

Winter 1986

Law Notes Winter 1986-1987

University of Pittsburgh School of Law

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notes

WINTER 1986-87

Scholars and practitioners explore labor law in a post-industrial economy



University of Pittsburgh

Pitt faculty shared the podium with F. Ray Marshall, professor at the University of Texas and former US secretary of labor, President Lynn Williams of the United Steelworkers of America, and a number of visiting faculty and distinguished attorneys during an all-day conference on recent developments in labor law.

Held at the School of Law on October 24, the conference featured Marshall's keynote address, Williams' luncheon talk, "A View

from the Labor Movement," and two sessions on easing the transition to the post-industrial economy. These sessions explored recent issues in bankruptcy law and current issues in plant closing litigation.

One session on civil rights in the post-industrial workplace focused on affirmative action, working women, and workers at risk for AIDS, cancer, and heart disease, while another on civil liberties dealt

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Distinguished jurist visits



Alfred T. Goodwin

On October 27 and 28, the Honorable Alfred T. Goodwin, a judge of the US Court of Appeals for the 9th Circuit, visited the School of Law as a Distinguished Jurist in Residence.

Our distinguished visitor came to campus with a prior Pitt connection. Both Professor Joan Vogel and Alexandra Shafer, '84, served as his law clerk.

During his two-day visit, Judge Goodwin taught five classes, presided at a moot court argument, and conducted colloquia dealing with current issues in legal education for faculty and alumni leaders. He also was honored at a dinner for federal judges from the area.

Judge Goodwin is a graduate of the University of Oregon School of Law, and, during the early years of his career, he was engaged in the general practice of law in Eugene. In

1955 he began his long and distinguished judicial career. He served as a state trial court judge for five years and as an associate justice of the Oregon Supreme Court for nine years before moving to the federal bench. He was appointed to the US District Court for the District of Oregon in 1969 and to the US Court of Appeals for the 9th Circuit in 1971.

It would be impossible to list all of Judge Goodwin's professional activities. He has written numerous articles for legal journals and has been active in continuing legal education. He is a member of the American Judicature Society, the American Bar Association, the Oregon State Bar, and the Faculty of the American Academy of Judicial Education. He also is a Fellow of the

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From the Dean's Desk



The beginning of an academic year always means new faces around the law school. This fall, as usual, the heart of the school's "new look" comes from the members of our entering class.

Despite demographic trends which have resulted in a declining applicant pool for most law schools, our applications actually were up this year. We had roughly five applicants for every spot in the 1st-year class. Equally important, the quality of applications remained high. This is a very enviable position, but one that cannot be taken for granted. To avoid the declines experienced by some other schools, we must continue to improve the quality of our programs and develop the kind of financial aid packages that will keep a Pitt legal education economically competitive.

A poet, a doctor, a cook

This class, like most of its predecessors, has a decidedly Western Pennsylvania character. This region, after all, is our home and the area of our greatest strength. Nonetheless, the class is a group of considerable diversity. Our new 1st-year students graduated from 84 different undergraduate colleges and came from 23 states and two foreign coun-

ties. Forty-four percent of the class is female, and 10 percent of the entering students are members of minority groups. The class includes both a Fulbright Scholar and an All-American linebacker. Class members pursued a variety of careers and occupations before entering law school, including: physician, nurse, pharmacist, CPA, systems analyst, DJ, model, geologist, hunting camp cook, chef, poet, cement mixer, musician, and college professor.

Each new year also brings a somewhat different look to the faculty. Though he is hardly a newcomer, we are especially pleased that **John E. Murray, Jr.**, our former dean, has returned to his true home as a Distinguished Service Professor at Law. John is a nationally renowned scholar, a consummate law teacher, and a colleague whose experience and good judgment will be of great value to the school. **Rhonda Wasserman**, our other new tenure-stream faculty member, already is making her presence felt in very positive ways. She currently is teaching legal process and civil procedures and will add a course in securities litigation next semester.

Distinguished visitors

We are also fortunate to have two outstanding visiting professors working with us this academic year. **Arthur Chaykin** is a member of the faculty of the Northern Illinois University College of Law. The bulk of his teaching will be done in the area of civil procedure. He has had his greatest impact to date in a new alternative dispute resolution offering, which combines classroom consideration of litigation alternatives and training in skills such as negotiation. **Donald Efenbein**, who previously had taught at Northwestern University, comes to us from West Virginia University College of Law faculty. His teaching package for the year includes criminal law, jurisprudence, and a constitutional law seminar.

Good budget news

The new academic year also brings with it a new budget. Our dissatisfaction with the level of University financial support for law school programs was the focus of considerable attention last year. The situation is much improved. We hope that this reflects a renewed and continuing commitment to the school by the University. Clearly, added financial support is consistent with *The University Plan* adopted in June 1985. That report cited the school's "strides toward national prominence" in concluding that the law school was "a candidate for an increase in funding."

It is particularly important that the school is enjoying significantly increased University support this year, despite tuition increases far more modest than those we have experienced in the past. Our students already are paying "top dollar" for their legal education, and future tuition increases, too, must be controlled. This year's budget additions from the University contribute to the school's overall health and will help with particular areas of need, including library acquisitions. This is the kind of support that we need to maintain our current momentum.

To move ahead, we also need increased private support. In our messages to alumni and friends, it is easiest, of course, to focus on the comparatively low level of University funding provided to the law school in the past. However, our problems have been compounded by the fact that contributions from alumni and friends have lagged substantially behind the support enjoyed even by lesser law schools, not to mention the high-quality schools with which we now compete for students, faculty, and recognition. As a result, we have been suffering on two different "fiscal fronts" for the past several years.

The need for your support

Because so much of the information that we receive is tendered on a confidential basis, deans too often are forced to speak in generalities. Therefore, let me offer one specific example based upon "public" information. I just received today the 1985-86 *Report of Giving* from the Case Western Reserve University School of Law, a competitor school from our geographic region. Three comparisons in particular provide stark evidence of the problem that we face. Case Western Reserve alumni gave \$342,050 to their law school last year, a typical year for them. Pitt alumni contributed \$104,522 to our law school in the same period, more than we have ever received in a single year. Furthermore, Case has 17 merit scholarships funded by local law firms to award each year. We have two. Finally, during the past year we had 27 law fellows, alumni and friends making gifts of \$1,000 or more to the school. Case received gifts of at least \$1,000 from more than 60 donors. Those gifts to Case included six of

\$5,000 or more. We received one gift of that size. Such significant differences in support must inevitably affect our ability to attract top students, recruit and retain the best faculty, and conduct truly superior programs.

Alumni contributions at most top law schools provide the "margin of excellence." Given declining levels of public support for higher education, this is true even for state-related schools. At the University of Pittsburgh, for example, today's state appropriation represents only 24 percent of the total institutional budget, compared with 35 percent less than 10 years ago. In some other disciplines—medicine, the sciences, and engineering are good examples—government and foundation supported research grants can be used to make up some of the short-fall. Such alternative sources of funding generally are not available to law schools.

Our commitment to quality

It is even more important today, therefore, that we achieve higher, more comparable levels of alumni support. That support is essential if we are to serve our students well and to continue our rise within the ranks of US law schools. With the solid backing of the Law Alumni Association and the active participation of other alumni leaders, most notably the members of our new Development and Planning Committee, we are working hard to achieve that goal. When you are asked to support the school, I hope that your response will be positive and generous. On a very personal level, your contributions will stand as an expression of the value that you attach to your Pitt legal education and the role that education has played in your life. Just as important, your contribution will be an investment in an institution that has an established commitment to quality and that is an asset to our profession and our society.

Mark A. Nordenberg

Jurist . . .

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American Bar Foundation and a member of the American Law Institute.

During the past year, Judge Goodwin was chair of the American Bar Association Section on Legal Education and Admissions to the Bar. The section makes recommendations to the ABA's House of Delegates about whether to grant, deny, or continue accreditation of each American law school and monitors accredited law schools to ensure compliance with standards.



Mark Nordenberg; Joan Vogel, Pitt School of Law faculty member and former law clerk for Judge Goodwin; Alfred Goodwin



Dean Nordenberg and Judge Goodwin at the speakers' table

Labor Law . . .

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with issues of drug testing, polygraphs, and computerized monitoring of employee performance.

The conference also featured sessions on public sector issues such as privatization through contracting out and the replacement of strikers, and private sector issues such as preemption and employment at will and civil RICO.

Pitt law graduates participating were: the Honorable Joseph Weis, Jr. '50, of the US Court of Appeals for the 3rd Circuit; Rona L. Pietrzak, '83, a member of the faculty at Rutgers University School of Law; Mark R. Hornak, '81, of Buchanan Ingersoll; and Louis B. Kushner, '67, of Rothman Gordon Foreman & Groudine. Pitt law professors making presentations were Anita Allen, Harry Fletcher, Michael Goldberg, and Joan Vogel.

Vogel, Hornak, and Kushner also served on the conference plan-

ning committee, as did Carl B. Frankel of United Steelworkers of America, Gerald Kobell of the National Labor Relations Board, Donald T. O'Connor of Buchanan Ingersoll, and Jaques M. Woods of Berkman Ruslander Pohl Lieber & Engel. Professor Goldberg chaired the event.

Some 150 labor lawyers and labor relations professionals attended. Buchanan Ingersoll sponsored a cocktail reception following the conference. Contributions from the Alcoa Foundation and Berkman Ruslander Pohl Lieber & Engel also helped to make the conference possible.



Clockwise: F. Ray Marshall; William E. Bevan 3rd of Reed, Smith, Shaw & McClay; Jay Hornack, attorney with Edward Jaffee Abes & Associates; Jay Hornack and William Bevan



Civil RICO and Labor Racketeering

The federal Racketeer Influenced and Corrupt Organizations Act (RICO) was passed in 1970 to stiffen both the criminal and civil sanctions available in the fight against organized crime. The statute's civil provisions were patterned on the anti-trust laws and enable the victims of racketeering to sue for treble damages, plus attorneys' fees. Extensive injunctive relief, and the forfeiture of ill-gotten gains, may also be ordered, although the availability of these remedies to private plaintiffs, as opposed to law enforcement authorities, is uncertain.

The statute's civil provisions are currently under attack by the Reagan administration, the ABA, and many members of Congress, where legislation is pending that would severely restrict the statute's reach. Proponents of the pending amendments argue that RICO's civil remedies are being abused by the plaintiffs' bar, which these days seems to tack a civil RICO treble damages claim onto practically every run-of-the-mill fraud or misrepresentation case filed—particularly in the securities area. Not only do these RICO actions unnecessarily increase the penalties for the misconduct involved, it is argued, but the label "racketeer" is unfairly and

indiscriminately attached to defendants who have no connection whatsoever with the sinister forces of organized crime that were the intended targets of the RICO statute.

Some modifications in RICO's civil provisions are undoubtedly warranted and will probably be enacted. But before the anti-RICO backlash goes too far, the positive side of civil RICO should be considered. A particularly innovative and constructive application of the statute can be found in a case decided late last year, *U.S. v. Local 560, International Brotherhood of Teamsters*, 780 F.2d 267 (3d Cir. 1985).

For more than 20 years, according to the court, New Jersey Teamsters Local 560 was "a captive labor organization" which had been "infiltrated, dominated, and exploited" by organized crime forces headed by Tony Provenzano and his brothers. The Provenzano group entrenched itself with a campaign of intimidation and fear that included the murder of two political rivals within the local during the 1960s. Once in control, the group proceeded to exploit the local's 11,000 members by milking the union's treasury and pension fund and by negotiating sweetheart contracts with employers in exchange for hundreds of thousands of dollars in illegal payoffs. A long string of criminal convictions had little effect on the group's control of the local. Indeed, following his 1978 conviction for murder, Tony Pro continued to call the shots—and draw \$25,000 per year in "deferred salary"—from his prison cell.

Thanks to a creative application of the injunctive remedies available under civil RICO, however, the Provenzanos and their entire clique have finally been ousted from Local 560, and for the first time in 20 years, there is a realistic hope that demo-

cracy might be restored to Local 560. A special trustee has been appointed by the federal district court in New Jersey to run the local until such time as the atmosphere of fear and intimidation created by the Provenzanos subsides and fair elections for new officers can be held.

Fortunately, even the most drastic proposals to weaken civil RICO would not prevent future litigation of the *Local 560* type, because that case was brought by federal prosecutors, not private plaintiffs. Such a RICO action is not without its dangers, however. Supporters of the labor movement are uncomfortable with the prospect of such an extensive governmental intrusion into the internal affairs of any labor organization—even one as corrupt as Local 560. While drastic measures were obviously called for in the case of Local 560, the prece-

dent established there could be abused in other contexts by politically motivated prosecutors more interested in weakening the labor movement than in ridding it of corruption.

On the other hand, the labor movement can do much more than it is currently doing to eliminate the need for litigation of this type and the risks associated with it. Indeed, in 1978, rank and file Teamsters had petitioned their national union to do just that, by imposing its own trusteeship to clean up Local 560. Not only was that request ignored, but Tony Provenzano's brother Salvatore was made an international vice president. The labor movement must do more to keep its own house clean if it expects to remain free of unnecessary governmental interference.

Michael J. Goldberg

Profile

Michael J. Goldberg Associate professor of law

AB, Cornell University;
JD, Harvard University;
LLM, Georgetown University.



"In practice I was a public interest lawyer, representing rank-and-file workers in their struggle for greater fairness in their work places and more democracy in their unions. This gives me a different perspective on labor law than I would have gotten as a more traditional union lawyer or management lawyer."

Areas of specialization: labor law, employment discrimination.

Currently teaching: labor law, employment discrimination, internal union affairs (seminar), advanced labor law, civil procedure.

Distinctions: member, advisory board, Association for Union Democracy; member, Industrial Relations Research Association.

Has published in *Buffalo Law Review*, *Harvard Civil Rights—Civil Liberties Law Review*, *Michigan Law Review*, *Ohio State Law Journal*, and *Proceedings of the New York University 38th Annual Conference on Labor*.

Former general counsel, Teamsters for a Democratic Union.

Former editor in chief, *Harvard Civil Rights—Civil Liberties Law Review*.

Has taught at Rutgers Law School.



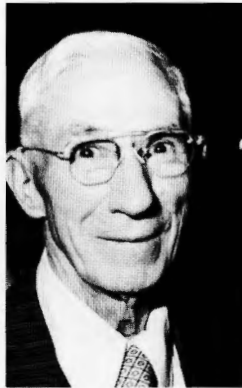
The Law Alumni Association saluted special guests – members of the Class of '36 – at the annual law dinner November 1 at the Westin William Penn Hotel in Pittsburgh.

Guest auctioneer Bill Currie whipped up enthusiasm as alumni bid on everything from sports equipment and events to art to chocolate. Proceeds of the evening's entertainment will benefit the school.

Dean Mark A. Nordenberg welcomed alumni and gave a report on the School of Law.



**Law Alumni Dinner
OLD FRIENDS AND NEW
TOAST THE CLASS OF '36**



Page 6: Guests enjoy a festive evening at the Westin William Penn. Page 7: (left to right from top) (1) Virginia Cook, '76, Robert Burkardt, '50, and Mrs. Burkhardt (2) Vito Adamo, '36, and George A. Baldwin, Jr. '36 (3) John A. Robb, president of the School of Law Class of 1936, and Mrs. Robb (4) Emanuel Wolfe, '36 (5) Dean Mark A. Nordenberg and Robert Smith, '71, 1985-86 Alumni Association president, presenting a 50-year pin to Vito Adamo, '36 (6) Judge and Mrs. Quint Salmon, Class of '31 (7) Milton Baldinger, '36 (8) Robert A. Jarvis, '36, and Mrs. Jarvis.

Why copyrighting computer software makes bad sense and bad law

There may be a literary work under the hood of your car. But you're never going to read it.

Because of the copyright law, which was amended in 1980 to include computer software, a computerized fuel injection device can now be awarded exactly the same legal status as, say, *Gone with the Wind*.

Pamela Samuelson, a copyright and patent scholar at the School of Law, says treating computerized fuel injection systems—or any other software—as literature does not make good legal sense. Besides, it will make cars and other technologies a lot more expensive in the future, she adds.

Samuelson argues that computer programs are fundamentally different from books or records or videotapes, other artistic properties eligible for copyright protection.

In a 1984 issue of the *Duke Law Journal*, Samuelson strongly criticized the National Commission on New Technological Uses of Copyrighted Works (CONTU), which in 1980 recommended that Congress extend copyright protection to software programs. She says that CONTU "misunderstood computer technology" and distorted copyright traditions against both secrecy and utility. "Since computer programs do not disclose their contents and are also inherently utilitarian, copyright protection is inappropriate. Congress acted on CONTU's advice without understanding these flaws. I recommend a new form of intellectual law specifically for computer programs."

And why not, Samuelson continues. "After all, copyright as a form of legal protection for writing was created to deal with the consequences of the invention of the printing press. Similarly, patent law



was a response to the technological necessities of the Industrial Revolution. Now, as we enter what is being called the Information Revolution, it is time to create legislation appropriate to new forms of intellectual property."

Samuelson is well aware that software piracy is rampant in this country, and she is sensitive to the plight of innovative computer scientists. "It is an unfortunate fact that computer programs—whether encoded on tape or disk or silicon chip—are as easy and cheap to copy as they are difficult and expensive to develop." The \$30-billion computer business loses perhaps 30 percent of revenues to piracy, according to some estimates.

"But," Samuelson says, "copyright is not the way to deter software piracy, and can only lead to legal havoc." In fact she suggests that current copyright policy will stifle

innovation and limit public access to new knowledge and technologies. This is Samuelson's argument about secrecy.

The purpose of copyright law, Samuelson explains, has always been to reward an author and to serve the public. The author receives a monopoly for his or her property (lasting 50 years after death, or 75 years for a corporation). In turn, the public can enjoy and take advantage of new ideas expressed in the copyrighted materials. But with computer software, only the author is rewarded. Nothing meaningful is disclosed to the public. Often such disclosure is impossible.

Samuelson explains that computer software, as it is commonly sold or leased (or copied), consists of

a code of electrical pulses. This code is not decipherable by people, or even by machines in the way a phonograph can decipher the contents of a record. "No one but the author of the software program can ever know what the code says."

The implications of this secrecy Samuelson finds disturbing. "Before computers, copyrighted works were published to communicate art and ideas. But now it is possible to both publish a work and to keep it a secret—in fact, maintaining the secret is the very way to maintain commercial value."

Besides its secrecy, computer software violates a second copyright tradition, Samuelson contends. "Computer programs are inherently utilitarian as books or albums or videotapes are not." This is because, as computer scientists verify, any piece of software can be realized as hardware. Samuelson says, "Consider what exactly it is that computer programs do. They are a set of instructions for a machine—yes. But they are also, when used, a part of that machine. More than that, they make it possible for one computer to become

many computers. When a word-processing program is operating in a computer, the computer *is* a word processor. When a fuel injection program is operating in a computer, the computer *is* a fuel injector." The hardware, Samuelson points out, is not copyrightable. "Why then should software be when it substitutes for hardware?" Samuelson believes the public should not have to wait 75 years for the rights to useful products that "will surely be obsolete before the copyright expires."

How then to protect this new ephemeral technology? Samuelson argues that neither patent nor trade-secret law are proper legislation either. The answer, she says is "a new form of intellectual property law" specifically written for the unique nature of software and lasting considerably less than 75 years.

Meanwhile, of course, the computers are getting smarter all the time and raising even more subtle kinds of havoc with the law. For instance, there are software programs that assist users in composing original musical scores. Who owns property rights to a symphony so devised, the composer or the programmer?

Samuelson sides with the composers. "People should be able to adapt software for their own purposes, and should be entitled to ownership rights for whatever works they create." The programmers, she says "will be adequately rewarded from software sales and fees."

Samuelson spoke on this topic at the *Future of Software Protection* symposium sponsored by the *University of Pittsburgh Law Review* and the Software Engineering Institute of Carnegie Mellon University in early April 1986. The symposium featured nationally recognized scholars speaking on problems they perceived with fitting software into the traditional patent and trade secret, as well as copyright systems.

It remains to be seen whether the copyright amendment that created literary fuel injection devices will be tuned up, or overhauled.

Tommy Ehrbar

Profile

Pamela Samuelson

Associate professor of law

BA, MA, University of Hawaii;
JD, Yale University



"The Information Age is upon us. Whether we are able to take advantage of what is now or soon will be technologically possible to create a better future for the whole of our society will depend in large part on how we shape the law regulating rights in information. I am trying to help shape that future and to involve my students in the process as well."

Areas of specialization: antitrust and intellectual property (copyrights, patents, etc.) with a special focus on the legal protection of computer programs.

Currently teaching: antitrust, antitrust (seminar), broadcast regulation, introduction to intellectual property, legal protection of computer programs (seminar), property.

Distinctions: principal investigator, software licensing project, Software Engineering Institute of Carnegie Mellon University. Member, Board of Directors, American Civil Liberties Union of Greater Pittsburgh. Steering Committee, Lawyers Alliance for Nuclear Arms Control, Pittsburgh chapter.

Has published in *Connecticut Law Review*, *Duke Law Journal*, *Tulane Law Review*, *University of Minnesota Law Review*, and *University of Pittsburgh Law Review*.

Has taught at the University of Hawaii School of Law.

Pitt grads sought in new markets

Asking whatever happened to the Class of '86 may be a bit premature. But a look at the group's transition from purple-hooded robes to pin-striped suits reveals the beginnings of a success story: A national placement push is putting new Pitt law grads where they want to be.

The collective goal of recent law school classes is to work in dynamic cities all across the US. Most graduates, like Greensburg native Brendan R. Kelley, '85, who is practicing in Philadelphia, are succeeding.

A survey of '85 graduates has provided a comprehensive profile of the group, and a similar survey will soon yield data on the Class of '86. The placement office Class of '85 survey showed that, by December 1985, 97 percent (a typical figure for recent years) had begun their legal employment. Forty-nine percent of the class practice in Allegheny County, while 23 percent are employed elsewhere in Penn-

sylvania. The remainder—28 percent—are practicing out-of-state.

In the 1985-86 academic year, 24 percent of the recruiters who held on-campus interviews came from Allegheny County. But most interviewers—51 percent—represented law firms from cities outside of Pennsylvania.

One of the law school placement office's most innovative programs is the 10-year-old Annual Off-Campus Interview Program, a pioneering effort to create opportunities in other cities. The program announces the hiring needs of registered firms, and students are scheduled with firms according to their interests and the firms' needs. An entire day is devoted to interviews held in a central location in such cities as Chicago, Philadelphia, Cleveland, and Washington.

This fall, the program is being linked for the first time with efforts to encourage the formation of alumni groups in major US cities. In

Philadelphia, a September 26 get-acquainted cocktail party for graduates and visiting students was held the evening before the interviews. Students were able to ask practical questions about practicing law and living in the city. And alumni-interviewers had an informal opportunity to meet candidates. Alumni also had the chance to lay the groundwork for a more active affiliation with each other and with the University of Pittsburgh School of Law.

The following day 22 Philadelphia firms interviewed 70 members of the Class of '87.

Why the focus on statewide and national placement? Brendan Kelley, speaking to us by phone from the Philadelphia offices of Baskin, Flaherty, Elliott, & Mannino, PC, offers his opinion. "Our regional and national alumni enhance the cumulative legal and professional expertise of our school," Kelley says. "Helping students to find positions outside the immediate surroundings is a natural adjunct of a national reputation, a national faculty, a national school. And I think the nurturing of a program for this purpose makes the Pitt law school a national leader."

Kelley obtained a promise of summer employment in December of his first year in law school. He developed that position into further summer employment, and, eventually, a full-time position following graduation. Now Kelley is an alumni interviewer representing his firm. "In my experience as an interviewer, I find this to be an aggressive effort to extend opportunities beyond the norm, and it reflects very well on our school," he says.

He regards the recent Philadelphia venture as an extraordinary effort to extend interview opportunities, especially for people like himself who are not *Law Review*. "Not very many other schools seem to go to similar lengths to coordinate out-of-town interviews," he says. "And the statistics about out-of-



Margarete E. Pawlowski, '87, Lisa D. Kabnick, '80, and James J. McHugh, Jr., '86, at Pepper, Hamilton & Scheetz in Philadelphia.

town placement of Pitt graduates are persuasive evidence that the program is opening doors otherwise closed to a lot of students. In the past, law students have tended to practice near home but this is changing and is being changed because of programs like Pitt's off-campus interviews."

Graduates from the Pitt School of Law are practicing in 48 of the 50 states. They are employed by law firms of all sizes, by corporate law departments and accounting firms, by banks, judges, public-interest organizations, and financial institutions. Pitt graduates are serving in all levels of government. They include a US Senator, the governor of Pennsylvania, state legislators, and trial and appellate judges around the nation.

Tom Peer

Developments

The annual giving fund subcommittee has assisted the law school's development efforts by redesigning annual giving fund materials, producing a brochure listing law school leadership club members, directing plans for the '86-'87 phonothons, and preparing this year's first annual giving fund appeal letters seeking gifts of as much as \$1,000 for the law school. In addition, the committee is tailoring the University's telemarketing program for use in the law school, promoting regional alumni activities and class reunions, endorsing the Third Year Class Gift program, and recruiting volunteers for the class rep or class agents' solicitation mailing.

The major gifts subcommittee has taken on the challenge of quadrupling the membership in the Law Fellows organization. To encourage participation with gifts to the law school of \$1,000 and more, Law Fellows has been expanded to include three recognition levels.

The Law Fellows

The Members \$1,000-\$2,499

The Advocates \$2,500-\$4,999

The Counselors \$5,000 and more

Major gifts committee members have created a program of participation and recognition that should be appealing to many of our dedicated alumni and friends. Special lectures, forums, and dinners have been scheduled throughout the academic year. If you would like to participate as a Law Fellow, please call or write Marvin Lieber, (412) 392-2060, or Dean Nordenberg, (412) 648-1401.

Carol A. Carter

Steering Committee

Harold R. Schmidt, '37, general chair

Carl W. Brueck, Jr., '54, Law School Alumni Association president

Franklyn E. Conflenti, '52

Marvin S. Lieber, '58

Professor W. Edward Sell

Dean Mark A. Nordenberg

Annual Giving Subcommittee

Franklyn E. Conflenti, '52, chair

Robert F. Burkardt, '50

Vincent C. DeLuzio, '72

Andrew Farley, '61

John P. Gismondi, '78

Dawne S. Hickton, '83

Joseph T. Moran, '86

John H. Morgan, '55

Carl H. Rothenberger, Jr., '78

Ruth A. Zittrain, '80

Major Gifts Subcommittee

Marvin S. Lieber, '58, chair

Joseph A. Katarincic, '60

W. Gregg Kerr, '52

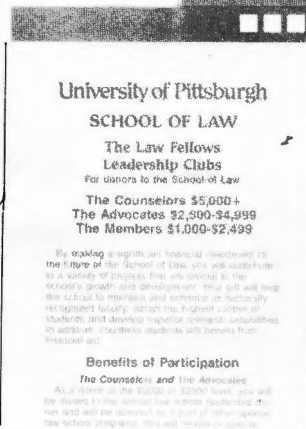
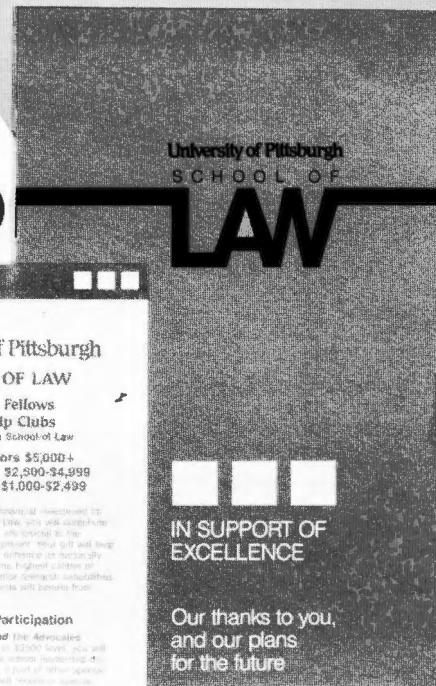
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Robert Raphael, '50

Professor W. Edward Sell

Clyde H. Slease, '41

Clyde "Terry" Slease III, '69



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We can't do it without you.

Pitt is an elected member of the Association of American Universities (AAU), a prestigious organization of 56 of North America's top research universities.

Your degree keeps growing in value because Pitt keeps growing in stature. Your support is essential to that growth.

University of Pittsburgh
Annual Giving Fund
Thackeray and O'Hara Streets
Pittsburgh, PA 15260

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Please use this space to let us know if you have news to share, or have a comment or request.

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I would like to be a development/fundraising volunteer for the School of Law.



Law School Class Representatives

A number of alumni have volunteered to help with class annual fund-raising efforts. To date, the following alumni will be contacting their classmates as part of the December AGF appeal:

Ralph H. Demmler	Class of '28
William B. Washabaugh, Jr.	Class of '30
Louis H. Artuso	Class of '33
Sherman H. Siegel	Class of '36
Mary Dilworth Barnes	Class of '39
Emerson G. Hess	Class of '39
Henry E. Robinson, Jr.	Class of '39
Julian Ruslander	Class of '40
Arnold W. Hirsch	Class of '42
Charles W. Hergenroeder, Jr.	Class of '43
Jerome B. Lieber	Classes of '44, '45, '46
Homer W. King	Class of '47
Donald I. Moritz	Class of '51
John H. Arbuckle	Class of '55
James Victor Voss	Class of '57
William W. McVay	Class of '58
Richard S. Crone	Class of '59
Stanley W. Greenfield	Class of '59
Jack H. Olender	Class of '60
Andrew Farley	Class of '61
Blair Pawlowski	Class of '61
Jan C. Swensen	Class of '62
Edward H. Beachler, III	Class of '65
John H. Bingler, Jr.	Class of '65
Linda Leebov Goldston	Class of '67
Grace Harris	Class of '68
Bernard D. Marcus	Class of '69
Michael P. Malakoff	Class of '70
Edward Craig Schmidt	Class of '72
Charles W. Hergenroeder, III	Class of '72
Alan H. Perer	Class of '76
JoAnn Haller and Daniel McGrogan	Class of '80
David R. Desimone	Class of '84
Marion Laffey Ferry	Class of '85
Barbara Boyd Roque	Class of '85

If Franklyn Conflenti, '52, asked you to serve as a class rep, and you haven't responded, you can check the list above to see if we still need your help. Many classes remain unrepresented. To volunteer, call Carol Carter, (412)648-1306. High levels of law school class AGF participation seem to be dependent upon a good class rep program. In our 1986-87 fund-raising reports, we plan to list AGF progress by percentage of class participation as well as listing all individuals who are members of leadership gift clubs.

Carol A. Carter

Bringing the court to the appeals

In an age when circuit courts have put down roots, Chief Judge Ruggero J. Aldisert, '47, provides a rare opportunity for Pitt law students to go to court without leaving their building.

For the third time in three years, the 3rd US Circuit Court of Appeals met in Pittsburgh this fall. The 13-member court normally meets in Philadelphia to hear arguments from federal district courts in Pennsylvania, New Jersey, Delaware, and the Virgin Islands.

Judge Aldisert, a member of the University Board of Trustees and chair of the School of Law Board of Visitors, has arranged for these week-long sessions every year since 1984, when he became chief US circuit judge. The annual sessions, held in the Benjamin Teplitz Moot Courtroom of the School of Law Building, accommodate Western Pennsylvania judges and lawyers who would otherwise be obligated to travel to Philadelphia for federal appeals hearings. Most important, the sessions provide a unique educational opportunity for Pitt law students.

Summaries of the cases to be argued were made available to interested students at the beginning of each day. At the end of each session, members of the court offered general comments about appellate advocacy and answered student questions.

Participating as panel members were Circuit Judges Joseph F. Weis, Jr., '50, Carol Los Mansmann, and James Hunter III, and District Court Judge Edmund V. Ludwig.

Tom Peer

**University of Pittsburgh
School of Law
Class of 1951**

**35th Reunion
September 27, 1986
at the PAA**



Front row, left to right: Thomas Livingston, Rodgers, III; Ralph McKee, Jr.; Herbert N. Rosenberg; John David Rhodes; James Richard Fitzgerald. Middle row, left to right: Lorraine L. Bieno; Barbara Anne Russell; Audrey Bracken Urling; Eunice Latshaw Ross; Albert McBride, Jr.; Robert L. Webster; Richard DiSalle. Back row, left

to right: Walter Urling, J. Murray Egan; Bernard Sweer; Charles E. McKissock; Herbert I. Osgood; James A. Ashton; George J. Shorall; Edmund W. Ridall, Jr.; John A. Deasy, Jr.; Dean Mark A. Nordenberg; Edward A. Perlow; Professor Edward W. Sell; Thomas Joseph Dempsey.

**University of Pittsburgh
School of Law
Class of 1961**

**25th Reunion
October 11, 1986
at the Duquesne Club**



Front row, left to right: Alan Berman; David Gold; Professor Bookstaver; Dean Sell; Professor Schulz; Thomas Jackson; Thomas White. Middle row, left to right: Tom Hollander; Dick Nernberg; Robert Tucker; Paul Laughlin; Stuart Savage; Richard Fischer; Blair

Pawlowski; Clyde MacVay; Henry Fulton. Back row, left to right: George Schumacher; Morrison Lewis; Richard Carr; Victor Kinnuneu. Not pictured: Andrew Farley, reunion chair, who was serving as photographer.

Alumni in the news

Judge Blatt honored

The Honorable Genevieve Blatt, '37, was one of five University graduates who were awarded the Bicentennial Medallion of Distinction at the October 21 Bicentennial Convocation. The five received their medallions for outstanding scholarship, leadership, and service through their careers, and service to the University.

Judge Blatt was the first woman elected to either administrative or judicial office on a statewide basis in Pennsylvania. Elected Secretary of Internal Affairs in 1945 and reelected in both 1958 and 1962, Judge Blatt was first appointed to the Commonwealth Court in 1972 and was elected to a full term in 1973. She became a senior judge on active duty in 1983.



Following an academic procession, Judge Genevieve Blatt accepts the Bicentennial Medallion from President Wesley W. Posvar.



Judge Weis to head Civil Rules Committee

The Honorable Joseph F. Weis, Jr., '50, has been named chair of the US Supreme Court's Advisory Committee on Civil Rules by Chief Justice Rehnquist. The advisory committee is responsible for making recommendations for amendments of the federal rules of civil procedure to the Judicial Conference of the United States.

Judge Weis, one of the law school's most distinguished graduates, is a member of the US Court of Appeals for the 3rd Circuit. Formerly, he served as a judge of both the US District Court for the Western District of Pennsylvania and the Court of Common Pleas of Allegheny County. He has served as a member of the advisory committee on the civil rules for a number of years.

Judge Weis has been very active in planning and presenting courses of continuing judicial education. He also serves as an adjunct professor at the School of Law. He has supervised an appellate internship for Pitt students for many years and in winter term he will "team-teach" the course in advocacy and adjudication with the Honorable Carol Los Mansmann, also a judge of the 3rd Circuit Court of Appeals.

Fischer assumes new duties at Alcoa

Richard L. Fischer, '61, has been given the responsibility for coordinating and directing Alcoa's world-wide diversification and development efforts. His new title is Senior Vice President, Development, Corporate Affairs, and General Counsel. He has served as vice president and general counsel since 1983 and as senior vice president and general counsel since 1984.

In addition to his Pitt law degree, Fischer holds a master of law in international law from Georgetown University. He has played a critical role in the development of the international business curriculum of the School of Law. He also serves as a member of the Board of Governors of the Law Alumni Association and as a member of the law school's Board of Visitors.

The new tax law and your charitable giving

Over the years since World War II, charitable giving has been dependent upon the level of personal disposable income. The new tax law, which lowers tax rates, should increase the disposable income of most tax-payers.

Furthermore, the new tax laws close many of the existing "loopholes" that higher income individuals have come to rely upon. Tax reform presents a positive atmosphere for charitable giving because giving to non-profit organizations like Pitt Law School could be viewed as an on-going "loophole" that continues to be available to higher income individuals.

If you are considering a 1986-87 annual fund gift to the School of Law, you may want to make your gift in calendar year 1986 when tax rates are higher rather than calendar year 1987. Remember that if you are in the 50 percent tax bracket in 1986, your gift of \$1,000 to the law school could cost you only \$500.

Many law alumni have asked about gifts of appreciated property such as stock or real property to the School of Law. The new tax bill states that individual capital gains will be taxed at 28 percent or at the same rate as ordinary income if it is less than 28 percent. To the extent that it is advisable, law school donors may want to make substantial tax-deductible gifts in the form of appreciated property (stock and real property) to the law school in 1986.

If you have specific questions about your charitable giving and the School of Law in light of the new tax law, please call the law school development office at (412) 648-1306.

Carol A. Carter

Transcripts

The Hon. John G. Brosky, '50, was the main speaker at the Scott Township Memorial Day celebration held May 26.

Carl Citron, '60, of Citron, Hoffman and Alex, was elected a director of

the Business Alumni Association at Pitt.

Cheryl A. Craig, '75, was one of nine women selected as part of a national delegation of Women for a Meaningful Summit which traveled to Iceland for the Gorbachev-Reagan meeting. The group lobbied for a halt to nuclear arms tests and an end to nuclear arms in outer space. Craig also was one of the group that presented Gorbachev with a petition of 1.5 million names asking for a nuclear arms moratorium at the Geneva summit last year.

Roger J. Dodd, '76, was selected to serve as a faculty member in the National College of Criminal Defense for 1986.

Frederick N. Egler, '47, is a member of the 3rd Circuit Lawyers Advisory Committee for 1986.

Andrew N. Farley, '62, of Reed Smith Shaw & McClay, wrote an article "Beyond Traditional Sources of Legal Research," which has been included in *The ALI/ABA Practical Lawyer's Manual on Pre-Trial Preparation*, 1986.

Gary Gaertner, '79, of Berkman Ruslander Pohl Lieber & Engel, was elected secretary-treasurer of Pitt's Graduate School of Business Alumni Association.

Vincent Grogan, '60, of Grogan, Graffam, McGinley & Lucchino, is an elected member of the Pennsylvania Bar Association House of Delegates.

The Hon. Lawrence W. Kaplan, '53, is serving as an elected member of the Pennsylvania Bar Association House of Delegates.

William H. Knoell, '50, of Cyclops Corp., is a director of Duquesne Light Co.

Michael D. McDowell, '73, has been elected to the Pennsylvania Bar Association House of Delegates.

Blair S. McMillin, '60, has been elected vice chair of the Pennsylvania Bar Association Environmental, Mineral and Natural Resources Law Section. McMillin also serves as a member of the rules committee of the Pennsylvania Environmental Hearing Board, and a member of the American Bar Association Natural Resources and Litigation Sections.



University of Pittsburgh

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