Spotlight on
ENVIRONMENTAL LAW
Professors Dave Owen and Sarah Schindler

Inside
Race and Law
International Reach
Judge Frank Coffin
Dear Friends,

Edward S. Godfrey, founding dean of the modern University of Maine School of Law, predicted in 1965, “The future of the school looks bright . . . . [It] should become a powerful force for good in the life of the state.” He wrote further that the school was designed not just to provide a sound legal education, “. . . but also to contribute the benefits of scholarly research to the university world, agencies of government, and the community in general.”

I am pleased to report that, almost 50 years later, Maine Law has realized Dean Godfrey’s vision and more.

The arc of history

The University of Maine School of Law has come a long way over the past century. It was founded initially as the University of Maine School of Law in Bangor in 1898 when only 45 other law schools existed in the U.S., and was followed by a series of successor institutions until its merger with the University of Maine System in 1970. Maine Law has emerged today as a nationally recognized institution competing effectively with more than 200 other law schools nationwide.

The 1964 entering class of 22 students came from seven states and 12 different colleges. The 2010 entering class of 95 students came from 20 states and 60 different colleges, joined by exchange students from overseas. Applications to the Law School increased in 2010 by more than 60 percent from the previous year, compared with a 7.4 percent increase in applications to all law schools nationwide. Consistent with national trends, applications in 2011 decreased modestly from last year’s high, but the Law School continues apace in attracting strong applicants from near and far.

The Princeton Review rated our Law School among the top five nationally this year as most welcoming to older students, and preLaw magazine placed us among the 40 best law schools nationally for public interest. As the legal profession experiences rapid change, we are preparing our students for a wider range of careers in multiple arenas and expanding our institutional role in informing public policy, contributing to economic development and promoting justice.

Faculty excellence and impact

The cover story for this issue of Maine Law Magazine reflects this vibrant vision of today’s University of Maine School of Law. Professors Dave Owen and Sarah Schindler are in the eye of the storm of environmental sustainability. Their teaching and research in environmental, property, administrative, land use, and natural resources law have a direct and constructive impact in addressing Maine’s challenges, while informing policy on a national stage.

This robust combination of academic excellence and practical application to societal needs resonates throughout the Law School community. In these pages, you will read about Clinical Professor Christopher Northrop and our Juvenile Justice Program, which plays a leadership role in improving the juvenile justice system in Maine and gave rise to the Law School’s designation as the New England Juvenile Defender Center; Professor Lois Lupica’s timely national study of the impact of bankruptcy law in this era of foreclosures; a cutting edge new book by Professor Jennifer Wriggins on the intersection of race and torts; and work around the world by Professors David Cluchey, Martin Rogoff and Charles Norchi, connecting the Law School and our Marine Law Institute to collaborations in France, Russia and Hong Kong. In a record year for faculty scholarship, our professors have published five books this year, in addition to numerous articles and presentations, as described in the faculty accomplishments section of this magazine.

We are pleased to welcome Malick Ghachem (JD Harvard, PhD Stanford), who joined our faculty in September, 2010. Prof. Ghachem practiced law in Boston from 2005 to 2010 in criminal defense, employment discrimination, and commercial litigation, and served as a lecturer in political science at the Massachusetts Institute of Technology. We were joined as well for the fall 2010 semester by Dr. Laura Un-
Looking ahead

Our students continue to step up as civic leaders whose public service makes a tremendous difference in Maine and beyond. Ryan Royce (’11) was recently accepted into the highly competitive U.S. Department of Justice Honors Program. Morgan Maxwell (’10) is a U.S. Presidential Management Fellow, a two-year paid fellowship sponsored by the U.S. Office of Personnel Management. Andrew Clearwater (’09) was appointed as our inaugural Law & Innovation Fellow, after receiving his LLM in Global Law and Technology at Suffolk University Law School and completing his work as a research assistant at Harvard’s Berkman Center for Internet and Society.

In April 2010, we honored former Maine Chief Justice Vincent McKusick and celebrated the launch of the McKusick Diversity Fellowship, with two fellowships awarded thus far. Our first two McKusick Fellows—Justin Costa (2L) and Danielle Cardona (1L)—are student leaders with a commitment to building on Maine Law’s progress in diversity. Our enrollment of minority students has increased dramatically in the past few years, reinforced by our faculty and student exchange program with Howard University Law School. The Law School aspires to be a model for Maine at a time of dramatic demographic change.

The economic downturn and changes in the legal profession present a challenging job picture for our students. Our Placement Task Force is addressing this issue and developing strategies to support our students and recent graduates. Our Board of Visitors has joined this effort through its placement working group. With philanthropic support from friends and alumni, we offer a summer fellowship program for students working in the public interest. Our wide-ranging externship program places students in a range of work settings for credit and formative outreach.

The Law School’s institutional relationships, such as our evolving relationship with the U.S. Patent and Trademark Office (USPTO), give rise to networking support for our students and recent graduates in launching their legal careers, as described in this issue by two Maine Law student interns at the USPTO. With support from David Kappos, USPTO Director and U.S. Undersecretary of Commerce, the Law School is working with the agency on pilot programs that will enhance our recruitment, job placement, and educational program. We are broadening our curriculum and encouraging our students to use their law school education as a springboard to a wide array of work opportunities in law, government, business and the nonprofit community.

Stellar students and career challenges

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Looking ahead

We marked the passing last year of Judge Frank M. Coffin, a remarkable man who leaves an inspiring legacy to the lawyers of tomorrow. In this issue are warm and thoughtful reflections from Jeffrey Lehman, Chancellor and Dean of the Peking University School of Transnational Law in Shenzhen, China, and a former clerk for Judge Coffin. The Maine Law Review has published a symposium issue dedicated to the Judge’s legacy, and the Maine Law Library is working collaboratively with others to publish a treasure trove of Judge Coffin’s public speeches. Although we mourn the loss of a dear friend, we also celebrate Judge Coffin’s amazing life and keep moving ahead with energy and optimism, as he certainly would have us do.

As a public law school, we take our service mission seriously, and our students play a central role. An ethic of public service is pervasive. Students and faculty in the Cumberland Legal Aid Clinic make a huge difference in people’s lives, while the Maine Patent Program and Intellectual Property Clinic together assist inventors, facilitate technology transfer, and contribute to state research and development policies. At a time of turmoil in financial markets and regulation, our Governance and Ethics Symposium Series at the Law School engages national experts and regional leaders from the private sector and the nonprofit community. With generous support from attorney and civic leader Catherine Lee, we have established the International Justice for Women Lecture Series, an endowed program that will bring speakers to Maine annually to discuss good work and strategies to benefit women and girls in the developing world.

Our extended Maine Law community keeps us engaged and looking ahead. The Honorable Leigh Saufley (’79), Chief Justice of the Maine Supreme Judicial Court, shares some personal thoughts in her interview for this magazine. As part of a continuing series, we place a spotlight on several of our alumni in a selected area of practice. For this issue, in sports and entertainment, they are Gary Thorne (’73), Paul Greene (’07), Matt Lane (’09), John W. Bride (’64), and Peter Carlisle (’94).

The University of Maine School of Law Foundation, together with our Board of Visitors, is stepping up efforts in seeking long-term finance and major gifts to support our students and enable us to achieve our vision. The Alumni Association continues its active participation in the Annual Fund, so central to our current operation in supporting student scholarships, summer fellowships, faculty research, and distinguished visitors. We extend our sincere thanks to so many alumni and friends for your consistent and generous support.

We are advancing steadily toward our goal of an even greater University of Maine School of Law—a center of intellectual excellence, a top-notch teaching and research institution, a pivotal player in Maine’s economic development and public policy, a destination point for students and faculty from around the state and around the world, and an engine for justice. In the midst of financial challenge and uncertainty in higher education, the state of the Law School is strong and our trajectory is exciting.

I hope you enjoy this issue of Maine Law Magazine.

Peter Pitegoff
Dean, University of Maine School of Law
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The Honorable Leigh Saufley is Chief Justice of the Maine Supreme Judicial Court. After graduating in 1980 from the University of Maine School of Law, Chief Justice Saufley served as deputy attorney general, Maine District Court Judge, and then Maine Superior Court Justice. She was appointed as an Associate Justice of the Supreme Judicial Court in 1997 and as Chief Justice in 2001.

What aspects of the job do you enjoy the most?
As an appellate justice, nothing compares with an intense oral argument followed by lively discussion with my colleagues. As an administrator, I find it most rewarding to work across branches of government and within communities to solve problems.

How do you balance your administrative and Judicial Branch responsibilities with your role as an appellate justice?
Balance is overrated! Like many of my colleagues, I work long hours, and I enjoy almost every minute of it. Because administrative responsibilities demand my time during regular courthouse hours, I do much of the reading and writing for the appellate work at night and on weekends.

What is one thing you learned when taking the Law Court on the road to Maine high schools and, occasionally, middle schools?
The students’ interests are not confined to sensational cases; students have had lively discussions on issues of land use, the common law of torts, and even administrative law.

Who has been your greatest inspiration?
My parents, Jan and Dick Ingalls. They modeled for my brothers and me the importance of hard work and commitment to community. They remain involved in local business, community, and government, and they still manage to put family first. I have always said that I was brilliant in my choice of parents.

Finish this sentence: You wouldn’t catch me dead without . . .
Diet Mountain Dew . . . and an ability to laugh. Laughter keeps us from negativity, binds us together, and makes even the toughest days bearable.
To have served as one of Frank Coffin’s law clerks is to have received the finest imaginable apprenticeship. For an entire year, my co-clerks and I were his students, helping him do his work and all the while absorbing life-changing lessons from his example. Here are six attributes of Judge Coffin that penetrated deeply into my consciousness, so deeply that I was moved to share them with a group of Chinese law students the week after he passed away.

PERFECTIONISM. Judge Coffin wanted every bit of work he produced to be his best. He dreaded deciding a case wrongly, writing a bad opinion, even writing a bad sentence in a good opinion.

Some perfectionists aggressively impose this value on others, but Judge Coffin followed a different tack: Whenever we law clerks produced inadequate work, he acted as if we had tried our best but had come up short because we were incapable of better.

He would always praise our effort. Then he would gently ask a question that laid bare our failings, prompting us to revise our work voluntarily. When we were beyond that stage, he would in the privacy of his chambers undertake a painstaking edit, in an immaculate if tiny hand.

The technique was a remarkable motivator. We did not want him to think that we lacked ability; we wanted him to think that we were great.

Accordingly, we raised our level of professional care in order to increase the likelihood that he would conclude both that we were talented and that we shared his standards of quality.

HARD WORK: Judge Coffin stayed up late at night, and he woke up early in the morning. He did whatever he needed to ensure that his work was perfect.

As was the case with his perfectionism,
Judge Coffin never told us to work hard. Quite the contrary: he told us that we were his guests for the year in Maine and we should take time to explore and enjoy its many delights. And once again, we each chose to increase our level of work effort, as we came to emulate the Judge’s sense of duty to our work.

**LANGUAGE:** Judge Coffin loved words. Funny words, strange words—he loved finding the perfect word to capture his ideas. He read widely, and it delighted him whenever an author offered up a new word to incorporate into his repertoire.

We all loved the way the Judge wrote. We did our best to learn to write like him. We sought out *les mots justes* to express our (or his) thoughts. And we came to see the value of taking pains to write in ways that our readers would enjoy reading.

**PEOPLE:** Judge Coffin believed that all people are important, and he believed that sometimes important people are less important than ordinary people. He was profoundly interested in what other people thought and said—especially those who seemed to be living more challenging lives. He was deeply concerned that the justice system might not hear the poor as clearly as it hears the rich, and he did his best to guard against that bias in his personal as well as his professional life.

Every Coffin clerk was touched by this aspect of our mentor. He taught us that listening—real listening—requires concentration and effort, but repays those investments many times over. And by his example he inspired us to commit some portion of our energies to making the world a little more just towards those less fortunate than we.

**FUN:** Judge Coffin loved to laugh. He thought life was funny and people were silly. He believed that the importance and seriousness of his work did not require him to take himself too seriously.

And so we took up the Judge’s invitation to play jokes on each other, and on him. We played ridiculous games at his home. And we came to appreciate how unbecoming the quality of self-importance really is.

**BREADTH:** Judge Coffin developed all different aspects of himself. He was not only a great thinker, a great judge, and a great writer, but he was also a great painter and a great sculptor.

Alas, artistic talent cannot simply be emulated. Concerning this quality, some of us had to draw a different lesson. Even if we could not create art ourselves, we came to value that talent in others and to want to make space in our lives to appreciate it when we saw it.

To have spent a year as Judge Coffin’s law clerk is to have received a priceless gift. Throughout the year, we marveled daily at how much we were learning. But perhaps the greatest measure of the man is that our sense of wonder and appreciation has grown ever deeper with the passage of time.

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“Perhaps the greatest measure of the man is that our sense of wonder and appreciation has grown ever deeper with the passage of time.”

– Jeffrey S. Lehman

The Honorable Frank M. Coffin, a distinguished member of the United States judiciary, passed away in December, 2009. Judge Coffin was a role model to so many and a committed friend of the University of Maine School of Law. His wisdom and intelligence, his commitment to social justice and public service, his kindness and wit, his personal warmth—we remember and aspire to all these attributes.

Judge Coffin was appointed to the U.S. Court of Appeals by President Lyndon B. Johnson in 1965, and served as Chief Judge from 1972 to 1983. He assumed senior status in 1989 and retired from the bench in 2006. His commitment to public service spanned a wide-ranging career, including roles as a member of Congress, Deputy Administrator of the Agency for International Development, Chair of the Committee of the Judicial Branch for the U.S. Judicial Conference, and an active member of the University of Maine School of Law Board of Visitors.

We are honored here to publish reflections from Jeffrey S. Lehman, who served as clerk to Judge Coffin in 1981. Lehman currently is Chancellor and Dean of the Peking University School of Transnational Law in Shenzhen, China. After clerking for Judge Coffin, he clerked for former Associate Justice John Paul Stevens of the U.S. Supreme Court and then practiced law in Washington, D.C. He joined the faculty of the University of Michigan in 1987 and was named Dean of Michigan Law in 1994. In 2002, he became the 11th president of Cornell University.

– Peter Pitegoff, Maine Law Dean
We started at the Intellectual Property Clinic as soon as possible after our 1L year. We both had a particular interest in the area, the requisite backgrounds (science degrees), and we were both eager for some hands-on experience after surviving our first year of law school.

The school’s participation in the U.S. Patent and Trademark Office’s Pilot Program provided us with a unique opportunity to become limited-representation agents with the USPTO office for both patent and trademark cases. We were able to complete prior art searches, draft provisional patents, respond to office actions, search and file trademarks, and manage our own files with supervision from Prof. Rita Heimes and Prof. Leonard Agneta.

Toward the end of the summer, we both became interested in interning with the USPTO. We were able to find an outdated posting for a since-discontinued intern program, but that was it. For the next two months, we sent a barrage of emails and spent at least two hours in the USPTO phone tree.

In October, USPTO Director and Undersecretary of Commerce David Kappos visited the law school and spent the entire day meeting with students, faculty and members of the public. Upon his return to Washington, the Intellectual Property Clinic started getting emails from people at the USPTO eager to help us tour the agency in Alexandria, Va., and interview for spring or summer externships.

Suddenly a combination of finding a contact person for the intern program and JetBlue offering inexpensive flights created an opportunity for us to plan a visit to the agency.

We learned that working for the USPTO has excellent perks. Upon being hired, all examiners attend the Patent Academy for four months to learn how to use the USPTO’s unique search programs.

After this training, examiners go to work with their respective art units. The USPTO uses a flex-time system, in which examiners are not required to be in the office 9-5, Monday to Friday, but instead must log a certain number of hours, and meet certain production goals over a two-week period.

At the one-year mark, examiners are no longer on probation, and can begin to telecommute from home one day per week. After more training, examiners are given the option of relocating anywhere they want, and telecommuting from home.

Both of us obtained spring externships that we were able to convert into summer externships that started in June of this year.

The agency is hiring up to 1,000 patent examiners over the next few years, and we both intend to join the agency, if we can.
“Maine Law provided me with the environment I needed to graduate, pass the Bar and work at the FCC in Washington as a staff attorney in 1964. My goal was to own television and radio stations, and I built three facilities—WPXT-TV, WJBJQ-FM and WJAB-AM here in Portland. The Law School was critical in developing the structure for my entrepreneurial endeavors in both Maine and elsewhere.”

John W. Bride ('64), retired

Peter Carlisle is the driving force behind the success of Octagon's Olympic & Action Sports division. An expert at the forefront of the booming action sports industry for more than a decade, he has emerged as a leader in the representation and marketing of Olympic and action sports athletes. He oversees a global business that provides career management for Olympics and action sports clients through contract negotiations, endorsements, licensing, merchandising opportunities and more. Before joining Octagon, he founded Carlisle Sports Management and served as an attorney for Preti, Flaherty, Believeau, Pachios. He has also served as an adjunct professor at Maine Law.

Peter Carlisle ('94), Octagon

Paul J. Greene focuses his sports law practice on protecting athletes’ rights. He handles anti-doping and eligibility arbitrations, rights of publicity matters, cybersquatting cases and immigration issues for athletes. He has successfully represented, among others, the gold-medal winning U.S. Men's Olympic Bobsled Team and the Michael Phelps Foundation. Paul credits the University of Maine School of Law, where he took a course in sports law, for giving him his start as a sports lawyer.

Paul J. Greene ('07), Preti Flaherty

“As a professional runner, I competed against the world’s best. Maine Law gave me the training and vision to explore new challenges in track and field. My sports practice is focused on representing individuals and entities performing at the highest levels. My clients include the American Milers’ Association, NJNY Track Club, and Andrew Wheating, a 2008 Olympian. I serve as legal correspondent for Letsrun.com, the premier internet site for track and field news and results.”

Matthew E. Lane ('09), Preti Flaherty

Gary Thorne says he has been fortunate in his broadcast career to have covered events such as the Olympics, the Stanley Cup Finals, the World Series, MLB All Star games and a host of baseball, football, basketball and hockey games. “The joy of the games survives despite the very big business nature of all sports,” he says. “My law background has helped me understand much of the business aspects of the game and integrate that knowledge into broadcasts. Most importantly, the law background provides the thinking process that I hope gives a broadcast cohesiveness.”

Gary F. Thorne ('73), sportscaster
The University of Maine School of Law Foundation is pleased to announce the creation of the Catherine Lee Justice for Women Lecture Fund. It enables Maine Law to host a distinguished speaker annually who will focus primarily on issues related to justice for women and girls in the developing world.

This endowment was made possible by the generous support of Catherine Lee, and we will work to grow the Fund in the coming years. Catherine Lee is an attorney and founder of Lee International Business Development. She advises clients globally, with her current practice focused on greenhouse gas emissions trading. Prior to establishing Lee International, she was in private practice at a major law firm and concentrated on environmental law. A graduate of Barnard College and Cardozo School of Law, she has been a leader in support and advancement of women lawyers in Maine.

Maine Law is working with Catherine Lee to establish a diverse Advisory Council that will identify distinguished speakers for the Justice for Women Lecture series. In addition to presenting a public lecture, each invited speaker will spend time with Maine Law students in classes, workshops, or other programs. The Women’s Law Association at the Law School will play an active role in the Justice for Women Lecture series.

Governance and Ethics Symposium

In April 2011, the Law School presented its third annual Governance and Ethics Symposium: Doing Well by Doing Good – The ‘Mega-Trend’ of Organizational Sustainability and Social Responsibility. This timely program marked a continuation of the Symposium’s 2009 and 2010 highly successful exploration of cutting-edge governance and ethics issues. Participants included leaders in business and nonprofit corporations with experience in environmental law, sustainability, social responsibility, and stakeholder issues on regional, national and global fronts.

The series is co-chaired by Daniel Boxer, former Chief Administrative Officer of Fairchild Semiconductor and Maine Law Adjunct Professor of Governance, and by Maine Law Dean Peter Pitegoff. This year’s Symposium panelists were: Charlie Broll, Vice President and General Counsel of Nestlé Waters of North America Inc. (parent of Poland Spring); Paul Delva, Senior Vice President and General Counsel of Fairchild Semiconductor; Ellen Golden, Managing Director of CEI Investment Notes, Inc. (affiliate of Coastal Enterprises, Inc.); Eileen Skinner, President and CEO of Mercy Hospital; and Lisa K. Toner, Vice President of Legal Affairs at Delhaize America (parent of Hannaford). Daniel Boxer and Tom Dunne, retired partner at Accenture, moderated the discussion, following an introduction by Dean Pitegoff.

2011 Selected Events

Data Security & Management in Global Commerce: Thursday, July 28, University of Maine School of Law.


Fall Term Begins: Monday, Aug. 29.

Constitution Day Lecture: Friday, Sept. 16, University of Maine School of Law, Moot Court Room.

The Olympic Movement: Legal & Business Perspectives: Thursday, Sept. 22, University of Maine School of Law.


For additional information on these and other events, please contact the Dean’s Office at 207-780-4344.

Welcome to Professor Ghachem

We are pleased to welcome Dr. Malick Ghachem to the Maine Law faculty. Prof. Ghachem holds undergraduate and law degrees from Harvard University and a PhD in history from Stanford University. For a number of years in Boston, he practiced law in the areas of criminal defense, employment discrimination, and commercial litigation, and served as a lecturer at the Massachusetts Institute of Technology. He is author of the forthcoming book entitled, The Old Regime and the Haitian Revolution, published by Cambridge University Press. Prof. Ghachem teaches courses in criminal law, criminal procedure, race and the law, and legal history.

Professor Howard Retires

After 25 years of association with Maine Law, H. Cabanne (“Cab”) Howard retired at the end of the 2010-2011 academic year. He joined the adjunct faculty in 1986 and, since 1997, has been Assistant Professor of Law. He concurrently has served as Executive Secretary to the Maine Judicial Committee on Judicial Responsibility and Disability, a position he will retain in the coming years. Prior to joining the Law School, he worked for more than two decades as Assistant Attorney General at the Maine Attorney General’s Office. He graduated from Cornell University and earned his J.D. at Georgetown University, then clerked for Hon. Edward T. Gignoux, U.S. District Judge for the District of Maine. At Maine Law, he taught a wide range of courses including constitutional law, professional responsibility, appellate advocacy, and public policy.

Harvey Fellowship

Devin Deane (’12) was selected as the inaugural Harvey Fellow. The Charles Harvey Fellowship Fund was created in memory of Chuck Harvey, an esteemed lawyer and 1974 graduate of the University of Maine School of Law, by his family, colleagues, and many friends following his untimely death in 2009. The fund supports a new program that provides a month-long trial practice immersion experience for a selected Maine Law student each May and June. Devin Deane will work closely with Mark Lavoie (’78) of Norman Hanson & DeTroy who is serving as mentor for the first year of the program.
Maine Law.

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PreLaw magazine listed Maine Law

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Record Increase in Applications

In 2010, student applications to the University of Maine School of Law increased by more than 60 percent over the previous year. This compared with a 7.4 percent increase in applications to law schools nationwide.

The diverse entering class included students from 20 states and 60 undergraduate institutions. Applications in 2011 slipped slightly, consistent with national trends, but Maine Law continues to attract attention and applicants nationwide and abroad.

Honorary Degree for Professor Rogoff

The Université du Maine in Le Mans, France, has awarded University of Maine School of Law Prof. Martin Rogoff with a Doctor Honoris Causa (honorary doctorate). This is a well-deserved recognition of Prof. Rogoff’s many years of work with French legal institutions and cooperative programs with Maine Law.

Ryan Royce in DOJ Honors Program

Graduating student Ryan Royce ('11) was accepted into the highly competitive Honors Program at the U.S. Department of Justice. This program places a select group of recent law school graduates in positions nationally with the Department of Justice.

The prestige and experience of the Honors Program provides participants with a valuable rung on a legal career ladder. He will spend his next two years with the DOJ Honors Program, clerking for an Immigration Law Judge in Dallas.

National Rankings

The University of Maine School of Law was named this year as one of the best public interest law schools and as welcoming to older students, two signature elements of Maine Law.

PreLaw magazine listed Maine Law among the 40 top law schools in the nation for public interest law. Princeton Review listed Maine Law as No. 4 in the nation as most welcoming to older students. And, the American Institute for Economic Research ranked Portland among the best college cities for students, listing Portland at No. 20 among metropolitan regions with a population of at least 250,000.

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• Christopher Kevin Boyle, legal scholar and barrister, died of cancer on Dec. 25, 2010. Boyle, who was a visiting professor at Maine Law in 2000, was born on May 23, 1943. An internationally respected human rights lawyer, activist and academic leader, he served as Professor of Law and Director of the Human Rights Centre at the University of Essex in Colchester, England. As Dean and Professor of Law at University College Galway in Ireland, he was instrumental in establishing Maine Law’s exchange program in Galway.

• Louis B. Butterfield ('88) died on June 29, 2010. He was born on May 19, 1963 in Charleston, S.C. While he practiced in all areas of law, including civil litigation with an emphasis on employment law, he had extensive experience in anti-discrimination cases. In addition to his law practice, he developed a course of study and taught employment discrimination law at Maine Law. He graduated magna cum laude from Maine Law in 1988 and was ranked second in his class. While at Maine Law, he was a member of the staff and board of editors of the Maine Law Review, and he worked as a legal writing instructor.

• Richard Lawrence Clawson ('67) died on June 21, 2010 in Scarborough. He was born in Portland on Nov. 2, 1934. He served in the U.S. NATO forces in Europe in the late 1950s. After he was discharged from the Army, he attended the University of Maine Portland, where he received his BA in business. He then attended Maine Law. After completing law school, he practiced law at the Maine Pine Tree Council, and then served as a contracts administrator in the legal department at Hamilton Standard in Connecticut. After leaving Hamilton Standard he joined a law firm in Camden.

• Amy Keck ('99) died on Feb. 12, 2011, at Hospice House in Auburn. She was born on Sept. 4, 1974. She graduated from Brunswick High School in 1992, Mount Holyoke College in 1996 and Maine Law in 1999. She worked as an attorney at Pine Tree Legal Assistance in the Bangor and Lewiston offices. She was the 2009 recipient of the Thomas P. Downing Award, which recognizes those who work tirelessly to make significant contributions to Maine’s low-income citizens.

• Emily Roosevelt ('96) died on April 11, 2010, at home in Park City, Utah. She was born in White Plains, N.Y., on Aug. 13, 1969. She graduated from Whitby School, the Millbrook School, the University of Virginia, and Maine Law. She clerked for Judge Monroe McKay of the United States Court of Appeals for the 10th Circuit in Salt Lake City, where she served with distinction. In 2000, she joined the United States Department of the Interior Office of the Solicitor General, where she worked tirelessly on behalf of public land issues.

• Hon. James S. Russell ('78) died on July 21, 2010. He was born on Dec. 20, 1948. He joined the U.S. Army and served in the 82nd Airborne Division at Fort Bragg. He graduated from Maine Law and served 27 years as a JAG officer in the U.S. Army. He then became an administrative law judge with the Social Security Administration for 13 years until he retired.

• Andrew G. Siket ('83) died on Aug. 2, 2010, in Florida. He was born on June 15, 1949 in Bangor. He graduated from the University of Maine in Bangor. St. Mary's Seminary in Baltimore, and Maine Law. He was an accomplished attorney admitted to practice in Maine, Florida, North Carolina, Colorado and Tennessee, as well as before the United States Supreme Court, United States Courts of Appeal for the First and Eleventh Circuits, and U.S. District Courts for the Districts of Maine, Colorado, Middle District of Florida, and Southern District of Florida.

• Schuyler G. Steele ('83) died on March 8, 2010. He was born on June 16, 1958. He earned a BA at the University of Maine in history, with highest honors and highest distinction. He received his law degree at Maine Law in 1983.

• David N. Weinstein ('71) died on Dec. 21, 2009 after a lengthy battle with brain cancer, in Bozeman, Mont., where he had lived since 2008. He graduated from Middlebury College in 1968 and from Maine Law in 1971. Before retiring in 2008, he practiced law in the private and public sectors in Vermont for nearly 40 years.
The University of Maine School of Law is surrounded by communities committed to a healthy environment, clean air, fresh water and locally grown food. Thus, it is only fitting that two of the Law School's youngest faculty members (“rising stars,” to quote Dean Peter Pitegoff) draw on real-world experience and examples while offering students a broad range of courses in environmental sustainability.

Professors Dave Owen and Sarah Schindler dedicate their teaching and scholarship to the intersection of environmental, natural resources, property and land-use law. Leveraging their recent experiences in law practice and their mutual interest in helping communities solve problems, their work ex-

Maine Law Professors Dave Owen and Sarah Schindler are focused on real-world problem solving.

{story by Professor Rita Heimes / photo by René Minnis}
explores how cities and towns can promote economic and commercial development while taking care of the environment.

**Bringing environmental experience**

Before joining the faculty in 2007, Prof. Owen practiced environmental, land-use and water law with Rossmann and Moore, a small law firm in San Francisco. A graduate of Berkeley Law, Prof. Owen drew upon his prior career as a geologist to pursue his interest in water quality and scarcity.

“Water resource management involves a fascinating mix of law, science, history, and politics,” he says. “It all gets intertwined in interesting and complex ways. Water law, which is my favorite subject to teach in law school, is one of the most intellectually stimulating and rich areas of the law.”

“I’m teaching water law in a way no one else is,” Prof. Owen continues. “We do business-school-style case studies, based on real, complex, water-law scenarios, and students are encouraged to solve problems together.”

His students appreciate that approach.

“Prof. Owen’s passion and experience in the field of environmental law really motivates his students to match his level of enthusiasm in the classroom every day,” says Peter Glaser (‘10). “The amount of preparation he puts into his classes inspired me to work as hard as he has, and I think that is a reflection of his energy and devotion to the school and the students.”

Prof. Schindler also uses her unique background as a land-use attorney with Morrison and Foerster in San Francisco to help her students understand how property and land-use decisions affect their daily lives. For instance, her land-use students were required to attend planning commission hearings in small towns in Maine, where they encountered debates about the very issues taught in Prof. Schindler’s class.

“My students realized that not just as lawyers, but as citizens, they can have an impact on the development process. They took from the class that land-use decisions are community-building decisions in their purest sense.”

Patrick Venne (‘10) was so inspired by Prof. Schindler’s class that he launched his own land-use law practice in Portland.

“Prof. Schindler’s recent experience working for a big-city law firm gives her a fresh perspective on hot topics in land use law, from classic eminent domain issues, to emerging trends in land development like ‘new urbanism’ and ‘smart growth’,” Venne says. “She is both inspirational and an immeasurably valuable professional resource.”

Both professors have excelled in engaging students in real-world environmental issues, while conducting their own valuable research. New approach to water planning

When one of his students wrote a paper on an innovative new approach to water quality planning, Prof. Owen realized the student was on to something.

“He had written a smaller piece of a bigger, interesting story that involved trying to deal with water pollution and the impact of development upon urban watersheds. I poked around and discovered that the Long Creek watershed community was developing some of the most innovative solutions to urban water pollution anywhere in the country.”

The Long Creek watershed is located in South Portland, which is “Anywhere USA” in many respects. Its airport, hotels, “big box” retail stores, roads, and parking lots support the shopping and travel demands of the greater Portland urban region. But meeting those demands comes with an environmental cost. Long Creek, a small stream that winds its way through the heart of this commercial development and into Casco Bay, is heavily polluted. Stormwater running off the many roads, roofs, and parking lots in the Long Creek watershed was bringing heavy loads of salt, heat, metals, and other pollutants into the stream, and Long Creek did not meet state water quality standards. The problem,

**They are dedicated to the intersection of environmental, natural resources, property and land-use law.**

**“Professor Schindler is in large part why I made the decision to establish my own practice dedicated solely to land use issues directly out of law school. I consider her one of the best professors I have ever worked with – at Maine Law or anywhere.”**

– Patrick Venne (‘10), Law Office of Patrick J. Venne, Portland

“The problem-based approach that **Professor Owen** uses when teaching his smaller seminars leads to a more thorough understanding of the interplay between different stakeholders in environmental disputes, and fosters a deep level of discussion that is not always present in the case-based approach common in larger classes.”

– David Kallin (‘09), Associate Attorney, Drummond & Woodsum, Portland
which scientists often refer to as “urban stream syndrome,” recurs across much of the American landscape.

“There are hundreds, perhaps thousands, of urban watersheds in the United States that fall into the same circumstance,” says Prof. Owen. “It’s a local example of a national problem.” With no individual pipe or single source of pollution to focus regulatory attention on, it also is a difficult problem to solve.

Prof. Owen acquired funding to study South Portland’s community-driven water quality initiative, and the student, Peter Glaser (’10), went on to serve as his research assistant.

The initiative has an interesting history. While many communities had struggled to find legal mechanisms to address their polluted urban streams, the Conservation Law Foundation, a New England-based environmental group, had uncovered a little-known provision in the Clean Water Act that required multiple property owners contributing to the stream’s poor water quality to obtain Clean Water Act permits. Rather than fight that requirement, and face a lawsuit that would take years to resolve, the City of South Portland, along with local businesses, the chamber of commerce, the state environmental protection agency and environmental advocacy groups, developed a “collective permit” to cover the entire developed area threatening water quality of the local urban stream.

It was, as Prof. Owen observed, an example of “good, smart people behaving well.”

Prof. Owen’s first paper on the subject, “Urbanization, Water Quality, and the Regulated Landscape,” which will be published this year in the *Colorado Law Review*, tells the Long Creek story and considers some of the broader implications for urban, water-quality protection. He continues to follow the Long Creek initiative, and is now working with a multi-disciplinary team of researchers to consider urban, water-quality issues across the state.

Converting blight to beauty

Prof. Owen’s project was designed to impact the way local communities take responsibility for their own environmental and land-use decisions. He has many reasons and opportunities to share ideas with Prof. Schindler, who approaches her scholarship in a similar way. She, too, proposes local solutions to problems replicated nationwide.

Prof. Schindler’s desire to help cities improve their land-use governance systems arose while she was in private practice, representing commercial property developers. She loved the plans arrayed on her desk, the idea that in a short time some-
thing new would be created, and the impact a new development can have on a community's sense of place. For Prof. Schindler, “It's about the dirt.”

At the same time, Prof. Schindler was unsatisfied with helping her clients succeed without also giving back. “I would think about what we could do to help the community in which we were building. Communities have a lot to gain by becoming involved in development projects, by becoming aware of what's going on around them.”

Prof. Schindler observed local governments interested in creating “green” building standards simply adopting the Leadership in Energy and Environmental Design (LEED) standards without tailoring them to local conditions. Those LEED standards were created by the U.S. Green Building Council, a non-profit organization comprising builders and industry groups. Prof. Schindler noted that the LEED standards were created as a voluntary marketing mechanism, and were not designed to act as sound municipal law.

In an article published in the Florida Law Review, Prof. Schindler asserted that instead of merely adopting these industry-generated standards, cities should create their own green building ordinances keyed to their own particular building-related environmental externalities.

“In Las Vegas, there is a water shortage; in Manhattan, there is a heat island effect from the miles of pavement and black-topped roofs; in Maine we have issues with our heating systems,” she says. “If cities are going to require green buildings, they should adopt locally tailored ordinances that are subject to public, local review processes.”

Prof. Schindler’s most recent work examines how town ordinances can (and should) work to alleviate the blight and community degradation caused by abandoned “big box” retail stores. The issue plagues cities all across the U.S., as retail giants like Circuit City and Borders head into bankruptcy, and behemoth Wal-Mart closes its older, smaller stores and opens new superstores within a few miles of the former ones.

“In many communities, when these big boxes fail, they leave a hole in the social fabric of the community,” Prof. Schindler explains. “People are less likely to enjoy their neighborhood and care about it when it’s blighted. A single broken window will draw more broken windows.”

The solutions are elusive, as private lease agreements may prevent new tenants from competing with the abandoning one, or com-
“Locavores” and the Law

Professor Sarah Schindler has found a way to combine her love of and respect for animals with her passion for property law.

In addition to teaching a course on Animal Law, Prof. Schindler is investigating the conflict between local zoning laws and “locavores” — people who want to leave a lighter impact, and eat primarily what is grown or raised near where they live.

“In a lot of ways, food law and policy are inherently tied to the land and land use,” she says. “Consider how zoning ordinances relating to urban agriculture and the size and placement of vegetable gardens impact a person’s ability to grow her own food.”

Other examples are zoning laws or neighborhood covenants that impact whether people can raise chickens in their backyards, or hang laundry out to dry. These are issues she hopes to pursue in her future scholarship.

Commercial landlords may have difficulty filling the space with a similar retail giant and even more difficulty renovating the vast, windowless space for multiple tenants.

Big box developers and commercial tenants may desire to be good citizens, but remain beholden to the bottom line and at the mercy of market forces.

Local governments, Prof. Schindler believes, are therefore obliged to make sound development decisions in the first place, and then deal proactively with vacant stores to turn blight into beauty.

In an article she is writing on the subject, she examines when local governments should consider adaptive re-use of the space, and when they should consider demolition and reconstruction, or demolition and “re-greening,” turning the lot into a park or other public open space for people to gather.

“Cities have a huge opportunity to build community if they’re smart about it. They can create new open space, or build a public garden. Their choices can have a tremendous positive impact on property values and the citizens’ sense of place.”

A commitment to students

Both professors bring youthful energy, passion for their subjects, and a blend of theory and pragmatism that make their courses uniquely enriching for students, who also appreciate their accessibility.

“Prof. Owen really cares about the subjects he teaches, and genuinely hopes to instill in others a level of fascination similar to his own,” says Patrick Venne ‘10.

“And I consider Schindler one of the best professors I have ever worked with, at Maine Law or anywhere. Any school would be more than lucky to count them both among their faculty.”

“Prof. Schindler was always more than willing to discuss topics in or out of the classroom, and Prof. Owen’s availability to discuss matters outside of the lecture hall is also unrivaled.”

Maine Law’s appointment of two full-time professors devoted to these issues reflects the school’s commitment to preparing students for meaningful careers in environmental law. It amplifies the school’s robust role in the wider community, studying and enhancing local policy with an opportunity for national impact.

As Dean Pitegoff says, “Professors Owen and Schindler, along with colleagues in our Marine Law Institute, inform and influence policy on a national and global level. Contributing locally and using Maine as a laboratory, they integrate theory and practice in the best sense.”

Dave Owen is Associate Professor at the University of Maine School of Law. Appointed in 2007, Prof. Owen worked previously in private practice in San Francisco specializing in environmental, land use, and water law and, before his legal career, as a geologist for an environmental consulting firm. He currently is lead researcher on an interdisciplinary project examining water quality impacts of urbanization and a faculty member of Maine’s Sustainability Solutions Initiative. Prof. Owen earned his JD from University of California, Berkeley, School of Law (Boalt Hall) and clerked for Judge Samuel Conti of the U.S. District Court for the Northern District of California.

Sarah Schindler is Associate Professor at the University of Maine School of Law. Appointed in 2009, Prof. Schindler previously was a visiting faculty member at the University of Georgia School of Law and practiced in the area of land use and environmental law in San Francisco. Her research focuses on emerging trends in municipal land use law and sustainable development. Prof. Schindler earned her JD summa cum laude from the University of Georgia School of Law and clerked for Judge Will Garwood of the Fifth Circuit Court of Appeals.

Rita Heimes is Clinical Professor at the University of Maine School of Law and Director of the Center for Law & Innovation. Since 2001, she has played a lead role in building the Center for Law & Innovation and the Maine Patent Program as vibrant programs for public service, teaching, and research and as a state resource. Prof. Heimes, who previously practiced law in Seattle, Boulder, and Portland, founded and oversees the Law School’s nationally recognized Intellectual Property Clinic. She earned her JD with honors from Drake University Law School and clerked for Judge Robert Beezer of the U.S. Court of Appeals for the Ninth Circuit.

“In many communities, when these big boxes fail, they leave a hole in the social fabric of the community.

– Sarah Schindler

Sarah Schindler

Dave Owen

Rita Heimes

ML
Why did 15 Maine Law students spend their spring break at France’s Senate, at the castle of the Count of Rochambeau, at France’s oldest restaurant, Le Procope, and at many other historic and significant sites in France? These students, along with three faculty members and Maine Law partners in France, were participating in this year’s Franco-American Legal Seminar, just one example of Maine Law’s commitment to making connections around the world in order to prepare students for an increasingly global legal market.

The Franco-American Legal Seminar, now in its 16th year, is the brainchild of Prof. Martin Rogoff, who first negotiated this scholarly and student exchange and continues to direct the program. Seminar participants (from Maine Law and the Faculté de Droit of the Université du Maine, at Le Mans, in France) set a topic each year and invite interested students in each institution to enroll in a semester-long seminar culminating in scholarly papers drafted and presented by each student. This year’s topic of study was “Environmental Catastrophes: Prevention and Response.”

In March, the 15 participating Maine Law students and professors Rogoff, Charles Norchi and Sarah Schindler traveled to France to meet their French counterparts. Stopping first in Paris for meetings with dignitaries and tours of significant government sites, the group then traveled to Le Mans for several days. There, students and faculty from both schools shared the results of their research.

Maine Law students and professors travel to France every second year, with students
At the center of Maine Law’s global outreach efforts:

David Cluchey is Professor of Law at the University of Maine School of Law. Appointed initially in 1979 after six years of legal practice in Maine, he served as Associate Dean from 1987-1991 and from 2000-2004. Prof. Cluchey specializes in law and the economy and teaches antitrust, economic regulation, business associations, international trade law, and professional responsibility. He has a long-standing interest in the people, culture and economy of Russia. He spent three months in Moscow in 1994 as a Fulbright Lecturer at the Finance Academy of the Government of the Russian Federation, and he served as Director of the ABA-accredited St. Petersburg Summer Law Program during five subsequent summers in St. Petersburg. He has traveled to Russia as a consultant to the U.S.A.I.D. Rule of Law program and to teach courses in American/Russian Business and Trade Law. Prof. Cluchey is a graduate of Yale University, received his Masters degree from the State University of New York at Albany, and earned his J.D. at Harvard University.

Charles Norchi is Professor of Law and Director of the Marine Law Institute at the University of Maine School of Law. He teaches public international law and oceans law. His current research focuses on law and nation-building, international boundary delimitation, maritime security, and ocean and sovereign claims of China. Prof. Norchi manages comparative marine law projects with the University of Nantes in France, the Centre for Maritime and Transport Law of the City University of Hong Kong, and the International Maritime Law Institute in Malta. He is a Research Fellow at the Ash Center for Democratic Governance in the Kennedy School at Harvard, Chair-elect of the Admiralty and Maritime Law Section of the Association of American Law Schools, and a National Fellow of the Explorers Club. He earned an A.B. from Harvard College, a J.D. from Case Western Reserve University School of Law, and an LL.M. and a J.S.D from Yale Law School.

Martin Rogoff is a Maine Law Foundation Professor at the University of Maine School of Law. Since joining the Maine Law faculty in 1972, he has taught and published extensively in the area of international law with particular attention to France. He founded and directs the annual French-American Legal Seminar, engaging students and faculty from both nations in an intensive exchange of ideas and meetings with leaders in the bench and bar in France and the United States, and played a lead role in establishing exchange programs with several universities in Europe. Professor Rogoff has been active in public policy at both the state and national levels. He graduated from Cornell University and Yale Law School, and earned a masters degree at the University of California at Berkeley.

Global commitment

Exposing students to foreign legal systems, exploring legal topics comparatively with peers from other nations, and simply traveling to Europe for scholarly exchange, all demonstrate Maine Law’s commitment to global engagement by its faculty and students.

Along with the Franco-American Legal Seminar, Maine Law’s foreign exchange program for students is one of the Law School’s most popular offerings. Students compete each term for a limited number of seats in partner law schools around the world. In addition to exchange agreements with two law schools in France (at Le Mans and Cergy-Pointoise), students can choose among law schools in Canada (Dalhousie, New Brunswick), Great Britain (Buckingham), Hong Kong (City University of Hong Kong), and Ireland (Galway).

Typically, a Maine Law student is in residence at a partner law school for one semester, living among the students there, taking a representative course load, and integrating with the students and faculty in all aspects of law school life. This opportunity grows in popularity every year, as returning students spread from France visiting the U.S. in the off years. Next year’s seminar, which will focus on law and religion, will include a visit to Washington, D.C., before students meet in Maine for scholarly presentations. Many students describe the seminar as the most valuable and enjoyable part of their studies.

Maine Law student Laura Rideout (’12) in Paris.
the word about the value of the educational and social experiences.

A prime example of Maine Law’s efforts has been its use of a multi-year grant from the Government of France Partners University Fund. This generous grant has allowed Maine Law to strengthen student and faculty exchanges between Maine Law and its French partners. The grant is focused on developing a comparative marine law program, building upon one of Maine Law’s curricular and research strengths. Even at the early stages of the lifetime of this grant, the Law School and its French counterparts have collaborated in a number of ways; conferences, faculty exchanges, student work in a variety of settings, all designed to bear future fruit in the form of more formalized joint programs of study for students from the participating law schools. The ultimate goal of Maine Law’s participation is to capitalize on the opportunities to establish mutually supporting programs which will benefit the Law School by increasing both the depth and breadth of its global presence.

And new exchange programs will allow Maine Law to offer more students this valuable semester away. In return, partner law schools send Maine a number of students every year. These students add a great deal to the life of the Law School, and many students have made lifelong friends and colleagues through these visits.

Program leaders

At the heart of Maine Law’s global efforts are professors Martin Rogoff, David Cluche and Charles Norchi.

In addition to leading the Franco-American Seminar each year, Prof. Rogoff has, for many years, been Maine Law’s leader in international, comparative and foreign law. Prof. Rogoff teaches a wide variety of courses, most of which focus on other legal systems, other nations, or comparing approaches to legal problems in different countries. In his scholarship, too, Prof. Rogoff demonstrates his broad range, publishing in several different languages and in the leading legal journals in the U.S., France and Italy. He has been the driving force behind many of Maine Law’s exchanges and programs, and has forged close ties around the world. This year, Prof. Rogoff is receiving a rare distinction. The Université du Maine is awarding him the Doctor Honoris Causa (Honorary Doctorate) degree. His efforts throughout his career have resulted in many opportunities for study and work around the world for Maine Law students.

Summer often finds Prof. David Cluche in St. Petersburg, Russia, teaching international trade law. Three U.S. law schools jointly administer the St. Petersburg Summer Law Program, and Prof. Cluche, who speaks Russian, has taught in and directed the program on many occasions since 1995. A number of Maine Law students have participated in the program, and this summer two Maine Law students will join Prof. Cluche in St. Petersburg. Occasionally, Prof. Cluche’s close connections to the Summer Program and to the Russian-American Legal Education Foundation, on whose board he sits, have resulted in a Russian law student choosing to spend a year visiting Maine Law, which is slated to welcome one such visitor in the 2011-12 academic year.

From left, Maine Law professors Sarah Schindler and Martin Rogoff, and Myriam Roussille, Professor of Law at the Université du Maine (Le Mans, France), at the Gala Dinner for this year’s Franco-American Legal Seminar, held in Rennes.

In addition to obtaining and managing the French Partners University Fund grant, Prof. Charles Norchi has led Maine Law’s efforts to forge closer ties with Asia. Prof. Norchi has served as a visiting faculty member and on the advisory board of the City University of Hong Kong School of Law. A very popular student exchange program with that school is entering its third year, and students have established lasting connections with their counterparts in Hong Kong. This term, for the first time, Prof. Norchi is using Maine Law’s improved technological capabilities to bridge physical distances by offering a seminar to students in both law schools simultaneously. In practical terms, that means Maine Law students starting class quite early in the day, and students in Hong Kong beginning class very late in the evening—in order to take the time difference into account. By all accounts, this joint examination of oceans law issues has proven successful, and is but a hint of closer collaborations to come. Prof. Norchi is also an expert on Afghanistan and the Congo, and that expertise has resulted in increased opportunities for students to engage in meaningful work internationally.

The future

What’s next for Maine Law as it seeks to open up the world’s legal opportunities to its students? The School is deeply committed to expanding its presence around the world. Building upon past successes, and finding new ways to create connections with lawyers, scholars and students in other nations is a high priority. Already, Maine Law graduates study and practice in many different countries. The School’s goal is to continue to create those opportunities, and to prepare students to take their place as leaders in the new global legal marketplace.

Maine Law is currently planning the establishment of a post-professional LL.M. program. Focused primarily on attracting foreign-trained lawyers to study for a year at Maine Law, the LL.M. (Master of Laws) program will strengthen ties with foreign law schools, law students and law faculties. Once the program has been fully approved by the University of Maine System and the American Bar Association, Maine Law intends to offer the degree first to a small number of foreign-trained lawyers and students each year.

The School is also working diligently to increase the number and kind of global opportunities open to students. In the near future, Maine Law will have at least two additional student exchange agreements, with law schools in Rennes and Nantes, France. As the practice of law becomes increasingly global, Maine Law will prepare its students to compete and to succeed anywhere in the world. Every year that passes, every successful exchange, every Maine Law alum working in Africa, India or Switzerland, enriches the Maine Law experience for new class of students.

Prof. Chris Knott is Vice Dean and Director of the Garbrecht Law Library at the University of Maine School of Law. He joined Maine Law in 2006 after serving as librarian and adjunct professor at Columbia University Law School and the Georgetown University Law Center, and he currently serves as President of the Law Librarians of New England. He previously engaged in the private practice of law with a focus in corporate transactions and commercial litigation. Dean Knott is a graduate of the University of Iowa and the University of Michigan Law School, and he earned his masters degree in library science from Indiana University.
University of Maine School of Law professor’s initial research on the impact of 2005’s bankruptcy law changes reveals a more expensive consumer bankruptcy system.

According to the Congressional Record, the sweeping changes made to bankruptcy law in 2005 were intended to improve bankruptcy law by “restoring personal responsibility and integrity in the bankruptcy system and ensuring that the system is fair for both debtors and creditors.”

However, these changes were made without consideration of empirical data about their likely effects on consumers. In fact, preliminary empirical research by Professor Lois R. Lupica finds that the consequences of the 2005 amendments, such as increased consumer costs and decreased distributions to unsecured creditors, may have been contrary to what was intended.

Charting the 2005 Act’s impact

Prof. Lupica has been working since early 2010 as the principal investigator on a national study, sponsored by the American Bankruptcy Institute Foundation and the National Conference of Bankruptcy Judges Endowment for Education, on the effects of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The study, known as The National Consumer Bankruptcy Costs Study, grew out of Prof. Lupica’s work as a Robert M. Zinman Scholar-in-Residence at the American Bank-
ruptcy Institute in Washington, D.C. in 2007. With the assistance of an economist/statistician (Dr. Michael Donihue, Professor of Economics at Colby College) and seven Maine Law second- and third-year students, Prof. Lupica has been coding and analyzing the data gleaned from about 10,000 consumer bankruptcy cases. In addition, she has conducted more than a dozen focus groups, and administered survey instruments to consumer bankruptcy lawyers, trustees and judges, in order to gather qualitative data that will aid in making connections between various quantitative variables.

Lupica’s study was described by the American Bankruptcy Institute as “the most extensive empirical measurement to date of the additional burdens placed on consumer debtors by the 2005 amendments.” The final report is expected to be available in December 2011.

Before embarking upon the National Consumer Bankruptcy Costs Study, Prof. Lupica conducted a Pilot Study of Consumer Bankruptcy Costs in 2009. The Pilot Study, using exacting statistical analysis and focusing on federal districts in six states, indicates that costs have risen—especially attorney fees—while payments to unsecured creditors in both Chapter 7 and Chapter 13 bankruptcy cases have actually decreased since the enactment of the legislation.

In considering the Pilot Study’s findings Lupica noted, “I was not surprised that it costs consumers more to file for bankruptcy after the amendments, but I was surprised at how much more. Given that consumer bankruptcy is a zero-sum game, the policy question is whether having consumers pay more to access bankruptcy system is the best use of their finite pool of assets.”

In the past year, the Pilot Study findings have been presented to judicial and attorney audiences around the country.

When Congress considered the legislation that eventually became the 2005 Bankruptcy Act, Prof. Lupica was one of the leaders who warned of the potential consequences of the new law. Central to her analysis was the failure of Congress to legislate based on sufficient data about the law’s impact on consumers.

So, when the bankruptcy amendments were passed in 2005, Prof. Lupica was perfectly positioned to evaluate the effects of the new law. Her time as Resident Scholar at the American Bankruptcy Institute gave her the national visibility to propose and design the national study of the effects of the legislation.

A leader on debtor-creditor issues

Prof. Lupica has long been a national leader on debtor-creditor issues. During her 17-year career at the University of Maine School of Law, she has published numerous articles examining different aspects of debtor-creditor relationships.

Starting with her 1998 article in the *Texas Law Review*, which sounded one of the first warnings of the risks inherent in asset securitization transactions, she has continued to focus her scholarly research on the important intersection of bankruptcy, complex financing techniques and consumer protection—all courses that she teaches.

Her scholarly career has focused on the effective regulation of complex markets with a concentration on consumer protection. Her most recent articles have documented how her concerns about securitization and related issues came to fruition during the financial crisis of 2008-2009. She has also proposed solutions to help ameliorate the worst of the damage.

Dealing with the consequences of the financial crisis closer to home, Prof. Lupica has provided trainings and presentations for attorneys and mediators through Maine Attorneys Savings Homes, which is a joint project of Pine Tree Legal Assistance and the Volunteer Lawyers Project.

Prof. Lupica’s work is a perfect example of how prescient, passionate scholarship and teaching translate into service and public policy. Legal scholarship like hers has significant practical and public policy dimensions. Her work will inform the continuing debate about financial regulation and consumer protection, particularly in the bankruptcy setting.

**ML**

**Prof. Lois Lupica** is a Maine Law Foundation Professor at the University of Maine School of Law. Appointed in 1995, Prof. Lupica previously worked in private practice in New York City on domestic and international transactions and developed a clinical program in affordable housing development at Seton Hall University School of Law. She is a national expert in bankruptcy law and policy and is currently principal investigator for a major study on the impact of the 2005 Bankruptcy Reform Act. Prof. Lupica earned her JD with high honors from Boston University School of Law.
At issue:

Race & Law

Professor Jennifer Wriggins’ *The Measure of Injury* looks at the evolution of race and tort law in the United States

{By Elena Brandt / photo by René Minnis}

Q: What is an example of this “race-based discount” in torts?

A: One example is a case from about a century ago. Henry Griffin was a black Pullman porter. Daniel Brady was the President of Brady Brass Company, and brother of Diamond Jim Brady, one of the richest financiers of the “gilded age” – white of course. Brady accused Griffin of stealing his wallet and Griffin was put in jail, probably overnight. The theft charge turned out to be false, and Griffin was set free.

Griffin then sued Brady for false imprisonment, and won a $2,500 verdict before a jury, in New York City, which would have been all-white since blacks weren’t allowed on juries at the time. This was about $52,000 in today’s dollars. Then the trial judge, Judge Dugro, told Griffin and his lawyer that the verdict was too high. The judge said in open court: “[I]n one sense, a colored man is just as good as a white man, for the law says he is, but he has not the same amount of injury under all circumstances that a white man would have . . . . In [NYC], the amount of evil that would flow to the colored man from a charge like this would not be as great as it probably would be to a white man.” He slashed the award to $300 and this was upheld on appeal.

Q: That’s one example, but it could be an isolated case. Are there others?

Q: Torts is a subject that includes personal injury law, products liability, defamation and malpractice. What does it have to do with race?

A: Given how law is steeped in history, and given how U.S. history is steeped in race and racism, I think it is fair to say that every law school subject has aspects that relate to race. Torts is no exception. African-Americans brought tort claims for personal injuries in this country from the end of slavery on.

As tort plaintiffs, they had access to the legal system, which is surprising, given how racist law and social practices were in different ways up until about 1950. Virtually no legal scholars have written about this, although courts consistently identified the race of the plaintiff bringing a tort lawsuit if the plaintiff was not seen as white, up until the 1950s. However, black plaintiffs were not treated equally. A variety of evidence shows that their claims were devalued on the basis of race. A “race-based discount” often was applied to their claims — in settlement, at trial, and on appeal. It is a complex story that is a part of our history.
A: Sure. I have read hundreds of tort cases that have to do with race, and it is a complex picture. I tried to create a collective picture by reading all the appellate wrongful death cases from Louisiana from 1865-1950 that discussed damages. This was a total of 152 cases, 26 of which were brought by African-Americans. The average award for loss of a white family member was more than twice the average award for loss of a black family member — $8,245 for loss of a white family member; $3,559 for loss of a black family member. Similarly, the median award for loss of a white family member was more than twice the median award for loss of a black family member. This and other material make me think there was a widespread race-based discount for African-Americans’ tort claims.

Q: How did you become interested in the intersection of race and torts?

A: First, I got questions from students in my Maine Law torts classes about race and tort law that I could not answer without doing research. The articles that I wanted to find so that I could give the information to my students did not exist! So, I researched and wrote the articles — and then, the book.

Another impetus came from practicing law, which I did for 12 years before becoming a law professor. I represented many children in Massachusetts who had been exposed to lead paint in lawsuits against their landlords, at a law firm in Cambridge, Mass., Pressman & Kruskal. Massachusetts had a strict liability statute for lead paint poisoning.

Many if not most of the children were African-American, Haitian, or Latino/a. Several surprising things happened in those lawsuits that affected my scholarship. First, occasionally defense lawyers would explicitly bring up the race of the injured children, like this: “A jury would not award Haitian kids that much money.” This seems like a race-based discount.

Second, lead paint can cause cognitive injury; in sufficient quantities lead exposure lowers the IQs of children. In the lawsuits, what happened was this: lawyers for landlords would often get permission from judges to test the IQ of the children’s mother and also perform psychological tests on her. They were arguing that the child’s low IQ was caused by the mother rather than by the illegal lead paint. This was common, and was operating under the radar screen in pretrial discovery. In virtually every instance, the mother was a member of a racial minority.

To me, this was an extraordinary intrusion into the mother’s privacy. After all, the mother was not suing for anything. I thought this probably would not happen if the mothers had been white; it tied in with a long history of racism in connection with IQ testing. Also, I thought this raised gender issues because the mothers were being blamed for the children’s IQ, while there wasn’t a similar focus on the fathers. I wrote a law review article about this as soon as I got to Maine Law. It was published in the Boston University Law Review. One of my most thrilling moments as a scholar was a few years later when I got a letter from a judge in Washington D.C., Stefan Graae, who had written a very influential opinion allowing such tests. In my article, I had dissected his opinion and tried to show how very wrong it was. His letter to me said that my article had caused him to change his mind. He enclosed an opinion he wrote not allowing those unconsented IQ tests any more. Many judges followed his example and stopped allowing such tests.

Q: What about now? The widespread perception, I think, is that race and gender are no longer such an issue.

A: One way in which race and gender still matter in torts is that race-based and gender-based tables are routinely used to estimate lost future earnings of tort plaintiffs in some situations. For example, when a person is seriously injured who does not have a specific earnings history — like a child for example — part of her tort damages may be lost future earnings. Expert economists will testify about lost earnings, and these have to be estimated, essentially predicted. Such experts often turn to earnings tables from the Department of Commerce or other sources which are divided by race and gender.

The earnings tables show that men overall earn more than women, and that whites earn more than blacks. Experts will then match the race and gender of the injured plaintiff to the tables and use that as a basis to predict the lost future earnings of the injured plaintiff. I think this is using race and gender in court in a way that is unconstitutional, because it is using a race-based and gender-based classification to affect an individual without any compelling reason.

It’s essentially a continuation of the race-based discount, in my view. My co-author, Martha Chamallas, and I have been writing about this for years. In Canada, there has been lots of discussion of these issues and also some in Israel.

Q: Has your criticism made a difference?

A: In one high-profile case, yes. There was a terrible accident involving the Staten Island Ferry in 2003, in which 11 people were killed. New York City, which operated the ferry, was quite clearly negligent and violated its own safety regulations. Only one pilot had been on the bridge, contrary to the rules, and he passed out, leading to the crash. One passenger was James McMillan, an African-American man. The accident caused him to be a quadriplegic. The city, because it was clearly negligent, was liable for his future medical expenses. So the issue of his life expectancy arose. The city offered life expectancy tables of African-American quadriplegics, arguing that he would live a shorter time because he was black and male and that therefore they owed him less.

Federal District Judge Jack Weinstein of the Eastern District of New York wrote an opinion citing my scholarship and that of Martha Chamallas, deciding that using the race-based tables was unconstitutional. We hope that the tide is turning.
The University of Maine School of Law’s Juvenile Justice Clinic offers students, difficult, high-stakes work that provides valuable hands-on lessons and forms the genesis of policy work.

In 2006, the University of Maine School of Law responded to challenges set forth in an assessment by the American Bar Association that detailed statewide problems of access to counsel and quality of representation in delinquency cases. (The assessment, “Maine: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings,” was published in 2003.)

Professors Deirdre Smith and James Burke decided to expand Maine Law’s clinical offerings to include a program dedicated to improving representation of children. The result: Maine Law’s Juvenile Justice Clinic.

With generous help from the Sam L. Cohen Foundation, the Maine Bar Foundation, many alumni and other supporters, Maine Law committed the resources to build this clinical program, which is focused on combining juvenile defense practice with policy development.

The purpose of the Juvenile Justice Clinic is to teach our student attorneys to provide the highest quality representation for their clients in the delinquency system, while working for systemic change.

Learning in the trenches

And the program has proven successful in providing participating students with invaluable hands-on experience and a firm understanding of the delinquency system.

“In my time at the Juvenile Justice Clinic I was able to work on policy and directly represent children,” says Rebecca Headen (’07). “Now that I work primarily in policy, I realize how important that experience was — in a legal universe where the people who practice and the people who strategize are often detached and sometimes divided, learning and practicing as I did at the clinic prepared me for fluency in both worlds.”

Clinic students represent children charged with criminal activity in Maine’s juvenile courts.

Each semester five student-attorneys take on the responsibility of trying to make their clients’ lives safer and more successful by addressing the underlying causes of the alleged conduct. It is difficult work, but our students always exceed every expectation of the courts and the families.

The lessons learned and the problems observed in the trenches of delinquency court form the genesis of our policy work.

Tackling policy issues

A few examples of the policy issues the clinic takes on each semester include disproportionate minority contact with law enforcement and the ongoing legal problems encountered by homeless youth.
Once students identify a problem area, the next step for them is to look for partners in the community. For example, to help serve Portland’s significant population of homeless youth, students reached out to Preble Street and Pine Tree Legal Assistance to create the “Street Law” program, through which clinic students provide legal advice every other Wednesday on a drop-in basis at Preble Street’s Teen Center.

Some issues can be addressed with a quick consult; other teenagers with more complex problems wind up as full-representation clients. For our work with disproportionate minority contact issues, students partnered with the Muskie School of Public Service.

Now in the fifth year of the partnership, and students have helped Muskie staff design and publish a comprehensive assessment, “Disproportionate Minority Contact in Maine: DMC Assessment and Identification,” University of Southern Maine Muskie School of Public Service, 2009.

The assessment defines disproportionate minority contact problems and potential solutions.

Clinic students continue to work toward further assessment, as well as the implementation of potential solutions to this difficult issue.

And, once again, the experience has been valuable for Maine Law students: “My work to address and eradicate racial discrimination within the juvenile justice system in Maine gave me a deep appreciation of how positive social change happens – it is incremental and demands perseverance – but it is possible through collaboration and hard work,” says Robyn Merrill (’08). “My time at the clinic inspired me to continue working toward systemic change, instilling a belief that the system can be improved to work better for all people.”

A child’s best interest

The clinic added two more policy projects this academic year. Mike Dixon (’11) noticed a crisis of conscience in many attorneys defending juveniles. Although good defense work relies on defenders zealously representing their clients’ expressed interests, the desire to advocate for a child’s best interests is strong. In order to help make sure that juveniles, especially those in the most unfortunate circumstances, have a “best interest” voice in court, Dixon helped form a group of volunteer guardian ad litem. He worked with the Child Protective/ Juvenile Justice section of the Maine State Bar Association to identify volunteers, and he is currently serving as a guardian ad litem on two delinquency cases.

Another significantly underserved group of adolescents are those who, due to cognitive disabilities, mental health issues and/or immaturity, cannot understand the delinquency process or assist in their own defense. With the explosion of quality research about adolescent brain development in the last decade, the issue of juvenile competency has emerged across the country.

As in many states, Maine’s Juvenile Code does not directly address this problem. The Criminal Law Advisory Committee is in the process of drafting legislation to close this gap. Joe Zamboni (’11) has joined the working group responsible for assisting the committee. He is working with leaders from the defense bar, prosecutors’ offices, Attorney General’s office, State Forensic Service, and Maine Commission on Indigent Legal Services. He hopes to see this legislation signed into law by graduation.

Making it a career

Although many clinic alumni go into private practice, quite a few have decided to continue their work in the policy world and public interest law. Clinic graduates over the last four years have landed jobs at the National Juvenile Defender Center, ACLU of North Carolina, Rights Working Group (Washington D.C.), Disability Rights Center of Maine, Maine Equal Justice Project, KIDS Legal, Maine Justice Advisory Group and the Maine Legislature.

This fall I had one of the great thrills of my professional life at the Juvenile Defender Leadership Summit in Washington D.C. This annual event is an invitation only summit where grizzled veterans (like me) get to present to the nation’s most dedicated and promising young lawyers advocating for children. I was delighted to see two of my former students in attendance.

“The rewards I have reaped from my time as a student attorney at the Juvenile Justice Clinic are many and richly layered,” says Caroline Wilshusen (’07), a former student who was at the event, along with Rebecca Headen.

“I experienced how critical a zealous advocate is in the life of a child in that it empowers a child, and enables the court to hear the child’s story. I understand how critical these elements are to the goals of the juvenile code in order to craft a result that serves the child and society as a whole. The Juvenile Justice Clinic provided a foundation of information and experiential learning that continues to inform my practice with each child I serve.”

Christopher Northrop is Clinical Professor at the University of Maine School of Law. He was appointed initially in 2006, and founded and directs the Juvenile Justice Clinic. Professor Northrop is President of the New England Juvenile Defender Center (housed at the Law School) and a nationally recognized expert in juvenile justice.

“In my time at the Juvenile Justice Clinic I was able to work on policy and directly represent children. Now that I work primarily in policy, I realize how important that experience was – in a legal universe where the people who practice and the people who strategize are often detached and sometimes divided, learning and practicing as I did at the clinic prepared me for fluency in both worlds.” – Rebecca Headen (’07)
"The University of Maine School of Law has emerged nationally as a center of intellectual excellence and expertise, thanks to robust research, publication, teaching, and service by our professors."

– Peter Pitegoff, Dean


**PROF. CHRISTINE GALBRAITH’S** article, “Access Denied: Improper Use of the Computer Fraud and Abuse Act to Control Information on Publicly Accessible Internet Websites,” was listed in October on the Social Science Research Network’s Top Ten download list for Intellectual Property: eJournal. As of October, the article had been downloaded 247 times. The article originally was published in 63 *Md. L. Rev.* 320 (2004).

**PROF. MALICK GHACHEM’S** book, *The Old Order and the Haitian Revolution* will be published by Cambridge University Press in 2011. He published “Of ‘Scalpels’ and ‘Sledgehammers’: Religious Liberty and the Policing of Muslim Charities in Britain and America Since 9/11” in the *UCLA Journal of Islamic and Near Eastern Law*. He delivered the keynote speech, “Race, Reentry, and Immigration” at a conference entitled Corrections, Community, and Reentry, co-sponsored by the Law School, the NAACP Portland, the Maine Department of Corrections, and the Crime and Justice Institute at Community Resources for Justice in Portland in October, 2010. His article, “Prosecuting Torture: The Prudential Ethics of Slavery in Eighteenth-Century Haiti,” has been accepted for publication in the *Law and History Review*.


**PROF. LOIS R. LUPICA** has continued her work as principal investigator on a national study of the consumer bankruptcy system sponsored by the American Bankruptcy Institute (ABI). She published “The Costs of BAPCPA (the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005): The Pilot Study” in the *ABI Law Review*, Volume 18 (2010). (See the story on Page 20 to learn more.) She was the keynote speaker.
at the ABI Detroit Consumer Bankruptcy Conference in November on “The Costs of BAPCPA-Empirical Evidence of How the Bankruptcy System is Working.” In January, she spoke on “The New Consumer Bankruptcy System” as the keynote speaker at the ABI Northeast Consumer Bankruptcy Conference in Boston. She spoke on a panel on the topic of “Seismic Shifting: Bankruptcy in a Time of Change,” with the Hon. James B. Haines, U.S. Bankruptcy Judge, at a conference of the Maine State Bar Association in Augusta in September. She presented “The Impact of BAPCPA on High Volume Consumer Bankruptcy Practice” before the American Consumer Bankruptcy College in Las Vegas in September. She presented “Data from the Costs of BAPCPA Study: The Best and the Worst of BAPCA” at the National Conference of Bankruptcy Judges Annual Meeting in New Orleans in October.


CLINICAL PROF. CHRIS NORTHRUP presented “Holding the Juvenile Justice System Responsible to Youth of Color” at the Juvenile Defender Leadership Summit in Washington, D.C. in October. This presentation included discussion of the work that clinic students at the law school have done over the past four years on the project on Disproportionate Minority Contact that he is working on with the Muskie School of Public Policy. He served on the faculty for the Mississippi Youth Defender Conference and helped develop the curriculum for that conference in September.


DEAN PETER PITEGOFF, with Law School Board of Visitors Chair Dan Boxer, published an article on June 20, 2010 in the Maine Sunday Telegram on the front page of the Insight section, entitled, “Big Business: Losing the fight to do right,” on the importance of corporate ethics. (www.pressherald.com/opinion/big-business_2010-06-20.html.) Dean Pitegoff and Boxer are co-chairs of the law school’s Governance and Ethics Symposium Series. Boxer is an adjunct professor at the law school and former chief administrative officer for Fairchild Semiconductor. Dean Pitegoff, with Meghan Higgins, the 2010 Linda Smith Dyer Law Fellow at the Maine Women’s Policy Center (Maine Law Class of 2012), published an opinion piece on June 24, 2010 in the Portland Press Herald, entitled “Supreme Court justice’s job so important, everyone should care.” (www.pressherald.com/opinion/supreme-court-justices-job-so-important-everyone-should-care_2010-06-24.html).

PROF. SARAH SCHINDLER’S new article, “The Future of Abandoned Big Box Stores: Legal Solutions to the Legacies of Poor Planning Decisions,” has been accepted by the *Colorado Law Review*. She also finished a policy paper, “Encouraging Private Investment in Energy Efficiency,” for the Center for Energy and Environmental Law at the University of Connecticut School of Law, in January, 2011.


PROF. THOMAS WARD’S book *Intellectual Property in Commerce, 2010-2011* ed. was published by West in 2011. The book explores the intersection of commercial law and intellectual property law by analyzing four main areas. Prof. Ward examines intellectual property as a commercial asset. Next, he evaluates intellectual property as collateral, and how intellectual property law can pose artificial impediments to efficient debt financing for technology-based enterprises. Then, he covers the complexities of foreclosure and creditor realization on intellectual property. Finally, he considers bankruptcy issues and their effect on intellectual property assets.

PROF. NANCY WANDERER has been instrumental in guiding the revisions of the *Uniform Maine Citations, 2010 Edition*, which are now entirely online and posted at the following site on the *Maine Law Review* website: mainelaw. maine.edu/academics/mainelaw-review/uniform-maine-citation.html. Attorneys Charles Leadbetter, Michael Seitzinger, and Justice Donald Alexander also were involved in this project.


PROF. MEL ZARR continued his work on the Maine Supreme Judicial Court’s Advisory Committee on the Rules of Criminal Procedure. In summer 2010, they drafted and reviewed rules and amendments to accommodate the increasing unification of criminal dockets in District and Superior courts of Maine. Prof. Zarr has served on this committee for the past 35 years. He also served as a member of the Maine Legislature’s Criminal Law Advisory Commission, which reviews pending bills, offers amendments to conform to the basic structure and purposes of the Criminal Code and engages in special projects at the legislature’s request. They have been engaging in a systematic review of the Criminal History Record Information Act.
Alumni Honors

Three esteemed Maine Law alumni received well-deserved honors from their alma mater this year. The Law School faculty selected David Evans, ’78, partner at the law firm Clifford Chance and President of the University of Maine School of Law Foundation, as recipient of the L. Kinvin Wroth Distinguished Alumnus Award.

The Maine Law Alumni Association presented Rosalyne Bernstein ’86, philanthropist and community leader, with its Distinguished Service Award.

The Women’s Law Association of the University of Maine School of Law presented its 2010 Outstanding Alumna Award to Alice Clifford ’88, Assistant District Attorney for Penobscot and Piscataquis Counties in Maine and an expert in domestic violence prosecutions.

We want to hear from you

Share your news about new jobs, honors & awards and milestones in upcoming Maine Law Publications.

To share your news, please contact Mary Roy, Assistant Director of Development and Alumni Relations, by e-mail at mroy@usm.maine.edu; or by phone at (207) 228-8411. You can also log on to the Maine Law Alumni Community at www.mainelawalum.org and click on “My Class Notes,” located at the top of the home page.
Selected Speakers (2010-2011)

Generous supporters of Maine Law helped make the following presentations possible at Maine Law.

Julius “Jack” Getman. Sept. 13, 2010. Renowned labor law scholar and activist and the Earl E. Sheffield Regents Chair Professor of Law at the University of Texas at Austin Law School.


Stephanie Showalter & Melissa Trosclair Daigle. Sept. 27, 2010. Director of the National Sea Grant Law Center, and Legal Director at the Louisiana Sea Grant Center, respectively.


Dana Totman. March 15, 2011. President and CEO of Avesta Housing.

Panel Discussion: Egypt in Transition. March 28, 2011. Maine Law hosted a World Affairs Council panel discussion on Egypt in Transition: What does it mean for the Arab World and for US Policy? Panelists: Dr. Selma Botman, President of the University of Southern Maine, Mahmud Faksh, Professor in the Department of Political Science at the University of Southern Maine, Charles Dunbar, retired U.S. Ambassador, and Kathleen Kinney Sutherland, researcher on Egyptian society.

David Littell. April 1, 2011. Former Commissioner of the Maine Department of Environmental Protection and current Chairman of the Maine Public Utilities Commission.


Eric Biber. May 9, 2011. Environmental law expert and professor at the University of California at Berkeley Boalt Hall School of Law.

Cynthia Mabry. May 15, 2011. Professor at Howard University School of Law, and an expert in family law.

Judge D. Brock Hornby. May 21, 2011. Federal judge in the United States District Court for the District of Maine, delivered the keynote address at this year’s University of Maine School of Law Graduation.
2009-2010 Annual Fund

The sustained and growing support of the Annual Fund from our Alumni and Friends allows us to provide scholarship aid, summer fellowships, clinical programs and vibrant student life at the Law School. In 2009-2010, more than $487,000 was raised by 790 donors for the Annual Fund.

Support for the Law School, 2009-2010

Total Giving (Capital Gifts, Annual Fund Gifts and Program Grants): $487,094

Annual Fund

Results for Fiscal Year Ending June 30, 2010:

- Annual Fund Goal: $365,000
- Annual Fund Raised: $487,094
- Total Number of Donors: 790
- Average Gift: $545

Total Giving

Results for Fiscal Year Ending June 30, 2010:

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This report delineates gifts and pledges received between July 1, 2009 and June 30, 2010. Any gifts or pledges received after June 30, 2010 will be included in the 2010-11 Philanthropy Report. Every effort has been made to ensure the accuracy of this report. We regret any errors or omissions and request that you contact Maine Law’s Development and Alumni Relations office at 207-780-4342 or at lawalumni@usm.maine.edu with any changes so that we can correct our records.
Support
790 donors contributed more than $480,000 to the University of Maine School of Law in 2009-2010.

Thank You
On behalf of all of our students at Maine Law who benefit from annual gifts and grants, we thank you. Your leadership, commitment and financial support helped us continue to provide access to educational opportunities for our current and future students.

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 Corrections to the 2008-2009 Annual Report:
• Beth Bernstein Schneider and Michael Schneider should have been listed in the Dean’s Club, not in the Third Decade Club.
• The Elliott Family Scholarship Fund was inadvertently omitted from the list of Endowed Funds of the University of Maine School of Law and Maine Law Foundation.
• The Macdonald Family Scholarship Fund was inadvertently omitted from the list of Endowed Funds of the University of Maine School of Law and Maine Law Foundation.
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Krista E. Arwater ’01
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The University of Maine School of Law graduating class of 2010 demonstrated impressive leadership. Fifty-five individuals (67 percent) pledged a total of $18,175 to be paid to the law school over the next three years, which set a record for the highest participation rate ever by a Maine Law graduating class.

Most of these pledges are to support our vision for a new law building, one of Maine Law’s priorities in the years ahead. All of these pledges bolster the law school’s Annual Fund effort and reflect the strength of its extended community.

We gratefully acknowledge the following individuals of the graduating class of 2010 for their support and generosity.

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*Bequests and other planned gifts to the University of Maine School of Law Foundation build perpetual endowments to sustain the Law School’s excellence.*

Legacy Gifts are a valuable complement to the Annual Fund and Capital Gifts, and have the potential for transformative impact.

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