelor's degrees in history and physiology and biochemistry from Michigan State University, a master's degree in neurosciences from the University of Michigan, and a law degree from Yale Law School. Prior to joining the Moritz College of Law, Professor Garvin was an associate professor and associate dean for academic affairs at the Florida State University College of Law. This semester, Professor Garvin is teaching Contracts and Sales.

In 2008 he assumed authorship of a leading contracts treatise, *Farnsworth on Contracts*. Professor Garvin, a nationally recognized scholar in the field of contracts, was asked to take over the project by the late Columbia Law School Professor E. Allan Farnsworth, the original author and namesake of the widely cited treatise.

Summer Internship Provides Perspective, Humility

By Jonathan Peters

"[Roger] Faulkenberry sold to the investing public a bill of goods. He made material misrepresentations about what he was selling, about the health of the company. He knew the problems that arose with the scheme and he knew about the falsified reports," said U.S. District Judge Algenon Marbley, fixing his eyes on the flushed defendant.

Faulkenberry, 47, was the fourth National Century executive sentenced for his role in a fraud scheme that cost investors roughly $1.89 billion. He had been convicted months earlier of conspiracy to commit securities and wire fraud; substantive securities and wire fraud; and substantive money laundering.

I had followed the case since February, when the trial began. It had spanned about a month, instantly generating interest and grabbing headlines, many of them damning the avarice of the executives. I remember the details originally baffled me. Something about buying receivables from health-care providers, packaging those receivables as asset-backed bonds, and selling them to investors. Which to me, a novice to business, sounds like a rip-roaring good time.

At any rate, now here I am, several months later, an intern to Judge Marbley. I'm sitting four feet to the right of the bench, flanked by law clerks at the courtroom desk that hugs the west wall. Faulkenberry sits 10 feet to my right, his hands resting in his lap, pinned together by handcuffs. We both listen as the judge hands down the sentence:

120 months of incarceration.
Three years of supervised release.
Roughly $2.3 billion in restitution.
Roughly $1.7 billion in forfeiture.

Faulkenberry exhales deeply, and his shoulders shift ever so slightly. He's otherwise stoic. Behind him, the gallery, filled with Faulkenberry's family and friends, shows disappointment. His wife shakes her head faintly, squinting through tears; his mother clenches her fists, looking away; and his minister bows his head, as if to pray one second too late. It's a depressing scene. As I look on, I feel like the guy who slows down to check out a car accident, voyeuristic and invasive. I feel like an intruder.

And yet I keep watching.

Several officers, probably U.S. Marshals, approach Faulkenberry from behind, guiding him out of his chair and toward the bar, then the double-door exit. He doesn't dawdle, doesn't look back, as his family and friends simply stare, apparently vexed by what is happening. Myself, I stare with them, but not because I'm vexed. Rather, I understand exactly what is happening, the gravity of it. Faulkenberry will likely file post trial-motions. He will likely file an appeal to the Sixth Circuit. But in the meantime, he has lost the next 10 years of his life; and once he's out of prison, any money the man makes is not his to keep.

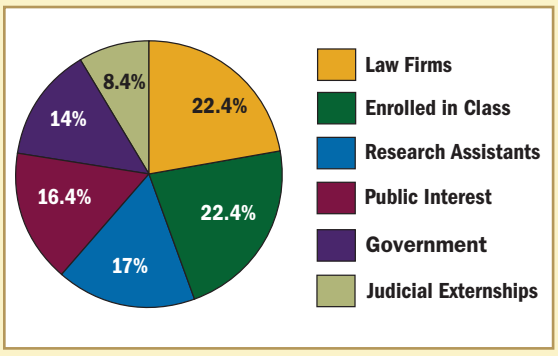
Faulkenberry is a man scorned, a warning to others.
I am witness to one of the worst days of his life.

How Did You Spend the Summer After Your 1L Year?

Students are taking advantage of Moritz programs and employment opportunities around the world. They are gaining valuable experience in their first summers, which has proven valuable in securing positions the following summer and after graduation.

Popular choices amongst students continue to be Moritz's Summer in Oxford program and the Washington, D.C., Summer Program. In Oxford, students have the unique opportunity to continue earning law school credits while studying with faculty from both Oxford University in England and Moritz. The ever-popular Washington, D.C., Summer Program normally accepts approximately 20 students who have the opportunity to work in an externship in our nation's capital as well as taking a 2-credit hour course, "The Ethics of Washington Lawyering." Professor Peter Swire, who served as the Clinton administration's chief counselor for privacy, continues to lead the 9-year-old program.

Here is how the class of 2010 spent their 1L summers:



Law firms: 22.4 percent
Enrolled in classes (including Moritz's Oxford and Washington, D.C., Summer Program): 22.4 percent
Research assistants for Moritz faculty: 17 percent
Public interest (all types including Public Defender Offices): 16.4 percent.
Government: 14 percent
Judicial Externships: 8.4 percent

**Students who split their summer employment are included in two different groups*

I thanked him, he thanked me, and then he added, "See, I told you that you'd figure it out. This is what we do."

Jonathan Peters, a second-year student and award-winning columnist, is a Phi Kappa Phi Fellow and Leadership Scholar at Moritz. Peters is from Athens, Ohio, and a graduate of Ohio University. In his senior year at Ohio University, he interned in the public information office of the U.S. Supreme Court. E-mail him at peters.401@osu.edu

"THIS IS WHAT WE DO"

U.S. District Judges do not have bloated staffs and endless resources. So I worked for free and I did a lot of work, substantive work, for which I was grateful. Because much of my job involved drafting opinions and orders, something I had not yet done in law school, I very quickly had to learn that craft.

First step, I honed my research skills, because, as a writer, I believe that you write clearly when you think clearly (always challenging for me). *Second step*, I got rid of my style and voice. My journalism experience, spanning six years and including hundreds of bylines, has endowed me with a distinct style and voice, developed each time I've sat down to wrestle words into sentences, into paragraphs, into an essay. I had to capture Judge Marbley's style and voice. To that end, I read a number of his published opinions, studied his use of adjectives and adverbs, his use of literary devices, and then I tried to make myself comfortable as a chameleon. *Third step*, I prepared for some hardcore editing, ultimately a process that made the shower scene from "Psycho" seem clean by comparison.

My tenure included two trials, one civil and one criminal, which meant that I spent a lot of time, aside from drafting opinions, researching evidentiary issues. Having no formal training in evidence, I was adrift in uncertainty. It now seems naïve and adorable, but I once thought that anyone who practiced in an area of law had formal training in that area. I said as much to one of the clerks.

"Let's try to have something by the end of the day," the clerk says, handing me a memo characterizing a *Brady-Giglio* issue that arose at trial.

After giving it a quick read, I call after him, "I'm not sure I can do this ... I haven't even taken evidence yet."

"No big deal. You'll figure it out. I see a lot of issues everyday that I hadn't seen in law school. It's part of the job, part of being a lawyer," he responds, disappearing around the corner and into his office.

I stand there for a moment, feeling a bit daunted, looking like a babe in the woods. Then I realize that standing there won't resolve the evidentiary issue, nor will it soften my deadline. I head upstairs to the law library, where I grab a yellowed, leather-bound evidence treatise from a dusty shelf, convinced that I've found something off Gutenberg's printing press. I flip to the table of contents.

Pages 1-46, Overview and Preliminary Matters.

Ah, 46 mouth-watering pages, all about evidence. And with preliminary matters! Overwhelmed by anticipation, I immediately dive in, attempting to tutor myself in the principles of evidence. I read about the purpose and structure of the rules, different types of evidence, and the most common issues that arise at trial. I begin to feel more confident, so, informed by my quick-and-dirty tutorial, I turn my attention to the evidentiary issue assigned to me: *Brady-Giglio*.

Because the cases complement each other, I read them both twice. First time, I get the gist of each case individually. Second time, I determine how they fit together. And once I do that, it is pretty easy to apply the doctrine to the relevant facts, and to make my written recommendation to the law clerk. Which he grabs as soon as I put it on his desk, asking me to wait while he reviews it.

As a minute ticks by, he looks up and says, "I'll have to review it more thoroughly later in the day, but your research and recommendation look right."

I thanked him, he thanked me, and then he added, "See, I told you that you'd figure it out. This is what we do."

It was the first inkling of what has become a stark realization: Law is first, foremost, and forever a self-taught discipline.

PRIVILEGE, HONOR, AND HUMILITY

It was a privilege to intern for Judge Marbley. I deepened my understanding of the law and the legal system, I sharpened my writing and editing skills, and I matured professionally.

My coworkers were personable and pleasant, all of them boasting good senses of humor. But through it all, they took very seriously the responsibilities charged to them. It sounds melodramatic, but lives depend on their commitment; so does the fair administration of justice. I felt honored to participate in that process, however distant and modest my role.

And I'll never forget Faulkenberry, his hands resting in his lap, pinned together by handcuffs; his wife crying, his mother looking away. He was a man scorned, a warning to others.

Just as I was an intern humbled.

BY BARBARA PECK

ALAN C. MICHAELS Named Dean

"ALAN IS CLEARLY ONE OF THE BRIGHT YOUNG leaders in terms of legal education and in terms of legal scholarship in this country, and we are fortunate to have had him here," said Ohio State President E. Gordon Gee. "The fact that we have him and could put him into an administrative position where he could be with us for a good long period of time along with his great companion and legal scholar wife, Sharon. It really made sense."

THE SEARCH FOR A DEAN of The Ohio State University Moritz College of Law ended right where it began: at Moritz. In May, Alan C. Michaels was appointed interim dean when Nancy Rogers was appointed Ohio Attorney General. In November, the Board of Trustees named him permanent dean.

Unlike a typical dean search, which can last upwards of a year, there was no drawn out search process, no months of meetings and interviews, no parade of candidates and time of uncertainty and lack of leadership and direction. Instead, Dean Michaels begins his tenure with the full support of the faculty, provost, and president, and pre-established relationships with many alumni and students.

"The provost and the president would not have used the procedure that was used unless they were extraordinary confident that not only would Alan be a great dean but that there was no need to go to the outside," said Professor Joshua Dressler, the Frank R. Strong Chair in Law. "The fact that there was this universal belief within the law school, the people that know him best, that Alan is the best person is an important sign. We are absolutely confident that he is going to be a great dean. He is a person that everybody sees as good and decent with great integrity."

Dean Michaels, the Edwin B. Cooperman Professor in Law, previously served as associate dean for faculty from 2001-03 and has been on the faculty since 1995.

"We could have looked nationally and internationally and have found no one better than Alan," President Gee said. "Once in a while the stars line up, and in this instance they lined up in our good favor."

Former Dean Rogers personally recommended Dean Michaels to the president and provost. Dean Michaels met with the president and provost over the summer and the provost in turn met with faculty and senior staff to establish a selection process.

"Occasionally, there is someone who is so clearly the right choice," Rogers said. "All of the faculty, all of the university, and all the alumni who are very involved in the College, all see that the choice is clear. It could not have worked out better in my view."

Meet Alan C. Michaels

From clerkships to high-profile positions and cases, Dean Michaels' career has been anything but boring. His colleagues describe him as focused and charismatic, and he passionately talks about his family, his students, and New York Mets baseball.

"When he was associate dean, I came to realize how brilliant he is and how helpful it is to talk through things with him," Rogers said. "He not only understands strategy and people, but also substance and the process of engaging everyone involved."

Dean Michaels was raised near New York City and attended Harvard College, where he graduated *magna cum laude*. He went on to Columbia University School of Law and was the notes and comments editor for the *Columbia Law Review*.

"I went to law school certain only that I wanted a career involving public service of some kind, but far from certain about the form it would take," Dean Michaels said.

After law school, Dean Michaels secured a clerkship with Chief Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit during 1986-87. The following year, Michaels clerked for Supreme Court Associate Justice Harry A. Blackmun. Michaels said that through the clerkship he learned much about hard work – working 12-to-16-hour days for 362 of the 365 days he was there – and Blackmun's devotion to the rule of law.

Michaels said that Blackmun became a "personal hero" of his. "Regardless of whether one agreed or disagreed with his views on particular cases, his devotion of every ounce of his ability and every fiber of himself to being absolutely the best Supreme Court justice he could be was extraordinarily inspiring."

Following the clerkship, Michaels began working at McGuire & Tiernan in New York City, where he was outside counsel to the Major League Baseball Players' Association.

"When I worked for the baseball players association, there was one big case I was hired to work on and that was the collusion cases in the late 1980s. The owners breached the collective bargaining agreement by agreeing with each other not to hire free agents from other teams," Michaels said. "If you are a player on team x and you became a free agent, which meant you were entitled to sign with any team, if team x was still interested in you, no other team would make you an offer. So obviously the salary team x had to offer you was much less than if there were competition for your services. It is guaranteed in

the collective bargaining agreement that once you've made it to the major leagues and succeed in the major leagues for six years, you become a free agent. The owners breached the agreement and the result was that it destroyed the salary structure of major league baseball. We ultimately settled for $280 million in damages that the owners paid to the players. It went to guys that didn't have the salaries they should have because of the breach."

Dean Michaels left McGuire & Tiernan to work as an assistant district attorney in the New York County District Attorney's Office. A member of the office's Career Criminal Bureau, Michaels prosecuted a broad range of recidivist offenders. He was also assigned to high-profile white-collar crime cases.

"There are some great stories there, but the best ones are probably R rated for violence," Dean Michaels said. "I was fortunate to work on a variety of cases that range from some incredible frauds to a quadruple homicide with horrifying, horrifying details. Alumni who meet me can ask me about my work in New York, and I will be happy to retell the stories. I think criminal lawyers, both prosecution and defense, have the best stories. I offer that as a challenge and would be glad to hear from other areas of practice that feel like they have better stories."

When Michaels decided to leave the district attorney's office and pursue academia, he and his wife began looking for a top-rated law school in a desirable location. Moritz fit the bill.

"It is an excellent law school in an excellent location," he said. "After learning more about the faculty and the community, we were sure that it was the place for us."

> **"Alan has charisma. You can see it in the classroom ... He has won teaching awards because he is so good in the classroom and is creative in how he goes about it."**
>
> — Professor Joshua Dressler

Since joining Moritz, Michaels was twice presented the College's Outstanding Professor Award as voted by the graduating classes of 2000 and 1999. In 2007, Michaels was given the university's Alumni Award for Distinguished Teaching.

"What attracted me to the teaching is a desire for service. I was very interested in the law and when you are professor it is teaching and research," Dean Michaels said. "What those things have in common is an opportunity to study the law, think about the law, and see what can make it better, and then obviously teaching and training the new lawyers that are actually going to go out and make a difference in the world. That seemed like a wonderful way to give back and try to improve the world through my own small contribution."

Dean Michaels' research, primarily in the areas of the *mens rea* of crimes and the adjudicatory portion of criminal procedure,

has been published in a variety of leading journals, including the *Columbia Law Review*, the *Harvard Law Review*, and the *Southern California Law Review*.

"Alan has charisma. You can see it in the classroom," Professor Dressler said. "I sat in on one of his classes and he was teaching a topic that no one can make interesting – statute of limitations, what a dry subject. He found a way to make it provocative and interesting, for the students and me. He has won teaching awards because he is so good in the classroom and is creative in how he goes about it. He understands what needs to be done to help people learn."

Dean Michaels is coauthor with Professor Dressler of *Understanding Criminal Procedure* (4th edition) and serves as co-managing editor of the *Ohio State Journal of Criminal Law*. He also was the recipient of the 1998-99 Outstanding Scholarly Paper Award from the Association of American Law Schools. In 2003, Dean Michaels was a visiting professor of law at the University of Michigan Law School.

He teaches criminal law, criminal procedure, white collar crime, sports law, and legal writing.

Reaching for the Stars

Dean Michaels is inheriting a law school that is on the upswing in almost every measurable category – student credentials, rankings, student placement, alumni giving, and faculty publications and citations.

"I think we are an outstanding law school … outstanding faculty, outstanding students, great alumni base, terrific staff; there are a lot of exciting things going on here," Dean Michaels said. "One thing about stepping into the deanship is being wowed by all of the exciting initiatives at the College now. I have been amazed by the strength of our teaching faculty. The College is truly extraordinary."

And President Gee and Provost Joseph A. Alutto look forward to working with Dean Michaels in continuing to improve Moritz.

"I believe that this is an audacious university, and I want us to have audacious goals," President Gee said. "I know that Alan has those in terms of having our law school not only take a leadership role in terms of legal education but also take a leadership role in this very complex university. The law school has launched itself into a new stratosphere and now we just need to reach for the stars. I think Alan will be able to help us do just that."

In recent years, Moritz has continued to recruit a multitude of highly qualified students, which has significantly improved its entering class statistics. The class of 2008 boasts a median GPA of 3.6 and a median LSAT score of 162.

"Obviously the most important thing that we can do is bring in the most talented students and have them taught by the most talented faculty," President Gee said. "So the recruitment of very talented students and the recruitment and re-recruitment of talented faculty is absolutely critical. I think Alan will be an excellent recruiter."

Through the generous contributions of alumni, Moritz has also been able to dramatically increase the amount of scholarships provided to students. In addition, changes in the career services department have led to improved student placement, including the number of students accepting judicial clerkships.

"One pressing issue … in law schools today is access," Dean Michaels said. "That means access to law school in the first place and access to practice in a variety of ways upon graduation. Because the cost of legal education continues to increase, that means many students are graduating with increased debt loads. We have had a scholarship initiative to try to address that need where we can, and there is federal legislation that, if you go to work in public service, allows you significant debt relief. That is certainly an ongoing issue that people can graduate and not be burdened with such debt that they only have one possible career choice. But also, in legal education certainly there are consistently new ideas about how to train lawyers, and we are very much in the forefront of that here at Moritz."

Dean Michaels has already met with dozens of alumni and will be sharing his vision for Moritz with them throughout the upcoming year. He said that he is eager to continue the momentum started by Dean Rogers.

"There is no doubt in my mind that Alan will be turning to alumni and speaking to alumni and wanting alumni to be a big part of what is going on in this school," Professor Dressler said. "He is an incredibly inclusive person. I think what they are going to see is a person who is very open to alumni concerns, alumni interests, and alumni involvement because we cannot be and cannot be what we want to become without alumni support in every meaning of the word support and Alan Michaels knows that."

NANCY H. ROGERS

If you ask Nancy Rogers what she accomplished in her seven years as dean of The Ohio State University Moritz College of Law, she'll take credit for very little.

She won't claim credit for the College's soaring student qualifications, the doubling of faculty citations, or surpassing $30 million in a fundraising campaign.

"I think it is hard to say that anything is my accomplishment as dean," she said. "The faculty and staff of the law school have taken a very fine school and made it better yet. To just be a part of the Moritz community when that happened was really the highlight. And what made it fun was the people I had the pleasure of working with. I looked forward everyday to coming and working with the faculty and staff, and came to truly understand how supportive alumni were of those who were following in their footsteps."

BY ROB PHILLIPS

'SELFLESS LEADERSHIP'

Former Dean Nancy Rogers left her post at Moritz's helm to serve as Ohio Attorney General the past six months

Dean Rogers has an unrelenting ability to forward all credit for the school's success onto the faculty, staff, students, and alumni, who she says were truly responsible. That modesty defines Dean Rogers, her leadership style, and what led to her success at Moritz, said her colleagues, friends, and past students.

Her ability to create a community at the school in which she inspired and challenged faculty and staff to continually pursue innovative programs and ideas is just one of Rogers' laudable characteristics, said Alan C. Michaels, who became dean following Rogers' departure. "Dean Rogers started every planning session and almost every conversation not with 'what can you do?' but, instead, with 'what would you like to be able to do?' And, with that latter question, both expressly and by her own example, she inspired ambitious and creative thinking amongst faculty, staff, and students," Michaels said. "She then leads a process of finding a way to make the resulting ambitious and creative idea achievable."

Ohio Governor Ted Strickland called upon Dean Rogers to temporarily step in as Ohio's Attorney General in May. She graciously accepted the challenge and returned to Ohio State as a law faculty member in January 2009.

It's time to reflect on Dean Rogers' accomplishments during her seven-year tenure as dean of the Moritz College of Law. Sure, there are statistics that can point to marked improvements, but many agree that some of Dean Rogers' best changes were cultivating a collegial climate between faculty, staff, students, and alumni. That climate welcomed innovative programs, encouraged faculty innovation, and created a community second to none – the Moritz community.

Students

Rogers received her bachelor's degree with highest distinction from the University of Kansas in 1969 and her law degree from Yale Law School in 1972. After law school, she served as a law clerk for U.S. District Judge Thomas D. Lambros in Cleveland and practiced law near Glenville, Ohio, at an office of the Cleveland Legal Aid Society.

She began teaching at the Ohio State University College of Law in 1975. She served as associate dean for academic affairs for the College from 1992 to 1997. In 1996, she received the College of Law Alumni Association's "Outstanding Professor Award."

Before becoming dean, Rogers served for two years as vice provost for academic administration at The Ohio State University.

Since Rogers started as dean in 2001, the Moritz student body entering credentials and post-graduation placement rates rose. New Moritz classes year after year are the most highly credentialed in the College's history.

Improved student credentials are attributed to several factors, including new scholarships and innovative programs. The College first offered its Leadership Scholarships in the 2007-08 school year. Leadership Scholars and their peers may participate in the College's new Program on Law and Leadership in which students have access to mentors, leadership courses, speakers, and other events designed to strengthen leadership skills. Students may also participate in the Mentoring and More Program that promotes professionalism by placing groups of students with attorney mentors who meet throughout the year to discuss current issues in law and the profession.

Such programs were encouraged and praised by Dean Rogers.

"She was able to create a climate that created maximum collaboration between students, faculty, alumni, and staff," said

THE ACADEMIC & PROFESSIONAL YEARS

1969 | *received BA from University of Kansas*

1972 | *received JD from Yale Law School*

1972-74 | *Law Clerk, U.S. District Judge Thomas D. Lambros, Cleveland*

1974-75 | *Staff Attorney, Cleveland Legal Aid Society*

1975-Present | *The Ohio State University Moritz College of Law; Moritz Chair in Alternative Dispute Resolution since 2001*

1988-99 | *Faculty Coordinator, Dispute Resolution Program, Moritz College of Law*

1992-97 | *Associate Dean of Academic Affairs, Moritz College of Law*

1999-01 | *Vice Provost for Academic Administration, The Ohio State University*

2000 | *Visiting Professor, Harvard Law School*

2001-08 | *Dean, Moritz College of Law*

2007-08 | *President of the Association of American Law Schools*

May 2008-Jan. 09 | *Attorney General of the state of Ohio*

Pamela Lombardi, the College's assistant dean for career services and external affairs.

Former students said they liked that Rogers could regularly be seen walking throughout Drinko Hall; she would never hesitate to stop and get to know students as well, they said. That transparency made a massive impression on law students, said **Kristen Blackwell '07**, a former Student Bar Association president.

"She seemed to know everybody by name from the beginning and made huge efforts to know all the incoming students," Blackwell said. "She was a very interactive dean."

Rogers also oversaw the addition of Lou's Café in Drinko Hall, which has added a comfortable location within the building for students to meet, chat, and study. The Frank C. Woodside III Courtroom was renovated and equipped with the latest technology. When Dean Rogers started as dean the College had two journals; it now has five. She led efforts to create the Barrister Club, an alumni-funded, multi-million dollar dining and meeting facility immediately across the street from Drinko Hall. She also pushed for the creation of law student apartments in the South Campus Gateway.

"Nancy had the foresight to realize that if a quarter of the student body lived within a block of the law school that it would have quite an impact," said Josh Stulberg, the College's associate dean for faculty.

Blackwell said she was unsure of how administrators would react to a proposal to start "town hall meetings" in her third year at the College. The town hall meetings were presented as a way for administrators to answer mostly impromptu questions from the student body.

"Dean Rogers simply said 'let's do it,'" Blackwell said. "She handled it so well. There were some questions that were asked that they knew about, but then we opened it up to a question-and-answer session. I think she gained a lot of respect from students just to be able to do that. There was an obvious intention to be as transparent as possible."

Faculty

That same approach was used in her collaboration with faculty, Moritz professors agreed. When Rogers became dean she was already a member of a strong and diverse faculty. Somehow, she continued to attract and to retain some of the best professors in the country.

"Nancy's embodiment and articulation of the highest ideals for the legal academy, and through her tireless, endlessly creative, and selfless leadership, wonderful things have happened and continue to happen at the College," Dean Michaels said. "Her leadership has shepherded the College through a period of growth in both stature and faculty size while preserving the cooperative, collegial atmosphere that has long been one of the hallmarks of this faculty."

The gift made by **Michael E. Moritz '61** shortly before Rogers became dean resulted in the addition of four chaired professorships. But she went on to head a fundraising campaign that created two additional faculty chairs, one professorship, and seven designated professorships.

As the faculty grew, Rogers managed to maintain a community amongst faculty members that encouraged collaboration and success. That culture encouraged faculty members to present their own creative ideas, and they would be encouraged to pursue those ideas. "She would take those ideas and help people think even more creatively," Stulberg said. "That environment allowed extraordinary things to happen."

And they have. Since 2001, the College has added countless programs that were presented by several faculty members. Professor Dale Oesterle pitched the idea for the now

quite successful Schottenstein Zox & Dunn's Distinguished Practitioners in Residence Program in Business Law. The faculty-inspired *Election Law @ Moritz* program created during her tenure has expanded into one of the largest election law research organizations in the country. The College's study abroad program was expanded to include a semester-long program at Oxford, and a new LL.M. program for foreign lawyers was started.

Scholarly publications and citations of faculty scholarship grew expansively.

Faculty and staff said they cherished Dean Rogers' ability to send short congratulatory e-mails, pass on compliments, and recognize faculty scholarship.

"When you work with good people you spend most of your time trying to keep them and make them know how appreciated they are," Rogers said. "That is the bulk of the job of a leader who is fortunate enough to be leading such great people."

Professor Sarah Cole, who acknowledged her great admiration for Rogers and her work in dispute resolution, said that Rogers' generosity never failed to impress her. When the two women co-authored a treatise together, Rogers insisted that all of her royalties be paid to Cole and that Rogers' name appear last on the title page.

Cole said Dean Rogers led by example in this and other ways, which included Rogers' unmatched work ethic.

"Her work ethic puts other people's to shame," Cole said. "She is selfless in her time devoted to the university." Cole explained how she could send an e-mail at anytime, day or night, to Dean Rogers and she always responded in what seemed like just moments later.

Alumni

When Rogers became dean in 2001, the College was just beginning a $30 million fundraising campaign for the College.

Through Rogers' leadership, the College was able to surpass its $30 million goal. The generosity – made by hundreds of Moritz alumni – will benefit the College in incalculable ways for years to come.

"She made a lot of personal trips around the state and country to talk to people," said **Sally Bloomfield**, a 1969 graduate and a member of the College's National Council. "It is obvious to me that she truly liked meeting and talking with alumni. She was not just coming with her hand out. She was honestly interested in them, and I can absolutely understand how alumni are responsive to that. She just has her quiet, personable way of doing things."

In 2007, Rogers was named president of the Association of American Law Schools. Carl Monk, the executive director of AALS while Rogers was president, said that Rogers made significant strides in promoting diversity in the association's 170-member law schools.

"She is soft spoken," Monk said. "But nobody should mistake her quietness for a lack of commitment, firmness, and tenacity in pursuing common goals."

Another one of Nancy's legacies is a pipeline program designed to interest youth in the legal field. She advocated tirelessly for the program, which has completed its inaugural session and is run by the Supreme Court of Ohio throughout the state. Eighth graders from Columbus Public Schools attended the expansive course inside Drinko Hall and ended the program with a mock trial.

Supreme Court of Ohio Chief Justice Thomas J. Moyer '64 said that what has always impressed him about Rogers is her leadership ability. No matter who she was dealing with, Rogers seemed to know how to determine their strengths and let them excel, Justice Moyer said.

"One of the attributes of a successful leader is that they are able to identify the strong values in other people and to cause those values to be applied to issues and processes," he said. "Nancy is a master at that. Many of these things wouldn't have happened without her very modest leadership style. She is a very effective leader because she does give credit to others. She is secure enough in her own self that she likes to surround herself with people who will challenge and offer ideas, and she is very willing to give them credit."

"One of the attributes of a successful leader is that they are able to identify the strong values in other people and to cause those values to be applied to issues and processes."

— Supreme Court of Ohio Chief Justice Thomas J. Moyer '64

Rogers' leadership and her devotion to the faculty, staff, students, and alumni at Moritz each contributed to her success as dean. The effects of that success will continue to define the College well beyond our lifetimes.

"The thought of the College being a community of learning that is second to none for her was much more than a slogan, it was a creed," Dean Michaels said. "She always asked what was good for the College; she always did what was best for the College; and she never stopped encouraging others do to the same."

Getty Images

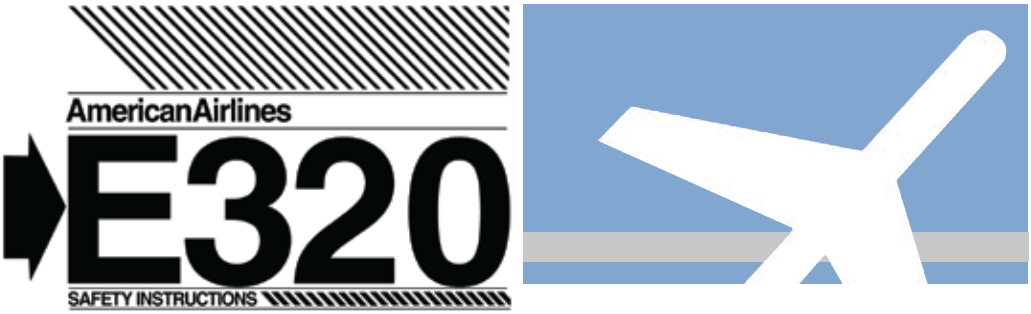
BY BARBARA PECK

30 YEARS AFTER AIRLINE DEREGULATION:

Who is the BIG Winner?

Despite recent grumblings about checked bag fees and no on-board beverages, passengers come out on top

IT HAS BEEN A ROUGH YEAR FOR THE AIRLINE INDUSTRY, TO SAY THE LEAST. High overhead costs, fluctuating fuel prices, and costly labor contracts have left airlines scrambling for every last penny in fliers' pockets. The rash of cancelled flights, increased fees, bankrupt airlines, and fewer routes has frustrated both passengers and communities. But, the fact remains that the airline industry as a whole is hemorrhaging money and continues to limp toward the protection and salvation of bankruptcy court.



How did we end up here in the land of unhappy customers, unsatisfied creditors, and unconvinced investors? Thirty years ago Congress passed the Airline Deregulation Act, essentially deregulating the airline industry and releasing companies into capitalism and the free marketplace. It took three presidential administrations to get the law passed and one of the most sweeping acts of industry deregulation in the country's history was signed by a Democrat – President Jimmy Carter. Have the promises of lower prices, greater profits, and better service been met? The answer to that likely depends on which side of the cockpit you are on.

Deregulating the Airline Industry

Prior to 1978, the Civilian Aeronautics Board (CAB) set airline prices, routes, and schedules across the country. If an airline wanted to add a route or change a price, it had to go through a tedious and lengthy regulatory process. For pricing, the CAB followed a straightforward approach where shorter flights cost less than longer flights and there was not the "hub and spoke" system there is today. In general, the CAB assumed most flights would be about 55 percent full and set prices so airlines could make a 12 percent profit on a standard ticket. The CAB became notoriously slow and conservative in reviewing and approving changes in routes or service and, in fact, allowed no new national carriers to enter the market from 1938 to 1978, despite almost 80 applications for new service being filed with the CAB. The CAB forced airlines to maintain non-lucrative routes and famously took eight years to approve Continental's request to begin service from Denver to San Diego (and did so only after a U.S. Court of Appeals intervened). The legal standard for granting an airline permission to fly a new route was called "public convenience and necessity." In order to win approval, the airline had to show that its services were required by the public convenience and necessity, which may not sound hard, but if another airline could show the addition would hurt its business, it automatically was deemed not required by the public convenience and necessity.

The CAB also determined which planes could fly on a specific route. In the early 1970s, Federal Express requested permission to fly a jumbo jet on its busiest routes, but it was denied. Instead the company flew two smaller planes wing-to-wing to keep up with its growing business.

Advocates fighting for deregulation found a warm reception in the U.S. Senate Judiciary Committee Subcommittee on Administrative Practice, then chaired by Senator Ted Kennedy (D-MA). Kennedy, aided by then-committee counsel Stephen Breyer, held hearings and pushed forward the debates. The opponents were the airlines themselves – who were mostly happy with the cost plus pricing structure – labor unions, smaller cities, airports, and safety experts. The major proponent was the general public and its major gripe was cost. After years of debate and hearings, President Jimmy Carter signed the most sweeping act of deregulation the United States had ever seen in the fall of 1978.

The Industry Since Deregulation

As would be expected with such a massive overhaul of an industry, deregulation has created both winners and losers in the new marketplace. And, the winners and losers tend to line up just as predicted, with a few exceptions.

"Adjusting for inflation, even though people complain about them a lot, airline tickets today are lower than they were in 1985," said **Jack Creighton '57**, a former member of the board of directors and interim CEO and chairman of United Airlines.

According to a 2006 General Accountability Office (GAO) report, the median fare has declined almost 40 percent since 1980 as measured in 2005 dollars. While prices may not seem to still be dropping, in July 2008 the GAO reported that airline fare prices had dropped 20 percent in real dollars since 1998 because of increased competition in the market. However, fares in shorter-distance and less traveled markets have not fallen as much as fares in long-distance and heavily trafficked markets. Since 1980, markets have generally become more competitive; the average number of competitors has increased to 3.5 per market in 2005 from 2.2 per market in 1980. In total, industry capacity and passenger traffic have tripled as passengers hit the friendly skies with greater frequency.

Today the industry has seven legacy airlines that pre-date deregulation – Alaska Airlines, American Airlines, Continental Airlines, Delta Airlines, Northwest Airlines, United Airlines, and US Airways. There are also seven major "low-cost" airlines that entered the market after deregulation – AirTrain Airways, America West Airlines, ATA, Frontier Airlines, JetBlue Airways, Southwest Airlines, and Spirit Airlines. Northwest and Delta merged in 2008 and America West and US Airways merged in 2005.

Deregulation has not been all wine and roses, however. Demand for airline travel is highly cyclical and influenced by the state of the economy, political events, international events, and even health-related epidemics and events. However, costs, in particular aircraft and labor contracts, are constant and not easily adjusted to match fluctuations in demand. Jet fuel prices, however, do change in a blink of an eye, making it very difficult to price tickets purchased in advance accurately.

While the first decade following deregulation saw increased

profitability for the airlines and lower fares for consumers, since the late 1980s the industry has seen a lot of turbulence. Since deregulation, more than 170 airlines have gone into bankruptcy, with some restructuring and reemerging, but most being liquidated. In recent years, the bankruptcies of Delta, Northwest, United, and US Airways are considered among the largest corporate bankruptcies ever, excluding financial services firms. How much deregulation is the root cause of more than half the industry going belly-up is a much-debated topic. Other factors – recession, high fuel costs, bad management, greedy labor, and low demand – are often blamed and have little to do with regulation. Other culprits like excessive capacity were closely monitored during regulation. Advocates of regulation point out, however, that recent economic factors have not risen to the level of crisis seen in the early 1970s when recession and the Arab Oil Embargo of 1973 hit the U.S. hard, but during which the airlines all skated through with minimal disruption and profits.

"Often, when it comes down to it, bankruptcy can be a good thing for the industry" said Peter Swire, the C. William O'Neill Professor in Law and Judicial Administration at Moritz and an expert in antitrust law. "The planes get sold and the gates get transferred to other airlines with less cost and the next round of competition begins."

Southwest and Low-Cost Airlines

Since deregulation, perhaps the biggest change in the marketplace has been the creation, entrance, and failure of hundreds of new airlines, many so-called "low-cost" carriers. The prodigal child among them is Southwest Airlines, the only airline to make a profit every year for the past 30 years.

Southwest built a successful business on an unusual model: flying multiple short, quick trips into the secondary (more efficient and less costly) airports of major cities, using primarily only one aircraft type, the Boeing 737. Southwest also does not use the hub and spoke method of arranging flights that other airlines use. Instead, it uses a linear route, or point-to-point, system like those mandated prior to deregulation. As a result, according to the airline, an average of 80 percent of Southwest passengers are local passengers, meaning only 20 percent of all passengers are connecting passengers.

Although Southwest is considered a "low fare" airline, it is heavily unionized when compared to other airlines. The Southwest Airline Pilots' Association, a union not affiliated with the Air Line Pilots Association International, represents the airline's pilots. The aircraft maintenance technicians' are represented by the Aircraft Mechanics Fraternal Association. Customer service agents and reservation agents are represented by the International Association of Machinists and Aerospace Workers Union. Flight attendants, ramp agents, and operations agents are represented by the Transport Workers Union. Flight dispatchers are represented by the Southwest Airlines Employee Association.

While Southwest has developed a successful business plan and has become a leader in the industry, most low-cost start-ups skid to an abrupt halt within months of their first take-off. In Columbus, Skybus Airlines took to the skies on April 22, 2007 and ceased all operations and headed to Chapter 11 bankruptcy on April 5, 2008, stranding thousands of passengers in the midst of a round-trip. The airline offered ultra-low prices – sometimes as low as $10 one-way – and hoped to turn a profit by charging customers for services and items, selling advertising on its planes, and keeping costs low.

"Start-up airlines like Skybus have really disrupted the entire industry," Creighton said. "Charging $68 to fly to Washington state wasn't economical. I didn't understand the business plan, and a lot of these startups have folded up. This is one area where the government should regulate."

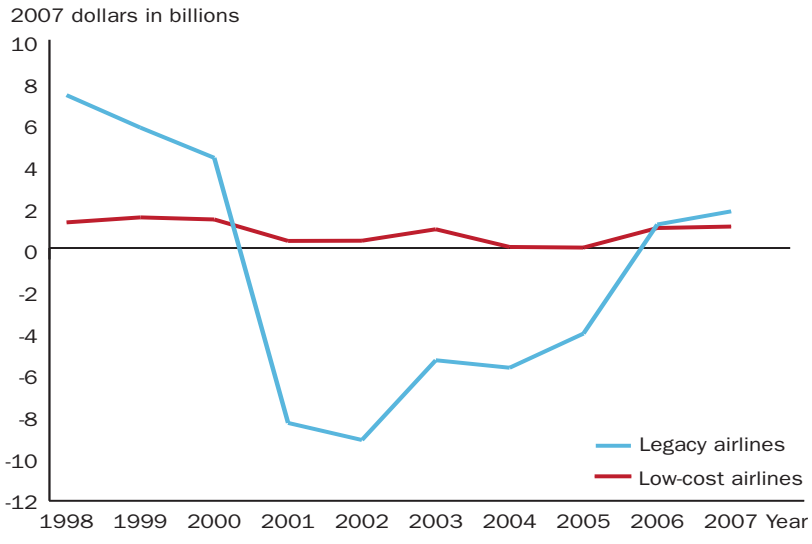
According to the GAO, in 2006, low-cost airlines were competing directly with legacy airlines in 42 of the top 5,000 markets and were an option for about 80 percent of passengers. Low-cost airlines carried 78 million passengers in 1998 and 125 million in 2006, an increase of 59 percent.

"It is not a predatory pricing problem when a low-cost carrier helps consumers with bargain prices," Swire said. "That is how Southwest became successful. They went to underused airports and the consumers flocked. Competition between airports gives customers excellent new choices."

Labor costs

Airlines have traditionally relied on union labor, and labor relations have been covered by the Railway Labor Act since 1936. The union bargaining structure that developed within the airline industry has been highly decentralized and separated by craft (e.g., pilots, mechanics, etc.). Before deregulation, unions and airline management engaged in carrier-by-carrier bargaining whereby the last contract signed by one carrier generally served as the starting point for the next airline (known as "pattern bargaining"). During regulation, labor relations were generally good because CAB's fare-setting allowed airlines to

Operating Profit or Loss for Legacy and Low-Cost Airlines, 1998-07



Source: GAO analysis of DOT data

Note: Following their merger in 2005, US Airways and America West 2006-07 data are included with the legacy airlines. America West's data from 1998 to 2005 are included with the low-cost airlines.

pass increased labor costs on to passengers. Airlines' bargaining power was enhanced by the Mutual Aid Pact, a strike insurance plan created in 1958, through which a struck airline was compensated by nonstruck airlines based on increases in traffic the latter received during a strike. The Mutual Aid Pact was eliminated with deregulation, thereby enhancing airline labor's power in contract negotiations.

"In many industries, management has a stronger hand than labor," Creighton said. "Labor has a much stronger hand in airlines than management does. And as a result in certain categories wages have been driven too high. The pilots say they are going to go out on strike, they threaten, and then they go on strike. It doesn't just shut down the airline in Columbus or Chicago. It shuts it down in New York, Singapore, everywhere. No airline can survive a strike more than a few days."

Over the last few years, facing intense cost pressures from growing low-cost airlines like Southwest, both United and US Airways entered bankruptcy, voided labor contracts, and terminated their pension plans. For example, according to the GAO, Northwest Airlines' pilots agreed to two pay cuts during recent bankruptcies – a 15 percent cut in 2004 and a 23.9 percent cut in 2006. On average, the number of employees for a legacy airline has decreased by 26 percent since 1998, with the payroll shrinking from about 42,558 employees to an average of 31,346. Pension plans have also been cut, costing the Pension Benefit Guaranty Corporation, the federal government insurer of defined benefit plans, $10 billion and beneficiaries more than $5 billion. Only two airlines still have active defined benefit pension plans.

Alliances, Mergers, and Antitrust

Immediately following deregulation, there was a flurry of mergers and acquisitions in the 1980s as airlines adjusted to the new market. The industry has also creatively come up with new alliance and code-sharing programs to increase capacity with minimal investment.

The Department of Justice (DOJ) reviews every potential airline merger and acquisition for possible antitrust violations. To determine whether a potential merger or acquisition is anticompetitive, the DOJ uses the analytical framework set forth in the Horizontal Merger Guidelines. The five-part process assesses: 1) the city-pairs served by both airlines involved; 2) the potential anticompetitive effects resulting from a merger or acquisition; 3) the likelihood and impact of other airlines possibly entering the market and anticompetitive effects; 4) measurable efficiencies, or benefits, that a merger would bring; and 5) whether one of the airlines involved in the transaction would fail if the merger or acquisition does not go through.

"Antitrust authorities get nervous when the last two competitors in a market merge," Swire said. "Often the remedy is to sell that route, or city-pair, to another competitor."

The Department of Transportation (DOT) conducts its own analyses of mergers and acquisitions and provides its findings to the DOJ. Once the transaction is approved and moving forward, the DOT sets forth multiple economic and safety hurdles that must be passed before new operations can take off.

Not every proposed merger gains approval. For example, in 2000, the DOJ opposed a merger between United and United Airways and the parties abandoned their proposal. In other instances, other factors including labor issues and information technology problems have killed the deals. In 2006 a proposed merger between US Airways and Delta fell apart because of opposition from Delta's pilots and some of its creditors.

> "Labor has a much stronger hand in airlines than management does. And as a result in certain categories wages have been driven too high."
>
> *—Jack Creighton '57, former director and interim CEO and chairman of United Airlines*

To enhance revenues without merging or expending capital, legacy airlines have entered into domestic and international alliances that give them access to some portion of each others' networks. In recent years, alliances have grown tremendously, to the benefit of those holding frequent flier cards. Regional airlines also often provide service from smaller communities under code-sharing arrangements with legacy airlines, which allow passengers to book their flight as if all the segments were through the same airline.

In March 2008, the Open Skies agreement between the United States and European Union became effective and, as a result, airlines are already asking the DOT for antitrust immunity to not only code-share internationally, but jointly plan and operate flights and share profits.

9/11

The airlines began the new century in a slump and the terrorist attacks of Sept. 11, 2001, the mandated ground stop, and the drop in passengers threatened to shatter the already fragile industry. On Sept. 22, 2001, President Bush signed the Air Transportation Safety and System Stabilization Act, which provided $5 billion in emergency assistance to compensate the nation's air carriers for these losses. In total, the industry estimated that it lost between

$7 to $10 billion.

"There wasn't any question in my mind that United would survive," Creighton said. "We took some draconian steps: we furloughed 40,000 employees; we sent all our 727s to the desert; we really cut back on many, many things. Some of the things we should have done we couldn't because of the union contracts."

Many of the costs related to 9/11 are not concrete, predictable, or easily tracked on a balance sheet. For example, some experts estimate that increased security has cost the industry over $2.5 billion and increased insurance costs millions more.

While the government has provided substantial help to the airline industry since 9/11, in other areas it has fallen flat. In August 2007, Congress passed a law stating that all the recommendations of the 9/11 Commission should be implemented, including screening all cargo that flies on passenger planes. The law did not, however, provide any funding for the purchase of the screening equipment or staff and instead required airlines and airports to fund the mandatory screenings. In Congressional hearings this summer, the industry said it is not likely it will be able to comply with the new law, which requires that 50 percent of cargo be screened by August 2009 and 100 percent by August 2010.

Current Crisis

The airline industry is commemorating 30 years of deregulation with a year that is disastrous by any measure. The International Air Transport Association (IATA) estimates that airlines will lose more than $5.2 billion in 2008 and an additional $4.1 billion in 2009, depending on fuel costs. The industry as a whole had been unprofitable between 2000 and 2005, but made a turnaround in 2006 and 2007 by reducing capacity, concentrating flights in profitable markets, reducing long-term debt, and reducing costs relating to employee contracts, pay, and pensions. In 2007, the airline industry carried more than 700 million passengers and had operating revenues of nearly $172 billion, which is more than one percent of the gross domestic product.

"I don't think you can single out one thing that has put the industry in the pickle that it is in," Creighton said. "Some of the things that have happened to the industry are not reversible – some are – but plenty are not. For instance, the Internet and the ability of the customer to find out exactly what the price structure is and to go direct to buy that ticket. In the past, I think people felt like 'I have flown United; I liked United.' They would call their travel agent and say, 'I want a ticket on United.' That is not the case today."

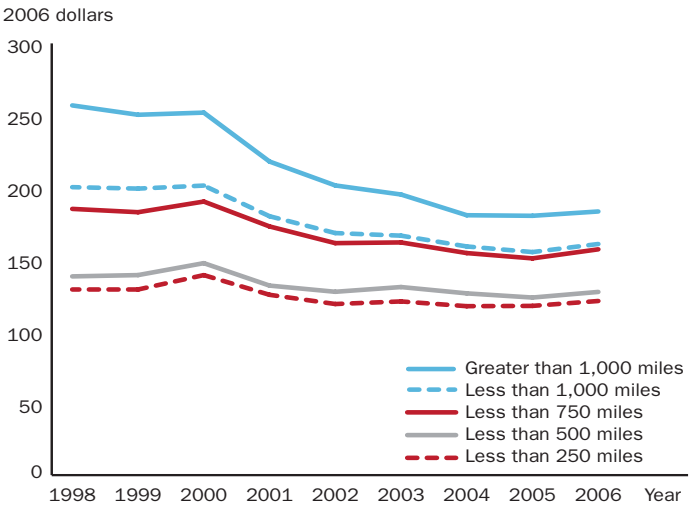
In the first half of 2008, airline ticket prices rose approximately 7.1 percent compared to 2007. Taxes and fees account for about 14 percent of the average ticket prices and more than 22 percent on tickets with connections.

Airlines have canceled twice as many flights in the first half of 2008 as they did in 2007 – almost 65,000 – and are expected to trim their flight schedules even further. Like most industries, the airlines' goal is to get as lean as possible by running every flight full to capacity with passengers that will pay as much as the market will allow.

To stay out (or get out) of bankruptcy, airlines have switched to what experts call "a la carte pricing," under which a passenger checking two bags can pay upwards of $150 extra for a ticket. Airlines have also sold and made it harder to redeem their second favorite type of currency: frequent flier miles. Over the past year, United, Delta, Continental, and others have turned to major banks for "advances" on the credit cards miles marketed as incentives on those banks' credit cards. For example, United in July turned to Chase to plug its cash flow woes and the bank ponied up a $600 million prepayment for the miles that will be distributed to customers as rewards for using a Mileage Plus Visa. The move increased the United's amount of unredeemed miles by more than 12 percent. At the same time, many airlines have raised the number of miles required for rewards, reducing the number of reward seats on flights, and increasing fees associated with redeeming miles.

Customers are also giving airlines low marks when it comes to customer services. According to JD Powers & Associates, customer satisfaction with the airlines industry is at an all-time low. In September, Congress failed to pass a Passenger's Bill of Rights when it extended funding for the FAA. The Department of Transportation then took a stab at passing its own regulations in October, but again failed to include any language that would

Average Fares by Distance, 1998-2006



Source: GAO analysis of DOT data.

Note: This figure includes only passengers carried by an airline with at least 5 percent of passengers in a city-pair market, therefore an unknown number of passengers in each market were not counted.

help passengers stranded on the tarmac for countless hours. Interestingly, prior to October, regulatory officials had no way of measuring or reviewing tarmac delays because once a plane pulls away from a gate it is not considered delayed, and once it is cancelled, it is not delayed. Last year, the DOT drafted a proposed rule with comment period that would require airlines to have contingency plans for lengthy tarmac delays and incorporate them into their contracts of carriage. Currently, only Hawaiian, JetBlue, and Southwest have language in their contracts of carriage regarding deplaning in the event of a lengthy delay. While others may claim to have extra planes in place, the language is only found in their customer service agreements, which do not entitle customers to compensation if they do not.

The recent summer of misery for the airlines has also included a new round of safety violations and record fines. In April, FAA inspectors testified before Congress that they felt threatened and afraid for their jobs when they reported maintenance and inspection problems at some major airlines. In response, the agency ordered an audit of maintenance records for all major domestic airlines and discovered 17 cases in which 11 airline carriers did not comply with government safety orders. While that means that 98 percent of the 5,600 safety orders were followed, the audit led to a $10.2 million fine of Southwest Airlines for flying planes that had not had their fuselages inspected for cracks and a $7.1 million fine of American Airlines for flying planes after safety problems were reported and for drug-testing violations. The DOT is currently reviewing all FAA practices and policies.

The 2008 rise in oil prices came just as most major airlines were starting to get back on their feet. In the past year, jet fuel prices have increased 80 percent. According to the IATA, the airlines are predicted to spend $186 billion on jet fuel in 2008, which is $50 billion more than they did in 2007. Fuel will make up about 36 percent of airlines' costs in 2008 while it made up 13 percent of operating costs in 2007.

Many of the on board items typically maintained on the plane – magazines, in-flight entertainment systems, water, etc. – have been removed to save weight and, therefore, save fuel. Airlines are leaving "non-essential" items behind and engaging in "just enough" fueling techniques in order to reduce a plane's weight and increase gas mileage. As a result, on some planes, in the event of a rare water landing, passengers will have to make a swim for it because life jackets are no longer available. Late-night comedians and an April's Fools joke have suggested that airlines start charging passengers by weight to account for differences in fuel usage by heavier customers. It's unlikely that large scales will make their way to check-in counters in the near future; currently only Southwest has a strict policy requiring "passengers of size" to buy two tickets but this may change as other airlines continue to look for ways to generate revenue and offset costs.

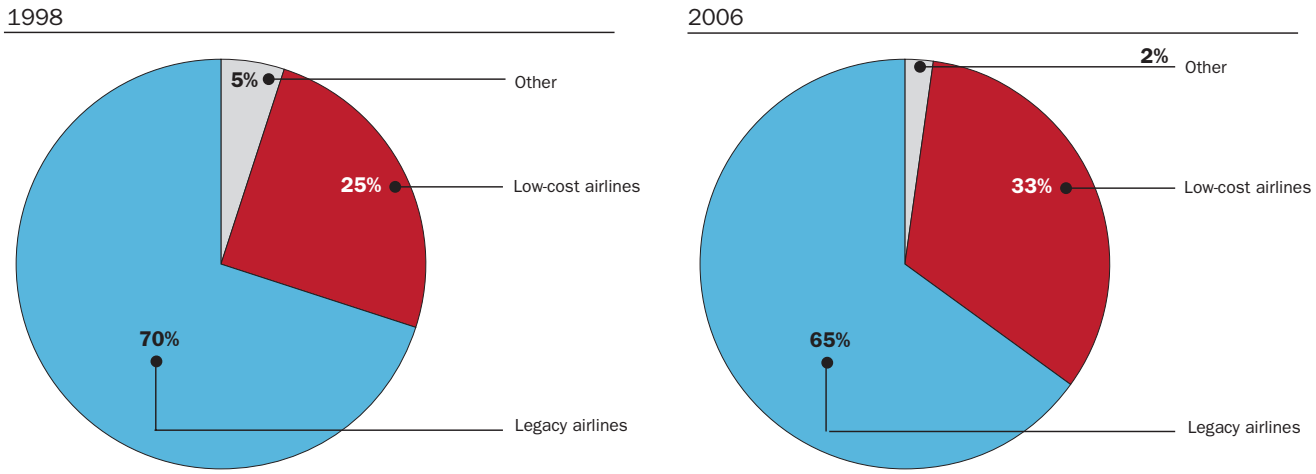
What the Future Holds

The airline industry, like the rest of the economy, is struggling through these unpredictable times and is continuing to try to adapt to the changing needs of its customers while searching for red on the balance sheet.

"I think the biggest change will be that there will be fewer airlines," Creighton said. "There is a good chance United, American, Continental, and Delta will survive, but they will likely merge with one another. Delta and Northwest have already merged. There will be more global combinations, whether that is code sharing or actual mergers. With the Open Skies now, European airlines can fly into the United States and the U.S. airlines can fly into anywhere and this will have a huge impact."

One thing that does seem certain, however, is that the government will not be reregulating the industry any time soon. While Congress asked the GAO to investigate the possibility in 2006 in an effort to save employee pensions, GAO found the option not viable and likely to lead to huge increases in ticket fares and still not enough revenue to cover legacy airlines' high labor costs. In addition, the main purpose of deregulation was to lower airfares and increase competition, both of which have been realized with outstanding success. That success, however, has come at the cost of airlines' bottom lines and employee jobs and paychecks.

Industry Share by Legacy and Low-Cost Airlines, 1998 and 2006:



Source: GAO analysis of DOT data.

Note: These figures include only passengers carried by airlines with at least 5 percent of passengers in a city-pair market; therefore an unknown number of passengers in each market were not counted. The legacy airline category also includes regional airline passengers. The category "other" includes airlines not classified as legacy or low-cost airlines such as Hawaiian Airlines, Aloha Airlines, and Allegiant Air.

Moritz Grads Find Time for Fitness Priorities Amidst Busy Schedules

Stories by Christine Kontra

It's no surprise that each of our lives is crowded with countless priorities battling for equal time in what seem like longer days than ever. Work inevitably extends beyond a time you expected, time with families can be scarce, and sleep is a rare commodity.

BUT – AS YOU KNOW – keeping a healthy lifestyle is more than recommended these days. It should be a necessity that we incorporate into our daily lives just like we do for our work and family. Doubting that you have enough time? Here are five Moritz alumni who are living proof that fitness and lifestyle goals are attainable even while trying to manage a law firm, raise a family, or run a company.

Suggestions ranged from working out early in the day, incorporating exercise into a mandatory commute, and training for specific events. However, these alumni all resoundingly agreed on three points:

Finding Time

1. Make it a priority. "If it's important to you, put it on the schedule," said **Mike Finn '67** enthusiastically. Mike, president of Central Power Systems, said that you can always make time for something, as long as it's important to you. You might have to get up a little earlier, go to bed later, or use your lunch hour more efficiently, but it can definitely be done. Nearly everyone interviewed for this story works between 40-70 hours a week, with the exception of **Rebecca Price '01** who is currently working part time after the birth of her daughter. Whether it meant hitting the gym before the sun comes up or using exercise as transportation around town, each one found a way to make exercise a priority.

2. Being active will improve your life on many levels. Clearly, regular exercise will make you feel better physically, but the benefits go far beyond the body. "The best part has nothing to do with the body," said **Rich Helmreich '89**, an attorney at Porter Wright Morris & Arthur in Columbus. "I'm more psychologically sharp, and it helps me to lead a more balanced life." Many agreed that they are able to mentally focus better, have more energy through out the day, and sleep more soundly at night. After a good workout, you can be sure you'll be ready to seize the day.

3. It's never the wrong time to start. Whether you used to be an all-star athlete and have since given it up or you've never owned a pair of running shoes in your life, you can always begin a fitness program. "It's never too late to start!" said **Danyelle Wright '99**, a partner at the Dayton law firm Sebaly, Shillito and Dyer. Wright took her first serious look at exercise when she was 31 years old. No matter what your level of fitness or past experience has been, it is always worth a try.

"The years that I climbed Rainier also happened to be the busiest for my firm. I was at my best though because training kept me so disciplined."

— Rich Helmreich '89 *(far right)* **on top of Mt. Rainier**

Rich Helmreich '89 Setting Goals and Following Through

SETTLING FOR MEDIOCRE has never been enough for Rich Helmreich '89 both as one of the leading employee benefits lawyers in the country and as an athlete. He is currently an attorney at Porter Wright and also serves on the national Employee Retirement Income Security Act (ERISA) Advisory Council after being appointed by Secretary of Labor Elaine Chao. The council helps craft policies on government regulation. Members serve three-year terms. In addition to his family's activities, Rich's busy career typically keeps him in the office around 60 hours a week, but that doesn't stop him from working out most mornings at 5 a.m.

"Although it means less sleep, it's worth it," said Rich, 44. Whether it's running, working out at the gym or training for a goal that he has set for himself, he sees multiple benefits of keeping an active healthy lifestyle. "Exercise gives you time to think and analyze situations with a clarity that you don't normally have," he added. "I bought an iPod, but I leave it at home. I would rather take time to think through the issue of the day."

Climbing Mt. Rainier in Washington twice has been his most notable athletic accomplishment. Training for the trip required him to spend two hours in the gym a day and spend hours climbing up and down stairs with a 50-pound backpack. "The years that I climbed Rainier also happened to be the busiest for my firm. I was at my best though because training kept me so disciplined," he said. Rich's other interests include biking, the highlight of which was his 105-mile ride through the Tour of the Scioto River Valley (TOSRV), and playing in a men's soccer league.

Stress relief is a huge benefit as well, and he finds it hard to believe that people in stressful situations can handle it without some way to release. He realizes that everyone has an outlet for stress – whether healthy or unhealthy – and exercise is his healthy way of relieving stress everyday.

For now, Rich plans to keep challenging himself physically and professionally. He plans to run at least one marathon or half marathon a year and has also recently taken up yoga. At work, he hopes to help to continue growing the firm and his department. His discipline with exercise will undoubtedly help him to reach that goal.

"Most trips that people drive are only a few miles … a distance that can easily be biked," says Doug Morgan, '82

Doug Morgan '82: It's All About Lifestyle

DOUG MORGAN '82 DOESN'T BELIEVE IN EXERCISE. "Exercise is optional," he said, "and that is why it doesn't work." Instead, Doug completes a 20-mile round trip on his bike everyday to get to work. "You have to put physical activity between you and something you want, or somewhere you have to go," he added.

Doug hasn't owned a car in seven years. All of this started several years ago when his then teenage daughter totaled his car in a serious accident. While driving to a car dealership to shop for a replacement, he and his son got stuck in a traffic jam. The frustration of the car accident combined with the stalled traffic was enough to make him switch modes of transportation. Once he started biking to work most days, his perspective changed on both transportation and exercise.

"I could see, hear, and smell things that I hadn't since I was a kid," said the 52 year old. He also thought that from his new point of view drivers looked so isolated in their cars. "Almost all of the cars contained only one person. It was amazing to me that it takes 3,000 pounds of metal and glass to transport one person."

The physical benefits of riding to work came rather quickly. He was soon able to sleep more soundly, he lost weight, and aches and pains originating from old injuries as a college baseball player went away. He now sees cars as a luxury that should be reserved for long trips or harsh weather. "Most trips that people drive are only a few miles … a distance that can easily be biked," he said. Doug very rarely uses a car, and he rides the COTA bus to get to work for a few weeks in the winter when the roads are too slick.

"There is no consistent schedule that I can make to get to a gym. So if I know that I'll get my exercise getting from place to place, I don't have to worry about it."

His wardrobe has changed along with his habits. Doug is now easily recognized as the only lawyer in the office who wears spandex upon arrival to work and then spends the rest of the day in dress pants and a Nike Dri-FIT athletic shirt.

Although Doug incorporates a small amount of light strength training at home three times a week, he believes the fitness industry will not solve America's health-related problems. "Every day I work with some of the most affluent people in Columbus who have plenty of money to spare to buy gym memberships and personal trainers, yet they still don't address their fitness. If their exercise was how they got around town, they would have to do it," he said. Making exercise mandatory in this way is good for someone as busy as Doug. "There is no consistent schedule that I can make to get to a gym. So if I know that I'll get my exercise getting from place to place, I don't have to worry about it."

He also believes that getting out of the car is good for the community. Being outside allows you to interact with others and get to know people. "It creates a more sustainable, more social environment. If more people rode their bikes, they wouldn't be so disconnected from each other," he said. Clearly, changing something as fundamental as his form of transportation has affected Doug's life on many levels, and it is a unique example of how fitness can become an important part of even the busiest lawyer's life.

Mike Finn '67 Exploring the World One Mountain at a Time

WHEN HE'S NOT running his business, Mike Finn '67 is most likely on a mountain climbing adventure or planning his next one. From California to Nepal, Mike, 64, has climbed mountains, trekked through countries around the world, and faced danger in the process. He has always tried to stay in shape and was primarily a runner for most of his life, usually logging a few miles before heading to work each day. "It was more than just a workout. It was meditative … a way to clear my mind," he said.

For the first decade and a half of his career he focused on business, leaving little time for travel and adventure. He currently heads Central Power Systems, a wholesale distributor of outdoor power equipment and service parts. It was after a mountain climbing trip out west with his son, Matthew, in 1986, that he decided to make such excursions a higher priority in his life. Since then, Mike has found a new mountain to climb including destinations as far as France, Russia, Argentina, and Bhutan. One of his most memorable trips was a trek with his wife, Janet, through the Nepalese mountains to visit the lost city of Lo Mantang.

Training and preparation for climbing and trekking has put him in the best shape of his life. Normally, he starts his day with an early morning workout five or six days a week. Exercises geared toward preparation for a climb are added into his routine when necessary.

Staying in shape and travelling has brought numerous benefits. Mike says that it's a "gift you give yourself," and that it improves his life physically, mentally, and emotionally. Having a destination to work toward is what motivates him to make time for fitness despite his busy schedule. His next endeavor is walking coast to coast across England with Janet, and then it's time to tackle the Pyrenees Mountains in Spain.

Danyelle Wright '99: Life Changing Weight Loss

DANYELLE WRIGHT '99 WAS NEVER A FITNESS FANATIC. That was, until she turned 31. Despite being professionally successful, Danyelle said that she didn't decide to address her weight problem until she was three years out of law school. "I didn't want to take any shortcuts … I wanted to do it the right way with diet and exercise," Danyelle said. She joined Weight Watchers, started a fitness regimen, and in 18 months she had lost 146 pounds.

"In the beginning, I worked out three times per day: before work, during lunch, and before I went home. I had a goal and I was willing to work hard towards it. Now, six years later, I work out twice a day, five days a week," said the 37 year old. She normally starts her day with a kickboxing class that she does with her sister, and finishes the day with some light strength training at home. "I consider it a big accomplishment that I kept the weight off. A lot of the time, people who lose weight slowly gain it back."

Danyelle is now a partner at Sebaly, Shillito, and Dyer in Dayton, Ohio. And despite having more responsibility than ever, she is able to keep her health one of her top priorities. She keeps herself on track by writing down her goals and checking in with friends. "My best friend in New York keeps me accountable. We check in with each other regularly for motivation. She makes sure I'm drinking enough water," said Danyelle. Originally, she hired a personal trainer to show her the ropes, but now she creates her own routines. "I try to keep it interesting. I'm always looking through *Shape* and *Women's Health* for new ideas."

"You have to want it," she says. "You can take someone to the well, but you can't make them drink. I know that I'm doing something that will immediately impact my outlook on the day. I feel strong, have more energy, and don't need caffeine to wake me up."

Her advice to others is that it's never too late to take control of your health. "You may have to start slow. I had to work up to being able to finish an entire step aerobics class. Take baby steps and set realistic goals," she said. In addition to staying healthy, she wants to continue doing good work, become a leader at her firm, and carve out quality time with family and close friends.

TIPS FROM DANYELLE:

- **WRITE DOWN YOUR GOALS**
- **CHECKING IN WITH FRIENDS "My best friend in New York keeps me accountable. We check in with each other regularly for motivation.**
- **BE SURE TO DRINK ENOUGH WATER**
- **HIRE A PERSONAL TRAINER TO SHOW YOU THE ROPES**
- **LOOK THROUGH MAGAZINES FOR NEW IDEAS**
- **IT'S NEVER TOO LATE TO TAKE CONTROL OF YOUR HEALTH. "You may have to start slow. I had to work up to being able to finish an entire step aerobics class.**
- **TAKE BABY STEPS AND SET REALISTIC GOALS**

Rebecca Price '01: Staying Healthy for Her Family

Tips for Moms:

1. "As a lawyer, it's important to work out early because you never know what your day will bring."

2. "Once you commit to it and get in a routine, it becomes much easier."

3. "Set a good example for your children, and exercising together is great bonding time as a family."

Being a new mother and an active litigator at the same time seems hard enough, and staying in shape on top of it sounds nearly impossible. However, Rebecca Roderer Price '01 finds time to be a successful attorney at Kegler Brown, raise Audrey, her daughter who is 2 years old, and stay active and healthy. "I try to make sure I'm doing something active five or six days a week," she said.

Even though she is currently working just 30 hours a week, the 32-year-old attorney still has a lot on her plate. Despite her busy schedule, she managed to train for and run the Columbus Half-Marathon in 2007. Rebecca trained for about five months, and although she struggled with an injury she managed to finish the race. "Knowing that I could have run even faster motivates me to try again," she added.

"After Audrey was born, I needed an activity that I could do anytime, any place," said Rebecca. "So running seemed like a good fit. I could push her in the stroller at the same time." Before her pregnancy, Rebecca enjoyed step aerobics classes, weight training, and using the elliptical machines at the gym, and during her pregnancy she practiced prenatal yoga.

Rebecca says that the most important thing before, during, and after her pregnancy is that she works out early in the morning. "As a lawyer, it's important to work out early because you never know what your day will bring," she said. "Working with a client can stretch into the evening unexpectedly and can ruin your plans to go to the gym. If it's done first thing then you don't have to worry about it, and you have more energy for the day ahead."

Like just about anything, starting to exercise is the hardest part she says. "Once you commit to it and get in a routine, it becomes much easier," Rebecca said. However, she said that she is highly motivated by her daughter. "I want her to grow up seeing her parents active," she said. "We try to set a good example for her and exercising together is great bonding time as a family." Rebecca often takes Audrey on a bike ride to go watch her husband play basketball.

Currently, Rebecca wants to stay in shape and enjoy her time with her daughter before she returns to work full time at the firm. Stress relief, extra energy, and setting a positive example for her daughter is more than enough incentive to keep her on the right track.

Legal Ethics Rules

Tips to Help Navigate the Changes

By Katherine Hall

Katherine Hall joined the Moritz Law Library in 2001 and is currently assistant director for public services. In addition to coordinating reference services for the faculty, students, and members of the public, she also participates in collection development. She teaches a section of the first-year Introduction to Legal Research course and the upper level Advanced Electronic Legal Research course.

Is an attorney obliged to report another attorney's repeated lateness in filing final judgments in numerous divorce cases? May an attorney who sits on the Board of Directors of a corporation also represent a client in a lawsuit against that same corporation? May an attorney who was voted "Best" attorney in a poll by the local newspaper highlight that award in an advertisement? Although these questions appear quite distinct, they all involve issues of legal ethics.

In practice, questions of legal ethics arise frequently. In addition to misconduct, conflict of interest, and advertising, other common legal ethics issues include attorney-client confidentiality, malpractice, and fee agreements. Each state has issued ethics rules and opinions to regulate attorney conduct in these types of situations. Fortunately much of the research in legal ethics can be freely done online, however many useful sources may only be available through print or fee-based sources.

Rules

Most states base their ethical rules on the *ABA Model Rules of Professional Conduct*, adopted in 1983. Preceding the current model rules were the *Model Code of Professional Responsibility* (1969) and the *Canons of Legal Ethics* (1908). The current Model Rules of Professional Conduct and its predecessors are freely available online through the ABA Center for Professional Responsibility, http://www.abanet.org/cpr/. For those states which have adopted the ABA model rules, this site also includes links each states' ethics rules.

Another good place to find state ethical rules is Cornell's American Legal Ethics Library, http://www.law.cornell.edu/ethics/. In addition to links to state ethics rules, the American Legal Ethics Library also contains a "Narrative" or a summary of the professional responsibility laws of select states, such as California, New York, Illinois, and Ohio. The Library also provides a breakdown by subject area of jurisdictions following the current *Model Rules*, the earlier *Model Code*, or other system.

Court and Advisory Opinions

In addition to ethics rules, court opinions may interpret and apply a rule to a specific situation. One quick way to find court opinions on an ethics rule is to Keycite or Shepardize that rule. Additionally, Lexis and Westlaw both offer tailored databases of ethics cases for each state.

After examining court opinions, advisory opinions, though not necessarily binding, may help in researching a rule. Both the ABA and individual states issue advisory opinions on questions of legal ethics. Current ABA opinions are summarized at the ABA Center for Professional Responsibility, http://www.abanet.org/cpr/; Lexis and Westlaw provide the full text of these opinions. Many state ethics opinions are freely available online. Both the ABA Center for Professional Responsibility and the American Legal Ethics Library, http://www.law.cornell.edu/ethics/, provide links to state advisory opinions where available.

Other Sources

The standard reference covering legal ethics is the *ABA/BNA Lawyers' Manual on Professional Conduct*. This resource is the most comprehensive collection of material on professional responsibility. It contains the ABA model rules, summaries of state variations on the model rules, ABA ethics opinions and summaries of state ethics opinions. Many law libraries have this resource in print; it is also available on Lexis, Westlaw, and BNA.com.

For a large collection of state ethics opinions, consult the *National Reporter on Legal Ethics and Professional Responsibility*. In addition to ethics opinions, the reporter also contains ethics rules for each state. This resource may be found in many law libraries and is also available on Lexis.

The American Law Institute (ALI) has also covered professional responsibility in Restatement of the Law Third: The Law Governing Lawyers. As a restatement, this resource distills the common law principles on legal ethics. Although not freely available online, it is available on Lexis, Westlaw, and in print.

If firms often encounter questions of legal ethics in your practice, it might be worth purchasing a treatise on professional responsibility. Two current standard treatises are *The Law of Lawyering* by Geoffrey Hazard, available through Aspen, http://www.aspenpublishers.com and *Legal Ethics: The Lawyers Deskbook on Professional Responsibility* available through West, http://west.thomson.com. The ABA also publishes *Annotated Model Rules of Professional Conduct*, which in addition to the rules, contains citations to cases and other helpful sources.

Understanding the Role of Emotions in Our Legal System

A Synopsis of "Engaging Capital Emotions" an article written by Douglas A. Berman, William B. Saxbe Designated Professor of Law at Moritz and Stephanos Bibas, a professor at University of Pennsylvania Law School

Louisiana seeks to execute Patrick Kennedy for raping his 8-year-old stepdaughter. As the Supreme Court weighs the death penalty for this child rapist, commentators are aghast. *The New York Times*, the *Washington Post*, and the *Los Angeles Times* editorial pages call child rape a heinous horror, but dismiss this reality. The death penalty, they claim, is inherently excessive for crimes short of homicide; visceral disgust at child rape, they assert, clouds reasoned reflection about proportional punishment. This position reflects long-standing criticisms of the death penalty as an expression of raw vengeance, a hot passion that clouds dispassionate justice. The march of justice seems to be in the other direction: away from emotion and towards reason, from Dr. McCoy to Mr. Spock, from the Furies to Athena in Aeschylus' *Eumenides*.

But the Furies will not die so easily, nor should we disdain them. Emotions and passions are ever-present in our legal system. They bubble beneath any seemingly cool, detached analysis of crime and punishment. As astute observers highlight, debates over criminal law and practices turn not on neutral deterrence-speak, but rather emotion-laden claims and concerns. The undercurrents of emotion are especially salient in death-penalty debates. Those who deny or bemoan the benighted persistence of passion fail to appreciate its role.

Normatively, emotion is crucial to a criminal justice system that seeks both to educate citizens with its symbolism and to channel their justified outrage. Emotions deserve respect, especially when they reflect the public's moral perspective that certain crimes have profound emotional resonance.

In this vein, the emotional case for the death penalty may be even stronger for child rape than for ordinary murders, for two reasons. The victim of a child rape ordinarily survives and has to deal with the emotions stirred up by victimization for the rest of her life. Moreover, the victim's parents and other members of the community may feel unique emotional harms from the rape of a child.

This perspective suggests more promising strategies for abolitionists than simply questioning death penalty's cost and deterrent effect. The more successful foes of the death penalty speak the language of the emotions. They counter the emotional demands for justice with equally emotional pleas for mercy and for appreciating human fallibility. Rather than bemoaning emotional reactions, would-be reformers should acknowledge emotion as the legitimate battlefield of criminal justice.

The historical evolution of criminal law reflects the persistence of emotional threads. A sudden heat of passion mitigates a killing from murder to manslaughter. The emotional fear of battering, according to feminist scholars, justifies or excuses women who kill sleeping abusers. Hate crimes target bigotry and disgust and combat hateful emotional messages. Insanity defenses sometimes turn on emotional appreciation of a crime's wrongfulness or irresistible emotional impulses to act.

Emotions may in fact pervade the law, but does that make them right? Is our law just a jumble of backward, vengeful impulses, ones on which we as a civilized society should turn our backs? Are emotions, particularly punitive emotions, downright primitive and bestial?

On the contrary, punitive emotions deserve our respect, as a central part of what makes us human. When a wild animal or nature's fury threatens us, we do not judge or condemn it. We may incapacitate it or scare it off, but it is ludicrous to be angry at a hungry shark or a fallen tree for killing someone.

Prof. Berman joined the Moritz College of Law in 1997. His teaching and research focus on criminal law, the death penalty, and sentencing. He is also sole creator and author of the web log, "Sentencing Law and Policy."

Our argument is not that the modern administration of the death penalty is completely fine or that emotion always justifies society's ultimate sanction. Capital punishment in America has many shortcomings, ranging from the evidentiary flaws exposed by innocence commissions to obvious race, gender, and class imbalances in its application. But those who oppose the death penalty need to stop simply reciting bloodless arguments about inefficacy and deterrence in order to engage in rich emotional dialogue.

Reflecting again on the Kennedy case, the strongest policy argument against capital child-rape laws may be the particularly great worry about wrongful convictions. Rapes are often challenging to prosecute, and that is doubly true of cases depending on young child witnesses, who may have shaky memories and verbal skills. Hysteria over monsters in our midst can distract prosecutors and jurors from carefully judging guilt. Rather than resisting the emotional case for executing child rapists, opponents should develop their own emotional case for minimizing wrongful executions.

The entire article can be found at Douglas A. Berman & Stephanos Bibas, Engaging Capital Emotions, 102 Nw. U. L. Rev. Colloquy 355 (2008) at http://www.law.northwestern.edu/lawreview/colloquy/2008/17/

Dale Oesterle is the J. Gilbert Reese Chair in Contract Law. He joined the Moritz College of Law in 2003. Prof. Oesterle is nationally recognized for his research involving mergers and acquisitions.

Prof. Oesterle writes regularly on a variety of business law issues on his blog,"Business Law Prof Blog," at http://lawprofessors.typepad.com/business_law/

Questions and Answers with Professor Dale Oesterle

Portions of this conversation were taken directly from Prof. Oesterle's blog, "Business Law Prof Blog."

What lessons should we take from the federal government's recent intervention? Lou Jiwei is the head of China's sovereign-wealth fund, a fund awash in dollars (over $200 billion) seeking to invest. Our current Secretary of the Treasury, Hank Paulson, recently went to China to encourage China to invest in the United States financial system. Lou Jiwei said no, bluntly.

Why? He has "lost confidence" in the United States government due to its lack of consistency in its actions and plans. He will wait. There are two very, very important lessons here. First, the United States government cannot itself bailout out or restart our economy – the government's goal is to encourage voluntary private investment to come back. This simple point is lost on my colleagues at work, journalists who write about the market, and many, many economists who write editorials. The government's job is to get private investment up and running – not to be the primary investor itself. The government can solve the problem only if it is not the sole investor, only if it is a stimulant to the private markets.

Second, our government has deterred voluntarily private investment from reentering the markets; its actions are doomed and silly. The most important three means of encouragement – certainty, more certainty, and maximum certainty. Our government is doing the opposite – backtracking, lurching, and sputtering. Wise people with cash will wait our zany government out – until it has exhausted itself and admitted defeat – and becomes predictable. Then they will get in.

What happened to the banking industry? Was it preventable? The banking industry, fueled by below market interest rates influenced by the Federal Reserve, took on too much risk by accepting too much leverage in their lending and investment practices. Banks' risk control practices and policies were lax. The lending bubble had its strongest effects in the real estate market, where banks borrowed money at low rates (in a variety of clever ways) to lend money on homes on the assumption that home values would rise. When home price fell and mortgage defaults rose, the banks' equity suffered and they could not meet capital requirements for future lending.

What's the benefit of letting companies go bankrupt? A good litigator knows that to clients things look very, very different when they are in trial. During a dispute but before trial clients (and their lawyers) can spin and rationalize, moralize and condemn, but once they get in front of a judge things get very, very – well – real. Once through the process, educated clients get real in anticipation of being before a judge; inexperienced clients still need to test the fire at least once.

How do we get managers of failing companies to get real? To tell the truth? To make the hard decisions? Managers in the news in charge of struggling companies spin and rationalize until bankruptcy is staring them in the face. Moreover, most managers are "good time Charlie's" – they have never been through a bankruptcy or been associated closely with a management failure. Jim Cramer has them on his show, they spin, and he throws darts at their pictures when their stock tanks.

Bankruptcy forces managers to get real. If we short circuit bankruptcy with government bailouts or some other form of legislated relief we short circuit the equivalent of trial for disputes – managers will never get real.

What parts of the bailout will most affect the legal community? Lawyers will be involved in bankruptcies and litigation over failed business relationships. But normal business lawyers depend on healthy business doing deals (in its broadest sense) to sustain a business practice and unhealthy businesses do fewer deals. Business practices all across the country will suffer until the business community rights itself.

Do you think the government action will work? Why or why not? No. Any bailout depends not on government money alone but on the use of government money to stimulate private investment. Treasury has been too inconsistent in its decisions and the investment market cannot predict its actions. Less certainty means more risk to investors who will demand higher returns to get in the market. The higher returns are not there. Private investors will thus sit out until the government gets its act together.

What do you believe is the most beneficial part of what the government has tried to do? The government's actions to keep credit markets open are sensible. These actions include the government's purchase of commercial papers and of its guarantees against defaults in existing money market funds holding commercial paper as well as more traditional moves to lower interest rates.

Creighton's Foresight Sparked Growing Program on Law and Leadership

By Rob Phillips

"I never intended this to be used as a magnet to attract other quality students, but it is certainly a positive twist."

Jack Creighton '57 didn't know what would result from an ongoing conversation about leadership he had with then Dean of the Moritz College of Law Nancy Rogers.

He didn't know the impact that the leadership scholarships he helped create would have on the College. He didn't know that his idea would be joined with another – a "Lawyers as Leaders" course. He couldn't predict that together the initiatives would explode into a Program on Law and Leadership at Moritz.

"Leadership has always been a subject that interests me," Creighton said in a recent phone interview. "What type of people become good leaders? What are things that have made people good leaders in the past? My feeling was that the subject was particularly a tough one to teach. But I also felt that there was a need to awaken people's minds to the topic, particularly in law school. These are some of the best and brightest of our college graduates, and we need to open the eyes of law students to the fact that they have a great resource and a great obligation to become leaders."

Creighton didn't know that his idea would blossom into such an undeniably successful program, one in which other law schools around the country have begun to emulate. But his foresight has done plenty to put Moritz on the cutting edge of incorporating leadership training in a legal education and has had an immeasurable impact on the College.

Leadership scholarships and the leadership program help Moritz recruit top-notch students who have multiple acceptances to other prestigious law schools. The leadership scholarships, which were possible largely because of Creighton's generosity, do something else. They create institutional momentum. By offering scholarships to top students, the credentials of the whole class rise. Case in point, Moritz continues to attract its most highly credentialed classes in history. And, as the credentials have risen, more highly credentialed students have begun to take notice and are applying in greater numbers.

"I never intended this to be used as a magnet to attract other quality students, but it is certainly a positive twist," Creighton said.

These leadership scholars are bringing more than top grades and stellar credentials to Moritz. In addition to a combination of smarts, ambition, focus, and drive, they bring a desire to grow as leaders. Law school for them is about honing not only their legal skills, but also their leadership skills -- skills they will use when someday they are called upon to guide their firms and organizations, their communities, and maybe even their state or country.

"My primary motivation was to take students who were there and introduce them to the subject of leadership. It seems like that is happening."

Creighton said that he has been fascinated by the subject of leadership for years. He's had the opportunity to learn from some great leaders in the past, and countless people can speak to Creighton's storied leadership.

When he became president of the Weyerhaeuser Company, an international forest products company, in 1989 it was in the bottom quartile of the forest products industry. By 1992, the company was in the top quartile and by 1997 it finished No. 1.

He joined the United Airlines board of directors in 1998 and became interim chairman and chief executive officer in 2001. He provided critical leadership in the aftermath of the Sept. 11 terrorist attacks and served through September 2002. He also has led as vice chairman and director of the Unocal Corporation.

Creighton joined Madrona Venture Group as a strategic director in 1998. Madrona is a leading venture capital firm in the Pacific Northwest.

He serves on the boards of Intrepid Learning Solutions, SaltChuk Resources Inc., the Ohio State University Foundation, the National Council of the Boy Scouts of America, and the Washington State University Foundation. He is a past president of both the Boy Scouts of America and Washington State University Foundation. He is currently co-chair of the World Trade Center in Seattle, advisory board member of the William D. Ruckelshaus Center, and the civilian aide to the secretary of the army for the state of Washington. Creighton also aids the leadership program by attracting notable speakers like Ruckelshaus to campus to speak. Ruckelshaus, a former U.S. deputy attorney general, head of the U.S. Environmental Protection Agency, and acting director of the Federal Bureau of Investigation, spoke to a packed crowd of Moritz students in September.

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ALUMNI NEWS

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Several Moritz grads met up at the Legal Writing Institute Biennial Summer Conference in Indianapolis this summer. From left to right: Carolyn Broering-Jacobs '94, director of legal writing at Cleveland State University; Terri Enns, clinical professor of law at Moritz; Jacqueline Orlando '88, associate director of public services at Capital University Law School; Susan Simms '82, director of extern programs and professor of legal research and writing at Capital University Law School; J.B. Jasiunas '01, an assistant professor of lawyering skills at the University of Dayton School of Law; and Kirsten Davis '95, an associate professor of law and director of legal research and writing at Stetson University College of Law.

CLASS NOTES:
Submit news items to:
Cori Tarzwell, Alumni News, Moritz College of Law, 55 West 12th Ave., Columbus, OH 43210. You may also e-mail news to tarzwell.1@osu.edu. Color photos are welcome but will not be returned. Color digital photos must be high resolution for printing purposes.

1960s

Duke W. Thomas '64 was selected by his peers as a Top Business Litigator in Columbus in the April 2008 *Super Lawyers – Corporate Counsel Edition*.

Joel H. Mirman '66 has joined the Columbus law firm Adams, Babner and Gitlitz, LLC. He serves as a partner in the firm's litigation practice group.

Ronald J. Zeller '67 was profiled in three *Who's Who* publications including *Who's Who in American Law, Who's Who in America,* and *Who's Who in the World*. Zeller has been recognized many times for his contributions as a practicing attorney in the states, but this is his first recognition for his practice in international law and business with his selection in *Who's Who in the World*.

Ron Perey '68 was named a *Seattle Super Lawyer* by *Washington Law and Politics* for 2008 in the area of plaintiff's personal injury and medical malpractice. Perey was also listed in the *Best Lawyers in America* publication for 2008 in the areas of personal injury and medical malpractice. He has received these honors for the past 15 years consecutively.

Michael G. Long '69 was selected by his peers as a Top Business Litigator in Columbus in the April 2008 *Super Lawyers – Corporate Council Edition*.

J. Jeffrey McNealey '69 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading attorneys in real estate: zoning and land use. McNealey also ranked as a "senior statesman" in Ohio in the area of Natural Resources and Environment.

Jack R. Pigman '69 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading bank bankruptcy and restructuring attorneys.

John Rohyans '69 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading real estate and real estate finance attorneys.

1970s

Charles C. Warner '70 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading labor and employment attorneys.

Bruce Cryder '73 was featured on the cover of the *Kentucky Super Lawyers* and was named one of the top 10 lawyers in Kentucky for the second consecutive year.

Leroy Pernell '74 was selected as dean of the College of Law at Florida A&M University in Orlando, Fla. Pernell was formerly dean and professor of law at Northern Illinois University.

Suzanne K. Richards '74 was recognized as one of the top business litigators in the April

Robert J. Lynn — 1920-2008

In Memoriam

Robert J. Lynn spent half his 88-year life standing before classes at The Ohio State College of Law using his clever wit to effectively spread his knowledge and enthusiasm to several generations of budding lawyers. Former students and colleagues consistently crack smiles when they reminisce about Professor Lynn's dry sense of humor and unique method of teaching.

"This is a profession not known for small egos, but Bob was one of the nicest, most unpretentious people that I have ever known," said Emeritus Professor Larry Herman.

Professor Lynn passed away in August at age 88.

He left behind a law school that was greatly influenced by his passion and intellect, as well as his demeanor.

"He is one of the brightest people that you would ever know," said Emeritus Professor James E. Meeks.

Professor Lynn was raised in Mineral Ridge, Ohio, north of Youngstown, and was married to the love of his youth - Margaret Mary Dunnigan. He served in World War II and his G.I. Bill benefits helped pay for law school.

Professor Lynn's first steps toward law were steps away from his first chosen profession — accounting. Professor Lynn earned an undergraduate degree in accounting from The Ohio State University in 1942. "I could do it, but it didn't take me long to realize I didn't particularly like it," he said in a December 2003 story printed in a law school publication. "I had learned a little law in accounting, so that became my alternative."

It was in law school at OSU that Professor Lynn developed the two interests that would shape his professional life - property law and teaching. What piqued his interest in property law was its long and interesting history. While in graduate school at Yale Law School, he wrote a dissertation on the Rule Against Perpetuities. The dissertation was later expanded into a book, one of three that filled his prolific record of publications. In addition to many scholarly articles, he wrote *The Modern Rule Against Perpetuities* (1966), *An Introduction to Estate Planning* (1975), and *The Pension Crisis* (1983).

He began teaching at the Ohio State College of Law in 1951 and remained there except for visiting professorships at Yale, UCLA, and Illinois.

He shied away from administrative positions at the law school, Prof. Meeks said. "He believed in a Fascist dean," Meeks said with a laugh. "He called it the Bob Lynn Fascist law school. He believed in turning the law school over to the dean and allowing him to run it how he wanted to – so long as he ran it how Bob wanted it run."

Professor Lynn was a classroom favorite of seemingly all of his students. He was a four-time winner of the Outstanding Professor Award.

"When students asked questions in class, Bob always tried to make sure that he thought through each answer before responding," Prof. Herman said. "He would sometimes even put his head down on the desk and think about his answer. I was told that a student once clocked Bob at two minutes."

Professor Lynn was awarded the James W. Shocknessy Professorship in 1978 and in 1987 was named the first holder of the John D. Drinko-Baker & Hostetler Chair in Law. Professor Lynn taught Michael E. Moritz '61, the namesake of the College. Moritz created the Robert J. Lynn chair in Law at the College in 2001 to honor his former professor.

Professor Martha Chamallas currently holds the Robert J. Lynn Chair in Law. "Bob Lynn was one of the most highly respected faculty members on the Ohio State faculty because he was a wonderful teacher, a mentor to countless students and junior faculty, and a very kind, gentle person," Chamallas said. "When I met him, I could immediately see that the legend fit the man. He had an enormously positive influence on the culture of the law school and it is meaningful to remember his contribution through a Chair in his honor."

Professor Lynn was preceded in death by his wife of 53 years. He is survived by his daughter, Anne Lynn of Alexandria, Va.; son and daughter-in-law, James and Maureen Lynn of Upper Arlington, Ohio; and granddaughter, Maria.

"He had an enormously positive influence on the culture of the law school and it is meaningful to remember his contribution through a Chair in his honor."

—Professor Martha Chamallas

Faculty have said that they regularly went to Professor Lynn's office for advice on a variety of topics. One such exchange was detailed at a ceremony for Professor Lynn in 1989, when he retired as a full-time professor from the College.

The conversation was described in a 1989 law school article: "A friend appeared recently in Professor Lynn's office and thanked him for 'saying something really useful.' 'You told me that when you left off your son at his college you said, 'Remember to take time to look at the sky.' I said that to my son,' stated the friend, 'but I don't know what the hell that means.' 'Neither do I,' smiled Professor Lynn."

That wit touched the lives of countless students and colleagues at Moritz.

"I've been lucky all my life," Professor Lynn said in 2003. "Most of my adult life, I was paid to do something I enjoyed doing. I was very fortunate. I've had a very lucky, very good life."

The College was equally as fortunate to have Professor Lynn as part of its family. He'll certainly be missed.

ALUMNI NEWS

TELL US WHAT YOU ARE DOING — **tarzwell.1@osu.edu**

Steve Magas '82 (second from right) was married on March 10, 2008 to Lisa Davidson. Magas continues to grow his practice mainly involving bicycles and motorcycles. His band, Saffire Express, also continues to flourish playing regularly at local festivals.

2008 Super Lawyers – Corporate Counsel Edition. Richards was also recognized by *Chambers USA: America's Leading Lawyers for Business* as a leading practitioner in labor and employment law.

Ronald C. Stansbury '74 joined the Cleveland office of Ulmer Berne LLP as partner and will focus on employee benefits and executive compensation law. He has extensive experience with mergers and acquisitions assisting companies, senior management and compensation committees through the process of a merger.

Curt Isler '75 was selected as the new managing partner of the law firm Tucker Ellis & West in Cleveland.

Jeff Kaplan '76 was named senior vice president at the Ohio State University. Kaplan oversees the Offices of Student Affairs and Outreach and Engagement.

Ronald S. Kopp '76 was one of 21 Ohio Attorneys recognized in the *Best Lawyers in America 2008 for Company Litigation*. Kopp was also recognized in *Ohio Super Lawyers 2008* as one of the top 100 Attorneys in Ohio and one of the top 50 attorneys in Cleveland.

Robert W. Malone '76 was appointed chairman of the Business Law Practice Group in the Akron office of Buckingham, Doolittle & Burroughs LLP. Malone is also a shareholder in the office.

Martin S. Seltzer '77 was recognized by *Chambers USA: America's Leading Lawyers for Business* as a "senior statesman" in Ohio in the area of natural resources and the environment.

Robert W. Trafford '77 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading general commercial litigation attorneys.

Robert A. Meyer '78 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading real estate zoning and land use attorneys.

Ann G. Verber '79 was named one of the top attorneys in Pennsylvania by *Pennsylvania Super Lawyers 2008*. Verber is also listed among the top 50 female attorneys in Pennsylvania.

John P. Wellner '79 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading real estate attorneys.

1980s

James D. Robenalt '81 was one of three people to receive the inaugural President's Award from the Cleveland Metropolitan Bar Association in June. The award was presented to the founders of the Judicial Candidates Rating Coalition, who created the web site www.Judge4Yourself.com, which allows viewers to read annual ratings of judicial candidates. Robenalt was the founding chair of the coalition, which he led for its first five years. Robenalt is a partner in Thompson Hine LLP's Business Litigation practice group in Cleveland.

Jan Allen '82 was recognized by the Ohio State University Alumni Association with the Alumni in Government Distinguished Service Award. The award recognizes individuals whose work as a public employee has extraordinarily benefited the citizens of Ohio.

Benita A. Kahn '82 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading privacy and data security attorneys.

Kevin P. Hardman '85 was selected by his peers for inclusion in the *Best Lawyers in America 2008*. He was selected as one of the best lawyers in medical malpractice litigation.

Kenneth A. Golonka '86 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading real estate attorneys.

Robert Nordstrom — 1924-2008

In Memoriam

Plenty of students at The Ohio State University Moritz College of Law were likely intimidated by Professor Robert Nordstrom. His teaching style challenged them in ways they never before knew possible. His stern and honest approach led several of his former students to call Professor Nordstrom a tremendous inspiration in their careers.

"Bob was known for a gruff exterior," said Greg Travalio, an emeritus professor at Moritz. "But once you got to know him he was one of the warmest, most thoughtful people you would ever meet. When I was an associate dean, I had alumni come up to me time and time again and tell me that 'I learned more in his class than in any other class in law school.' He was demanding and very successful in what he did."

Professor Nordstrom, a former associate dean at the College, died in September. He was 84.

One of those former students echoed Prof. Travalio's sentiments regarding Professor Nordstrom.

"He was an extraordinary teacher and had a significant impact on my studies at the College," said **Howard Steindler '67**. "He was tough, but fair, with a sneaky sense of humor. I took freshman contracts from him and to this day – some 44 years later – continue to benefit from his lectures and teachings. The fact that I was able to do well in his class encouraged me to prepare fully for my other classes and assisted me greatly in my journey through law school."

Professor Nordstrom was born in Cadillac, Mich., and raised in Battle Creek, Mich. He attended Western Michigan University prior to WWII. Professor Nordstrom was a great college baseball player and played briefly in the minor leagues.

He returned from serving in the Army Air Corps and continued his undergraduate education at Western Michigan. He then enrolled in law school at the University of Michigan, and he graduated in 1948 as a member of the Order of the Coif. Just three years after graduating from Michigan, Professor Nordstrom joined the faculty of the Ohio State College of Law, where he remained for 34 years.

"He had a reputation of being just a superb teacher," said Emeritus Professor James Meeks. "Students would say that he was intellectually very challenging. He pushed them mentally and made them learn to think in a different way."

Emeritus Professor Larry Herman said that Professor Nordstrom had the reputation of being a hard-nosed instructor.

"On the first day of class, the first thing he would do would be to go to the back of the class and lock the doors," Prof. Herman said. "That way late-comers would have to miss the first class. They would show up on time the rest of the semester."

Steindler said Professor Nordstrom was sharp and knew his material.

"As a 1L, somewhat full of myself, I thought I had discovered an error in his interpretation of an Ohio Statute," Steindler said. "Prior to the following class, I confidently and privately approached him and brought it to his attention. He somewhat sheepishly appeared to agree with me but requested that when I have a moment, just to be certain, I review the advance sheets for any updates. I was embarrassed to discover a recent modification to the statute that supported his position."

While at OSU, Professor Nordstrom wrote several articles and a leading textbook in sales law. He also served as the College's associate dean for admissions.

"He was a person of enormous energy," said Albert Clovis, an emeritus professor at Moritz. "As an administrator, he and other people put into place various modifications that are still making the trains run on schedule at the law school. He was a strong-minded person and whether you agreed with him or disagreed with him, his views were always important."

While in the position, Professor Nordstrom encouraged Michael Moritz '61 to attend Moritz over other law schools and secured him a financial aid package. Moritz, the College's namesake, went on to his own successful career and later made the single largest donation in Ohio State University's history.

"When I was an associate dean, I had alumni come up to me time and time again and tell me that 'I learned more in his class than in any other class in law school.' "

— Professor Greg Travalio

Professor Nordstrom became a partner at Porter Wright Morris & Arthur in 1973 and remained a partner there until retiring in 2004 at age 80.

"Although he generally thought litigation a wasteful exercise, Bob nonetheless enjoyed taking a break from his corporate practice to assist those who had a more charitable view of that practice," said **Robert "Buzz" Trafford '77**, the managing partner at Porter Wright. "He particularly loved bringing his extraordinary analytical abilities and persuasive writing skills to bear on briefs in hard cases. For those of us who had been taught by Bob in law school, it was a particular pleasure to work with him on a case. But, personally, I never walked into his office to ask a question without having thoroughly thought about it first -- and he never failed to ask several hard questions to test me before he would share his thoughts."

Professor Nordstrom is survived by his wife, Avis, of 63 years. The couple have three children, nine grandchildren, and four great-grandchildren.

Professor Nordstrom's demanding work ethic, incredible energy, and vast knowledge will certainly be missed.

ALUMNI NEWS

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Linda Cook '87 received the Ohio State Legal Services Association's Pembroke Award. The award recognizes an employee who embodies the qualities of John Pembroke, a longtime lawyer in the program who died in 1996. Cook has worked for Ohio State Legal Services Association since 2006.

Richard J. Helmreich '89 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading employee benefits and executive compensation attorneys.

John L. Landolfi '89 was selected by his peers as a *Top Business Litigator in Columbus in the April 2008 Super Lawyers – Corporate Counsel Edition.*

Kristin L. Watt '89 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading natural resources and environment attorneys.

1990s

Carol Peltz Gelman '90 is media counsel for NBC Universal. Her primary focus is advising on legal and business matters for the Jerry Springer Show and the Steve Wilkos Show.

Scott Wiseman '90 received the CBA Award of Merit for his service in the legal profession.

Nicole Forbes-Schmitt '92 got married and now lives in Charleston, S.C. She was a senior attorney at the Social Security Administration' Office of Disability Adjudication and Review in Miami, Fla. Forbes-Schmitt was recently selected to be an administrative law judge with the Office of Disability Adjudication and Review in Charleston.

Richard Galbraith '92 worked in private practice for two years while he attended medical school at the Medical College of Ohio. He completed his residency and fellowship at the University of Iowa and now practices in Lawrence, Kansas.

Nancy Fuller Reynolds '92 has been named a partner at LeClairRyan in the firm's Tort Defense Group where she focuses her practice on the defense of health care providers and facilities in medical malpractice matters.

Catherine Kemp Erisey '94 joined the firm of Stark & Knoll in Akron, Ohio. Erisey joined the firm's Business Services Group, and she assists a variety of clients including closely held corporations and nonprofit organizations with various matters such as general corporate, real estate, transactional, and intellectual property law. Erisey presently serves as vice-president of the Judith Resnik Community Learning Center Parent Teacher Association, is a former member of the Junior League of Akron, and a former board member of Weaver Industries.

Laura L. Myers '94 was appointed the interim director of the Office for Institutional Equity at Ohio University in Athens, Ohio.

Shoran Reid '94 has published a book, *Waking the Sleeping Demon ... 26 Hours of Terror in Atlanta*, which is the story of a prosecutor who was the targets of Fulton County Courthouse Shooter Brian Nichols in March 2005. Reid, who is working on a second book, has previously taught courses at Florida Coastal School of Law.

Stanley E. Ramsay '95 has been named a partner in Weil, Gotshal & Manges LLP in New York City, NY. Ramsay also welcomed his third child, Charlie, brother of Emily (5), and Jack (3).

Jill S. Tangeman '96 was recognized by *Chambers USA: America's Leading Lawyers for Business* as one of Ohio's leading real estate: zoning and land use attorneys.

Amy Schermer '97 joined Weston Hurd LLP in Columbus as an associate. She focuses her practice on civil litigation including contracts disputes, non-complete agreements, board of health complaints, construction deficit claims, and automobile and professional liability claims.

David Scott '97 along with his associate **Nicole VanderDoes '05** has been an active leader in many climate change and sustainability campaigns. He was the chair of the sustainability project undertaken by the Leadership Institute of the Meritas organization.

Jay Yurkiw '97 and wife, **Heidi Yurkiw '99**, welcome their second child, Charlotte Rose, in May.

Geoffrey S. Goss '98 joined Walter & Haverfield LPP in Cleveland as an associate in the firm's Business Section. He focuses his practice in the areas of lender's counsel services, real estate transactions, and business services.

Craig T. Byrnes '99 was named a Southern California Rising Super Lawyer for the third consecutive year in the field of Employment Litigation – Plaintiff.

Andrew Emerson '99 was named a partner at Porter Wright Morris & Arthur LLP. He focuses his practice on internet protocol video, telecommunications, and energy related legal areas.

David Hejmanowski '99 was elected for a three-year term as District 5 representative on the Board of Governors of the State of Ohio Bar Association.

Jeremy Siegfried '99 was named a partner at Porter Wright Morris & Arthur LLP. He advises business clients on general corporate law matters, represents buyers and sellers in mergers and acquisitions, and assists companies in their efforts to comply with federal and state securities laws.

Heidi Yurkiw '99 and husband, Jay Yurkiw '97, welcome their second child, Charlotte Rose, in May.

2000s

Janica Pierce '02 received the CBA Community Service Award for attorneys 36 and under.

Brett E. Younkin '03 joined McNees Wallace & Nurick LLC as an associate in the Labor and Employment group. He advises employers on general employment issues including personnel policies, drug testing, the protection of confidential corporate materials, as well as non-compete and on-disclosure agreements.

Morgan Shipman — 1933-2008

In Memoriam

Words alone cannot describe what Professor Morgan Shipman meant to The Ohio State University Moritz College of Law community. Yet, the unceasing support he received from those who – over nearly 40 years – sat in his classroom is a great symbol of his impact.

Students never stopped praising him. They named him Outstanding Professor five times across nearly three decades ('98, '93, '81, '80, '71). Then, in 2004, the Student Bar Association named the award in his honor, the Morgan E. Shipman Outstanding Professor Award. In 1971 Shipman was presented the university-wide Distinguished Teaching Award.

Former students banded together in 2003 to create a scholarship in his name. The depth of support – financially and in the outpouring of kind messages – was unprecedented. Since 2004, Moritz students each year have benefited from the scholarship named in his honor.

And after Professor Shipman's passing, letters, e-mails, and calls flooded the College. Those people – even if they only had him for one class – praised him with such descriptions as "giant," "brilliant," and a "great man." Others talked about the lasting impact he had on their careers – careers that started more than 30 years ago and those which have just begun.

Professor Shipman, 74, passed away Dec. 3.

"You never had the sense that Professor Shipman was tired of the world," Dean Alan Michaels said. "Of all that he knew and had seen, he still had that twinkle in his eye about the world, his students, and the College. That is what makes him loved by so many."

Professor Shipman graduated valedictorian of his law school class at the University of Texas-Austin in 1958. Following graduation from law school, Shipman began his legal career as an associate with Covington & Burling in Washington, D.C. He went on to serve as special counsel to the Securities and Exchange Commission's Office of Program Planning.

Professor Shipman started his career in education in 1965 as a visiting professor at Harvard University Law School. He joined the Moritz College of Law in 1969. From 1980 to 1997, was of counsel, on a part-time basis, to the law firm of Vorys, Sater, Seymour and Pease in Columbus.

While at Moritz, he taught numerous subjects, including Business Associations, Torts, Corporate Finance, Securities Regulation, Accounting for Lawyers, and Tax. Students who had enrolled in Professor Shipman's "legendary" full-year Business Associations course explained his actor-like performances in front of the class. **Brian Burns '97** remembers the course vividly.

"It was like going to boot camp," said Burns, who led efforts to create the Morgan Shipman endowed scholarship. "It was mental boot camp. But underneath that gruff exterior was one of the kindest and gentlest people who just cared deeply about his students. He always made himself available to meet with them, and he took great interest with those who sought his help. He was just an absolutely remarkable guy."

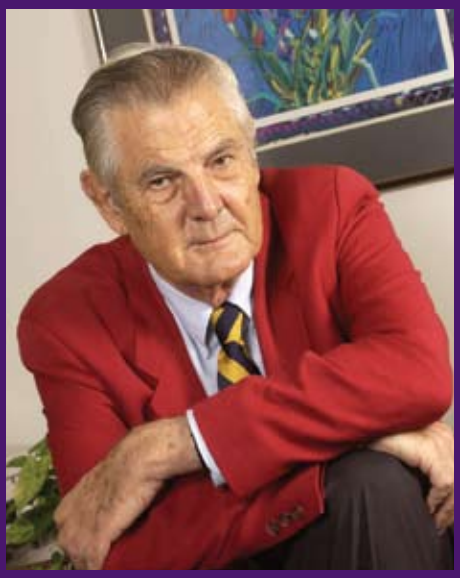
To Dean Michaels, Professor Shipman's vast knowledge spanning seemingly endless topics was always impressive. Dean Michaels recalled explaining to Professor Shipman that it was taking months for him to finish reading an 800-page book Professor Shipman had lent him. Professor Shipman had read the entire book in a single day.

"And he could remember and discuss specific parts of that book," Dean Michaels said. "He had an incredible ability to absorb information and later access it in conversation."

Students in his tax law classes have said he is the "only person in the world who can make tax law interesting." Others described his courses as "unforgettable."

His classes weren't easy. Professor Shipman was known for assigning more-than-the-average-amount of reading. Students credit Professor Shipman with creating the legal foundation that many still use in their careers.

"He was one of the faculty members most often remembered by alumni," former Moritz Dean Nancy Rogers said. "He was truly trusted by alumni for his judgment on who would make a good lawyer. They would always give an interview if Morgan Shipman made a call or sent a note about a student at Ohio State just because they so trusted his judgment. Our alumni hired many of our graduates based on Morgan's reference and never regretted it."



"Of all that he knew and had seen, he still had that twinkle in his eye about the world, his students, and the College "

— Dean Alan Michaels

Peter Ellis '98 lauded Shipman's ability to use humor in the classroom and never belittle his students.

"There was nothing that he didn't know," Ellis said. "He is one of the most brilliant legal minds that I had the opportunity to know. But in no way, shape, or form did he ever make you feel stupid. That made it a treat to sit in his class and learn from someone who is super bright but you could relate to as well."

In 2004, Professor Shipman "retired" from his full-time faculty status. But he never stopped teaching. He returned almost immediately as an emeritus professor, regularly teaching full loads of classes until this fall.

"He was a remarkable professor, who went to the ends of the Earth to help his current and former students," Burns said. "I know that I, and plenty of his other former students, feel privileged just having had the opportunity to be trained and mentored by a person like him."

IN MEMORIAM

The Moritz College of Law has received word of the death of the following graduates.

We express our sympathy to relatives and loved ones.

Nelson Lancione '43, of Columbus, passed away in September. Lancione, 90, earned his bachelor's degree from Ohio State in 1941 and his law degree from Ohio State in 1943. He worked in the Office of General Counsel in the U.S. Treasury Department for six years, and also served as a U.S. Treasury Representative and Treasury Attache in the Philippines. He is survived by his wife, Tillie; and sons, Nelson William (Cindy) and David (Tara); two grandchildren; and one great-grandson.

Judge Thomas Wesley Mitchell '48, of Crystal River, Fla., passed away on May 22. Thomas did his undergraduate work at the University of Texas and earned his law degree from The Ohio State University College of Law in 1948. In 1956 he was elected Common Pleas Judge; the youngest ever elected, and remained a Judge of the county for 30 years. He was a past president of the Ohio Common Pleas Judges Association, and was recognized by the Ohio State House of Representatives, the Attorney General's office, and the Supreme Court of Ohio for distinguished service. He is survived by two sons, Thomas Wesley (Jodi) Mitchell Jr., and Stephen (Laurie) Mitchell; daughter Nancy Ellen (Lloyd) Mitchell Bertine; brother Jerry Mitchell; and eight grandchildren.

Richard E. "Dick" Norling '59, of Scottsdale, Ariz., passed away on July 5 of cancer. Dick earned his degree in business administration from the Fisher College of Business at Ohio State in 1952. He earned his law degree from The Ohio State University College of Law in 1959. Dick moved to Phoenix with his wife and worked for Shimmel Hill Bishop & Gruender before forming his own firm Norling, Kolsrud, Sifferman & Davis PLC. He is survived by his two sons Bill (Kelly) Norling and John (Ann) Norling '91, and three grandchildren.

Thad C. Toothman '88, of Palm Beach, Fla., passed away March 26. Thad earned his B.A. in international studies from Miami University and earned his law degree from The Ohio State University College of Law in 1988. He spent his career in the banking industry with JP Morgan & Company. He is survived by his wife, Jennifer; son John, age 9; and daughter Maggie, age 6.

Margaret Allen '96, of Cincinnati passed away in July. Her death, which is still under investigation, was ruled a homicide. Allen She earned her J.D. from The Ohio State University Moritz College of Law in 1996. She worked for a Cincinnati defense firm until her death. Allen was a member of the Delta Sigma Theta Sorority.

RECONNECT GET INVOLVED WITH MORITZ

Name: _____ Law School Graduation Year_____

Personal:

Home address_____

Home phone_____ Home e-mail_____

Spouse's name_____ Is spouse an Ohio State law alumna/us?_____

Business:

Employer name_____ Your title_____

Business address_____

Business phone_____Business e-mail_____

Preferred mailing address ☐ Home ☐ Business Preferred e-mail address ☐ Home ☐ Business

My most recent professional and/or personal news is: (Use separate sheet if needed. Photographs are welcome, but will not be returned. All submissions are edited for style and brevity.)

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Moritz College of Law
Cori Tarzwell, Alumni News
55 West 12th Ave., Columbus, OH 43210
E-mail: tarzwell.1@osu.edu Fax: (614) 247-47079

Creighton continued from page 30

"The purpose of the program, in my view, is to awaken people to what I would say is their obligation to be a leader," Creighton said about the Program on Law and Leadership, which is open to all students, not just Leadership Scholarship recipients. "To look at outstanding leaders who we have had in the past and try to discern the characteristics that made them such great leaders."

Professor Garry Jenkins, co-director of the program and a former executive of the Goldman Sachs Foundation, first pitched the idea for the Lawyers as Leaders course in 2003 when he was recruited to Moritz. He credits Creighton with providing invaluable guidance to the College on its leadership programming.

"Jack Creighton has lived an exemplary life of leadership, and his career embodies what it means for a lawyer to combine insight, ethics, and courage into visionary leadership. When we began thinking about what a comprehensive leadership development and leadership education initiative might look like in a law school context, we turned to Jack and he was chock full of ideas, advice, and great suggestions," Professor Jenkins said. "Both his vision and financial support have been essential components in helping the Moritz College of Law develop an innovative, first-rate Program on Law and Leadership. As a result, we've elevated the discussion of leadership at the law school and we're helping students prepare for their own lives of leadership in law practice, corporations, government, and nonprofits."

But, Creighton cautioned, he understands that not every student who enrolls will have what it takes to be a "great leader." Leadership is something that is difficult to teach, he said.

"I think there are a lot of people who can take the course and maybe get an A," he said. "Even though they got an A, it doesn't necessarily mean that they have the personality or characteristics that will make them great leaders. However, I think the course can help them and move them further down the road to becoming a leader. Leadership training is an ongoing process that will carry forward throughout our lives."

John and April Bucknell (Teets) '02 announced the birth of their second child, Eamon Finnegan, born July 12. Eamon joins his older brother Isaac.

Krista Eyler '04 married Kenneth Strickland on Sept. 13 in Sedona, Ariz. She now works for Neil F. Lewis P.A., a boutique immigration law firm where she practices family-based immigration and removal defense. Eyler is also on the Board of Directors for the Central Florida Chapter of the American Immigration Lawyers Association.

Steven D. Shandor '04 has joined Day Ketterer in the firm's Litigation Practice Group. He focuses his practice on commercial litigation disputes, labor and employment matters, and healthcare compliance issues, including Stark Law and HIPAA.

Lisa J. Caldemeyer '07 joined Graydon Head & Ritchey LLP as an associate in the firm's Human Resources Client Services Department. Her practice focuses on employment litigation and dispute resolution.

Michael Stinziano '07 was named the director of the Franklin County, Ohio, Board of Elections. Prior to being named director, Stinziano advised local election boards as a law clerk for Ohio Secretary of State Jennifer Brunner. The Franklin County Board of Elections oversees one of the 25 largest elections jurisdictions in the country with nearly 800,000 registered voters. Stinziano lives in Columbus.

The Ohio State University Moritz College of Law Law Firm Challenge 2007-08

The OSU Moritz College of Law would like to thank the following firms/corporations for participating in the Law Firm Challenge. Alumni in each firm took part in the Challenge to support the Law Annual Fund and Leadership Scholarship Initiative. These funds assist the College in providing exceptional programming, physical improvements, faculty support and financial aid. We are grateful to our alumni for their desire to give back and enrich the education of those who will follow in their path.

Thank You to the Following Participants:

- Buckingham Doolittle & Burroughs, LLP (Canton, Akron, Cleveland & Columbus)
- Carlile Patchen & Murphy, LLP
- Critchfield, Critchfield & Johnston, Ltd.
- Faruki Ireland & Cox, PLL
- Hahn Loeser + Parks, LLP (Columbus & Cleveland)
- Honda of America Mfg., Inc.
- Krugliak Wilkins Griffiths & Dougherty Co., LPA
- Thompson Hine, LLP (Dayton)
- Ulmer & Berne, LLP (Cincinnati, Cleveland & Columbus)

Top Five Firms with Highest Participation Percentage:

- Critchfield, Critchfield & Johnston, Ltd.
- Faruki Ireland & Cox, P.L.L.
- Hahn Loeser + Parks, L.L.P. (Columbus)
- Ulmer & Berne, L.L.P. (Columbus, Cincinnati & Cleveland)
- Thompson Hine, L.L.P (Dayton)

Top Five Firms for Dollars Raised:

- Hahn Loeser + Parks, L.L.P. (Columbus)
- Carlile Patchen & Murphy, L.L.P.
- Buckingham Doolittle & Burroughs, L.L.P (Akron, Canton, Cleveland & Columbus)
- Thompson Hine, L.L.P (Dayton)
- Ulmer & Berne, L.L.P (Columbus, Cincinnati & Cleveland)

Swiss Alps and the Italian Lakes

September 27 - October 5, 2009

featuring St. Moritz • Pontresina • Como • Lake Como • Milan • Stresa • Lake Maggiore • The Borromean Islands

Join your fellow Ohio State Law alumni for this unforgettable experience.

Literary luminaries in the 19th century heralded the idyllic treasures of Switzerland and Italy in praise-filled travelogues. Since then, not much has changed in this pristine part of Europe. Elegance reigns supreme in the hideaway village of St. Moritz where weathered wooden chalets bedecked with red geranium boxes stand in bright contrast to lushly turfed valleys and snow-capped peaks. From Pontresina, see the region from atop Alp Languard and marvel at Roseg Glacier. Sunshine dances on the turquoise waters of Lake Como and the village of Como is renowned for its fine silks. Come let this extraordinary Alpine region inspire you as well!

From approximately $2,895 per person, plus airfare, based on double occupancy. VAT is an additional $125 per person, subject to change. An Air Package will be offered.

For further information, visit: ohiostatealumni.org, or call: (800) 852-TOUR (8687) or (614) 292-2372

Ohio State Alumni Tours
2200 Olentangy River Road
Columbus, OH 43210

Highlights

- Informative educational programs, presented by local experts.
- Indulge in the cosmopolitan ambience of the jet-set resort town of St. Moritz, the Top of the World in an Upper Engadine valley.
- Ascend to the Alp Languard by chair lift in Pontresina. Enjoy a lofty terrace lunch in this panoramic mountain-top setting.
- Travel by horse-drawn carriage to view the spectacular Roseg Glacier.
- Board a leisurely cruise on Lake Como.
- Visit fashionable Milan and admire Leonardo da Vinci's masterpiece, *The Last Supper*.
- Cruise to three picturesque Borromean Islands in Lake Maggiore from the tiny village of Stresa.

Transportation

- Scheduled jet service to Zurich, Switzerland, with a return from Milan, Italy.*
- Motor coach transfers from/to the arrival/departure airports, including baggage handling at the hotels.*

Accommodations

- Three nights in St. Moritz at the First-Class Hotel Schweizerhof.
- Four nights in Como at the First-Class Hotel Barchetta Excelsior.

Extras

- Consultation services of a passenger service representative prior to departure.
- Services of an OSUAA travel host and expert English-speaking local guides throughout your stay.
- Detailed travel and destination information to assist you in your planning.

**Provided for Air Program participants only.*

Ballam '77 advocating for women's rights

"I told the students how wonderful I think they are and that's the truth; that's what makes working here at Ohio State so great — the students."

Since Deborah Ballam graduated from Moritz in 1977, the College has made overwhelming strides that make it a gender equality role model for other Colleges within Ohio State and in other universities across the country. And she would be the one to know.

Deborah was in one of the College's first few graduating classes with a significant number of women enrolled, and she found the climate was not always the most welcoming. Some professors made off-the-cuff, sometimes crude criticisms of women. The situation was sometimes uncomfortable for her and her female classmates.

Fast forward 30 years and much has changed. In 2007 women represented 47.6 of all law school graduates nationwide, and Ballam is now the associate provost for women's policy initiatives at Ohio State. She is also the director for The Women's Place, an OSU organization designed to expand opportunities for women's growth.

Ballam, who also is a faculty member at Ohio State's Fisher College of Business, said that the Moritz College of Law was featured as a "success story" by The Women's Place annual report a few years ago. In 1977 when Ballam graduated from Moritz there were three full-time female faculty members, compared to 18 today.

"We decided to try and figure out what happened to make this change," she said. "It became clear that it mostly was spurred by sincere commitment by Moritz leadership. The College became friendlier for women, and, as a result, became a friendlier place for everybody."

The Women's Place is dedicated to advocating for a variety of policy changes and practices that will address barriers for and impact the progress of women.

Since joining the organization, Ballam has led several changes at the university. Because women often take time off for maternity, the Women's Place headed efforts to extend the faculty tenure deadline to up to three years for the birth or adoption of children. She also led efforts to encourage the university to better clarify its policy on sexual relationships between graduate students and professors.

To improve the number of women who stay on faculty, Ballam encouraged the creation of a leadership training program that is designed to prepare faculty and staff for future leadership roles in the university.

"The idea is that if these people are already prepared to be leaders they will be better equipped when they do eventually take on leadership roles in the university," she said.

Ballam's desire to improve Ohio State stems partially from her close connection to it. She has received four degrees from the university and worked here for more than 28 years.

She received bachelor's and master's degrees in history from Ohio State prior to going to law school. She later earned her Ph.D. in history.

While in law school, Ballam first began advocating on behalf of women. She and some of her other law classmates created an award presented by the Law Association for Women. The annual award was given to professors who treated women fairly in and outside the classroom.

One of her favorite stories from law school involved an on-campus interview process, which used to be completed on a first-to-sign-up basis. Attorneys from one Columbus law firm told women they interviewed that they could not hire them for trial work because they believed the women would be too likely to break down and cry in court. The following year, Ballam and 20 other female law students made sure to flood the firm's interview schedule entirely with women.

"I think that was the last year they allowed students to sign up for interviews that way," she said. "But we certainly made our point."

Ballam practiced law for eight years after graduating from Moritz. She worked for Legal Aid in Zanesville, Ohio, where she helped clients with a variety of legal matters. She continued her practice at the Ohio Consumers' Counsel.

But Ballam's long-time desire to teach finally drew her to OSU in 1982. Ballam was hired to a faculty position teaching law at Ohio State's Fisher College of Business. She regularly taught for the college until starting at the Women's Place.

"I completely anticipate returning to Fisher when I'm done here," said Ballam, who taught several business law courses such as contracts, marketing law, and others to undergraduate and graduate business students.

At Fisher, Ballam also ran the undergraduate business administration honors program for seven years.

In 2005, Ballam was given the honor to speak at Ohio State's commencement, an opportunity she said she will never forget.

"I told the students how wonderful I think they are," she said. "And that's the truth; that's what makes working here at Ohio State so great – the students."

pilf
Bringing Justice to the Community!
2009 Auction & Gala

Save the Date

PILF Auction & Gala
March 12, 2009

Date: March 12, 2009

PILF Auction & Gala web site: moritzlaw.osu.edu/pilf/auction/index.html

Highlights include:

- Food and Cocktails
- Childcare
- Silent and Live Auctions
- Poker Tournament with Professors

All proceeds from the Auction will help fund fellowships for law students who have accepted unpaid or low-paid public interest law jobs this upcoming summer.

Please watch your mailbox for further information about times and location or check our web site for updated information!

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Reunion 2008

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1. David Miraldi '78, Ray Persons '78, Leslee Miraldi '78; 2. Cindy Hopple, Jim Hopple '63; 3. Bill Moland '58, Janet Moland; 4. Ray Bichimer '58, Nancy Bichimer, Larry Stotter '58; 5. Dan Sandman '73, Senator Ben Espy; 6. Patricia Shenk, William Shenk '68; 7. Betsy Deeds '03, John Deeds '03; 8. Gary Froelich '68, Deborah Froelich; 9. John Lowe '98, Catherine Strauss

Hundreds of Moritz alumni converged on Columbus in September for a weekend of reminiscing, fun, and, of course, football. Attendees had plenty of opportunities to reconnect with old friends, chat about their law school days, and cheer for Ohio State.

Alumni gathered on Friday evening for a Welcome Reception and Dinner at the Value City Arena at the Jerome Schottenstein Center. Attendees took advantage of a VIP tour of the arena, which included dressing rooms, press box, and other areas off limits to the general public.

On Saturday morning, more than 250 people arrived at the Barrister Club to enjoy a pre-game tailgate. Former Moritzers had the chance to catch up with old pals while enjoying a feast before the OSU v. Ohio University football game.

On Saturday evening, alumni attended class dinners at different locations throughout Columbus.

Class of 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004

If you would like to join your class committee, e-mail Darnell Hines, Director of Reunion Giving and Donor Relations at hines.127@osu.edu or call (614) 247-8640.

Monica Ramirez '03 was awarded the 2008 Public Service Award for commitment to promoting and providing access to the justice system.

Here is what one of Monica's classmates wrote about her in a nomination letter:

"Monica exemplifies a commitment to promoting and providing access to the legal system, and has done all of that in the five short years since graduating from The Ohio State University Moritz College of Law. As a pioneer of the rights of migrant women workers, she has become a trailblazer in bringing these widespread issues to the light of day. This has nearly been an untapped area of the law and of our social systems, and she has diligently worked to advocate for these women, not just as a lawyer, but as a caring individual. She has given speaking engagements and conference presentations on this topic at both the state and the national level. She is truly the expert in this area".

—Darcy Miller '03

Reunion 2008 Thank You

Class committees worked for several months preceding the reunion to ensure a wonderful weekend. The success of the reunions could not have been possible if not for the following class committee members:

1958
Raymond Arthur Bichimer
Donald D. Simmons
Lawrence Henry Stotter
David A. Ward

1963
Michael B. Hendler
James Hopple
Edward G. Kagels
Ronald H. Katila
John D. Liber
William Henry Macbeth
James P. Miller
Honorable S. Michael Miller
Paul H. Roskoph
John W. Weaner

1968
Bo Barker
Glenn Eugene Corlett
Donald Edwin Ely
John William Hoppers
Dennis Ryan Newman
Norman John Ogilvie Jr.
Clark Poston Pritchett Jr.
Geoffrey Stern

1973
Gregory Brian Denny
Philip Louis Dombey
John Thomas Mills
Charles Joseph Pruitt

1978
James Harvey Balthaser
Edward Kefgen Cheffy
Robert Michael Curry
Gary James Leppla
David Paul Miraldi
Leslee Wilkins Miraldi
Ed Moore
Ray Persons
Al Schrader
James Raymond Sheatsley
Stephen F. Vogel

1983
John Marshall Adams Jr.
Nicholas James Hennessy
Randall Scott Rabe

1988
G. Randall Ayers
James Armand King
Jeffrey J. Snell
Robert Lee Solomon II

1993
Lisa Hammond Johnson
Ken Winkler

1998
Geoffrey Stuart Goss
Jonathan David Mester
Karen Lynn Poling
Max Christopher Sutton

2003
Karim A. Ali
Robert A. Beattey Jr.
Carissa Eve Clawson
Nicole Marie Crum
Jared Steven Gross
Mónica Ramírez
Nicole Jacquelyn Hanson
Matthew Owen Hutchinson
Jeffrey Michael James
Darcy Miller
Kenneth Anthony Neal Esq.
Jessica Kathryn Philemond
Lee Ann Rabe
Elizabeta P Saken
Gregory Michael Siegfried
Jayme Moore Smoot
Maresa Baes Taylor
Shobhan Surendra Thakkar
Jennifer Lynn Urban
Jessica Aerni Weaver


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2008 BARTON MEMORIAL CUP: June 14, 2008

Tournament benefits the Robert K. Barton Memorial Scholarship Fund

1. Brent Korhn '08; 2. Professor Ric Simmons; 3. Phil Eckenrode '08, Tony Schoen '08, Archie Griffin, Dan Sandman '73; 4. Kelly Baytos '10; 5. James Kline '84, Angel Fernandez '10, Jeff Benson '76, Jim Kostura '09; 6. Scott Davis '04; 7. Burke Nazer '09, Melissa Gilbert '09; 8. David Vance '08, Simmons, Sandman

The 2009 Barton Memorial Cup will be held on June 13, 2009.

Go to moritzlaw.osu.edu/bartonmemorial for up-to-date information and to register for next year's tournament.

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Show Us Your Spirit

Fall 2008
TAILGATES


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1. Elinor Swiger ’51, Quentin Swiger; 2. Monique Madison ’08 and Claudette Grant; 3. Kelly Gallina, Matt Palmer ’06; 4. John Ware ’93, Kendal Coes ’93, John Coleman; 5. John Tingley ’54, Dan Ritter ’56; 6. Jim Karam, Jonathan Karam, Joe Karam ’57, Dean Alan C. Michaels, Jeff Hilperts; 7. Dean Michaels, Lora Lynne, Stephen Chappelear ’77; 8. Kimberly Schroeder ’92, Andrew Schroeder, Joseph Schroeder ’91, and Herman Recker ; 9. Dorothy Burchfield, James Burchfield ’49.

Upcoming Alumni Events

Feb. 19
The Future of ADR: Incorporating Dispute Resolution Into Society
Ohio State Journal on Dispute Resolution symposium
For more info, visit moritzlaw.osu.edu/jdr

March 6
The Credit Crash of 2008: A Crash in Confidence?
Entrepreneurial Business Law Journal symposium
For more information, visit moritzlaw.osu.edu/eblj/

March 12-13
Mashup/Remix Conference 2009
I/S: A Journal of Law and Policy for the Information Society symposium
For more information, visit www.is-journal.org/

April 30-May 1
Reinventing Juvenile Law: A New Construct for Practice and Policy
Justice for Children Project symposium
For more information, visit moritzlaw.osu.edu/jfc

June 13
Barton Memorial Cup
Golf Club of Dublin, Ohio. 9 a.m.
For more information, visit moritzlaw.osu.edu/bartonmemorial/

2009 Reunion Weekend
Sept. 11-12
For classes 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, 2004

If you would like to participate on your class committee, e-mail Darnell Hines at hines.127@osu.edu or call (614) 247-8640.

THE OHIO STATE UNIVERSITY **Moritz** College of Law

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