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Summer 1991

### Alumni Quarterly - Issue No. 40

University of Maine School of Law

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# SCHOOL OF LAW

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# University of Maine

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## Cohen Keynotes Third Year Program



*Senator William S. Cohen addressing the Third-Year Class*

"Never agree to compromise your integrity. Once your integrity is gone, it's gone forever and you can't buy it back." Senator William S. Cohen recalled that advice, given to him as a law student, as he addressed the third year class on March 28 at the Sheraton Tara in South Portland. The Third Year Program, focusing on ethics, is made possible through the generous donation of an anonymous alumnus.

Cohen talked about some of the dilemmas he faced during two ethical crises — Watergate and the Iran Contra scandal. He described his decision to vote for the Democratic version of a letter stating that the edited transcripts submitted to Congress by President Nixon were not acceptable, after his own letter had been voted down. "It changed the whole course of events — it broke a partisan tie vote that would have derailed the committee process. It also changed my life politically — mostly for the positive."

As a Congressman, he said, he had to decide whether "to vote my conscience or as my constituents wanted." In this case he found his constituents forgave his vote, once the missing tape was made public.

"You are all going to be faced with ethical issues," Cohen told the students. "You are going to have to listen to your inner voice about ethics." He ended with this series of questions: Suppose you are a Senator and a company in your state has been waiting for an IRS ruling for five years. Is it ethical for you to write the IRS asking for a ruling? What if the company has made a contribution to your campaign? . . . Are we getting closer to the Keating Five?"

A distinguished panel continued the discussion of ethics. Justice Morton Brody commented, "The ethics of making an inquiry to the IRS — or anyone else — has a lot to do with how you make the inquiry, making it clear you are not pushing for a particular resolution, just a resolution."

Attorney General Michael Carpenter '83 said that we tend to talk about many situations as not being black or white, "but often, with ethical situations, they are. The difficulty is often in the doing, not in the knowing."

Attorney David Plimpton urged students to think about how an ethics commission would view the situation when they are facing an ethical dilemma. As an attorney, you may be practicing "in a fishbowl," but you often forget to see yourself this way.

"Ethical issues are more obvious when you're in public life," said former York County District Attorney Mary Tousignant '82, "because you're more often in the limelight." As District Attorney, she commented, you face different kinds of ethical questions. "Do you prosecute when you have probable cause or only when you can win?" "Do you prosecute the wealthy person as readily as Joe Schmo?" "When are you wasting taxpayers' money?"

Elizabeth Woodcock '88, former staffer for Senator Cohen, found competing demands sometimes conflicted with her desire to do what was best for constituents. For example, she said, when certain Bangor and Portland postal functions were to be consolidated, she wanted to save the Bangor jobs, but the Postmaster General made the case too well that the consolidation would save money.

After the panel discussion, students continued the discussion amongst themselves and informally with the panelists, as third year students, faculty and panelists enjoyed hors d'oeuvres along with the conversation. ■

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# Alumni

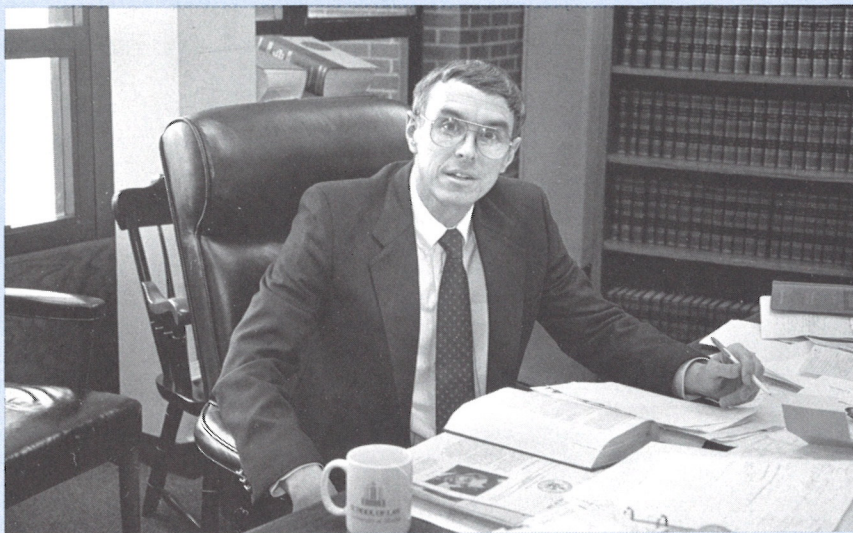
Number 40



Summer 1991

# Quarterly

Portland, Maine



*Dean Donald N. Zillman*

## Dean's Column

A hectic and wonderful first semester on the job ended with Graduation Ceremonies for the Class of 1991 on May 11. The weather was sunny and warm. Senator George Mitchell welcomed the graduates to the ranks of law-trained men and women. Fred Lipp of the Class of 1991 stressed the sense of compassion that motivated his class. Proud parents, spouses, families and friends filled the hall. It was a warm and memorable experience.

My one regret after Graduation was that I had only known this remarkable group of graduates for four months. (My suggestion that they stay around for another year or so to correct the situation was declined!) It then occurred to me that many of the

contacts I had made with class members were through our co-curricular programs. How much these programs add to the richness of life at the Law School!

Nothing in the accreditation standards or the University regulations require us to offer a Law Review or Territorial Sea Journal writing experience. Nothing requires a Moot Court program with its rich variety of intramural and national competitions. Nothing requires student interest groups — environmental law, public interest, black law students, international law, the Women's Law Association — to name only some. Nothing requires a speakers program that can bring to campus both U.S. Senators, pioneers in the civil rights movement, experts on U.S.-Canadian relations,

and commentators on the Gulf Crisis in just one semester. Nothing requires it, but how impoverished our legal educations would be without it. I emphasize "our" because faculty and staff are regular participants too.

In hard budget times, those activities are some of the most threatened. The student body has done its part. The students voted overwhelmingly to double the student activity fee that helps support many of these committee programs. They "raised their taxes" in the face of an almost certain tuition increase for Fall. The extra funds will help. But it won't do the whole job.

My message to our alumni and friends is two fold. First, we hope to involve you more in many of these activities. One practical way of doing this is to publicize our activities. Starting this Fall, we plan to send out a periodic flier announcing significant speakers and educational programs at the School. Let us know if you would like to be on the mailing list. Join us at programs that involve your areas of practice or that just catch your intellectual fancy. Second, we would value your individual or firm support of parts of our co-curricular programs. We are presently fine-tuning the details of two such programs. They are marvelous examples of collaboration between the School and the legal community. They benefit us all. We are rich in ideas for further collaborations. Your enthusiasm and support can bring them into being. ■

## Library Addition Put Out To Bid

### Generous Private Support Insures Needed Space for Future

The University has put out for bid the addition to the Law School's Donald L. Garbrecht Law Library, which will be built adjacent to the present Law School building, and will be connected to the School.

When the 1988 bond issue allocation for the Law Library addition fell short of being able to provide the space needed for the needs of the School and the Bar for the next decade, the Law School turned to law firms throughout the state for additional support. The Law School thanks the following law firms (and individuals) who have thus far generously supported the Library addition:

- Preti, Flaherty, Beliveau & Pachios
- Pierce, Atwood, Scribner, Allen, Smith & Lancaster
- Thompson & Bowie
- Eaton, Peabody, Bradford & Veague
- Rudman & Winchell
- Petruccelli & Martin
- Thompson, McNaboe, Ashley & Bull
- Friedman & Babcock
- members of Drummond, Woodsum, Plimpton & MacMahon
- members of Richardson & Trough
- David Morse '68
- Isaacson & Raymond ■

## Panel On Ethics

On Sunday, May 11 the Maine Law-Related Education Program along with the Maine Council of Churches sponsored a panel discussion for lawyers and judges on ethical questions of law. An Ecumenical Church Service was followed by dinner and a discussion by panelists Professor **David Gregory**; attorneys Peter J. Rubin, **Bryan M. Dench '75**, and Ralph I. Lancaster; and the Hon. **Susan W. Calkins '70**. ■

**Save**  
**NOVEMBER 16, 1991**  
**Annual Dinner**  
Details to follow later

## Faculty News

Dean and Godfrey Professor of Law **Donald N. Zillman** is the author, with P. Gentles, of "Perspectives on NEPA in the Courts," in 20 *Environmental Law* 505 (1990). The article was originally presented at the national symposium on the 20th anniversary of the passage of the National Environmental Policy Act sponsored by the Lewis & Clark Law School in Portland, Oregon. He also served as Topic Coordinator and Moderator on the topic "Public and Private International Law" at the February 1991 International Resources Law in Denver. The two-day gathering of mineral lawyers and business people attracted 275 participants from 19 countries.

On March 6, Dean Zillman spoke at the Portland Chamber of Commerce's Eggs & Issues breakfast about the military and energy implications of the Persian Gulf War.

On April 19, Dean Zillman presented a paper, "Abandonment and Reclamation of Energy Sites and Facilities: The United States," to the International Bar Association Section of Energy and Natural Resources Law in London. He was joined in London by his coauthor Professor Ernest Smith of the University of Texas Law School and other members of the Academic Advisory Group to the IBA Section. Dean Zillman and Professor Smith are the two United States members of the multinational Advisory Group.

Dean Zillman attended the Institute for Natural Resources Law Teachers, held May 16-18 in Denver, Colorado. He and Professor **Alison Rieser** coauthored a report on the "Transnational Aspects of Environmental and Natural Resources Law" which Dean Zillman presented at the conference.

In addition, a supplement to the Zillman-Lattman textbook, *Energy Law* (Foundation Press) has just been published.

The first supplement to *Federal Environmental Regulation*, co-authored by Professor **Orlando E. Delogu** and Professor John Davidson of the University of South Dakota Law School, has just been published. It includes the full text of the new Clean Air Act amendments and extensive commentary on this legislation. Changes in other federal environmental laws are also discussed. On

April 26, Professor Delogu spoke at a Judicial Conference on environmental issues for New England trial court judges. The two-day conference used lectures, small workshops and simulations to address a wide range of environmental law, particularly enforcement, problems. Over 50 judges attended. He also completed the Sugarloaf Marathon on May 19 in 3:34:12.

Professors **David Gregory** and **Judy Potter** served as commentators and **Dean Zillman** as moderator at the Bill of Rights Bicentennial Program held at Bates College on Monday, March 18. Professor Randall Kennedy of Harvard University and Professor Patricia Williams of the University of Wisconsin were the principal speakers at the forum, which focused on the significance of the Thirteenth, Fourteenth and Fifteenth Amendments and their relationship to affirmative action.

Professor Michael B. Lang is the author of "Terminating Taxable Year When Title 11 Case Commences," published in the Summer 1991 issue of *The Review of Taxation of Individuals*.

Associate Professor and Director of the Cumberland Legal Aid Clinic **Michael W. Mullane**, Professor **L. Kinvin Wroth**, and **Dean Zillman** testified before the Judiciary Committee in Augusta on April 9 in support of the Act to Implement the Recommendations of the Maine Commission on Legal Needs. Passage of the bill would provide funding for a two-year faculty supervisor position at the Legal Aid Clinic. Professor Mullane is also the author of "The Truthsayer and the Court: Expert Testimony on Credibility," 43 *Maine Law Review*, No. 1, 1991.

Associate Professor and Director of the Marine Law Institute **Alison Rieser** served as a humanities scholar and commentator at a lecture series during April and May on the U.S. Merchant Marine held at the Penobscot Marine Museum in Searsport.

Professor **Thomas M. Ward** presented a seminar on "Law and Literature" for high school and middle school teachers as part of the annual program of the Maine Council for English Language Arts on March 14. He also served as consultant and reviewer for the American Bar Association in the preparation of its recent publication "You and the Law."



*Professors Michael B. Lang and Colleen A. Khoury*

## Lang-Khoury Book Published

Libra Professor **Michael B. Lang** and Associate Professor **Colleen A. Khoury** are the authors of a new reference, *Federal Tax Elections*, published by Warren, Gorham & Lamont. The only comprehensive treatment of the subject available today, the book analyzes over 100 elective provisions of the Internal Revenue Code and offers tax practitioners valuable guidance on how to evaluate and make the elections that are of great benefit to their clients.

The book presents in-depth examinations of permissible income and transfer tax elections for C corporations, S corporations, partnerships, individuals, and trusts and estates. It covers a wide variety of tax elections, including those affecting tax accounting, natural resources taxation, and capital cost recovery, and discusses such topics as filing requirements, extension requests, substantial compliance, and revocation and termination of elections.

Lang and Khoury have been working on the 1100-page treatise for three years. "In writing the book, we tried to produce a work that was comprehensive and scholarly, and that would also meet the practical needs of lawyers and accountants in providing advice to clients on a day-to-day basis," said Khoury. "We hope we have succeeded, and that the book will be a useful reference for practitioners trying to assess and analyze the myriad choices presented by the Internal Revenue Code."

Lang added, "The work also provides an analytical framework and research source for those hoping to rationalize and simplify the procedural and substantive law affecting tax elections." ■

## Record Number Of Public Interest Fellowships Awarded: Students Raise Over \$10,000

A record number of summer public interest fellowships were awarded to students working in low-paying or no-paying public sector jobs. A total of \$20,500 was awarded to the 15 students listed below.

The fellowship program, now in its third year, is funded both by donations from the Annual Fund and fundraising efforts by MAPIL, the Maine Association for Public Interest Law. MAPIL's two-week "Pledge to Make a Difference" Drive, held during March, resulted in more than \$6,000 in pledges by students, staff and faculty for the Summer Fellowship Program.

The MAPIL auction, held on the last day of classes, featured items such as tickets to concerts, plays and Celtics games; brunch prepared by Professors Thomas Ward and Colleen Khoury, gourmet meals prepared by chef Kevin Beal '91, and by Professor Judy Potter and Dale Thistle '91, babysitting, handknit sweaters, sailboat rides, a weekend at a summer cottage, ski passes, an SMH Bar Review Course, and more. The auction netted more than \$4,000 for the fellowships, double the results of last year's auction.



*John March '92 has been elected the new editor of the Maine Law Review. A graduate of the College of the Atlantic, Bar Harbor, he and his wife Maude and two children, Sarah and Elizabeth, live in Seal Harbor. As new editor, John spoke briefly at the 1991 Maine Law Review Banquet on April 9. Hon. Gene Carter was the guest speaker.*

Students receiving fellowships and their supervisors for the summer are: Jeff Ashby '92, DNA-People's Legal Services, Window Rock, Arizona; Krisna Basu '92, Legal Services for the Elderly, Portland; Lisa Butler '93, Pine Tree Legal Assistance, Farmworker Unit, Bangor; David Casavant '93, Court Appointed Special Advocate Program, Portland; Todd Fahey '93, Sentencing Options, Portland; Mary Gosnell '92, Oregon Legal Services, Portland, Oregon; Caryn Graham '93, Domestic Relations Services, Fairfax County Family Court, Virginia; Michael Isenberg '92, Maine Advocacy Services, Winthrop; Dina Jellison '92, Pine Tree Legal Assistance, Family Law Project, Portland; Erik Laurentz '92, Maine Labor Group on Health, Augusta; Frank Perrott '93, Greater Portland Council of Governments, Portland; Pamela Prodan '92, Maine Labor Group on Health, Augusta; Michael Stoddard '92, Maine Attorney General's Office, Augusta; Joshua Tardy '93, Maine Attorney General's Office, Augusta; and Amy Tchao '93, Maine Attorney General's Office, Augusta. ■

## Dinner Honors Violette

John D. McElwee, '73, organized and presided at a dinner in Caribou on May 30, 1991, honoring Active Retired Justice Elmer H. Violette of the Supreme Judicial Court. The dinner followed a ceremony in which a portrait of Justice Violette, presented to the Court by The Aroostook County Bar Association, was unveiled in the Superior Court courtroom in the Caribou court house.

Among those speaking at the dinner were Associate Justice Daniel E. Wathen, '65, of the Supreme Judicial Court and Justice Violette's son, Paul E. Violette, '84, Executive Director of the Maine Turnpike Authority. Guests "from away" who journeyed to the County for the occasion included Dale L. Gavin, '83, former law clerk to Justice Violette; Dean Emeritus and retired Associate Justice Edward S. Godfrey; and Professor L. Kinvin Wroth. ■

## Events At The Law School

March 6: Attorney General **Michael Carpenter '83** spoke on behalf of the Maine Association for Public Interest Law's (MAPIL) Pledge Drive.

March 8: **John Cronin, Hudson Riverkeeper** spoke on citizen enforcement of state and federal clean water laws. Mr. Cronin, as head of the first of a growing number of riverkeeper programs throughout the country, has been responsible for numerous enforcement actions and lawsuits against polluters of the Hudson River.

March 14: The Prize Argument was held. Selected earlier in the year during the Moot Court Competition, **Theodore Coxe, Thomas Diebold, Carol Ford and Harry Kelly**, all '92, argued the case of *International Union v. Johnson Controls* dealing with employment policies for a Title VII challenge to an employer's fetal protection policy. Judging the argument were Associate Justices David Roberts and **Daniel Wathen '65** of the Maine Supreme Judicial Court, and Superior Court Justice Donald Alexander.

April 4: A **Godfrey Fund Reception** for all donors was held in the Berman Lounge at the Law School to give contributors to the Fund the opportunity to meet the first Godfrey Professor, Dean Donald N. Zillman.

April 5: An **Open House** for students already accepted for law school in fall 1991 was held. Prospective students had a chance to attend classes and panel discussions, and meet with the placement director and leaders of student groups.

April 16: **Dr. A.H.A. Soons**, Director of the Netherlands Institute for the Law of the Sea and Professor of Public International Law, University of Utrecht, discussed the role of public international law in protecting the marine environment and relevant rules dealing with sources of pollution.

April 17: **Professor Leslie Espinoza**, Visiting Professor, Boston College Law School, spoke about "The Effect of the Law School Dynamic on Women Law Students." ■

# Scholarship Reception Honors Donors and Recipients

On March 22, the first annual Scholarship Reception was held, to honor both the students receiving these scholarships and the people who make the scholarships possible. The Reception gave the Law School the opportunity to thank the donors personally, gave the scholarship recipients that same opportunity, and gave the donors a chance to meet these students.

The Law School Scholarship Program has become essential to the strength of the School. Scholarships insure that talented students are not prevented from attending the Law School because of financial need. During the 1990-91 academic year, twenty-two scholarships totalling \$38,500 were awarded through the Alumni Association, sixteen were awarded through endowed scholarships, and four from scholarships which are supported each year by donors.

Sumner Bernstein spoke briefly about the Israel Bernstein Memorial Scholarship Fund which honors his father and talked to the students about how much the practice of law has changed from the time when he became an attorney, focusing on the shift from an approach based on trust to settle problems to a more immediate adversarial approach. Ken Keating, representing the recipients, talked about coming to Law School after being a minister for a decade, and described his gratitude for being awarded the Pierce B. and Arlana Hasler Memorial Scholarship. ■



*Sumner Bernstein addressing students*



*Listening to Sumner Bernstein are students who received scholarships, and Marjorie Baird who, with her husband Kenneth, established the Kenneth and Marjorie Baird Scholarship.*



*Linda Zillman talks with Hon. Caroline Glassman at the Scholarship Reception*



*Vickie Caron, recipient of the Aroostook County Bar Association Scholarship. Aroostook was the first county bar association to award an annual scholarship. This year, the Cumberland County Bar Association established an annual scholarship for a law school student, which will be awarded for the first time in 1991-92.*



*Alumni Association President David Hawkes '69 talks with two Alumni Association Scholarship recipients, Stephanie Davis '92 and Mary Bradley '92*



*Peter Wiley '89 talks with Kerry O'Brien '92, recipient of the Wiley Family Scholarship*

Dean Donald N. Zillman told them they were the "finest class ever to attend the Law School." Class speaker Frederick L. Lipp urged them not to ignore the element of compassion in the practice of law. Senator George J. Mitchell reminded them that their role as lawyers will be crucial in preserving the rule of law and the American heritage of justice.

Those were the messages heard by the seventy-five graduates who received their diplomas at the Law School's convocation ceremony held Saturday afternoon, May 11, at the First Parish Church in Portland. Earlier in the day, graduates and faculty took part in the University of Southern Maine's Commencement, where degrees were formally awarded.

Presiding at his first convocation, Dean Zillman pointed out how much the world had changed since the Class of 1991 entered law school in August of 1988. "We then wondered whether Vice-President George Bush was too much a wimp to be President. We wondered whether Michael Dukakis could translate the Massachusetts Miracle to the country. We didn't really know Senator Dan Quayle but we assumed that any law school graduate had to be bright, articulate and deep. West Germany was our ally. East Germany was our enemy. Saddam Hussein was our friend, or at least he wasn't the Ayatollah. Margaret Thatcher was, of course, still Prime Minister for Life. We'd never heard of John Major, Norman Schwartzkopf, cold fusion and David Souter. Donald Trump was doing well. Kitty Kelley was doing research. Madonna was doing something."

"August 1988 was not so long ago. In those two years and 9 months much has changed in our world. And in your lives . . . You leave a record of accomplishments for later classes. We will miss you."

Dean Emeritus Edward S. Godfrey welcomed the Class of 1971. David Flanagan, President of the Board of Trustees, congratulated the students on behalf of the Trustees. Awards were presented by Associate Dean David P. Cluchey and Assistant Dean Barbara E. Gauditz; Alumni Association Vice-President Craig H. Nelson presented the alumni chair and Student Bar Association President Jessica Maurer '92 presented the SBA Awards. Diplomas were presented by Professor L. Kinvin Wroth, Registrar Frances M. Tucker and Dean Zillman. A reception at One City Center followed. ■



*Senator George J. Mitchell*

## Senator George J. Mitchell: Graduation Remarks

Graduates, families, friends, faculty: I'm honored to participate in this graduation ceremony.

You've achieved something our society regards as a guarantee of success: a law degree. You know how tough that achievement has been. Nothing I can say in a few minutes can add much to that. So my message is a simple one.

Wherever you go in life you will be part of a society — a neighborhood, a church, a community, a state, our great nation. Be active in that society. Do something in and with your life.

As you begin your careers in law, many of you face long hours, often at work that can be tedious and repetitive. As newly-graduated lawyers, you will deal with the trivia of the legal world.

I'm telling you this, not to discourage you, but because it's going to be hard, at times, for you to remember that in your hands will lie the American heritage of justice and the rule of law.

It's not always easy to remember that larger reality in the rush of daily work. But unless you remember that larger fact about your chosen life's work, you risk depriving the American legal tradition of the unique contribution that you can bring to it.

Ours is a nation resting on the rule of law to a degree unique in the world.

Lawyers play a more important role in our nation than in most others.

It's a commonplace observation that our society is litigious, that our legal system produces lawsuits, motions and appeals without end, sometimes to the detriment of a client, sometimes even to the detriment of justice.

The shortcomings in our system are real. But don't let these shortcomings blind you to the real majesty of American law.

In our system, the law stands above any person, above high public office, above wealth, above privilege.

In our nation, the rule of law is paramount because it is the anchor to which our liberties are tied. The law is the bedrock on which our rights rest. The law is our recourse against abuse of public office and private influence alike.

But the life of American law is nothing without the men and women who are its practitioners. Our system of law means much, but in the end, it can only produce the justice to which our lawyers are committed.

It can only secure our rights to the degree that our lawyers are willing to stand up for our rights. It can only guard against government and private abuse to the degree that our lawyers are willing to challenge power and privilege.

I urge you not to become so immersed in the daily grind that you lose sight of the larger tradition of which you are a part. Don't lose touch with the ideals which drew you to the practice of law in the first place.

I can tell you, from personal experience, that no matter how gratifying it is to win a difficult case; no matter how much money you make, or how rewarding it is to win the respect of



*Senator Mitchell, before graduation, with Board of Trustees President David Flanagan and Assistant Dean Barbara Gauditz*

clients and the envy of peers in the legal community, your truest fulfillment will come when you act on and help achieve the American ideal of justice.

People the world over are said to struggle for freedom, and so they do. But they do not struggle for the freedom of the jungle or of anarchy. They struggle for the true freedom that is found only under the rule of law.

For most of human history, justice has been the privilege of the powerful and wealthy. For many millions of human beings today, justice is a distant goal, not a present reality.

In some countries, courts serve the political goals of the governing regime. They do not dispense even-handed justice.

In some countries, judges are so intimidated by criminals that they dare not bring them to justice, they cannot dispense justice to the victims of those criminals.

In some countries, justice is for sale. There is not justice for the poor, because the courts are tied by money to the interests of the wealthy.

The people living in such nations know their rights in a dispute can not be reliably vindicated. The result for them is the rule of the strong over the weak, the wealthy over the poor, of those with power over the powerless.

Our system was established and its legal rules have been refined over time to ensure exactly the opposite result.

We are dedicated to the principle that no matter how weak, how poor, how powerless a person may be, his or her rights have as much standing as the rights of the strongest, the wealthiest, the most powerful.

That is the goal of our legal system. We have not reached that goal in all cases.

Justice is sometimes not served; influence sometimes prevails, wealth sometimes affects the outcome. The answers to those shortcomings lie in your hands.

The steps our legal community will take to correct the shortcomings will be the steps you decide to take. They are in your hands, and so also, in a larger sense, is the future of the law in our nation.

No institution can survive without human effort. Whether that effort is exercised for good or ill is a decision made by individuals like you.

You have earned one of the rewards of the American system.

You have the power that comes with knowledge. You have the strength that comes from a powerful tradition of law reaching back to before our nation's

beginnings. You have the capacity to make a difference to your community, to your state and to your nation.

Don't shrink from it. Having such power is a privilege. Use it wisely for the people of your community, your state, your nation.

Our society relies on individual initiative, on the willingness of its most able people to accept the challenge of improving their society. It is the obligation imposed on you for the privilege you have earned. Nothing in your lives will be more fulfilling than the knowledge that you have met that obligation.

Congratulations, good luck and may God bless each one of you. ■

*(more on Commencement on next page)*



**Frederick L. Lipp**

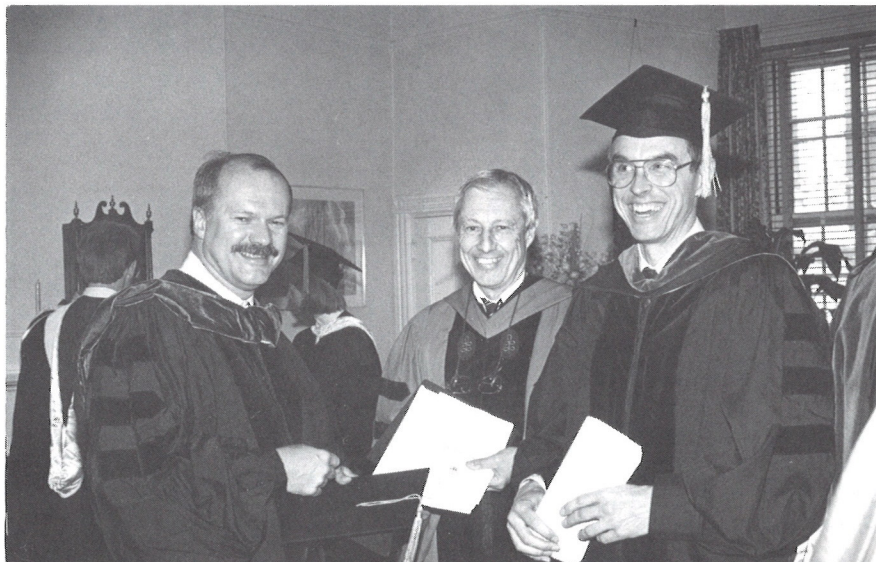
## Learning To Think Like Lawyers: The Value of Compassion

Frederick L. Lipp, selected by his classmates to speak at the Law School's convocation ceremony, focused on an element "hardly addressed during the last three years. I am speaking of the need for compassion in the practice of law," he said, "the need for attorneys to care for their clients and their clients' rights on a basic human level."

"If we are not concerned for our clients and their rights, then I believe we are no more than legal technicians, hired guns, intellectual prostitutes." I know, he said, that "the members of the class of 1991 have not forgotten the value of compassion. As a result, we shall become legal counselors in the finest sense of the word." ■



**Curtis Bourdon and Hon. Richard Stanley, members of the Class of 1971 who attended graduation**



**Board of Trustees President David Flanagan talks with Dean Donald Zillman and Professor L. Kinvin Wroth**



## Awards

Faculty Scholastic Achievement, for highest academic average: James Costello

Cumberland County Bar Association, for greatest contribution in scholarship, work on Law Review and other activities: Kenneth Keating

Faculty Significant Achievement, for academic performance and overall contribution: Anne Lucey, Russell Pierce, James Saffian, Deborah Shaw

Gignoux, for excellence in advocacy skills: James Aucoin, Justina McGettigan

American College of Trial Lawyers, for outstanding performance in trial advocacy: Kenneth Lexier

West Scholastic Achievement Awards:

In Commercial Law: James Costello, James Saffian

In Family Law: Judy Berry

In Securities Regulation: Robert Brooks

Independent Writing Project, for best independent writing project: Robert Stickney

Bureau of National Affairs, for sustained academic improvement: Dennis O'Donovan

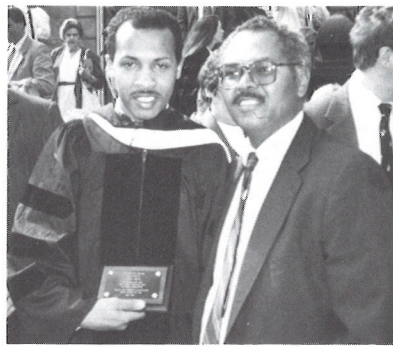
Maine State Bar Association Pro Bono Award, for exemplary legal service to community, without compensation: Julie Nepveu

Law Alumni Association, to outstanding class member: James Munch

Student Bar Association, for dedication to service to the School and community: Julie Nepveu, James Munch, Janet Hendershot ■



**Jim Munch, recipient of the Alumni Association Award**



**Tony Anaman '93, President of the Black Law Student Association, presents Carlos Brito '91 with BLSA's Foundation Award, given for his efforts in establishing BLSA and for serving as a role model. Clayton Waller '92 also received the Foundation Award, and both received checks donated by The Law Center, Inc. BLSA was formed at the Law School in 1989 to promote and develop a greater understanding of black concerns in the context of our legal structure; to acknowledge black accomplishments in the legal field; to support the professional needs and goals of black law students; and to instill an awareness of the commitment required to sustain these objectives. The presentation of the award caps off a successful year for BLSA: it was a co-sponsor of Hate Speech Week, sponsored a talk by former Portland Representative Gerald Talbot, and was responsible for bringing Judge Constance Baker Motley to the Law School on Martin Luther King Day.**



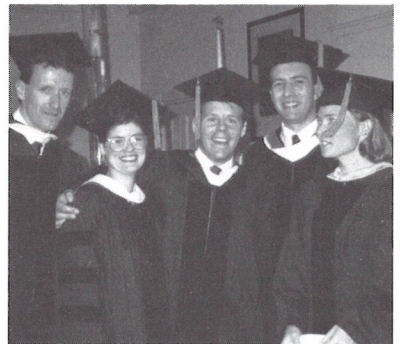
**Ken Keating and Lauren Kolitch**



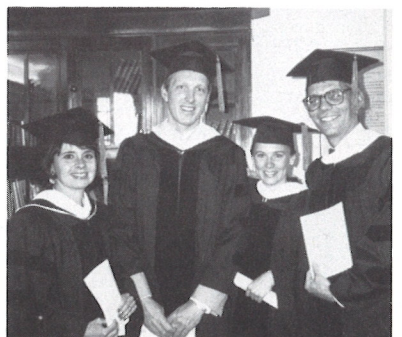
**Vickie Caron, Ginny Kozak, Anne Dunigan**



**Julie Nepveu and Justina McGettigan**



**Henry Griffin, Jackie Lamb, Ken Ginder, Joe Enriques, Monica Bigley**



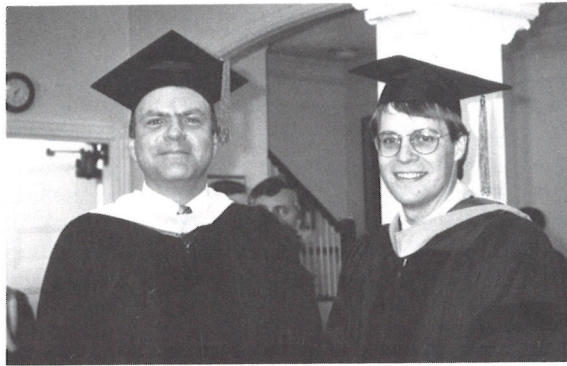
**Helaine Roberts, Steve Richardson, Penny St. Louis, Jim Saffian**

# Honor Graduates

**Summa Cum Laude**  
James Costello

**Magna Cum Laude**  
Shawn Bell  
Russell Pierce  
James Saffian

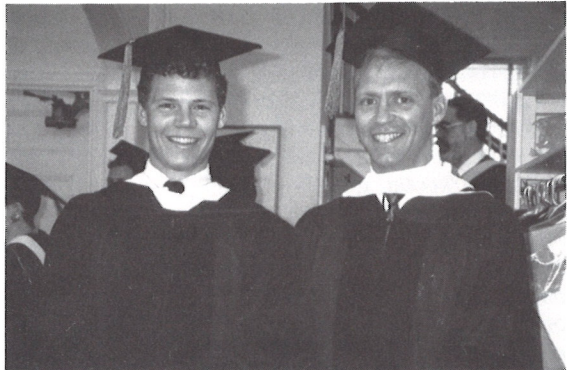
**Cum Laude**  
Robert Brooks  
Matthew Campbell  
Vickie Caron  
Peter Clifford  
Anne Dunigan  
Daniel Hartley  
Kenneth Keating  
Kenneth Lexier  
Anne Lucey  
Dennis O'Donovan  
William Phillips  
Helaine Roberts  
Deborah Shaw



*Ken Lexier and Jim Costello*



*Janet Hendershot and Cindy Baker*



*Rob Brooks and Roger Clement*



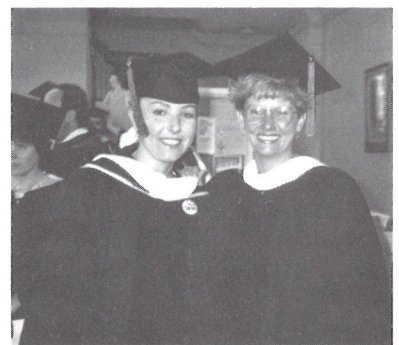
*Bill Scarpelli, Deb Shaw, Scott Lynch*



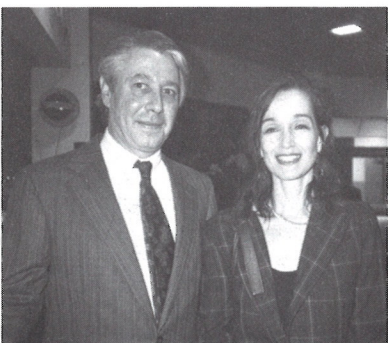
*Melinda Chester and Michael Bowden*



*Dale Thistle gives Professor Judy Potter a hug*



*Dawn Thomas and Janet Kantz Dyer*



*John Jerabek with his wife Elizabeth McMillen*



*Claire Adami helps Jim Aucoin, Steve Abbott in background*



*Abby Harkins, Penny St. Louis, Lorna Harmuth, Anne Lucey*

# Women and The Law

## A Retrospective and Prospective Look

By Professor Judy Potter

In the 1870's Myra Bradwell sought admission to the Bar of Illinois. It was denied because she was a woman. The United States Supreme Court upheld the denial in a brief opinion in 1873. Justice Bradley in his concurring opinion explained:

... [T]he civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband...

*Bradwell v. Illinois*, 83 U.S. (16 Wall.) 130, 21 L.Ed. 442 (1873).

Belle A. Mansfield of Iowa was the first American woman admitted to the bar. The second woman was Clara Hapgood Nash of Columbia Falls, Maine. She was admitted to the bar at Machias during the October Term of the Supreme Judicial Court in 1872. She was originally from West Acton, Massachusetts. She read law under the guidance of her husband, Frederick Nash. When she was admitted, Justice William G. Barrows of Brunswick stated:

I am not aware of anything in the Constitution or laws of this State prohibiting the admission of a woman possessing the proper qualifications to the practice of law. I have no sympathy with that feeling of prejudice which would exclude women from any of the occupations of life for which they may be qualified. I direct that she be admitted.

*WOMEN OF MAINE*, Lee Agger, Guy Gannett Publishing Company at 137 (1982).

One hundred years later the first woman professor was hired at the University of Maine School of Law. At that time, women attorneys were not com-

mon in Maine. In 1972 there were thirty-one woman lawyers admitted to the Bar in Maine, eight of them were in private practice. *Id.* Strangely there appeared to be more women in private practice in the Bangor area than in the Portland area. Law firms were still exceedingly reluctant to hire women, and it was rare to find a woman working for a major law firm. Thus, in Maine in 1972, women attorneys were not commonly accepted into the profession. Only a handful of women appeared in court. Seeing a woman attorney in court was a very unusual event. There were no women judges until Harriet Henry was appointed to the District Court in 1973. It frequently occurred that a woman attorney was mistaken for the client and asked where her lawyer was when she walked in to the courtroom.

Similarly, there were only a handful of women at the University of Maine School of Law during those years. In 1969 there were no women in the class of thirty. In 1970, there were two women in the class of thirty-one. Susan Calkins, one of the two, is now the Chief Judge of the District Court. In 1971 there were four women in the class of forty-seven, one of whom was Mary K. Brennan who practices in New Jersey. Another woman from the class of 1971, Joan R. Good, practices in the Law Department of Travelers Insurance Company. In 1972 there were three women in a class of forty-four. Rae Ann French from this class practices with the Maine Office of the Attorney General. Karen Thurston Coatsworth practices with a law firm in Hartford, Connecticut. In 1973 there were five women in a class of sixty-four. One of these women was Anne B. Poulin who later became a professor at the Villanova School of Law. In 1974 there were eight women in a class of fifty-six. All but one are still practicing law. In 1975 there were eight women in a class of fifty-two. All but one are still practicing law. Connie Fern Miller recently was elected District Attorney in New York State. She is one of three women serving as district attorney in that State.

In 1976 there was a large increase in the number of women law students. There were nineteen women in a class of seventy-eight. Most of these women are still practicing law. Margaret Kravchuk is a Justice of the Superior Court. Janet Mills is a District Attorney. Paula

Silsby is with the United States Attorneys Office. A number of these women are partners in prominent law firms. Similarly in the class of 1977 there were twenty-three women among seventy-seven graduates, and the number of women law graduates has continually increased until it is quite common for women to represent half of the class.

The pattern in Maine was true nationwide. There were 7,543 women lawyers in the United States in 1960 and 13,000 in 1970. They were mostly clustered in a few cities such as New York, Washington and Chicago. 35 N.Y. Law Rev. No. 2 n. 94 at 328 (1990). During the decade from 1965 to 1975 most women attorneys held less prestigious, less lucrative, and less interesting jobs than similarly or less qualified men. Most major law firms refused to hire or even interview women. Ladies days were a common practice in law schools. On those days only women law students were called upon. C. Epstein, *WOMEN IN LAW* (1983). During this time period law firms generally believed that they were exempt from federal non-discrimination laws. Later it was found that law firms were subject to these laws. However, it took a United States Supreme Court decision to persuade certain major law firms that they indeed could not discriminate against women when they determined whom to select for partnership. *Hishon v. King & Spaulding*, 467 U.S. 69 (1983). Strangely, it was during the same period that women attorneys were responsible for many of the major advances in women's rights.

During the sixties the few women who graduated from law school and were practicing had already overcome many cultural and other hurdles. Because they were few and situated in a relatively small number of cities, they tended to know each other. There were limited professional opportunities for women attorneys at this time. The lack of available positions with mainstream major law firms caused women to accept positions with organizations which were committed to civil rights in general and hence, hiring women. These organizations were the Equal Employment Opportunity Commission, the American Civil Liberties Union, various state and local human rights agencies, legal services organizations, and other private and public organizations dedicated to the furtherance of civil rights in

general. Coincidentally, receiving its impetus from the Black Civil Rights Movement in the late fifties and early sixties, the Feminist Movement was just beginning. Thus, there were women attorneys in positions of power within civil rights organizations who worked together and achieved the sweeping advances in women's rights during the decade from 1968-1978.

For the women attorneys during this time, the focus was in the courts, legislatures and the executive branches of the government. Title VII of the Civil Rights Act was enacted and included a prohibition on employment discrimination based on sex. Certain women attorneys who worked together in Washington, D.C. at the Equal Employment Opportunity Commission drafted Sex Discrimination Guidelines which were issued by the EEOC. These Guidelines still have a significant impact on employment practices. Other women attorneys throughout the country represented women in one landmark case after another involving sex discrimination before the United States Supreme Court. [It should be noted at this point that certain male attorneys also worked for women's rights, but women attorneys are the focus of this article.] When the Supreme Court ruled against women, women attorneys went to the Congress and caused statutes to be passed to rectify the Court's decisions.

Bella Abzug was in the Congress and Shirley Chisholm ran for president. A small group of women attorneys living in Washington, D.C. founded the Women's Legal Defense Fund. This organization now litigates women's rights cases nationwide and has a tremendous impact on women's issues.

The Equal Employment Opportunity Commission brought its landmark case

against the American Telephone and Telegraph Company and its thirty operating subsidiaries for race, sex, and national origin employment discrimination. This case was settled for a record amount of back pay and a far-reaching and innovative affirmative action plan. It is significant that the lead trial counsel for the EEOC in this case was a woman. She had to be specially recruited by the EEOC from private practice to try the case because there were only one or two women practicing law in Washington at that time who had any trial experience.

The Equal Rights Amendment was introduced; finally passed by the Congress; and the long battle for ratification began. This was the battle that made Phyllis Schlafley famous and pitted feminist values against what were considered traditional values. Maine was the thirty-first state to ratify the ERA on January 18, 1974. Maine was the only state in which Phyllis Schlafley appeared that ratified the ERA. Women attorneys were actively involved in the ratification efforts and spent countless hours researching, writing about, and publicly discussing the issues raised by the ERA.

When compared to the sixties and seventies, it would appear the 1990 decade is a bad time. The civil rights cases that come before the Supreme Court today are likely to be about reverse discrimination. Once more affirmative action is being discussed in terms of "quotas," even though no responsible civil rights leader has ever advocated the use of "quotas." One by one, civil rights precedents which were fought for in the seventies are being set aside by the courts. The younger generation of women attorneys is split by success as well as failures. In the old days the issue was equality of opportunity.

Now equal pay for equal work and equal opportunity are matters that are frequently taken for granted by women attorneys who have never had to fight for access to law school and entry-level jobs with prominent law firms. [Statistics show that equality should not be taken for granted, at least in the legal profession. Women are not reaching positions of prominence in the profession in the same proportion as men. Female lawyers in the mid-1980's were less than half as likely as males to be partners in law firms, earned about forty percent less, and practiced disproportionately in low-prestige specialties. Rhode, *Perspectives on Professional Women*, 40 Stan. L. Rev. 1163, 1179.] Some women lawyers are careful to say that, although they support women's issues, they are not "feminists." Others, particularly law school professors, have so intellectualized feminism that they have become largely disconnected from the mainstream and the problems of the majority of women.

For the women attorneys who are still concerned with women's issues, the issue of this decade is the same one which caused the defeat of the ERA. The opponents of the ERA persuasively argued that if women were made equal under the law, they would lose all of the protection they needed because of their homemaker status. The focus of this argument was the domestic relations law. Advocates of the ERA felt that absolute equal treatment for women under the law was necessary because, throughout history, protection of women because of their status as homemakers, childbearers, and caregivers had always resulted in their being disadvantaged economically. For example, when protective labor legislation was passed to protect women, it was used to eliminate women from certain



Professor Judy Potter

## Judy Potter

Professor Judy Potter did her undergraduate work at Cornell University and graduated from the University of Michigan Law School. She is a member of the Michigan, District of Columbia and Maine Bars. She practiced law a number of years with a law firm in Washington, D.C., leaving to be lead trial counsel in the case of the Equal Employment Opportunity Commission v. AT&T and Thirty Operating Subsidiaries. While in Washington, she worked on the Equal Rights Amendment. After coming to Maine, Professor Potter was a member of the Maine Commission on Women; authored the book *WOMEN AND THE LAW*; drafted amendments to Maine laws impacting on women; and debated the ERA against Phyllis Schlafley before the Maine Legislature. After Maine passed the ERA, she was sent to debate Ms. Schlafley through the south. From 1972 until 1989 Professor Potter was the director of the Cumberland Legal Aid Clinic. She now teaches Negotiation, Trial Practice and Advanced Trial Practice, supervises in the Cumberland Legal Aid Clinic and tries cases in Federal and State Courts. ■

jobs. Women with small children were prohibited from applying for jobs. Women who became pregnant were forced to resign from jobs.

Both were right. Although some women generally lost economic status as the result of being divorced, achieving sex-equality under the law has even further disadvantaged women. Now women have to fight harder than ever in court for custody, child support, and alimony. Women have lost primary custody of their children even when they were the primary caregivers and nurturers of their children. Women who have stayed at home with their children have often been considered by the Courts to be unambitious, unmotivated and parasites of their husbands and society. Nine months of pregnancy and years of nurturing have been given little value. The woman attorney who defends a life has been given more value by society than the woman who creates that life and nurtures it. It has been considered sexist to talk about the special nature of "motherhood," despite the fact that, although it is true that there are fathers who are primary caregivers and nurturers of their children, this is the exception rather than the rule.

The issue of the 90's is the same issue that caused the face-off between women over the Equal Rights Amendment, and once more, as they did in the mid-sixties and seventies, women attorneys must take the lead. It must be recognized that in our society there is a special class of persons, consisting mostly of women, who are the primary caretakers, caregivers, and nurturers of children, family and spouses. Domestic relations laws, and the judges who administer them, must adequately protect the person who had irretrievably lost economic value in the job market while caring for a spouse, home and children for years, thus, permitting the spouse to achieve economic value in the job market. Jobs must be structured to permit these persons to function without permanent loss of career opportunities. However, doing this cannot disadvantage these persons. The "Mommy Track" is not the answer but simply another way to use the idea of special protection to disadvantage women. See: Erlich, *The Mommy Track*, Bus. Wk. Mar. 20, 1989 at 126, and Schwartz, *Executives and Organizations: Management Women and the New Facts of Life*, 67 Harv. Bus. Rev. Jan-Feb 1989 at 65.

In the 1960's and 1970's women attorneys fought for simple justice. The goals and ideas were easy to understand and to articulate. It was an era of

"sameness feminism." Now, it is obvious that "sameness feminism" does not always work. The challenge of the 1990's is to obtain adequate protection without taking away the essential and hard-fought rights of the 1960's and 1970's.

Today's problems seem harder than yesterday's. In the good-bad old days the issue was access. It was an era of moral certainty and great hope. Everything seemed possible and achievable.

It was the best of times,  
it was the worst of times.  
It was the age of wisdom,  
it was the epoch of belief,  
it was the epoch of credulity.  
It was the season of light,  
it was the season of darkness.  
It was the spring of hope,  
it was the winter of despair.

We had everything before us,  
we had nothing before us.

*A Tale of Two Cities*, Charles Dickens.

The 1990's seem to be a heroless moment, a cause-less time, an era defined by ambivalence, not action. The sense of possibilities of the sixties and seventies seems to be missing. People are nostalgic for the future they once saw, way in the past. Goodman, *Looking Backward to the 60s Leaves a Longing for the Future*, Portland Press Herald, April 16, 1990. Things were simpler then. Today simple justice and equality isn't enough. Today's goal must be to truly acknowledge and value the role of the nurturing class, primarily composed of women, and to finally meet head-on and resolve the issue that so split women during the ERA effort. ■



**Alumni Association President David Hawkes and Ted Leonard, both '69 talk at the Bangor Dinner**

## Alumni Activities

On March 21, Dean Donald N. Zillman, Alumni Association President David Hawkes '69 and Alumni Relations Director Joan Amerling gathered with about twenty Bangor area alumni for dinner at Miller's Restaurant. The dean talked about what had been happening at the Law School during the semester and answered questions.

The dean and alumni relations director attended the York County Bar Association dinner on May 1 at Leedy's in Alfred, and Don had the opportunity to meet ten York County alumni that evening. He spoke briefly to the Association about the military implications of the Gulf War. Earlier in the day, he served as a judge for the York County high school speaking competition, sponsored each Law Day by the County Bar Association. The other two judges were Hon. Leigh Saufley '80 and Mark Lawrence '90, State Representative from Kittery.



**Ed Bearor '88 and Andy Hamilton '84 at the Bangor Dinner**



**Mark Lawrence '90 and David Lemoine '88 at the York County Bar Association Dinner**



*Craig Nelson '69 and Greg Farris '73 at the Augusta dinner*



*Jeri Brown '85, Joe Wathen '82, Attorney General Mike Carpenter '83, Marti Willard '86, Howard Lake '78 at the Augusta dinner*

On May 14, Dean Zillman, David Hawkes and Joan Amerling gathered with Augusta area alumni for dinner at the Senator. Don spoke and answered questions ranging from the budget situation to admissions policies.

On May 23, the dean and alumni relations director attended the Androscoggin County Bar Association dinner at The Sedgley Place in Greene. Dean Zillman talked to the group about his feelings about the Law School after being dean for a semester, his goals, and his views about the importance of the Law School's relationship with the bar.

The dean, Joan Amerling and David Hawkes had dinner at John Martin's Manor in Waterville on May 30 with alumni from the Waterville-Skowhegan-Farmington areas. ■



*Walter Smith '73 and Bill Kany '84 at the York County Bar Association Dinner*



*David B. Hawkes '69*

## President's Column

Alumni:

For seventy-five individuals, May 11, 1991 marked the passage from the life of a law student to the life of a professional. On May 11th, the Class of 1991 graduated! Graduation allows us, the Alumni Association, to welcome the graduates of the Class of 1991 to our organization. The newly graduated members were officially welcomed to the Alumni Association at graduation by Craig Nelson, the Association's vice president.

The time of transition for our newest members alerts me to think that we, the alumni organization, should consider our own opportunities to progress. Last week, a small group

composed of faculty, members of the Alumni Board, and Alumni Director, Joan Amerling met to discuss methods of enhancing the contact between the Law School's students and faculty and its alumni. Ideas ranged from social gatherings to classroom participation by alumni. It was exciting to the alumni present at the meeting that the faculty would like to have us in the classrooms again and would take the risk of such an occasion.

This first meeting resulted in the scheduling of two new occasions of alumni involvement during the 1991-92 school year. Alumni will be invited to participate in the orientation program for first-year students which takes place at the end of August, and a social gathering is tentatively scheduled some time near the beginning of the second semester.

The faculty and alumni are excited about working together, but understand that they must use their energy in the most effective and beneficial way. In order to accomplish this goal, we need ideas and input from you. To obtain this input, a questionnaire will be prepared and distributed to all alumni.

We appreciate and look forward to your response. ■



*At the Waterville dinner: Ken Lexier '91, Dean Zillman, Bill Laney '78, Paul Mills '77, Peter Mills '73, Jim Mitchell '84, David Butler '76, Nancy Mills '82, Alumni Association President Dave Hawkes '69 and Professor Judy Potter.*

## Alumni News

**'63** David M. Cox has retired from the Maine District Court and is now engaged in the general practice of law with offices in Brewer and Stonington.

**'68** Hon. Roland A. Cole served on the faculty of the Maine State Bar Association's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta. Wayne R. Crandall served on the faculty of the MSBA's CLE Program, "Real Estate Litigation," held on April 18 in Portland. Peter M. Weatherbee, with John A. Woodcock, Jr. '76 and Timothy C. Woodcock '77, have started their own firm, Weatherbee, Woodcock, Burlock & Woodcock, P.O. Box 1127, Bangor. They formerly practiced at Mitchell & Stearns, Bangor.

**'70** Hon. Thomas E. Delahanty, II served on the faculty of the Maine State Bar Association's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta.

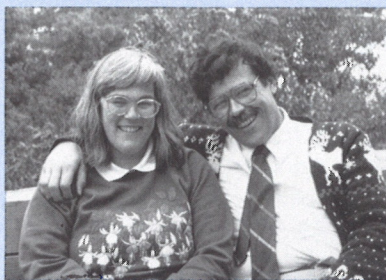
**'72** Clifford H. Goodall was on the panel, "Selling Your Plan to the Public," which was part of the conference, "Time, Place and Prospects: New Tools for the Next Wave of Development," held on April 5 at the University of Maine, Augusta.

**'73** Stephen F. Dubord served on the faculty of the Maine State Bar Association's CLE Program, "Coping With Foreclosures," held on April 19 in Portland. Peter R. Roy served on the faculty of the MSBA's CLE Program, "Real Estate Litigation," held on April 18 in Portland.

**'74** Peter C. Fessenden served on the faculty of the Maine State Bar Association's CLE Program, "Trends in Divorce Strategy," held on May 3 in Bangor. Charles Harvey, Jr. served on the faculty of the MSBA's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta. Thomas G. Leahy taught in the MSBA's CLE Program, "Coping With Foreclosures," held on April 19 in Portland.

**'75** Hon. Paul A. Fritzsche served on the faculty of the Maine State Bar Association's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta.

**'76** Kathryn M. Ainsworth, Judson B. Esty-Kendall and Hon. Margaret J. Kravchuk served on the faculty of the Maine State Bar Association's CLE Program, "Trends in Divorce Strategy," held on May 3 in Bangor. Susan E. Hunter taught in the MSBA's CLE program, "Practical Estate Planning — More Than Just Wills," held in Augusta on April 12.



Daniel and Sally McIntyre, both '76

*After a ten year battle, Dan McIntyre '76 recently won \$415 million for 3,900 Continental Can workers, which appears to be the largest recovery ever for workers from a single case. The following is excerpted from "Hero," by Susan Beck, the cover story of the April, 1991 issue of The American Lawyer. The article is copyrighted and this excerpt is reprinted with permission from the publisher. Anyone interested in reading the entire article, which details the ten year battle, can contact The American Lawyer, 600 Third Avenue, New York, NY 10016.*

"Cigarette smoke clouds the auditorium at the Homeville Volunteer Fire Company No. 1 in West Mifflin, Pennsylvania, outside Pittsburgh as Daniel McIntyre steps to the mike. Facing about 200 former members of the United Steelworkers of America this February night, the 43-year-old Maine solo practitioner looks, and is, tired. Ten years ago, as an assistant general counsel for the Steelworkers, McIntyre began work on a case that turned into a grueling and sometimes vicious battle against Continental Can Company, one that just ended in a record-breaking \$415 million settlement. Now he has come back to where it all began.

Kevin J. Tierney has been named senior vice president and general counsel of UNUM. He joined UNUM after graduation in 1976 and most recently was vice president and corporate counsel. He also has served as corporate secretary and will continue in that role. John A. Woodcock, Jr., with Peter M. Weatherbee '68 and Timothy C. Woodcock '77, have started their own firm, Weatherbee, Woodcock, Burlock & Woodcock, P.O. Box 1127, Bangor. They formerly practiced at Mitchell & Stearns, Bangor.

When McIntyre begins to speak, his exhaustion seems to lift. Composed and relaxed, he points to a man in the audience: 'It was ten years and one month ago today that I sat down with (this worker) and he started to tell me the strange story of what was happening at West Mifflin.'

The audience knows this story firsthand. All of them once worked for the Norwalk, Connecticut-based can company. And they all found themselves out of work in Pittsburgh's shattered economy between 1975 and 1980, before they qualified for union-negotiated pensions.

At a request from the audience McIntyre recounts how the case grew from there — how the union filed a suit against Continental in Pittsburgh federal court in 1981 charging it with violating the Employment Retirement Income Security Act by cheating about 400 workers out of their pensions. He notes how he and his co-counsel — other union staff attorneys, solo practitioners, and attorneys from small firms — unearthed graphic and copious evidence supporting this claim. The team ended up suing the company twice more, in Los Angeles in 1982 and Newark in 1983, on behalf of more than 3,900 workers at 45 Continental plants across the country . . . .

McIntyre finishes up with a fact that his listeners all know, but don't mind hearing again: After a decade of stonewalling and deception the company finally agreed last December to pay \$415 million. The only thing between the workers and their awards now is for the judge overseeing the case to approve a distribution plan . . . .

**'77** Carmen L. Coulombe served on the faculty of the Maine State Bar Association's CLE Program, "What You Should Know About Living Wills and Health Care Powers of Attorney," held on May 16 in Portland. **Richard P. Flewelling** co-chaired, with **Paula M. Craighead '80**, a workshop, "After the Comprehensive Plan: Getting Local Ordinances to Support the Plan," at a conference called, "Time, Place and Prospects: New Tools for the Next Wave of Development," held on

A Jesuit high school graduate and Yale University alumnus who majored in Italian language and literature, McIntyre joined the union's legal staff in 1976, the year he graduated first in his class from the University of Maine School of Law. (His wife, Sally, a lawyer who until last year handled child abuse cases for the state, was second in the class.) 'I thought unions were one of the few really organized forces for good, in a broad sense, in the country,' McIntyre says. Raised in nearby Cape Elizabeth, Maine, where his father worked at the post office, he returned to the state after eight years in Pittsburgh with the Steelworkers . . .

Even though he left the Steelworkers in 1984, McIntyre wasn't about to leave the Continental litigation. 'Having been with this from the beginning, I certainly wanted to see it through,' says McIntyre. '... I would have to say I've spent twenty-five percent of my time away from home (over the last five years) on this case,' this father of three notes with regret. '... It's almost an indictment of the legal system that this could drag on for ten years,' he says. . . .

McIntyre didn't take on Continental alone. He worked with other union in-house counsel and three outside firms that the Steelworkers hired as lead counsel for each trial. But McIntyre's co-counsel — who in turn call him 'brilliant,' a 'genius, and very, very smart' — say the Maine solo played the most crucial role. 'He masterminded this humongous case,' exclaims co-counsel Roslyn Litman. '... There's no way these workers will ever know the part of his life that Dan McIntyre gave to them.' ■

April 5 at the University of Maine, Augusta. **Paul H. Mills** taught in the MSBA's CLE Program, "Coping With Foreclosures," held on April 19 in Portland. **Timothy C. Woodcock**, with **Peter M. Weatherbee '68** and **John A. Woodcock '76**, have started their own firm, Weatherbee, Woodcock, Burlock & Woodcock, P.O. Box 1127, Bangor. They formerly practiced at Mitchell & Stearns, Bangor.

**'78** Elliott L. Epstein served on the faculty of the Maine State Bar Association's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta.

**'80** Kathleen C. Caldwell served on the faculty of the Maine State Bar Association's CLE Program, "Trends in Divorce Strategy," held on May 3 in Bangor. **Paula M. Craighead** has edited a manual, "The Hidden Design in Land Use Ordinances: Assessing the Visual Impact of Dimensions Used for Town Planning in Maine Landscapes." The manual was published by the MAC/USM Design Arts Project, of which Paula is Director. She chaired a workshop, "Maine Design Arts Project," and co-chaired a workshop, "After the Comprehensive Plan: Getting Local Ordinances to Support the Plan," with **Richard P. Flewelling '77** of the Maine Municipal Association at a conference called, "Time, Place and Prospects: New Tools for the Next Wave of Development," held on April 5 at the University of Maine, Augusta. **Peggy L. McGehee (v)** served on the faculty of the MSBA's CLE Program, "Civil Practice in the Superior Court," held on June 7 in Augusta. **William E. Saufley**, formerly corporate counsel for Maine Savings Bank, has become counsel for Maine Credit Holdings, the subsidiary of Fleet Bank under contract with the FDIC to liquidate the bad assets of the former Maine Savings Bank.

**'82** Christopher D. Hardy served on the faculty of the Maine State Bar Association's CLE Program, "Real Estate Litigation," held on April 18 in Portland.

**'84** Kevin F. Gordon has become a member of the law firm, Pierce, Atwood, Scribner, Allen, Smith & Lancaster. **Anne H. Jordan** and her

husband Jeffrey announced the birth of Robert Harrison Jordan on Tuesday, February 5, weighing eight pounds four ounces.

**'85** Kenneth P. Altshuler served on the faculty of the Maine State Bar Association's CLE Program, "Trends in Divorce Strategy," held on May 3 in Bangor. **Robert W. Bower, Jr.** and **Jonathan W. Brogan** became partners in the firm Norman, Hanson & DeTroy, Portland, on January 1, 1991. **Gregory A. Campbell**, formerly of the Penobscot County District Attorney's Office, is now associated with Richardson, Troubh and Badger, Bangor. **Bradley M. Lown** has become a Director in the Portsmouth, N.H. law firm Boynton, Waldron, Doleac, Woodman & Scott, P.A.

**Brian N. Durham '83** writes from the USS LASALLE in the Persian Gulf: "The sky was dark day and night with smoke from the oil fires in Kuwait. One night it was clear and we all went outside to look towards Kuwait. A very moving sight. The horizon was glowing with the flames from the oil fires. After a few weeks we went into a port in Kuwait named Ash Shuyabah. The Iraqis had destroyed or stolen almost everything. Unfortunately, allied airplanes had attacked the Iraqis there and done some damage to piers in the harbor. . . . As of today, some parts of Kuwait do not have water and electricity."

Brian responded last fall to a Coast Guard appeal for volunteer lawyers to go to the Middle East for temporary duty. Since 1988, he has been Deputy Regional Counsel for the Fourteenth Coast Guard District in Honolulu, Hawaii.

His work in the Middle East includes handling a variety of issues, from violations of local law to the United Nations sanctions against Iraq — "the primary reason for me being here. We have ships from eleven nations involved in implementing the trade sanctions against Iraq. We try to coordinate our operations and use consistent rules and policies. I get several calls a day concerning particular merchant vessels being examined by the coalition forces." Brian says he volunteered to go to the Middle East, "looking for something interesting and different," and he has found the experience to be all of that and more. ■



**'86** Edward David, M.D., June Z. Schau, and Joan Sturmthal served on the faculty of the Maine State Bar Association's CLE Program, "What You Should Know About Living Wills and Health Care Power of Attorney," held on May 16 in Portland. **Elizabeth Lovejoy**, formerly of the law firm Friedman and Babcock, Portland, has joined the Maine Audubon Society staff.

**'87** Bruce Shibles and Jill '89 announced the birth of Tate Benjamin on April 5.

**'88** Patrick S. Bedard is the author of "Maine Civil Rights Act," in *Maine Bar Journal*, March, 1991, Volume 6, No. 2. **David A. Chase, II**, formerly associated with Mitchell & Stearns, Bangor, has become associated with William E. MacDonald, P.A., P.O. Box 1808, Bangor. **Alice E. Clifford** is now an assistant district attorney in the Penobscot County District Attorney's Office. She formerly held the same position in Cumberland County. **Stephen Y. Parker** has become associated with **Susan J. Szwed '85**, specializing primarily in the area of creditors' rights. Stev and his wife Cindy are also the parents of Kelsey, born June 11, 1990, who joined her brother Aaron, age three and a half. **Elizabeth Woodcock**, formerly a legislative assistant in Washington, D.C. for Senator William S. Cohen, has become an assistant U.S. attorney in Bangor.

**'89** William L. Dawson, Jr. is the author of "Simon Greenleaf: Maine Lawyer and Legal Scholar," in *Maine Bar Journal*, March, 1991, Volume 6, No. 2. **Jill Shibles** and **Bruce '87** announced the birth of Tate Benjamin on April 5.

**'90** Jennifer S. Cicchetti is the author of "Rape to Gross Sexual Assault: A Statutory History of Sexual Violence Statutes in Maine," *Maine Bar Journal*, May 1991. **Elizabeth Stout**, formerly associated with the law firm Bean, Jones & Warren, South Portland, has become an assistant district attorney in the Cumberland County District Attorney's Office. ■



*Donna Jones, Administrative Associate for the Cumberland Legal Aid Clinic, was chosen as a 1990 recipient of the Thomas P. Downing, Jr. Award, and was formally presented with the award on April 24 at the Oblate House in Augusta. The Award, established in memory of Thomas P. Downing, Jr., recognizes individuals in the legal services profession who have made significant contributions to Maine's needy citizens. Donna was honored for her outstanding contributions to the Legal Aid Clinic.*



*Eight third-year students participated in a racing series at Shawnee Peak, Bridgton, Maine, as "The Maine Law Ski Team," braving frigid weather every Tuesday night during January and February. They finished a respectable 8th place out of 17 teams. Pictured are Steve Richardson, Dennis O'Donovan, Andy McLean, Abby Harkins, Christina Valar, Ken Ginder and Rob Brooks. (Team member Roger Clement is missing from photo.)*



*The Law School is the recipient of a \$7,000 grant from the Canadian Consulate General for further development of its Canadian Legal Studies Program. Shown are Brian Watson, Consul; Shirley Perry, Academic Relations Officer, Canadian Consulate General; and Professor L. Kinvin Wroth. (Photo courtesy of the Canadian Consulate General.)*

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