Life, Work, Balance

Maine Law Graduates Meet Multiple Demands With Creative Strategies
WHEN MY MOTHER, HELEN EDDY, ’76, WAS A 1L AT THE LAW SCHOOL, I was in fifth grade at Nathan Clifford School. It seems I always forgot my house key, and I would go to the first year classroom to see her, sitting in the back and studying, with her L.L. Bean bag full of books I couldn’t imagine wanting to read.

To this day, I can’t fathom how she managed to read them and take care of her four children (although I was the youngest, so my siblings seemed like adults to me). Of course, she did not have to do everything, and was wise enough not to try. My mother spent many afternoons reading an Alistair MacLean novel, doing a crossword, or playing Rummy with us. And winning. Then again, maybe that is “everything.”

This issue of Maine Law includes an article about “life/work balance” – if there is such a thing. The article reflects the reality that this mythical “balance” does not mean the same thing to all people – or to all law firms. Blackberries and internet connections allow us to be more flexible, or perhaps more driven, depending on your point of view. One constant is that law firms, like all businesses, must balance the needs of their employees with the needs of its customers, the clients.

In addition to teaching me how to win at Rummy, my mother instilled in me the obligation to give back to the Law School. When my mother started Law School in 1973, in-state tuition was about $700. When I started Law School in 1989, in-state tuition was about $4,000. In-state tuition for incoming 1 L’s is now $17,400. The only way to keep top-notch students at this top-notch law school is to continue to provide scholarship money. As tuition rises, the scholarships must increase as well.

This year I had the privilege of chairing the Annual Fund, and at press time we exceeded our goal of $315,000. Even more impressive, with 837 donors contributing to the 2006-2007 Annual Fund, the average gift increased 28% from last year. The credit for our successful Annual Fund goes to the class agents for all their efforts, the Alumni Association Board of Directors for their help and support, and, of course, to the alumni for their generosity.
BALANCE IS A CHALLENGE. Many of us – in the practice of law, in the legal academy, and in other professional endeavors – juggle multiple demands at work, at home, and in the community. Our cover story explores life-work balance in the legal profession, an issue that is garnering widespread attention of late and that resonates all too well. With so much to do, it is easy to lose sight of the benefits of balance – and of our relative fortune. Many people face more critical and daunting life-work obstacles, such as those who labor in low-wage jobs or are unable to work at all.

But a balanced perspective among lawyers, while partly about quality of life, is also about being more effective in serving clients and the public. Busy as we are in our jobs, wider experience beyond the law broadens our knowledge base, sensitizes us to other points of view, and ultimately makes for better lawyering. Beyond the confines of our jobs, healthy communities and a functioning democracy call upon all of us to contribute as citizens. And, by most measures, family and friends come first.

In this issue, you will learn about how Maine Law alumni are rising to this challenge of life-work balance. You also will see an impressive range of faculty scholarship, student achievements, and alumni successes, including recent judicial appointments. At your suggestion, we have added discussion of substantive legal matters, looking in this issue at changes in bankruptcy law. And, you will read about the exciting array of new faculty. We welcome Associate Professor David Owen from San Francisco, where he practiced environmental law, and Visiting Professor Charles Norchi from the Kennedy School of Government at Harvard, where his work ranged from international law to maritime policy. Together, Owen and Norchi bring new energy to our environmental and marine law programs.

Angela Crossman Arey ’05, former editor-in-chief of our Ocean & Coastal Law Journal, will add to this program energy. A summa cum laude graduate of Maine Law and practicing attorney, Arey re-joins us as a Research and Writing Instructor. Duke Law School Distinguished Professor Laura Underkuffler, an expert in property law and theory, and a Visiting Professor at Maine a year ago, returns for another Fall semester visit as teacher and mentor. St. Louis University Law Professor Joel Goldstein, a presidential and constitutional scholar, joins us as a Visiting Research Professor in the spring semester in a joint appointment with the Muskie School for Public Service. And, Chris Northrop, who launched our Juvenile Justice Clinic as a visiting clinical professor last year, remains on board with appointment as Associate Clinical Professor.

We are pleased as well to welcome new senior staff members to join our dedicated professional staff. David Pallozzi as Assistant Dean for Admissions, Sherry Abbott ’04 as Assistant Dean for Student Affairs, and Elena Brandt as Director of Development and Alumni Relations, all bring rich experience and a standard of excellence to the Law School administration.

In addition, Maine Law remains a destination point for distinguished lecturers, including Chinese Supreme Court Justice Song and Columbia Law School Professors Lori Damrosch and William Simon last Fall, and Harvard Law Professor Lucie White last April. Former Senator George Mitchell was our keynote speaker at Graduation ceremonies in May. Early this academic year, our guest lecturers include international human rights expert and Yale Law School Dean Harold Koh and Coffin Lecturer Kenneth Feinberg, Special Master of the 9/11 Victim Compensation Fund.

This issue of the Maine Law magazine gives you just a glimpse of the impressive accomplishments of our students, staff, faculty, and alumni. The combination of talent, energy, and compassion around me is a source of pride and inspiration, as I begin my third year as Dean. I am especially gratified by the dedication and generosity of our alumni and friends, who have enabled us to exceed our Annual Fund goal for a second year in a row. Thank you all. It is an honor to be part of the Maine Law community.

– LAW SCHOOL DEAN, PETER R. PITEGOFF
Four Graduates Appointed as Judges to District Court

FOUR UNIVERSITY OF MAINE SCHOOL OF LAW GRADUATES were appointed in 2007 by Gov. John Baldacci for judgeships for the Maine District Court. The new judges are Michael Cantara, '81; Charles Dow, '97; MaryGay Kennedy, '80; and Valerie Stanfill, '85.

Cantara has been a Maine Department of Public Safety Commissioner for four years. Previously, he served as District Attorney in York County, from 1991-2003. In addition, he served in a variety of roles in Biddeford including Chair of the School Board and as Mayor.

Dow has been in the Office of the Attorney General in Augusta, where he was special assistant to the Attorney General. In this role, Dow was involved in policy and legislative development for the Attorney General. He has also advised Maine law enforcement on compliance issues and handled administrative hearings for the department.

Kennedy has been a partner at Germani & Riggle in Portland, where she specialized in family law. She is the founding director of the Maine Court Appointed Special Advocate Program (CASA), which provides volunteer advocates for children involved in child protection proceedings. She served as a judicial clerk for the Maine Superior Court from 1980-81 and served as a member of the University of Maine School of Law Alumni Association Board of Directors.

Stanfill has been a trial attorney with Troubh & Heisler. Prior to that, she was a visiting clinical professor at Maine Law, where she served as acting director of the Cumberland Legal Aid Clinic.

Harvard Law Professor Presents Lecture at Maine Law

LUCIE WHITE, THE LOUIS A. HORVITZ PROFESSOR OF LAW AT HARVARD LAW SCHOOL, lectured at Maine Law in April 2007. Her area of scholarship and research embraces anti-poverty law, policy, and pedagogy. A graduate of Harvard Law School and Radcliffe College, her articles have appeared in such collections as Promoting Social Justice Through Mental Health Practice; Lost Ground: Welfare Reform, Poverty and Beyond; and Laboring Below the Line: The New Ethnography of Poverty, Low-Wage Work and Survival in the Global Economy. Her lecture at Maine Law was on the subject of human rights in Africa.

Visiting Associate Professor Melissa Powers

PROFESSOR MELISSA POWERS, an expert in pollution control litigation, joined Maine Law as a visiting associate professor for the Spring 2007 term. A clinical professor and staff attorney for the Pacific Environmental Advocacy Center at Lewis & Clark Law School, she taught an environmental law course and a coastal zone law course in Maine. She also conducted research in environmental law and policy issues during her time at Maine Law. Powers teaches an environmental law clinic at Lewis & Clark Law School. Prior to that, she practiced at the Western Environmental Law Center, a non-profit law firm in Eugene, Oregon, where she focused on Clean Water Act law suits filed by citizens. Powers graduated from the University of California at Berkeley and received her J.D. from Lewis & Clark Law School.
Faculty Workshop on International Law and Iraq

VISITING SCHOLAR MARIA GRAHN-FARLEY presented a faculty workshop on February 2, 2007. The title of her presentation was “International Law as a Non-Violent Alternative in Iraq.” In addition, she taught a one-credit bridge course in Race, Gender, & Sexual Orientation. An SJD Candidate at Harvard Law School, Maria is an expert in international child rights, having played a leadership role in that field for over a decade in her home country of Sweden. More recently, she has extended her academic work to the United States, including post-professional degree work (LLM and SJD programs) at Harvard, teaching as a visitor at Golden Gate University School of Law, and writing and lecturing extensively.

New Scholarship Fund Established

A NEW SCHOLARSHIP FUND HAS BEEN ESTABLISHED for students in need of financial assistance by Mrs. Dollie E. Ash (mother of Diane Dusini, ’87) in honor of her late husband and Diane’s father, Philip M. Dusini (1935-1975). The Philip M. Dusini Scholarship will be awarded annually in memory of Diane's father and his commitment to higher education.

John Gundersdorf, Director of Development and Alumni Relations, Retires

JOHN GUNDERSDORF, MAINE LAW’S DIRECTOR of Development and Alumni Relations for the past seven years, retired in March 2007. He played a key staff role in organizing the University of Maine School of Law Foundation and in assisting the Law School’s successful capital campaign that raised over $3 million dollars for library renovations and acquisitions; renovation of the Cumberland Legal Aid Clinic; public service endowments, scholarships, and financial aid for students; and professorships and faculty research funds.

“John was always a delight to work with. He was always focused on long-term fundraising goals, but never let that interfere with short-term activities or his warm relations with alumni and supporters,” said Peter McKenney ’77 of Stroudwater Associates and former President of the Foundation Board.

After spending four years with the U.S. Air Force in Public Relations and as a combat correspondent during the Vietnam War, John spent most of his working life in public service, whether in communications, marketing, management, or fundraising for non-profit organizations, such as the United Way in four different states, Camp Sunshine and the Coastal Humane Society in Maine, and Echo Management Group in New Hampshire.

John remains a loyal supporter of Maine Law. “We miss John’s good cheer and dedication as a full-time colleague,” said Dean Pitegoff, “but continue to count him as a member of the Maine Law School community.”
Life, Work, Balance

When Rebecca Mason, ’97, first expressed a desire to work part-time and remain on the partner track, her husband Chip Mason, ’97, admits to being a naysayer.

“My immediate response was ‘you are not going to be able to find anyone to let you do that,’” says the 37-year-old corporate attorney for the Burlington, VT, firm of Gravel and Shea. “Of course, I was wrong,” he admits.

Rebecca Mason, a litigator for Spink & Miller, works three days a week while Chip Mason takes their two children, four-year-old Amelia and three-year-old Ella, to and from day care.

“If I get them there by 8:15, I consider it a small miracle,” he says.

In many ways, the Masons’ story is typical of more recent Maine Law graduates, many of whom struggle to balance the demands of a young family in which both parents work at a law firm. These days, law school graduates may find that firms are more accommodating of both male and female attorneys who seek more time with their families as well as active legal careers.

“It’s a challenge. What often happens is I have to bring stuff home or return to the office late at night,” Rebecca explains. “It’s a difficult [balancing] act with your respective other on how to accommodate [both of] your professional needs.”

While she says balancing two legal careers at the firm with children is a challenge, their arrangement would have been far less likely years ago. The new crop of law school graduates, whose average age is near 30, are beginning their legal careers and possibly their own families during the age of the so-called “family-friendly” firm.
In order to attract and retain the best law school graduates, many law firms are touting such family-friendly policies as flexible schedules, telecommuting, maternity / paternity (or simply “parental”) leave policies, and new ideas about positions, including those with reduced hours, even for partners.

Roughly 40 to 50 percent of Maine Law graduates find employment in a firm setting. While lawyers may (or may not) be better off than the majority of other professionals in terms of work/life balance, the legal profession, particularly as practiced in the conventional law firm setting, provides specific challenges to achieving such balance.

One of the reasons firms now promote family-friendly policies is that there is more mobility among younger associates than ever before. Maine Law alumni say one factor driving “lateral moves” among second- or third-year associates is lifestyle, particularly life/work balance issues. If firms offer second- or third-year associates an opportunity to have fulfilling careers and also more time with their families, graduates two or three years out of law school are more likely to jump.

According to Steven Saunders, ’92, hiring partner at the Boston firm of Bromberg & Sunstein, and a member of the University of Maine Law Alumni Association Board of Directors, new graduates “want the biggest money and the biggest name,” he says. “But if it’s a lateral move with a second- or third-year associate, then we appeal to them a lot.”

With business casual every day, bagels and fruit on Fridays, flex-time policies, maternity- and paternity-leave policies, and what Saunders calls a “true” 1,800 billable hours requirement, the atmosphere at this intellectual property law firm appears more representative of its high-tech clientele than the traditional law firm.

By 6:30 p.m., most attorneys are on their way home, he says.

“I can’t say the same thing for my colleagues around town,” Saunders admits.

Maine Law graduate Cornelia Fuchs Fisher, ’90, is an example of someone who made a lateral move in order to balance her aspirations to be a partner with her desire to spend more time with her family.

When her son Karl (now 14) was a one-year-old, she made the move from a larger firm in Portland to Monaghan Leahy because the members were open to the idea of her working a “reduced-hours” schedule. Firms use the term “reduced-hours” as opposed to “part-time” because the latter does not reflect the fact that these attorneys are still available to clients all the time. Moreover, many attorneys with reduced-hours schedules work more than 40 hours a week.

At the time Fisher made the lateral move to Monaghan Leahy, there were fewer female attorneys and little precedence for working an alternative schedule.
Unsure about how to approach the firm, she consulted with her colleagues and friends behind the scenes for advice.

“There was certainly nobody else that looked like me at the firm.” Fortunately, Fisher says, the partners at Monaghan Leahy were amenable to the idea.

Fisher noted that the fact that Monaghan Leahy didn’t have an official policy about a reduced-hours schedule wasn’t necessarily a negative. Instead, it provided an opportunity for her to create a model for such a position.

According to Beth Dobson, ‘80, family-friendly policies can either be “a shield or a sword.” Dobson is hiring partner at Verrill Dana, where there are a number of reduced-hours associates and partners, male and female. Dobson is one of them.

“There was certainly nobody else that looked like me at the firm,”
- Maine Law graduate Cornelia Fuchs Fisher

“It’s a fairly bare-bones policy, intentionally so,” says Dobson about the policy she helped create, “so it can be as flexible as possible.”

Since the time Dobson began both her career at Verrill Dana and her family, she has seen a significant change in the way firms handle the topic. Dobson had her first child a year before she made partner, at a time when many female attorneys put off childbearing until they made partner. She took six weeks off and worked up until the day before giving birth – for all three of her children.

With the policies in place, Dobson began to work reduced hours while her children were in school. Now that they are older, Dobson continues to work a “reduced-hours” schedule (8 am-6 pm) in order to do community work, including service on various boards (the University of Maine School of Law Foundation Board of Directors and Board of Visitors among them) and pro bono work. Dobson’s decision to continue working a reduced-hours schedule in order to do community work was a big part of her reason for leaving a Washington, D.C., firm and moving her practice to Maine.

“...so it can be as flexible as possible.”
- Dobson

According to Beth Dobson, many law schools have shifted their curricula somewhat to give students more of a skills-based approach because many law school graduates find themselves, in those first few years on the job, spending (non-billable) hours on such basics as legal research, legal writing, and the elements of trial practice or transactions.

“You will be much better able to manage your career, your life, and your time when you get out,” he says.

The impact of marriage and family on legal careers is a major thrust of a recent national study called “After the JD: First Results of a National Study of Legal Careers.” The study was sponsored by the American Bar Foundation and the National Association of Legal Professionals, which follows the careers and job satisfaction of 2001 law school graduates. The ABA and the Maine State Bar Association routinely devote panel discussions to the topic at their conferences.
service work reflects the fact that increasingly, attorneys choose to take advantage of alternative schedules for many reasons – not just to care for small children.

Dobson says that firm members make it their business to understand how the expectations of various generations may vary among Generations X and Y and among “Millennials” on such topics as work/life balance, workplace culture/atmosphere, and the use of technology.

“Family-friendly policies can either be a shield or a sword.”
- Maine Law graduate Beth Dobson

The technology that younger generations are accustomed to may help new graduates achieve the hours required to have a top-flight legal career, balanced with the demands of family, says Drummond Woodsum & MacMahon’s managing director Harry Pringle, who has been practicing for 35 years.

Years ago, Pringle says, there really was a fear that if attorneys were not physically in the office, clients couldn’t reach them. For younger graduates, the concept of “face time,” or the unwritten expectation that associates are seen at the firm sometimes long after the partners go home, may be a thing of the past.

“The uniqueness of a successful practice at the highest level really demands that your clients have access to you all the time, and in many cases, that literally means all the time,” Pringle says. “With Blackberries and laptops, you can do things that were inconceivable 25 years ago.”

Research by the National Association of Legal Professionals (NALP) shows, however, that despite technology and the fact that a greater number of firms offer part-time schedules or flexible arrangements, few women, let alone men, take advantage of these policies. While the idea of female attorneys achieving partner while working “reduced” hours is becoming more and more acceptable, there is still a stigma around the idea of young male associates taking advantage of the new family-friendly policies.

According to Bernstein Shur shareholder Pat Peard, ’88, firm leadership must not only create policies, but also encourage a culture that supports both male and female associates actually taking advantage of those policies without fear that it will affect their advancement. Peard spoke about the issue at a recent Maine State Bar Association meeting.

And couples like Chip and Rebecca Mason should know. Chip says that while he took two weeks off during the birth of his first daughter, he did some work during that time. If he had to do it again now, he says, he may have done things differently.

“Even with the available offerings of paternity leave, I still think it’s seen somewhat as a sign of weakness if you take it,” says Chip. “That’s an assessment based on my peers and their experiences at other firms.”

According to Peard, the degree to which both male and female associates at the firm feel able to take advantage of these new policies may ultimately define the truly family-friendly firm. “I think that’s going to be the hallmark of what is really
a family-friendly firm because a lot of younger associates are looking to see whether a firm is more flexible not just for women, but for all associates or junior partners," Peard says.

Ron Schneider, ’96, a partner at Bernstein Shur, was recently discussing scheduling with a hearing officer who wanted to hold an early morning unemployment hearing. Schneider said he couldn't get there until 11:00 a.m. because he had bus duty for his two daughters (his wife, a teacher, is out of the house by 7:00 each morning). Schneider just said “That won't work for me,” and was not apologetic. The hearing officer agreed with Schneider and did not give him a hard time.

By chance, most of his trials have occurred in the summer when his wife is off work. Also, bench trials start at 9:30 a.m., which is also manageable for him. At the office, Schneider also discourages early morning meetings. On the flip side, however, he doesn't leave the office until at least 6:30 or 7:00 p.m., so he is not exactly working reduced hours.

Schneider’s experience working with judges was different. When he was a clerk at the Maine Superior Court, just out of law school, he worked for Justices Mills, Saufley, and Calkins. His daughter was born that year and his employers were somewhat forgiving of his situation. In his second year working for that court (for Justices Cole and Brennan), he worked a flex schedule to take care of his baby while his wife worked. In fact, they suggested it.

It happened that as he was ending his first year as a law clerk, an incoming clerk cancelled. The court asked Schneider to stay and offered him flexibility. He shared the job with a female clerk with small children. Schneider took off the first six months to care for his child, she took off the second six months. But even in his six months on the job, they let him work afternoons and weekends and from home.

His wife also job-shared as a teacher, so their children have spent little, if any, time at day care. However, Schneider emphasized the financial impact on their choice to job-share. That's tough for a new graduate with student loan debt.

“Even with the available offerings of paternity leave, I still think it’s seen somewhat as a sign of weakness if you take it,” says Chip. “That's an assessment based on my peers and their experiences at other firms.”

- Maine Law graduate Chip Mason
Schneider admitted that he wasn’t particularly open about the fact that he wanted to spend as much time with his daughter as possible when interviewing for his first law firm job. He feels that firms would still question such a man’s commitment to the practice of law. He thinks firms tend to expect that of women. It’s part of the bias. Although Schneider doesn’t arrive at the office until 9:00 a.m., he continues to bill the same amount of hours as the other lawyers.

Schneider noted the differences between generations of men. There are those older men whose wives did everything, and who “met their kids at high school graduation.” Then there are those in their late 30s and early 40s who are in the middle: they want to be involved with their families, as well as in their professions, but they feel guilty about not being able to give 100 percent. He gave the example of playing with his kids, and feeling guilty about thinking about work. So the question remains, does the younger generation feel they shouldn’t have to give 100 percent of their lives to their work, and not feel guilty about spending time with their families?

Part of the difficulty for both men and women, is that becoming a partner at a small or large firm, still comes down to the financial contribution. The business of a law firm is still business.

Schneider spoke recently to middle school kids about the practice of law. One question was whether gender impacts the profession. He asked them what they thought and they thought no. Schneider said, “Sorry but it does. Not that it’s right, but it’s a societal issue.”

Schneider’s kids hate “meetings.” His ten-year-old asked him recently, “What’s more important, me or your meetings?” What can you say? And keep in mind his parting advice about going on vacation was, “You gotta unplug.”

“Working Mother” magazine recently listed 50 law firms that it considers particularly attuned to the concerns of its readers, saluting firms with ground-breaking programs to help women strike a better work-life balance. For further detail, go to: www.abajournal.com/weekly/working_mother_lists_top_50_law_firms (August 14, 2007).
The Impact of Changes to the Federal Bankruptcy Code: Why All Lawyers Should Care

With the controversial lead up to the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), the media is anxious to speculate about its ramifications as data from 2006 bankruptcies becomes available.

Serving as a national voice on the preliminary impact of BAPCPA to the media was just one of the facets of Professor Lupica’s role as the American Bankruptcy Institute’s Scholar-in-Residence for Spring 2007. In that role, she participated in conferences in Denver, Washington, and New York City, speaking on topics ranging from ethics and the Chapter 11 process to the continuing relevance of business reorganization. The ABI, located in Washington, D.C., is the premier professional organization for bankruptcy law practitioners.

Professor Lupica also conducted a series of podcast interviews with topical authors (e.g., Dr. Robert Manning, author of Credit Card Nation; Sol Stein, author of A Feast for Lawyers; and Professor Karen Gross, author of Failure and Forgiveness), which are posted on the ABI Web site (http://podcast.abiworld.org). Professor Lupica also edited a number of ABI publications, wrote a series of articles for the ABI Web site, attended Congressional Hearings on the overindebtedness crisis, and conducted peer reviews of empirical studies on bankruptcy reform legislation.

The recent great interest in the topic stems from the fact that during the debate preceding the legislation, BAPCPA had few supporters from the bankruptcy community at large, especially among bankruptcy professors at the nation’s law schools. In fact, professors across the country launched a coordinated advocacy effort to prevent its passage, and their letters are now part of the U.S. Congressional Record. History aside, however, for students of the new law—whether professor, law student, or practicing attorney—the 2005 Act appears to be a matter of learning an old game, with many new rules.

While Lupica asserts that it is “too soon to draw any definitive conclusion about the Act’s impact, some basic trends have emerged,” she says. “One thing we can definitely say is that it is now more expensive and more difficult to file for bankruptcy because the Code now requires that debtors (consumers) jump through more hoops.”

As the price to file for bankruptcy has gone up since the Act’s passage, so too have attorney fees. Nationally, it is estimated that attorney fees have gone up anywhere from 50 to 100 percent, although local bankruptcy attorneys say that figure is somewhat lower in Maine. Bankruptcy attorneys and those close to the industry express concern that all the publicity around BAPCPA may be enough to scare away those who need to file.

And while conversations with bankruptcy attorneys necessarily gravitate to the new substantive requirements debtors are subject to under the new Code, such as the required pre-bankruptcy credit counseling and the means test, there are much larger issues at stake.

According to Lupica, what is at stake with the new Code is a tightening of the reins on judicial discretion in bankruptcy cases, discretion that in

Maine Law Professor Lois R. Lupica.
many cases tipped in a debtor’s favor. Now, experts suggest that under the new Code, the pendulum swings to the benefit of creditors, which are, in many cases, credit card companies.

The new dynamics of bankruptcy law have left scholars and attorneys speculating about the long-term impact of the legislation on small businesses and the self-employed, as well as about the ability of other individuals to get their second chance or “fresh start.” Bankruptcy, they say, is an integral part of the American social safety net. “I think the reform legislation shot a really big hole through that net,” Lupica says.

For veteran bankruptcy attorneys and professors alike, however, the Act has made their profession more challenging and, therefore, they say, more interesting.

“Anytime you make something harder and require more creativity, in my mind, it becomes more interesting,” says Bob Keach, ’80, a corporate bankruptcy attorney for Bernstein Shur and VP of education for the ABI.

According to Keach, bankruptcy law is and will continue to be a growth area as many firms are adding to that area of their practice. Before the passage of BAPCPA, Keach says that ABI membership was at a record high and it shows no sign of slowing down.

Firms are “gearing up for a new wave of work and getting prepared to be very busy in 2007 and 2008,” he says.

According to Keach, the Act not only has impacted consumers significantly, but businesses as well. The BAPCPA provisions affecting corporate bankruptcy law included new stringent time tables for commercial leases and a shortened “exclusivity” period, or the time a company has to file a restructuring plan without fear of competing plans being filed by competing creditor groups.

Patrick Maxcy, ’99, a corporate bankruptcy attorney at the Chicago-based firm of Sonnenschein, Nath & Rosenthal, says the changes require him to do more in less time and to make adjustments in strategy. With experience working on bankruptcy “mega cases” involving companies such as K-Mart and United Airlines, Maxcy says that prior to BAPCPA, firms could spend years in bankruptcy while keeping, as he says, “hostile parties at bay.” That is no longer the case.

According to Keach, however, for those working on mid-market corporate bankruptcy cases, the changes in administrative and priority claims under the new Act have had a greater impact. For mid-sized businesses, the costs of filing Chapter 11 bankruptcy has risen significantly, forcing businesses to do more out-of-court work and to look for alternative solutions to filing for Chapter 11.

But, it is not only bankruptcy attorneys who should be paying attention to changes in the Code, Keach says.

“Interestingly, it is non-bankruptcy practitioners who should be paying more attention than ever to bankruptcy [law] changes.”

- Maine law graduate Bob Keach

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“Interestingly, it is non-bankruptcy practitioners who should be paying more attention than ever to bankruptcy [law] changes,” he says. “More transactions are being done under the auspices of bankruptcy.” Keach says much of commercial law is made in bankruptcy court. He believes the new Code, as it is played out in bankruptcy court, has implications for a variety of legal arenas, from labor law (including health care and pension cases) to environmental law.
Bankruptcy Roundtable Discussion

MAINE LAW HOSTED A ROUND TABLE DISCUSSION with several Maine Law alumni who work in the field of bankruptcy, including Jim Molleur, ’79, William Sandstead, ’93, and Peter Fessenden, ’74. Molleur has his own solo bankruptcy law firm in Saco, Sandstead owns a law firm in Portland, and Fessenden is the Chapter 13 Trustee for the District of Maine. The following is an excerpt of that roundtable discussion.

MAINE LAW: Do the changes in the Bankruptcy Code limit judicial discretion?

SANDSTEAD: I would say there are several sections of the Code where a case is supposed to be dismissed if something doesn’t happen. Sometimes it’s in situations where people don’t want the case dismissed. It seems that often the reason for the dismissal is very onerous.

MOLLEUR: I think more important than that is that it has created some mindless hurdles for debtors to overcome. It’s created a whole ritual of examination of the minutia of some of these debtors’ lives, which from my perspective, is completely missing the point as to whether or not people deserve bankruptcy relief or not. So I think that’s an even bigger problem than loss of elasticity for the judiciary because it’s made my life, my life at least as debtors’ counsel, twice as hard as it used to be – and for no reason.

FESSEN DEN: I think the statute was an attempt to constrict the discretion of the judges, but I don’t think it has. I don’t think that’s [even] the most difficult part of the law. The most difficult part is that it scares debtors away from exercising their privileges under the bankruptcy law, and it scares and discourages attorneys from practicing bankruptcy, both of which are distressing and unnecessary.

MAINE LAW: Can the controversy surrounding this legislation be attributed to partisan politics?

MOLLEUR: I think prior to the law being changed, there were some areas of the Code where there was the perception that debtors had far too many benefits, so it was probably reasonable to expect there would be some efforts to restrict debtors getting some of those benefits. The way they went about it was not just to correct perceived inequities in the system between debtors and creditors, it was to create obstacles – some of which really have very little to do with fixing the problem. It created artificial standards, some of which are really nonsensical and just require lots of paperwork. I think the changes to the Code, and I may be going too far here, but I think it’s part of class warfare. I really do.

FESSEN DEN: I don’t agree with Jim. It’s not necessarily the content. I don’t think the content is political or necessarily class warfare. I think that the freezing of the terms eleven years before its final adoption was the result of unfortunate, misguided, and stupid politics.

SANDSTEAD: I wouldn’t go so far as to say it was necessarily class warfare in a conscious way, but I would say it benefits the credit-lending industry. They make tons of money on credit cards, and they wanted to make more, so they made substantial contributions to members of Congress and they pushed year after year to get this law passed.

MOLLEUR: So, it’s greed?

SANDSTEAD: Yes.
MAINE LAW: Why should all lawyers, not just bankruptcy attorneys, care about the new Code and its impact?

FESSENDEN: Entrepreneurs necessarily engage in risky business ventures. You can’t ask these entrepreneurs and business people to go out there and risk fame and fortune, knowing full well that the statistics are that a significant portion of them will fail, and not to provide them with a way out. Otherwise, we create a complete shadow economy of a growing number of people who have no way to shed the burden of crushing debt that would discourage people from engaging in capitalism. That’s the biggest reason. It’s a capitalist necessity to have bankruptcy.

MOLLEUR: Why would anyone outside the bankruptcy world care? Well, 50 percent of marriages end up in divorce. That’s a primary reason people file for bankruptcy. People are changing jobs constantly. They’re being laid-off, replaced, jobs are going overseas. So their income stream is being constantly interrupted. That necessitates a system that allows those people – not just the business folks – to get out, to have a fresh start.

SANDSTEAD: In every family, with most people in society, something could happen. They lose their jobs or they become disabled and something may happen that they don’t have enough money to pay their bills. People get fired, or more scary, get into car accidents. Even if we have disability insurance, that insurance may not be enough to really put us back where we were and that bankruptcy system is there to help. Even if you declare bankruptcy under those circumstances, your life isn’t going to be great. But for most people, bankruptcy is a real semi-safety net.

MAINE LAW: How has BAPCPA affected your day-to-day practice?

MOLLEUR: I filed far fewer cases last year than I did the year before, 240 cases in 2005, and I filed 140 in 2006. It turns out that my income was better, but it wasn’t because I was getting money from bankruptcy cases. I did charge a little bit more to do Chapter 7’s, but you can’t charge too much because these people can’t pay. Otherwise, the fees are pretty much the same; we’re just working harder for it. What I found is that we’re doing a lot more consumer law litigation and suing the creditors for fair debt collection practices violations and others sorts of claims against creditors in order to make up the difference in our income, and it’s working quite well so far.

SANDSTEAD: Right after the law passed, it was surprising how much it was “business as usual” for a little while. Yes, we had to do a new Chapter 13 plan, and there were some new forms we had to fill out. There were a lot of documents we had to get, which was a lot of work. But at least in Chapter 13’s, we were still going in a certain direction. And I am getting the impression that the creditor industry is beginning to wake up to that, and they are beginning to put their foot down and are saying, “Look, we want this law to be this way.” I worry that the stuff I was dreading then, but that didn’t happen, is now coming down the pike.

FESSENDEN: In Maine, debtors’ practice had a fairly wide swath of lawyers who dabbled in it, a few that specialized; Jim and Will being among the foremost of those, but quite a large number of folks who would do three, four, five, ten a year. Those folks have largely dropped out. The people who are doing a lot of bankruptcies [now] are those people who have either made the commitment to learn the new law, or who depend on bankruptcy for their earnings. Therefore, they had to learn the new law. I think bankruptcy practice is an area wide open right now for new practitioners.
The University of Maine School of Law Announces New Graduates

The Law School was honored to welcome former Senator George J. Mitchell as the keynote speaker for the May 2007 graduation.

Citing one of the nation’s founding principles of equal justice under the law, Senator Mitchell told graduates of the University of Maine School of Law, “You must never forget that the United States was a great nation long before it was a great economic and military power.”

Mitchell joined the ceremonies held Saturday, May 26, at Merrill Auditorium in Portland. “What you do in the practice of law,” he told the 87 graduates, “will be important.” He also urged graduates to find fulfillment and self-respect through service to others.

Student speaker Patrick D. Thornton of South Portland, who earned his undergraduate degree at USM in 2004, asked his classmates to put their traits of collegiality, a strong work ethic, and pragmatism to good use in their personal and professional lives. “I’m proud of what we have done,” he said, “and what we will do.”

Former Scarborough resident Ira J. Waldman, a 1976 graduate of Maine Law, received the L. Kinvin Wroth award, which is granted each year to an alumnus/a for distinction in his/her professional life. Waldman, a partner in the Los Angeles firm of Cox, Castle & Nicholson, is a former in-house counsel at UNUM. He is a frequent author and lecturer on many real estate topics, as well as on technology issues relating to a real estate lawyer’s practice. He also serves as a member of many industry and bar-related organizations, and in 2005, he was elected to membership in the Anglo-American Real Property Institute and was recently appointed as a U.S. member of the AARPI Board of Governors. Waldman remains active in alumni activities at Bates College, where he earned an undergraduate degree in 1973, and at Maine Law, and he serves on the University of Maine School of Law Foundation Board.
The University of Maine School of Law Announces Graduation Awards

The following awards were presented at the ceremony:

The Faculty Scholastic Achievement Award – Given to the member of the senior class who achieves, over three years of law study, the highest academic average. **Recipient:** Heather Sanborn, Portland.

The Faculty Significant Achievement Awards – Presented to graduates whose academic performance and overall contribution to the school have been outstanding. **Recipients:** Ryan Dumais, Winthrop; Judith Lewis, Old Orchard Beach; Kenleigh Nicoletta, Fryeburg; Sara Stewart, North Yarmouth.

The Gignoux Award for Appellate Advocacy – Presented to the graduating senior who has demonstrated excellence in advocacy skills through clinical practice, moot court, or other curricular or extracurricular programs. **Recipient:** Lindsay Hocking, Tenants Harbor.

The Faculty Award for Trial Advocacy – Given for outstanding performance in advocacy courses. **Recipient:** Brianne Martin, Georgetown.

The Edward S. Godfrey Leadership Award – Given to the student who has made the most significant contribution to a student-edited law journal during his/her years at the law school. **Recipients:** Heather Sanborn, Portland; Benjamin Jenkins, Prospect.

Faculty Award for Community Service – Given to the student who has done significant work in bringing together the Law School community and the community at large. **Recipient:** Rebecca Hershay, Portland.

Wernick Prize for Legal Writing – Given to the student who has submitted the best piece of legal scholarship during the year. **Recipient:** Caroline Wilshusen, Gorham, for “Re-imaging a Balanced and Just Juvenile Justice System: The Practice of Waiver in Light of Roper v. Simmons.”

Independent Writing Project – Awarded for the best Independent Writing Project. **Recipient:** Caroline Wilshusen, Gorham, for “Re-imaging a Balanced and Just Juvenile Justice System: The Practice of Waiver in Light of Roper v. Simmons.”

ALI/ABA Scholarship and Leadership Award – Given to the student in the 2007 graduating class who best represents a combination of scholarship and leadership. **Recipient:** Heather Sanborn, Portland.


ABA/BNA Award for Excellence in Labor and Employment Law – Given for excellence in labor and employment law courses. **Recipient:** Heidi Hart, Westbrook.

ABA/BNA Award for Excellence in the Study of Health Law – Given for excellence in health law courses. **Recipient:** Temma Stout, Portland.

American Bankruptcy Institute Medal for Excellence in Bankruptcy Studies – Given for excellence in bankruptcy studies. **Recipient:** John Wheatley, Portland.

American Bankruptcy Journal Award. **Recipient:** Joy Moore, Fairbanks, AK

Outstanding Scholastic Achievement Awards – Presented by faculty for outstanding performance in selected areas of the curriculum.

**Recipients:**
- Criminal Law & Procedure: Judith Lewis, Old Orchard Beach.
- Environmental Law/Marine Resources: Erica Fuller, Ipswich, Mass.
- Taxation: Colleen Mathews, Gardiner; Kenleigh Nicoletta, Fryeburg.

National Association of Women Lawyers Recognition Award – Given to a graduate who has contributed to the advancement of women in society and promoted issues and concerns of women in the legal profession. **Recipient:** Nancy Walworth, Lewiston.

Maine State Bar Association Pro Bono Student Award – Given to the student whose legal service to the community, without compensation or academic credit, exemplifies the legal profession’s tradition of pro bono service. The recipient is selected by the Law School’s Dean and faculty after consultation with the president of the Maine State Bar Association. **Recipient:** Carol Copeland, Kennebunk.

Clinical Legal Education Association Award – Presented by the Clinic faculty for excellence in clinical fieldwork based on ethical and high-quality representation provided to clients and the community, and for exemplary thoughtfulness in exploring lawyering issues and skills in an accompanying seminar. **Recipients:** Brianne Martin, Georgetown; Caroline Wilshusen, Gorham.

Law Alumni Association Award – Given to an outstanding member of the senior class. **Recipient:** Judith Lewis, Old Orchard Beach.

Clegg Award – **Recipients:** 1st: Aaron King, Hampden, for “Medical Market Failure in Maine;” 2nd: Matthew Libby, Hanson, Mass., for “Deregulating the Electricity Market;” 3rd: Judith Lewis, Old Orchard Beach, for “Setting the Wrong Right.”
New Faces at the University of Maine School of Law, 2007-08

Staff

**ELENA BRANDT** - Director of Development and Alumni Relations

Elena Brandt is Maine Law’s new Director of Development and Alumni Relations, as of March 2007. She has successfully directed development and volunteer leadership programs for nonprofit organizations in northern New England for over twenty-five years. Elena brings an entrepreneurial spirit and hands-on business experience to academia, along with her strong belief in and ties with philanthropy inside and outside of her work.

Leveraging her success for managing staff, trustees, and volunteers into a consulting career, Elena founded Brandt Associates in 2000 to provide fundraising counsel for non-profit Boards of Directors, executive leaders, and fundraising staff. She is recognized for her expertise in capital campaign planning and strategy, donor cultivation and recruitment, face-to-face solicitation training, major gift fundraising and stewardship, as well as board training and development.

Prior to that, Elena created the Southern Maine Community College Foundation, where she was its first Executive Director. She also directed all fundraising and campaign planning activities for SMCC. Elena has held positions as Director of Development and Public Relations at Waynflete School, Director of Major Gifts and Public Relations at the Hurricane Island Outward Bound School, VP of Marketing and Communications for United Way of Greater Portland, and she also managed one of the U.S.A./U.K. divisions for Macmillan Publishing Company.

In 2002, Elena was recognized for her contributions as board president for the Northern New England Chapter of the Association of Fundraising Professionals. She is a frequent facilitator at conference and training sessions for the Maine Association of Nonprofits, the Board Network, Institute for Civic Leadership, and the Association of Fundraising Professionals.

In addition, Elena has been an active community volunteer and currently serves as a trustee of Maine Initiatives, a foundation supporting social and economic justice. She is a former trustee of the Children’s Theatre of Maine, the Maine Jewish Film Festival and the Maine Writer and Publisher Alliance. She has also been a volunteer for the International Visitor’s Program of the World Affairs Council for the past four years. She is their trainer for non-governmental organizations who want to learn about fundraising, philanthropy, and board governance in the U.S.

Elena is a member of the Appalachian Mountain Club’s “4,000-Footer Club,” and has enjoyed numerous outdoor adventure trips in the U.S. and abroad. She also enjoys skiing, film, theater, opera, gardening, and green building design.

Elena received her Masters in English Literature from Middlebury College, Bread Loaf School of English. She also has taken advanced courses in fundraising and nonprofit governance.

**DAVID P. PALLOZZI** - Assistant Dean for Admissions

A Portland native, David P. Pallozzi, became Assistant Dean for Admissions at Maine Law in November 2006. He received his A.B. in psychology in 1984 from St. Michael's College in Colchester, Vermont, and graduated from Notre Dame Seminary in New Orleans with a Masters in Divinity Studies.

David remained in New Orleans and began working for Loyola Law School as an Admissions Counselor in 1989. He moved to Philadelphia to became Director of Admissions at Villanova University School of Law in 1996, and was promoted to Assistant Dean for Admissions in 1998.

After ten years at Villanova, David returned to Maine to take the position of Assistant Dean of Admissions at Maine Law. In this position, he manages student recruitment and admissions, attends recruitment events, cultivates relationships with local and national pre-law advisors, and works to increase the minority student population. He also assists with the design and implementation of the Maine Law website.

David is an active member of the Law School Admissions Counsel (LSAC), volunteering on numerous committees and research projects. David was a member of its Services and Programs, Chair of the LSAC Gay, Lesbian, Bisexual, Transgendered Subcommittee, a member of the LSAC Newcomer Annual Meeting and Planning Group, a member of LSAC Misconduct and Irregularity in the Admissions Process Subcommittee, and a member of the LSAC Annual Meeting and Planning Group. He also participated in an LSAC Research Project in 2002 to determine other ways to achieve diversity without using race.

At Villanova, he was one of the founding members of the Gay-Straight Alliance. He was also a member of Villanova's Web site Committee, its Orientation Committee Co-Chair, a founding member of the Public Interest Fellowship Committee, and Charter member of the Public Interest Scholars Program.

David’s interests include gardening, fiction novels, baking, and restoring old houses. He is also the proud father of twin girls, Giovanna and Isabella.

**SHERRY L. ABBOTT** - Assistant Dean for Student Affairs

Sherry L. Abbott is the new Assistant Dean of Student Affairs at Maine Law as of June 2007. Most recently, she was an associate attorney at Norman, Hanson & DeTroy in Portland.

Sherry attended the University of Maine and earned her bachelor’s degree *summa cum laude* in 1995. A member of Phi Beta Kappa, she majored in History, minored in Women’s Studies, and complete the Honors Program. After graduation, she lived and worked in London as part of a work-abroad program.

In 1997, Sherry decided to return to the University of Maine to complete a Master’s degree in American History. Her thesis was entitled, “My Mother Could Send up the Most Powerful Prayer: The Role of African American Slave Women in Christianity.” She
also presented a paper before the American Historical Association's Pacific Coast Branch, about a murder trial following the death of two women on Smuttynose Island in 1873. The project developed her interest in the legal field. Following two years working as an academic advisor at the University of Maine, Sherry attended the University of Maine School of Law. While in law school, she served as the Articles Editor for the Maine Law Review and as a legal writing instructor. She spent her first summer clerking at a Portland law firm and her second summer as a summer associate at Norman, Hanson & DeTroy. In 2004, she graduated cum laude and she received the Award for Excellence in the study of intellectual property law from the ABA Section of Intellectual Property and from BNA, Inc. After law school, Sherry clerked for Justice Robert W. Clifford of the Maine Supreme Judicial Court. In her spare time, Sherry enjoys spending time at her parents’ cabin, traveling, reading, and supporting the UMaine football team. She lives in Portland.

Faculty

David Owen is Associate Professor at Maine Law. An expert in environmental law, Professor Owen has been in private practice in San Francisco, representing local governments and nonprofit organizations in land use, water resource, environmental, and constitutional litigation. His publications range from environmental law and policy to marine law matters. Prior to his legal career, he was a geologist and environmental consultant in Massachusetts. He received his B.A. from Amherst College and his J.D. from University of California, Berkeley School of Law (Boalt Hall). At Maine Law, he continues his research in environmental and marine law and teaches a range of related courses.

Angela Crossman Arey is Research & Writing Instructor at Maine Law. She is a summa cum laude graduate of Maine Law, where she served as editor-in-chief of the Ocean and Coastal Law Journal and co-chair of the Environmental Law Society. Her B.A. is from American University. Upon her graduation from Maine Law at the top of her class, she received the Faculty Scholastic Achievement Award, the Significant Achievement in Environmental Law Award, and the Significant Contribution to a Law Journal Award. After serving as law clerk to the Hon. Howard H. Dana of the Maine Supreme Judicial Court, she engaged in private practice in Portland and now returns to Maine Law to teach in our research and writing program.

Christopher Northrop is Associate Clinical Professor at Maine Law. Professor Northrop, among the leading juvenile defenders in Maine, is renowned nationally for his creative advocacy and serves as a consultant to the National Juvenile Defender Center in Washington. Drawing from his extensive experience in private practice and public policy, he developed the Maine Law School’s Juvenile Justice Clinical Program as a visiting professor in 2006. He now joins the faculty to continue supervising and building the juvenile justice program and to teach related courses. He earned his B.A. from Grinnell College, and a J.D. from the University of North Carolina School of Law.

Visiting Faculty

Charles H. Norchi - Visiting Professor
Charles H. Norchi is serving as Visiting Professor at Maine Law during the 2007-2008 academic year. An international lawyer, educator, and author, Dr. Norchi also serves as a Research Fellow at the Ash Institute for Democratic Governance and Innovation at Harvard University’s John F. Kennedy School of Government. He has lectured or consulted in two dozen nations and has taught and published widely in the areas of international law, human rights, oceans law, public policy, and nation-building. Dr. Norchi has worked extensively on law and human rights in Afghanistan, and has recently served as legal counselor to the United Nations Mission in the Democratic Republic of Congo. Norchi earned his A.B. at Harvard University, a J.D. from Case Western Reserve University School of Law, and from Yale Law School, he received both a Doctor of the Science of Law (J.S.D.) and a Master of Laws (LL.M.). At Maine Law, he teaches courses in international relations and maritime law, and is special advisor to the Marine Law Institute.

Laura Underkuffler - Libra Visiting Professor
Laura Underkuffler is the Libra Visiting Professor at Maine Law during the Fall 2007 semester. Dr. Underkuffler, the Arthur Larson Distinguished Professor at Duke Law School, has published widely in the United States and abroad in the fields of property theory, constitutional law, and the role of moral decision-making in law. She has worked internationally in projects concerning property rights and regime change, as well as the problem of corruption and democratic governance. Dr. Underkuffler received her B.A. from Carleton College, a J.D. from William Mitchell College of Law, and from Yale Law School, both a Doctor of the Science of Law (J.S.D.) and a Master of Laws (LL.M.). She has served as a fellow at the Woodrow Wilson International Center for Scholars, as special counsel in the U.S. Senate, and as a private practitioner in Minnesota. She has taught previously as a visiting professor at Harvard, the University of Pennsylvania, and Georgetown Law School, as well as at Maine Law in 1999 and 2006. She returns to Maine to teach property law to the first year class, as well as an upper-division course in property theory.

Joel Goldstein - Visiting Research Professor
Joel Goldstein is a Visiting Research Professor, appointed jointly at the Muskie School for Public Service (University of Southern Maine) and the University of Maine School of Law. Dr. Goldstein, the Vincent C. Immel Professor of Law at Saint Louis University School of Law, is a renowned presidential and constitutional scholar. He received an A.B. at Princeton University, then went on to Oxford University to earn a B.Phil and D.Phil in Politics, and then earned a J.D. from Harvard Law School. He has taught and published numerous books and articles on the executive branch, constitutional law, and admiralty law. A former Rhodes Scholar, Dr. Goldstein clerked in Federal District Court in Massachusetts and practiced law in St. Louis. While in Maine, he will focus his research on the work of former Maine Governor, U.S. Senator, and U.S. Secretary of State Edmund Muskie.
French Forum

In September 2006, the Law School hosted a luncheon for more than 60 guests to mark the publication of a symposium issue of the *Maine Law Review* entitled “French and American Perspectives on International Law and International Institutions.” Principal speakers were François Gauthier, Consul General of France in Boston, and Severin Beliveau, Honorary Consul of France for Maine.

The symposium issue, featuring a preface by M. Gilbert Guillaume, former President of the International Court of Justice, brings together articles by French and American scholars to address a number of controversial issues in international law in detail, while also providing broader perspectives on divergences in French and American thinking about international law and international institutions. This issue of the *Maine Law Review* continues to garner attention here and abroad.

The 15th Annual Frank M. Coffin Lecture

The University of Maine School of Law has the honor of welcoming Kenneth R. Feinberg as this year’s distinguished Coffin Lecturer. Feinberg was appointed in 2001 as the Special Master of the Federal September 11th Victim Compensation Fund. In this capacity, he developed and promulgated the regulations governing administration of the Fund and administered all aspects of the program, including evaluating applications, determining compensation, and disseminating awards.

Mr. Feinberg's presentation for the 15th Annual Frank M. Coffin Lecture on Public Service, entitled “*The 9/11 Fund: Private Pain and Public Compensation*,” is scheduled on October 18, 2007. He will engage in classes and other events with students and faculty at the Law School the following day. A long tradition at Maine Law, this annual event honors retired U.S. First Circuit Judge Frank M. Coffin and explores the intersection of law and public service.

Mr. Feinberg is an attorney and one of the nation’s leading experts in mediation and alternative dispute resolution. He is the managing partner and founder of The Feinberg Group, LLP. Feinberg received his B.A. *cum laude* from the University of Massachusetts in 1967 and his J.D. from NYU School of Law in 1970, where he was Articles Editor of the *Law Review*. He was a Law Clerk for Chief Judge Stanley H. Fuld, NY State Court of Appeals, 1970-1972; Assistant U.S. Attorney, SDNY, 1972-1975; Special Counsel, U.S. Senate Committee on the Judiciary, 1975-1980; Administrative Assistant to Sen. Edward M. Kennedy, 1977-1979; and, Partner at Kaye, Scholer, Fierman, Hays & Handler, 1980-1993. He currently is also Administrator of the Restitution Fund in *In Re: U.S. v. Computer Associates International, Inc.*., responsible for the design, implementation, and administration of a restitution fund exceeding $225 million. He founded The Feinberg Group, LLP in 1993.

Feinberg has been Court-Appointed Special Settlement Master, mediator, and arbitrator in thousands of disputes involving such issues as mass torts, breach of contract, antitrust and civil RICO violations, civil fraud, product liability, insurance coverage, and various commercial and environmental matters. He was also one of three arbitrators selected to determine the fair market value of the original Zapruder film of the Kennedy assassination and was one of two arbitrators selected to determine the allocation of legal fees in the Holocaust slave labor litigation. He has served as Adjunct Professor of Law at several law schools, including Georgetown, University of Pennsylvania, NYU, the University of Virginia, and Columbia.

Feinberg is currently a member of the National Judicial Panel, Center for Public Resources, and chaired the ABA Special Committee on Mass Torts, 1988-1989. He is also an arbitrator for the American Arbitration Association. He is the author of numerous articles and essays on mediation, mass torts and other matters and has recently published his book entitled, *What is Life Worth? The Unprecedented Effort to Compensate the Victims of 9/11* (PublicAffairs, 2005).
Climate Change Conference

Scientists, economists, journalists and policy makers convened in Portland in April 2007 to discuss the implications of climate change on fisheries in the Northwest Atlantic. The event, organized and hosted by the Center for Law and Innovation of the University of Maine School of Law, explored the latest scientific findings on changes in ocean salinity and temperature, while highlighting the need for additional scientific research and the high degree of uncertainty in predicting the effects of climate change on key fisheries in the region. Economists and marine resource managers debated how to create policies in light of scientific uncertainties, while journalists implored scientists to consider communicating their messages to the press as soon as possible, so important and complex issues get accurate public attention.

The workshop took place at the Gulf of Maine Research Institute (GMRI), a co-sponsor of the event. The meeting was funded with grants from the Baker Family Foundation, the Maine Community Foundation, and the Davis Family Foundation. It marked the first of what the Law School hopes are many collaborative projects with the ocean science and policy communities in general, as well as GMRI in particular. The proceedings were captured live and posted at the following site: http://lawandinnovation.blogspot.com. The Center for Law & Innovation is also producing a short book on the event that will be available soon.

Lecture by Yale Law School Dean, Harold Koh

Yale Law School Dean Harold Hongju Koh delivered a lecture at Maine Law School on September 17th (Constitution Day) entitled, “Repairing Our Human Rights Reputation.” Dean Koh is a leading expert on international law and a prominent advocate of human and civil rights. He served in the U.S. State Department from 1998 to 2001 as Assistant Secretary of State for Democracy, Human Rights, and Labor. He has published eight (authored and co-authored) books and numerous articles on international law, foreign relations, and constitutional law. His The National Security Constitution: Sharing Power After the Iran-Contra Affair (Yale University Press, 1990) won the American Political Science Association’s award as the best book on the American Presidency in 1991. He is a Fellow of the American Academy of Arts and Sciences, and the American Philosophical Society, and has been a Fellow of the Guggenheim Foundation and the Century Foundation. He has served on the Council of the American Law Institute, the Board of Overseers of Harvard University, the Board of Directors of the American Arbitration Association, the National Democratic Institute and Human Rights First, and the Board of Trustees of the Brookings Institution. He has been recognized with the 2005 American Bar Association’s Louis B. Sohn Award and Columbia Law School’s 2003 Wolfgang Friedmann Award for his outstanding lifetime contributions to international law and has received ten honorary degrees, two law school medals, and more than twenty-five awards for his human rights work, which includes the representation of Haitian and Cuban refugees before the US Supreme Court. Dean Koh, the Gerard C. and Bernice Latrobe Smith Professor of International Law at Yale, earned A.B. and J.D. degrees from Harvard, as well as M.A. and B.A. degrees from Oxford.

Orlando Delogu Earth Day 5K

This year, the Maine Law Alumni Association and the Environmental Law Society (ELS) joined efforts to sponsor the annual Road Race. In the past, the Alumni Association and ELS held separate races. This year’s race, the Orlando Delogu Earth Day 5 K, was held on April 21, and attracted 60 racers. The race is named after Maine Law Professor Emeritus and avid runner Orlando Delogu, who has organized and participated in the event for the past two decades.

The race was held at Back Cove Trail/Baxter Blvd in Portland. Following the race, there was a party held on the front lawn at the Law School. Proceeds from the event support a fellowship for a Maine Law student to pursue work related to environmental law.
Associate Clinical Professor E. James Burke continued his work as president of the Maine Civil Liberties Union and the MCLU Foundation; director of the Western Foothills Land Trust; and member of numerous public service committees. Burke made a presentation at the Association of American Law Schools conference in New Orleans in Spring 2007, discussing the Cumberland Legal Aid Clinic's prisoner assistance program.

Professor David Cluchey published a revised chapter of “Antitrust” in the 7th edition of Legal Medicine, a book widely used in medical schools. Cluchey’s article “Competition in Global Markets: Who Will Police the Giants?” was published in the Temple Journal of International and Comparative Law. In summer 2007, Cluchey was Site Director and Professor at the St. Petersburg Summer Law Program in Russia.

Professor James Friedman has been invited to present a paper on “Habeas Corpus in an Age of Terrorism” to the New England Conference of Appellate Judges in October 2007. His article, “Secrecy, Interrogation, and the Rule of Law” was published in November 2006 in Jurist.

Associate Professor Christine Galbraith played a central role in the Maine Law Review’s Fall 2006 symposium, “Closing in on Open Science: Trends in Intellectual Property and Scientific Research.” Her article, “Remembering the Public Domain,” was published in Fall 2006 in the Denver Law Review. Her article, “A Panoptic Approach to Information Policy” is forthcoming in the Journal of Intellectual Property. Galbraith was appointed as Chair of the University of Southern Maine’s Childcare Advisory Board.

Rita Heimes, Director of Maine Law’s Center for Law and Innovation, is working with the Jackson Laboratory on a study of intellectual property rights and licensing restrictions in the distribution of research mice. Heimes is also working, pursuant to a grant from the National Sea Grant Law Center, on the study of the various legal tools governing coastal access and use rights in Maine. She recently made a presentation on U.S. fisheries law at the Ocean and Maritime Law Center at the University of Nantes in France. In April 2007, she organized a workshop on “Climate Change and the Northwest Atlantic,” including experts in science, economics, public policy, journalism, and law.

Professor Colleen Khoury served as Chair of the Statewide Planning Initiative of the Justice Action Group (JAG). The year-long planning process has involved more than 100 individuals from all over Maine in the development of innovative strategies to increase access to Maine’s civil justice system for low-income individuals and others who experience barriers because of language, disability, age, geography, etc. The 50-page draft planning report was presented to JAG’s Board of Directors, which is chaired by Judge Kermit Lipez of the U.S. Court of Appeals for the First Circuit, at its July 2007 meeting.

During the first half of 2007, Professor Lois R. Lupica served as scholar-in-residence at the American Bankruptcy Institute (ABI) in Washington, D.C. In that role, she organized educational programming, provided bankruptcy information to Congress and the media, and participated in conferences in Denver, Washington, and New York City. Lupica wrote several ABI publications, website articles, and peer reviews of policy studies in bankruptcy. In addition to her work as ABI scholar, Lupica taught a seminar at Maine Law in Hot Topics.
in Bankruptcy and continued her work as reporter for the Maine Task Force on Ethics 2000. Her co-authored article, “Legislative Messaging and Bankruptcy Law,” was published in the Pittsburgh Law Review.


Associate Clinical Professor Christopher Northrop has developed the Street Law Project at the Preble Street Center in Portland. Through this project, Maine Law students from the Cumberland Legal Aid Clinic work with attorneys from KIDS Legal to provide free legal advice on education, health, housing, and delinquency matters to homeless and disadvantaged teens. Northrop also served on the faculty of the Ohio Juvenile Defender Leadership Summit entitled “Forty Years After Gault: Striving for Excellence in Juvenile Defense,” where he taught a five-part trial practice workshop for Ohio public defenders. He also organized a statewide CLE program in Maine on Juvenile Justice representation issues.

Dean Peter Pitoff presented a “one-year retrospective” talk last year at the American Bar Association Seminar for New Law School Deans in Columbus, Ohio. He was elected to the Board of Directors of Coastal Enterprises, Inc., a nonprofit community economic development and finance organization working in Maine and renowned nationally.


Professor Deborah Tuerkheimer’s article “Forfeiture Reconcepted: A Relational Approach to the Right of Confrontation and its Loss” is slated for publication in a symposium issue of the Journal of Law and Policy. Her article “Forfeiture in the Domestic Violence Realm” will be published in the online version of the Texas Law Review, and her article “Exigency” will appear in the Arizona Law Review. Tuerkheimer has been consulting with the Maine Coalition to End Domestic Violence, as well as advocacy groups in other states, regarding legislative efforts to pass a “course of conduct” battering statute similar to the one Tuerkheimer proposed in a previous article, “Recognizing and Remediying the Harm of Battering: A Call to Criminalize Domestic Violence,” which was published in 2004 by the Journal of Criminal Law and Criminology. Deborah Tuerkheimer was granted tenure and promotion to full professor as of Fall 2007.
Nancy Wanderer, Director of Legal Research and Writing, spoke to the York County Bar Association on the topic of “Legal Issues Regarding Communication.” Wanderer also serves as the lead faculty member for the judicial opinion-writing project for the National Center for State Courts. Her article, “Email for Lawyers,” appeared in the Maine Bar Journal.

During the Fall 2006 term, Professor Tom Ward served as a visiting professor at Notre Dame Law School. During his visit, he presented a short course on “Intellectual Property Collateral” as part of a continuing legal education program sponsored by the University of Notre Dame and the Indiana Bar Association. The 2006 edition of Professor Ward’s treatise Intellectual Property in Commerce was published by Thomson-West. In summer 2007, Professor Ward taught a short course on “Creditors, Debtors and Cyber-Property” at the “e-Law Summer Institute” in Cork, Ireland. The “e-Law Summer Institute” is co-sponsored by the Law Faculties of University College Cork and the Franklin Pierce Law Center in New Hampshire.

Professor Jennifer Wriggins’ article “Damages in Tort Litigation: Thoughts on Race and Remedies, 1865-2006” is included in a symposium issue of articles from an American Association of Law Schools (AALS) workshop, to be published by the University of Texas School of Law in the Review of Litigation. Her book chapter, “Whiteness, Equal Treatment, and the Valuation of Injury, 1900-1949,” is forthcoming in the Stanford University Press book, The Cultural Foundations of Tort Law. Wriggins presented “Race and Remedies: Damages in Tort Litigation” as part of the panel on Social Inequality and Monetary Relief. Wriggins also testified at a hearing before the judiciary committee in Augusta for the judicial nomination of the Hon. Valerie Stanfill, ’85.

Professor Melvyn Zarr continues to serve as Consultant to the Maine Advisory Committee on Rules of Criminal Procedure, which proposes amendments to those rules. Zarr also serves as a member of the Criminal Law Advisory Commission, which studies legislative proposals to amend Maine’s criminal statutes and reports the results of the studies to the Maine Legislature.

Professor Don Zillman published “Contemporary United States Energy Regulation” in the Journal of Energy and Natural Resources Law, co-authored with John Gulliver. Don Zillman and Evan Roth co-wrote “Strategic Legal Writing,” which was published by Cambridge University Press. Zillman remains on leave from Maine Law while serving as Interim President of the University of Maine at Presque Isle.

And Further Civic Engagement at Maine Law...

Leonard Agneta, Director of the Maine Patent Program, conducted more than a dozen public seminars and inventors’ forums on patent law and related topics during the 2006-2007 academic year, and presented at the Biotechnology Association of Maine Legislative Breakfast in March 2007.

Pamela B. Anderson, Director of the Maine Law and Civics Education program, was a panelist for presentation of the play, Laramie Project, as part of the Civil Rights conference at the Education Law Conference in July 2007 in Portland.

Elena Brandt, Director of Development and Alumni Relations presented in June 2007 a training for board presidents and nonprofit executive directors about how to solicit major gifts. A similar program will be presented in October. These pro bono trainings are part of the Institute for Civic Leadership’s ongoing educational series.

Christine I. Hepler, ’96, Associate Director of the Law Library, presented “Find It Free And Fast On The Net: Strategies for Legal Research On The Web” to local attorneys. Hepler’s article, “Researching Initiatives and Referenda: A Guide for Maine,” will be published in a double issue of Legal Reference Services Quarterly by year’s end. Hepler’s article “A Bibliography of Title IX of the Education Amendments of 1972” was provided to attendees at “Title IX Today, Title IX Tomorrow,” a conference sponsored by the Stanford Center on Ethics, in conjunction with the Aurora Forum presentation “Title IX At 35: A Conversation With Billie Jean King.”

Kathleen M. Mahoney, Law School Director of Administration and Robert Brooks, ’91, appeared in November 2006 on the Channel 6 TV program “207” as experts in human resources. Mahoney and Brooks, a partner at Verrill Dana, were interviewed about legal rights of employees who have been diagnosed with cancer. They are both trustees of the Cancer Community Center and made a presentation the next day at a conference.
Steven Rowe, ’87, was honored by the Maine Law Alumni Association for both his outstanding record of achievement as Attorney General, as well as for his steadfast commitment to working with countless students of the Law School. He was presented with the Alumni Association’s Distinguished Service Award on April 28 at the Maine Law Alumni Association Annual dinner at the Portland County Club. Prior to the dinner, Rowe’s classmates met for a mini-reunion (see photo on page 33). Dean Pitegoff, the Hon. Charles Dow, ’97, and Linda Conti, ’87, introduced and honored Rowe. Alumni Association Board President Michael Martin, ’89, presented the award.

Rowe also recently received the Joseph D. Kreisler Community Impact Award from Preble Street Resource Center in Portland, for “his dedication to social justice in real and concrete ways. He has worked tirelessly to remind each of us that we have a responsibility to all of us.”

1969
Gregory A. Tselikis, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.
F. Paul Frinsko, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.
Edward D. Leonard III, with Eaton Peabody in Bangor, was listed in the 2007 Best Lawyers in America.

1970
Malcolm L. Lyons, with Pierce Atwood in Augusta, was listed in the 2007 Best Lawyers in America.

1972
Peter DeTroy, with Norman, Hanson & DeTroy in Portland, was listed in the 2007 Best Lawyers in America.
Clifford H. Goodall, with Dyer Goodall & Denison in Augusta, was listed in the 2007 Best Lawyers in America.

1973
Rod Rovzar, with Norman, Hanson & DeTroy, was listed in the 2007 Best Lawyers in America.
Lee K. Bragg, with Bernstein Shur in Augusta, was listed in the 2007 Best Lawyers in America.

1974
Robert Moore was elected president and chief operating officer of Dead River Co. Dead River Co. is the largest petroleum products distributor in Northern New England and a major owner and developer of real estate. Moore joined Dead River Co. as vice president and general counsel and became senior vice president in 1998.

1975
Murrough O’Brien announced that he is in the process of closing his practice after 31 years. He began a part-time position with the firm of Jackson & MacNicol in Portland, continuing to work on Social Security disability claims.
Bryan M. Dench, with Skelton Taintor & Abbott in Auburn, was listed in the 2007 Best Lawyers in America.

1976
In May, early childhood professionals from across the country participated in a week-long online discussion with Holly Elissa Bruno. The topic was “Legal and Ethical Issues in Early Childhood.” Bruno has served as an Assistant Attorney General in Maine, Assistant Dean at Maine Law, and a Strategic Planner for the University of Maine System. Currently she is a partner in Bruno Duraturo Consulting of Boston, where her work focuses on personnel law issues. She has also published several articles on leadership in Exchange and Leadership Quest.

1977
Jack H. Montgomery, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.
Ronald N. Ward, with Drummond Woodsum in Portland, was listed in the 2007 Best Lawyers in America.

1978
Michael G. Messerschmidt, with Preti Flaherty in Portland, was listed in the 2007 Best Lawyers in America.
Gene R. Libby, with Verrill & Dana in Kennebunk, was listed in the 2007 Best Lawyers in America.
Mark Lavoie, with Norman, Hanson & DeTroy, was listed in the 2007 Best Lawyers in America.
1979

Karen B. Lovell, with Bernstein Shur in Portland, was listed in the 2007 edition of the Best Lawyers in America.

Charles E. Miller, with Bernstein Shur in Portland, was listed in the 2007 edition of the Best Lawyers in America.

1980

MaryGay Kennedy was appointed to the Maine District Court by Gov. John Baldacci. She has lately been a partner at Germani & Riggle in Portland, where she specializes in family law. She is the founding director of the Maine Court Appointed Special Advocate Program (CASA).

Michael Currie was appointed president of H.M. Payson & Co. Currie, who has been with the company since 1997, is also managing director, chief trust administration officer, and portfolio manager. Previously, he was a partner with Pierce Atwood.

Richard A. Shinay, with Drummond Woodsum in Portland, was listed in the 2007 Best Lawyers in America.

Robert J. Keach, an attorney with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.

1981

Michael Cantara was appointed to the Maine District Court by Gov. John Baldacci. He was previously Maine Department of Public Safety Commissioner for four years. Before that, he served as District Attorney in York County from 1991-2003.

Paul Driscoll, with Norman, Hanson & DeTroy, was listed in the 2007 Best Lawyers in America.

Jim Poliquin, with Norman, Hanson & DeTroy, was listed in the 2007 Best Lawyers in America.

James A. Houle, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.

1983

John A. Hobson, with Perkins, Thompson, Hinckley & Keddy, was listed in the 2007 Best Lawyers in America.

1984

Anne H. Jordan is the new Commissioner of the Maine Department of Public Safety. Jordan will oversee the Department’s nine bureaus: Capitol Security, Criminal Justice Academy, Drug Enforcement, Gambling Control Board, Highway Safety, Emergency Medical Services, Liquor Licensing and Compliance, the Fire Marshal’s Office, and Maine State Police. Jordan is the first woman to serve as Maine’s Commissioner of Public Safety.

The Portland Water District named Donna Katsiaficas as corporate counsel. Katsiaficas has more than 20 years of law experience. She spent 17 years as associate corporate counsel with the City of Portland, where she focused on real estate, contracts, as well as economic and community development.

Karin Tilberg, Senior Policy Advisor to Governor Baldacci, and Karin’s daughter Linnea, hiked up Mt. Katahdin with a distinguished group, including Governor John Baldacci and his son Jack; Baxter State Park Director Jensen Bissell; Alec Giffen, Maine Forest Service; and Scott Ireland, Executive Protection Unit of the Maine State Police. Despite being mid-July, it was foggy and temperatures were in the 50s at the top of the mountain, with wind gusts at up to 40 mph. The last sitting Governor to climb to the summit of Mt. Katahdin was Governor Kenneth Curtis, (’59, Portland University, precursor to Maine Law) in 1968.

Patrick J. Scully, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.

Evan M. Hansen, with Preti Flaherty in Portland, was listed in the 2007 Best Lawyers in America.

1985

Valerie Stanfill was appointed to the Maine District Court by Gov. John Baldacci. She most recently was a trial attorney with Troubh & Heisler. Prior to that, she was a visiting clinical professor at Maine Law, where she served as acting director of the Cumberland Legal Aid Clinic.

Gov. John Baldacci nominated Maine District Court Chief Judge Vendean Vafiades to serve as a member of the Maine Public Utilities Commission. Prior to attending Maine Law, Judge Vafiades worked for the Maine Women’s Lobby as a public policy advisor. From 1985 to 1986, she served as the first executive director of the Maine Science and Technology Board.

Timothy P. Benoit, with Perkins, Thompson, Hinckley & Keddy in Portland, was listed in the 2007 Best Lawyers in America.

Jonathan Brogan, with Norman, Hanson & DeTroy, was listed in the 2007 Best Lawyers in America.

Michael L. Sheehan, with Preti Flaherty in Portland, was listed in the 2007 Best Lawyers in America.

Richard F. Van Antwerp, with Robinson, Kriger & McCallum, in Portland, is in the 2007 Best Lawyers in America.

1987

Melissa A. Hewey, with Drummond Woodsum in Portland, was listed in the 2007 Best Lawyers in America.

1988

Pat Peard, with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.

Patricia A. Nelson-Reade, with the Law Office of Patricia A. Nelson-Reade,
Horst Köhler, President of the Federal Republic of Germany has appointed Adrian P. Kendall, ’92, an attorney with Norman, Hanson & DeTroy, as Honorary Consul to Maine and New Hampshire. The appointment ceremony took place on May 30, 2007. This appointment is an important step that recognizes the increasing strength of the economic and cultural ties between Germany and northern New England. Kendall is the first to hold this office in the entire New England region.

Kendall was first appointed as Vertrauensanwalt (trusted counsel) by the German Consulate General in Boston in 2000. As Honorary Consul, Kendall will focus his efforts on the continued enhancement of economic, academic, cultural, and political relations between Germany and the two states of Maine and New Hampshire. He also will perform traditional consular functions, such as providing consular protection and assistance to German citizens and businesses.

Kendall served as special advisor to Governor Baldacci on the 2004 Maine Gubernatorial Trade Mission to Germany and Northern Italy. In 2005, he was invited to brief Governor Lynch and other participants of the NH Trade Mission to Germany and the Czech Republic. He assisted the International Trade Centers of both states with respect to those trade missions, and is regularly consulted on German and European economic and trade matters.

Kendall, a former director of the World Affairs Council of Maine, frequently speaks at area high schools on the importance of foreign languages in career options for youth. His firm also sponsors a prize for the Maine German Student of the Year, which is awarded annually at the Blaine House. Kendall and his law firm have also hosted numerous visits to Maine and New Hampshire by German Consul General Dr. Wolfgang Vorwerk, a frequent visitor to northern New England.

Kendall recently spoke on legal issues arising in international trade at a seminar sponsored by the Maine International Trade Center. The program was entitled “The Tools of Trade: International Payments, Trade Finance and Legal Documents.” He is a member of his firm’s Commercial Law and Practice Group, and regularly advises Maine companies on doing business overseas. He also is active in assisting foreign nationals in the purchase and development of businesses in the United States. Kendall lives in Cumberland with his wife Rebecca and their sons George and Kurt.
1994

**Trevor Darrell** announced that he left the Suffolk County District Attorney's Office, Long Island, New York, where he has practiced for about two and a half years in order to establish a private office in East Hampton with attorney William Fleming. Darrell's practice focuses on criminal defense, East Hampton Code defense, as well as real estate and land use matters. He is married with an 18-month-old son, William James Darrell.

**Donald Kreis** is general counsel of the NH Public Utilities Commission. Among his other civic roles, he is his board secretary of the Concord Feminist Health Center, and is a member in the Leadership New Hampshire Class of 2007.

**Mikell Reed** is currently residing in Kailua, Hawaii and accepted a position with the Domestic Violence Clearinghouse and Legal Hotline in Honolulu, HI, as an Ex-parte Advocate.

**Peter S. Carlisle,** of counsel with Preti Flaherty in Portland, was listed in the 2007 Best Lawyers in America.

**Ryan Stafford** was named vice president, human resources, and general counsel of Littelfuse Inc. Stafford is headquartered in Portland, in 1997. Prior to joining the firm, Walker practiced legislative and regulatory affairs with Bernstein Shur. He also served as legal counsel to the Speaker of the House of Representatives, advising on constitutional, procedural, and policy issues, and served as counsel in several state election campaigns.

1995

**Alec Leddy** was appointed Clerk of the U.S. Bankruptcy Court for the District of Maine. Prior to his appointment, Leddy served as a career law clerk to the Hon. James Haines Jr. in Portland. Leddy practiced bankruptcy law with the Portland firms of Bernstein Shur and Drummond Woodsum before joining the court in 2001. He also served as a law clerk for Justices Roberts and Dana of the Supreme Judicial Court.

1996

**William Mason** became a shareholder in the Burlington, VT, firm of Gravel & Shea.

**Daniel Walker** joined Preti Flaherty as partner in the firm's legislative, regulatory, and governmental services practice group. He will focus his practice primarily on bringing client interests before the Maine Legislature and other state and federal governmental agencies. He will practice from the firm's Augusta and Portland offices. Prior to joining the firm, Walker practiced legislative and regulatory affairs with Bernstein Shur. He also served as legal counsel to the Speaker of the House of Representatives, advising on constitutional, procedural, and policy issues, and served as counsel in several state election campaigns.

1997

New Verrill Dana partner **John Giffune** is a member of the firm's construction law and litigation group. He has substantial experience representing owners, contractors, subcontractors, suppliers, and design professionals in litigation in the state and federal courts in Maine and Massachusetts.

**Ande Smith** has been recalled to active military service in the U.S. Navy. His December 2006 mobilization is expected to last 12 to 15 months, during which time he will be stationed in Djibouti, Africa. He will be assigned as the director of theater security cooperation for combined joint task forces, Horn of Africa.

**Michael A. Fagone,** with Bernstein Shur in Portland, was listed in the 2007 Best Lawyers in America.

1998

**Joseph McEacharn,** president of baseball's Eastern League, received the 2006 VanderZwaag Distinguished Alumni Award, presented annually by the sport management program at the University of Massachusetts at Amherst. McEacharn joined the Eastern League, which is headquartered in Portland, in 1997.

**David M. Austin,** with Eaton Peabody in Bangor, was listed in the 2007 Best Lawyers in America.

1999

**Michelle Giard Draeger and Scot Draeger** announced the birth of their daughter Sofia Abigail Giard Draeger on November 25, 2006. Michelle is a senior counsel in the enforcement division of the U.S. Securities and Exchange Commission in Boston. Scot is a senior vice president with Citigroup Global Corporation Investment Bank in Portland.

**John Veilleux** advanced to full membership at Norman, Hanson & DeTroy. Veilleux has practiced at the firm since 2000. He has focused his practice on automobile and premises liability, personal injury claims, construction disputes, and general litigation matters.

**Theodore Joyce** has relocated to Miami, Florida. He is a senior consultant with Deloitte & Touche.

**Timothy Bailey** joined the Department of Homeland Security's OGC as an Attorney-Advisor supporting the Office of Intelligence & Analysis (I&A). Bailey left the Rockingham County Attorney's Office, NH, in November, where he was a prosecutor for seven years.

**Joceline D. Champagne** received the 2007 Robert E. Kirby Award from the New Hampshire Bar Foundation. Champagne coordinates the NH Pro Bono Referral Program Taxpayer Project and eviction defense SWAT team (Swift Working Attorneys for Tenants) efforts. The purpose of the award is to honor an attorney 35-years-old or younger, who demonstrates the traits of civility, courtesy, perspective, and excellent advocacy. In her current...
role, she helps low-income taxpayers with federal tax controversies, including Earned Income Tax Credit audits, Social Security levies, and innocent spouse claims. She also coordinates the panel of attorneys willing to take cases on short notice to prevent unlawful evictions.

Karen Kimball Hartford was named partner in Verrill Dana’s employee benefits and executive compensation group. Her practice includes advising employers, governmental entities, and tax-exempt organizations with respect to design, compliance, and administration of employee benefit plans.

2000

John Turcotte and Anna Turcotte, ‘03, announced the birth their son, Armen Lucas Turcotte. Armen was born on in Portland on January 10, 2007.

U.S. Air Force Captain Jeremy Davis was assigned for a six-month deployment to Baghdad’s Victory Base Complex. Davis works as a detainee operations attorney at Headquarters Task Force 134 Legal, handling cases of persons held in Coalition Forces custody at Theater Internment Facilities in Iraq.

Stephanie Flanary sent in an update on her work with the Appalachian Research & Defense Fund in Richmond, Madison County, KY, which represents low income individuals in civil cases. She has two children: Ethan, age four, and Kathryn, age two.

Sarah McCarthy has joined the Bangor law firm of Eaton Peabody in its Labor and Employment division. Previously, McCarthy served as State Office Representative to United States Sen. Susan Collins.

2001

Lisa Williams married Scott Bourcier on Sept. 2, 2006 in North Hampton, NH. Williams is the director of administration at Borofsky, Amodeo-Vickery & Bandazian, a general practice firm in Manchester, NH.

Kevan Lee Rinehart joined Bernstein Shur’s business law practice group. She will focus on corporate formations, mergers and acquisitions, and securities law. Rinehart was with Perkins Olson before joining Bernstein Shur.

Paul Foley joined the firm of Green & Seltzer in Albany, NY, as a land use attorney.

Adam Cote, who served in the Maine Army National Guard’s 133rd Engineer Battalion in Iraq in 2004 and 2005, announced his candidacy on May 11 for Maine’s First Congressional District. Cote will seek to replace U.S. Rep. Tom Allen, who is challenging Sen. Susan Collins for her Senate seat.

2002

Patricia Weidler was named partner at Linnell, Choate & Webber in Auburn. She focuses on family law, workers compensation, juvenile defense, and guardian ad litem cases. Prior to joining the firm in 2003, Weidler clerked for Justice Levy of the Maine Supreme Judicial Court. Before law school, she taught high school, adult education, and college for many years in the Rumford-Mexico area. She has one son who is studying mechanical engineering.

2003

Wendy Alley has her own practice located in Yarmouth. She focuses on elder law and advocacy.

Anna Turcotte and John Turcotte, ‘00, announced the birth their son, Armen Lucas Turcotte. Armen was born in Portland on January 10, 2007.

John K. Hatch joined Pierce Atwood LLP in the firm’s litigation practice group. Previously, he was a litigator at Friedman, Gaythwaite, Wolf & Leavitt in Portland and McLane, Graf, Raulerson & Middleton in Manchester, NH. Hatch lives in South Portland.

2005

Jennifer Kruszewski joined the Portland firm of Epstein & O’Donovan LLP. She joined the firm in May 2006 straight from the LL.M. program at the University of Florida. She received her undergraduate degree from the University of Vermont. Her firm focuses on wills and trusts; administering estates; planning family business succession; estate and gift tax issues; probate and trust litigation matters; and advising charitable organizations.

Stephanie Williams has joined the Portland office of Perkins Thompson as an associate after serving a clerkship in the Maine Superior Court. She practices in the area of civil litigation.

Uma Outka has made the move to Tallahassee to accept the position of Legal Director with a non-profit smart growth advocacy organization called 1000 Friends of Florida. She previously practiced with Verrill Dana. The website of her organization is www.1000friendsofflorida.org.

2006

Justin Boothby joined the firm Orr & Reno located in Concord, NH, as a general practitioner. He has extensive experience in the financial services and technology industries, and worked as a technology analyst covering financial services technologies.

Nicole Bradick has joined Murray, Plumb & Murray as an associate. Her practice will focus on civil litigation including special education, corporate law, and land use. She graduated summa cum laude from Maine Law, and received the Faculty Significant Achievement Award upon graduation.

Alicia Curtis has been hired as an associate at the Portland office of Lambert Coffin. After receiving her B.A. from Reed College in Portland, Oregon, she earned an M.S.W. from Boston University and practiced as a psychiatric social worker before entering the law. She graduated summa cum laude from Maine Law. During law school, she was awarded the Hon. Daniel E. Wathen First Year Legal Writing Prize. Upon graduation, she received the Faculty Significant Achievement Award.
Wil Smith, ’06, was recently appointed as Associate Dean of Multicultural Student Programs at Bowdoin College. A 2000 graduate of Bowdoin, he previously held the position there of Assistant Dean of Student Affairs and Director of Multicultural Student Programs. Smith earned his J.D. from Maine Law in 2006, and chose to return to Bowdoin rather than pursuing a career in law.

As Associate Dean, Smith will serve as advisor to historically underrepresented student groups, including students of color and first generation college students from economically disadvantaged backgrounds. He will serve as a liaison between the College and families of students of color. Smith will be responsible for campus-wide programming to support underrepresented students and educate the full campus community on student diversity-related issues.

Smith’s inspiring personal story was recently featured on The NBC Nightly News with Brian Williams. The series, “Making a Difference,” told the story of how Smith, a single-father student, became a role model, mentor, and friend to so many around him. He was a single father with full custody of his then eleven-month-old daughter, Olivia, when he entered Bowdoin in 1996. He had just completed seven years of service as an avionics technician in the Navy, the most recent of which were spent at the Brunswick Naval Air Station. After graduation, Smith began to work at Bowdoin, taking a few years off to attend law school. He co-directed the Seeds of Peace Program in the summer of 2007. Wil Smith is a mentor and friend to many students at Bowdoin College, a coach for Portland’s Catherine McAuley High School basketball team, and an inspiration to many.

Brianne Martin, ’07 and Ben Jenkins, ’07 completed a 3-day civil jury trial in May, just before their graduation, in front of U.S. District Court Judge D. Brock Hornby. The Law School’s Cumberland Legal Aid Clinic was asked by the court to represent a plaintiff who alleged that he was subjected to excessive force as a pretrial detainee in the Knox County Jail. The client, presently in Maine State Prison, had been representing himself through pleadings, discovery, and summary judgment phases. His claims against four officers got past summary judgment and the case was set for trial.

At this point, Magistrate Margaret Kravchuk contacted the Clinic. As clinical students, Martin and Jenkins did every step of the trial themselves — pretrial filings, opening statement, witness examinations, sidebar conferences, and closing arguments. The level of lawyering (at least) matched that of defendants’ counsel and the court, client, and opposition were all quite impressed. The jury returned a verdict for defendants (no one was surprised, perhaps not even the client), but it was certainly not due to the quality of representation provided by Martin and Jenkins (whom the client referred to as his “dream team”).

“It’s no small feat for a practicing lawyer to navigate the formal and sometimes arcane rules of federal court, so it is truly remarkable for law students to practice law at this level,” said Deirdre M. Smith, Assoc. Professor of Law and Director of the Cumberland Legal aid Clinic. Moreover, this case involved several complicated evidentiary issues, some surprising twists and turns of events, and unsettled law on the appropriate legal standard to apply. A significant number of important rulings were won by the Clinic, thanks to the skilled argument (both oral and written) presented by Martin and Jenkins.

Steven Gerlach joined the Portland office of Bernstein Shur as an associate. A member of the firm’s tax and estate planning group, Gerlach will focus on corporate taxation and employee benefits. Gerlach served as an intern in the appellate division of Maine Revenue Services and the Maine Office of the Attorney General. He also served as an extern for the Workers’ Compensation Advocacy Division.

Julia Greenleaf joined the Lewiston law firm of Laskoff & Associates in their trial department.

Lauren Hall joined the Pease Law Firm in Rockland as an associate. Pease Law Firm focuses on real estate matters, estate planning and administration, as well as corporate and business transactions.

Sean Sweeney joined Pierce Atwood’s litigation and intellectual property practice groups. Prior to joining the firm, he worked at the Maine Patent Program. Sweeney, who earned his undergraduate degree at Colby College, received two graduate degrees from Boston University.

Gabriel Weiss announced his marriage to Sarah “Sally” Wyman of Cape Elizabeth. The wedding took place on February 24, 2007 at Camp Hammond in Yarmouth. The wedding was officiated by Rosie Williams, ’06.
Giving Options to Benefit the University of Maine School of Law Foundation

We all know that the easiest and quickest way to contribute to the University of Maine School of Law Foundation, the charitable organization created by graduates and friends of the Law School, is to write a check for an unrestricted gift.

The gift of current cash may either be put to immediate use to fill a current need or it may be added to an existing fund or to the Foundation’s investment portfolio to provide income for current and future needs.

You may not know, however, that there are a number of other ways in which donors can benefit the Law School through gifts to the Foundation, some of which allow the donor to continue to enjoy benefits from the contributed property for the lifetime of the donor or another beneficiary. Many of these methods, often called “planned gifts,” involve the integration of the donor’s charitable, family and financial goals. Planned gifts may require more technical expertise to execute and may not benefit the intended charity until a future date.

Publicly-traded securities are also often used to fund charitable contributions, for several reasons: 1) they do not require the expense of an appraisal; 2) they are relatively simple for the donor to transfer electronically and for the charitable recipient to liquidate; and 3) when the securities are highly appreciated, they provide both a larger donation and a greater tax deduction than a donation of cash equal to the cost of the securities would provide. In many cases, the donor of appreciated securities is entitled to a current income tax deduction equal to the fair market value of the securities, rather than the cost, and the donor will not recognize capital gains if the Foundation later sells the donated assets. If the donor chose, instead, to sell the securities and then make a donation of the proceeds, he or she would be taxed on the capital gain realized and would have only the net, after-tax proceeds to give to the Foundation.

A bequest is another relatively uncomplicated method of making a significant gift to the Foundation. A bequest can be for a specific amount, for a percentage of the donor’s estate, or it may involve a specific asset or piece of property, and the language creating the bequest in the donor’s will can often be as simple as “I hereby give $_________ to the University of Maine School of Law Foundation, to support the objectives and purposes of the University of Maine School of Law.” More sample language can be found on the Foundation’s website (www.mainelaw.maine.edu/alumni.aspx) for donors who wish to restrict bequests to specific purposes or to the Foundation’s endowment. While the donor’s bequest may not benefit the Foundation and Law School until many years later, the Foundation will benefit in the future and the donor will retain full control over those funds during his or her lifetime.

There are other ways for a donor to make a gift to the Law School Foundation without relinquishing all interest in the donated assets. The donor may enter into a Charitable Gift Annuity (“CGA”) agreement, in which cash or other assets are transferred to the Foundation in exchange for a fixed amount (the annuity) to be paid to the donor (or another person chosen by the donor) for the individual’s lifetime. When the donor chooses to transfer appreciated, low-yielding securities to fund the CGA, he or she may receive a much higher level of current return from the annuity payments than would be
earned from those securities. In addition, the donor will likely also receive a significant tax deduction for the gift. The donor's annuity payments will be based on actuarial tables developed by the American Council on Gift Annuities, and each payment will be composed of both taxable income and a tax-free return of the principal contributed to the annuity. Annuity payments may begin immediately or may be deferred to begin at a date in the future, depending on the age and cash flow needs of the beneficiary or beneficiaries.

Another gift vehicle that allows a donor to retain benefits from the donated property is a Charitable Remainder Trust, which can take one of two forms. With a Charitable Remainder Annuity Trust (“CRAT”), the donor transfers property to a trustee, pursuant to a trust agreement, in exchange for periodic payments (at least annually) from the Trust for either a beneficiary’s lifetime or for a term of years. The payments are based on a certain percentage, stated in the trust agreement, of the fair market value of the transferred assets at the creation of the CRAT; the payments will remain the same until either the death of the beneficiary or the expiration of the term of years, at which time the Foundation will receive the assets that remain in the Trust.

The second type of Charitable Remainder Trust is called a Charitable Remainder Unitrust (“CRUT”), whereby assets are also transferred to a trust, but the periodic payments are based on a percentage of the CRUT’s value as recalculated each year, rather than only at the inception of the Trust. If the Trust’s value appreciates, the beneficiary will receive higher payments for that year; conversely, if the Trust’s value decreases, the beneficiary’s payments will decrease as well. One significant difference between the CRAT and the CRUT is that a CRUT may receive additional funds after its creation, while a CRAT may be funded only at inception. With both of these vehicles, the Foundation does not receive the assets transferred to create the CRAT or CRUT immediately, but the donor is able to put into place a major gift that will benefit the Foundation and Law School at some future date.

This overview does not in any way provide an exhaustive list of the many forms of planned gifts, which, in addition to the above methods, may also involve the transfer of real estate interests, retirement benefits, insurance policies, and other types of trusts. In future issues of this magazine, we will explore some of those methods in greater detail and will provide examples of individual situations that might benefit from the use of one or more of those methods.

In the meantime, we encourage you to consult your own estate planning professional and other financial advisors, and we welcome your inquiries, whether they are for your own planning purposes or to benefit your clients. Please contact Elena Brandt at (207) 780-4521 or ebrandt@usm.maine.edu for further information on how you can help support the University of Maine School of Law through the Law School Foundation with a tax-deductible gift.

WHERE THERE’S A WILL...

There is a way to sustain excellence in one of New England’s finest law schools by ensuring Maine Law’s ability to provide needed scholarship aid, support the scholarly work of an outstanding faculty, offer vibrant clinical experiences, and maintain nationally renowned programs in Ocean, Coastal, and Environmental Law and in Intellectual Property Law and Commerce.

Please remember the University of Maine School of Law in your will or estate plans.

For more information, contact Elena Brandt
Director of Development and Alumni Relations
University of Maine School of Law
207-780-4521
ebrandt@usm.maine.edu
In Memoriam

Abigail Holman, ’91

The Law School community was deeply saddened by the untimely death of Abigail Holman, ’91. She died April 7, 2007 from injuries sustained while participating in a charity ski race at Sugarloaf. She was born in Lewiston on March 28, 1962. Holman studied political science at the University of Puget Sound in Tacoma, Wash. She then returned to Maine where she became a registered Maine Raft Guide. During this time, she taught high school history.

Holman was successfully elected in November 2006 to the Maine House of Representatives for District 83, which covers the towns of Manchester, Belgrade, Mount Vernon, Vienna, and Fayette. In December 2006, she joined the Augusta firm of Lipman, Katz & McKee, where her areas of practice were in environmental law, insurance, and litigation. Previously, she was executive director of the Alliance for Maine’s Future, as well as for the Maine Forest Products Council. She also practiced with Pierce Atwood’s lobbying and governmental relations departments, and served as legislative director for Gov. John McKernan. She is survived by a daughter, Maura Molly Weegar.
When Judge Fred Torrisi, ’74, had the opportunity to find someone for a year-long clerkship in the remote Alaskan town of Dillingham, where he chose to build his career more than thirty years ago, naturally he went to Maine Law to find someone to join him.

That individual was Maine Law graduate Ruth Qi, ’06, who came from a city of nearly 10 million people in China in order to go to Maine Law. The next step in her journey brought her to a clerkship in rural Alaska, where she literally walks from one end of town to the other in a matter of minutes.

“After that,” Qi says, “you’re in the tundra.”

But, Qi says, it is the same desire to travel and to keep learning that drove her decision to emigrate to America, attend Maine Law, and eventually to accept the clerkship in Dillingham.

“I really like to travel. Some people say I’m quite adventurous, and I think that might be true,” says the 32-year old. “For me, being able to work in such a unique place is simply fascinating.”

Where Qi clerks for Torrisi is primarily a fishing village located in far southwestern Alaska, on Nushagak Bay on the Bering Sea. It is a town of about 2,000 people, where the population is mostly Alaskan Eskimo. Qi describes the “center” of town as consisting of two grocery stores, a bank, a post office, “City Hall,” and a couple of hotels.

Without a major highway connecting Dillingham with the major Alaskan city of Anchorage, the only way to get in and out of Dillingham is by airplane—the kind that seats about 15 to 30 people. The unique landscape of the remote village dictates travel as well as nearly all other aspects of life.

“The first night I got there the sun was still out at 11:30 in the evening,” Qi recalls, adding, “that was the first time I saw the sun set that late.”

Qi said that Torrisi was honest in his depiction of Dillingham in her early conversations with him about the clerkship. He warned her that there were few opportunities there to socialize and that winters there were long and dark. The weather in Dillingham is, according to Torrisi, a “notch more extreme” than in Maine.

“Sometimes you feel lonely or winter here is too long. ... It would be hard to live here for a long time. You have to make sure you’ll be able to take all the challenges,” Qi says. But, despite the challenges, she finds the Alaskan landscape beautiful and the lifestyle in a small town appealing for her and her six-year-old son Max.

“I somehow feel like this place is like home,” she says. “It just feels comfortable living here. I do hope that I would stay longer.”

Location aside, however, Qi’s clerkship is much like any other, Torrisi explains. Qi assists with researching, writing memos, and court reporting, as well as processing motions and appeals. The clerkship affords Qi the ability to work on a wide variety of cases, both civil and criminal.

“She’s diligent,” says Torrisi. “She comes to work ready to learn, ready to do something. She’s been helpful. She’s obviously an extremely open and interested person, who still enjoys learning.”
Alumni Events

BELOW: Unum was well represented at Maine Law’s alumni Association annual dinner in April by both alums and non-alums. Seated from left to right: Barbara Furey, Stephen Walker, Matthew Monaghan, Michael Parker and Andrew Bernstein, class of 1980. Standing from left to right: Joseph Hochadel ’74, Stephen Rowe ’87, Joan Sarles Lee, Miles Archer ’00, and John LoBosco.

ABOVE: William P. Shumaker, Kristin A. Gustafson, Margaret L. (Cushing) Lavoie, Arthur J. Lamothe, Joyce A. Oreskovich, G. Steven Rowe, and Margaret E. Gallie.

ABOVE: Alums from the Maine Law Class of 1987 at their 20th reunion cocktail party in April at the Portland Country Club. From left to right, William P. Shumaker, Kristin A. Gustafson, Margaret L. (Cushing) Lavoie, Arthur J. Lamothe, Joyce A. Oreskovich, G. Steven Rowe, and Margaret E. Gallie.

BELOW: David Cogliano ’95, J.T. Mann ’94, Christine Vito ’93, Tom Loureiro ’97 at Boston Alumni reception held at the law offices of Bromberg and Sunstein in June.
# Fall 2007 Calendar of Events

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