A Dedication to Excellence

The Bridget & Alfred Peláez Legal Writing Center
This autumn, I’ve had the privilege of visiting our Law School alumni in many venues, attending Law Alumni events in Pittsburgh, New York, Scranton, and Washington, D.C. I am pleased to report that many great things are happening with our alumni, who are committed more than ever to advancing the sterling reputation of their Law School. I am also pleased to report that there is an extraordinary amount of positive activity at Duquesne University School of Law.

If I were allocated five pages, I might be able to summarize all of the exciting activities taking place in our buildings on the Bluff. Instead, I will summarize a few of the highlights:

The beautiful Bridget & Al Peláez Legal Writing Center opened its doors at the start of the new academic year, thanks to the generosity of an anonymous alumnus who wished to recognize the many contributions of Professor Al Peláez, who has been teaching at the Law School for four decades. Now, under the leadership of Professor Jan Levine, the Law School’s legal writing program has been ranked 17th in the nation. In December, we will be hosting a national symposium: “The First ‘Colonial School’ — a remarkable opportunity. Additionally, our Urban Development Clinic recently helped to draft sustainability legislation for the City of Pittsburgh; our third-year student Steve Singhaus appeared at City Council to be recognized for the clinic’s contributions.

Our summer programs abroad are flourishing, with strong international programs in Ireland, Italy (Rome), and China. We are also exploring collaborative efforts with two law schools in Ethiopia, and assisting in developing a system of case-reporting in that still-developing democratic country.

In September, we hosted the entire Pennsylvania Supreme Court sitting in special session on our campus, as we unveiled a new issue of the Duquesne Law Review dedicated to the jurisprudence of the late Chief Justice Cappy. It is a rare event for the Court to sit in session anywhere other than its courthouses (see pages 6 - 9 for details).

In November, we made the first grant awards under our Loan Repayment Forgiveness Program (LRAP), awarding $70,000 to 14 law alumni engaged in public interest or public service work.

The Law School’s clinic, under the leadership of Acting Director Tracey McCants Lewis, has established a new program by which our students are representing inmates in prisoners’ civil rights cases in federal court, with the assistance of our Federal Magistrate Judges in Western Pennsylvania. As well, guided by supervising attorney Adrian Roe, our students have been approved to brief and argue a prisoners’ civil rights case in the U.S. Court of Appeals for the Third Circuit — a remarkable opportunity. Additionally, our Urban Development Clinic recently helped to draft sustainability legislation for the City of Pittsburgh; our third-year student Steve Singhaus appeared at City Council to be recognized for the clinic’s contributions.

Our trial moot court team is gearing up for another banner year, under the leadership of Professors Mike Streib, Bruce Antkowiak, and Amelia Michele Joiner. In 2010, we will be hosting the prestigious Tournament of Champions sponsored by the National Institute of Trial Advocacy — another opportunity to shine a national spotlight on the great works of our Law School. (Incidentally, we were named a 2009 “Best Value” Law School by National Jurist magazine, and listed in the top 100 law schools by SuperLawyer magazine, continuing to enhance our national profile.)

This year, I have hired two Special Assistants to the Dean to assist me in advancing our academic program. Judge Maureen Lally-Green, an alumnus and professor who distinguished herself on the Superior Court, is heading up an effort to expand our Appellate Advocacy program. Eric Springer, Esq., a founding partner of Horst Springer & Mattern and a former President of the Allegheny County Bar Association, is developing a blueprint for a more robust minority recruitment/retention program. Additionally, I have merged the prior Dean’s Advisory Board with the Interim Advisory Group I appointed last winter; this new board — co-chaired by Chancellor John Murray, Justice Cynthia Baldwin and Judge Joe Del Sole — is tapping into a broad group of prominent alumni to assist me in enhancing the Law School in numerous ways.
Finally, it is important to say a word about a topic that I have been addressing at each alumni gathering in every city and state — securing jobs for our students and recent graduates.

I attended the ABA conference for Deans in August, held in Chicago, and I can report that every law school in the country is facing the same tough situation as a result of the economy. Summer programs are being cut dramatically; job offers are being deferred; permanent offers to new lawyers are becoming more scarce as more displaced lawyers flood the market. Only the schools that are proactive will weather this rough spot and come out on top. Duquesne Law School is well-positioned to do that. We have as strong — or stronger — an alumni network as any law school in the country. We need to harness that great resource by using our contacts, individually, and by using our strong networks of alumni to hire our students so that we can give them the same opportunities that Duquesne Law School has given to each of us.

We have brought students and recent graduates with us to alumni events in Washington and New York. We are hoping to rent a bus to take a group of students to Philadelphia. Our job is to match students with good employers and get them jobs. I ask each of you to take stock at your firms and places of work, and find at least one position for a Duquesne Law student or alum this hiring season. Contact our Director of Career Development, Assistant Dean Ella Kwisnek, at kwisnek@duq.edu, or contact me directly, and let us know of any potential job openings at your place of work or elsewhere. We plan to get through this rough economic time as a family would get through it — together.

If we accomplish that, we will have given a valuable gift back to this special Law School that has given so much to generations of graduates.

I look forward to working with each of you this year, as we continue to achieve even higher levels of excellence.

Ken Gormley

John R. McGinley, Jr., Esq., DU Class of ’68, Eckert Seamans Cherin & Mellott, LLC.
Senator Jane Clare Orie, DU Class of ’87, Pennsylvania State Senator.
Gino F. Peluso, Esq., DU Class of ’80, Sole Practitioner, DLAA President 2009-10.
Karen Phillips Savoy, Esq., Class of ’96, former Trial Attorney, Anti-Trust Division, U.S. Department of Justice.
David S. Pollock, Esq., DU Class of ’74, Pollock Berg Komar Glasser, LLC.
John F. Quinn, Esq., DU Class of ’76, Portnoy & Quinn, LLC.
Mary-Jo Rebello, Esq., DU Class of ’88, Houston Harbaugh, Immediate Past President DLAA.
Honorable D. Brooks Smith, Judge, U.S. Court of Appeals for the Third Circuit.
F. Christopher Spina, Esq., DU Class of ’81, Sole Practitioner, President-Elect DLAA.
John M. Steidle, Esq., DU Law Class of ’99, Burns, White & Hickton, LLC.
Peter F. Vaira, Esq., DU Class of ’62, Vaira & Riley, P.C.
Ira Weiss, Esq., DU Class of ’73, Law Offices of Ira Weiss, Special Tax & General Counsel for the School District of Pittsburgh.
“the most significant improvement to the Law School in decades”

— Interim Dean Ken Gormley
When Professor Alfred Peláez learned that a new research and writing center would bear his name, he made one very important demand:

That it be known as the “Bridget & Alfred Peláez Legal Writing Center.”

Which is fitting, considering Peláez’s wife will always come first in his life. The Bridget & Alfred Peláez Legal Writing Center was unveiled during a reception Aug. 28 in the Law School’s Center for Legal Information. There, approximately 120 faculty, staff, administrators, alumni, and students gathered to pay tribute to Peláez and his late wife.

The research and writing center — described by Interim Dean Ken Gormley as “the most significant improvement to the Law School in decades” — was made possible by the generosity of an anonymous alumnus, who gave $500,000 to establish Duquesne’s Legal Research & Writing Program and the addition to the law library in the Peláezs’ honor. The alumnus’ gift was inspired by Peláez’s unique ability to weave elements of history, sociology, and psychology into the teaching of law, as well as his personal commitment to students. The alumnus credited Peláez for putting “a human, caring face on the Law School.”

Gormley also had high praise for Peláez.

“There could be no better name on this facility,” Gormley said from a podium set up just outside the writing center’s glass front door. “Al has been a true scholar since his graduation from Yale Law School.”

Gormley remembered Bridget Peláez as “a dynamo” who “never met a wall she didn’t want to move 100 feet,” sentiments that were repeated time and again during the ribbon-cutting ceremony.

A Lesson in Gratitude

Alumnus’ gift establishes writing center in honor of longtime professor
"The research and writing center is a case study in commitment to excellence."

— Duquesne President Charles Dougherty

"If Mom were still here, I think she would already be looking forward to the remodeling," said the Peláezs' adult son, John, who surprised his father by traveling from Colorado for the occasion.

"It’s apropos that this is a writing center," the younger Peláez added, "because Pops is still to this day correcting my grammar."

The elder Peláez thanked Duquesne President Charles Dougherty, donors, and others for making the 2,400-square-foot writing center a reality. He also thanked colleagues, saying he was grateful to have been part of the university for 44 years.

"It’s been a fun place to come to work," Peláez said.

One of those colleagues is Professor Frank Liu, who co-directs the Law School’s China program with Peláez. The program affords students an opportunity to travel to China for a firsthand education about the country’s legal system.

"Al has a brilliant mind ... and a deep love for students," Liu said, adding that the research and writing center is a "fitting tribute" to Peláez’s contributions to Duquesne.

The Peláez Legal Writing Center should serve as a boon to the Law School’s highly regarded Legal Research & Writing Program, which U.S. News & World Report has ranked 17th in the nation. The center includes offices for professors and teaching assistants and features a common area suitable for tutoring and meetings.

"The donor wanted the gift to provide intensive and high-quality training and support to Duquesne’s students, which is something Professor Peláez has provided for his entire career," Levine said.

Glencer, Karsman and Willke are honored to work in the Peláez Center and believe the center will make them more effective teachers. "The LRW faculty share a common philosophy that writing is a recursive process that requires multiple drafts, input, feedback, and frequent one-on-one meetings with students to produce high-quality work. The center gives us the space to hold conferences with students, allowing us to spread out all of our papers, books, and drafts so that we can take a hands-on approach to teaching this critical lawyering skill," Karsman said.

Karsman and her colleagues agreed that having space dedicated to writing instruction will enhance communication within the Legal Research & Writing Program. "The center provides us with a space large enough to accommodate the legal writing program’s full-time and adjunct faculty, as well as the teaching assistants," Willke said. "This common space allows us to foster a sense of community and maintain uniformity within the program," Karsman added. "Additionally, the three full-time writing faculty have office space in close proximity to one another, which allows us collaborate, share resources, and support each other. And, we even have a coffee pot!" Glencer noted.
For students, the Peláez Center reflects the importance that the Law School places on writing.

“The writing center is a tangible, brick-and-mortar commitment to the Legal Research & Writing Program,” Glencer said. “The center provides the students with a pleasant physical space in which to meet with professors and teaching assistants,” Karsman noted. Willke added that “the center provides a supportive atmosphere and allows students to take advantage of the writing faculty’s open-door policy.”

Rachel Wheeler enjoys the benefits of the writing center from two perspectives: that of teaching assistant and that of student. “As a TA, I have an office, which is nice to meet with students,” Wheeler said.

Steve Singhaus, co-president of the Student Bar Association, agreed that Peláez’s exceptional career is worthy of recognition.

“This is a great way to honor a professor who honors us each day with his knowledge and zest for teaching law,” Singhaus said.

Dougherty said that the research and writing center is of particular importance in the digital age.

“We are locked in a cultural struggle,” he said, explaining that the electronic shorthand so prevalent in e-mail, text-messaging, and Twitter messages has evolved at the expense of good writing.

“We are fighting this battle in our curriculum. Here in the School of Law, we cannot lose that battle,” he said, noting the importance of “clear, effective, persuasive writing” in the practice of law.

“The center is a case study in commitment to excellence,” Dougherty concluded. “We are pleased to be fighting for literacy and for literacy in law.”

Peláez concurred.

“This center will help us turn out even better lawyers,” Peláez said. “We will be able to work with students one-on-one in an atmosphere befitting the Law School’s Legal Research & Writing Program.”

— Professor Alfred Peláez
A Tribute to the Chief

The legal community comes together to remember the late Chief Justice Ralph J. Cappy, Pennsylvania Supreme Court

(Editor’s Note: In what was a remarkable and unprecedented event, the Pennsylvania Supreme Court held a Special Session of Court in the Power Center Ballroom, Duquesne University, on September 15, 2009, to honor the judicial career of Chief Justice Ralph Cappy. The Supreme Court has not sat in session outside of its courtrooms for over 50 years. The event introduced Volume 47, No. 3 of the Duquesne Law Review, which honors the jurisprudence of Chief Justice Cappy; additionally, the official portrait of Chief Justice Cappy, which will hang in the Supreme Court courtroom in Pittsburgh, was unveiled by current Chief Justice Ronald D. Castille and Mrs. Janet Cappy, the late Chief’s widow. Below are excerpts from the official transcript, which will be reproduced in its entirety in the Atlantic 2d reporter. — JLD)

“As you doubtlessly know, the late Chief Justice Ralph Cappy, whose career as a jurist we gather today to celebrate, was an alumnus of another institution, one down the street. He attended both the University of Pittsburgh as an undergraduate and Pitt Law School, and we are pleased to have Chancellor Mark Nordenberg with us and Law School Dean Mary Crossley here with us today. But this is not a Duquesne event or a Pitt event. It is a Pittsburgh event, and Chief Justice Cappy was a giant figure in this community… For this reason, we join together with our colleagues at Pitt and the organized bar from every corner of Pennsylvania to recognize his remarkable accomplishments as an attorney, judge, and justice on the state’s highest court.” Dr. Charles Dougherty, President, Duquesne University
“The occasion of this celebration is to honor Former Chief Justice Ralph J. Cappy for his contributions to the legal profession, his contributions to the judicial system of Pennsylvania, and indeed, the jurisprudential body of law that Chief Justice Cappy authored, the legal authority that guides and affects everyday conduct of the citizens of Pennsylvania, the institutions of Pennsylvania, and the conduct of our government. Ralph’s hard work and his many accomplishments were even recognized by his peers at the United States Conference of Chief Justices when Ralph Cappy was awarded the prestigious Harry Carrico Award as the nation’s outstanding Chief Justice, only the third Chief Justice to receive that award. At that time, I spoke on behalf of all the Justices of the Supreme Court that it was an honor to work with Ralph as a colleague, but as an even greater honor to have him as a friend.”

Chief Justice Ronald D. Castille

“Ralph had a personal appeal that drew people to him. He had an envious combination of qualities that held those people close as friends and allies, and that contributed to his many successes. Those qualities included an active and agile mind, a principal commitment to worthy causes, and the courage of his convictions, good judgment, and common sense. Most important of all, though, Ralph had a caring heart. He was one of the kindest, most empathic and considerate individuals I have known. As a jurist, he was the embodiment of what Justice Frankfurter called dominating humility, which includes the ability to form and uniform habits of mind, the capacity for detachment, and the temperament for putting one’s passion behind his judgment instead of in front of it. Ralph built his career by doing good things extraordinarily well in each and every one of the positions that he held.”

Mark Nordenberg, Chancellor, University of Pittsburgh

“One of Justice Cappy’s first noteworthy opinions was Commonwealth v. Edmunds in 1991, and I shall use it to make a point; and that is that he truly understood the majesty and the power and the responsibility of this Court, and he exercised that power exceedingly well. In Edmunds, the defendant had been found guilty of conspiracy to possess and distribute marijuana, and the conviction was based upon a search of the defendant’s premises under a warrant based on information from anonymous informants. Under the existing law, it was very clear that the warrant lacked probable cause, because it did not indicate the date on which the informant claimed to have seen the marijuana on the defendant’s premises, thus rendering that information potentially stale. So the issue here was whether Pennsylvania should adopt the good faith exception to the exclusionary rule as articulated by the United States Supreme Court in the case of United States v. Leon in 1984. Under that exception, the fruits of otherwise unlawful search will not be suppressed so long as the police officer acted in good faith reliance upon a warrant issued by

Mrs. Janet Cappy, Chief Justice Castille, and portrait artist Joseph Routon
a neutral and detached magistrate. Justice Cappy, writing for the Court, noted its previous rulings that in interpreting a provision of the Pennsylvania Constitution, the Court is not bound by the decisions of the United States Supreme Court, which interpret similar yet distinct federal constitutional provisions. Now, I use this case as an example of Justice Cappy’s formidable judicial ability and intellect, but it also makes it clear that the paramount importance of the work of our State Supreme Court under the powers granted to it by our state constitution. This work is now being carried forward in grand and glorious fashion by Chief Justice Castille and his colleagues.” The Honorable Robert J. Cindrich, former Judge of the U.S. Western District (PA) Court

“Ralph Cappy inhaled legal precedent and breathed it onto the pages of his opinions as if he had superhuman powers. He had an uncommon gift for being able to look 10 miles down the road and to immediately grasp with a sixth sense that I have never seen in any other person, frankly, how each decision he made would potentially impact the law, his fellow judges, especially in the lower courts, and ordinary citizens, to whom he was foremost responsible. Ralph Cappy was, indeed, a regular guy who was universally beloved for his, at times, mischievous, cantankerous, but always considerate style as a Justice. No matter how sharp the disagreement on legal issues, he always ended the sparring match with a smile, a word of praise, and insistence on respect and collegiality among the bench and the bar. But this

“Ralph Cappy inhaled legal precedent and breathed it onto the pages of his opinions as if he had superhuman powers. He had an uncommon gift for being able to look 10 miles down the road and to immediately grasp with a sixth sense that I have never seen in any other person.”
tribute wouldn’t be complete if I didn’t say, to make the record accurate, that he was a true genius when it came to the glittering, but complex architecture of the law. Ralph Cappy was a builder. Fortunately for us, he built an elaborate body of jurisprudence, some of which is highlighted in this volume of the Law Review, many of which will quietly form the foundation for the next layer of judicial precedent in the next generation of court decisions.”

Interim Dean Ken Gormley

“Every year, Duquesne Law Review tries to produce a Pennsylvania issue. Rarely, however, is that issue dedicated to the jurisprudence of a single person. Yet, when the Volume 47 administration came into office, we were keenly aware that the top judge in the Commonwealth had just retired from his office. My top three editors and I all believed that the Pennsylvania issue should be a career recap of Chief Justice Ralph Cappy’s time in public service. Chief Justice Cappy seemed very moved by our plan, but he was hardly one to inflate his own ego. He declined to write an auto-biographical article, and he encouraged a substantive debate over his career. We learned of a person from an ordinary background who worked hard to rise to his prominent position. We learned of a man’s thought-clearing bike rides and willingness to help the oppressed. We learned the law, and we learned about those who make and interpret the law. It was an honor to work on this issue, and I speak for everyone on Duquesne Law Review when I say that in learning about Chief Justice Ralph Cappy, we learned about intellect, courage, leadership, and grace.”

Joseph A. Valenti, L’09, Editor-in-Chief, Duquesne Law Review, Volume 47, No. 3

“There has been a lot of discussion about Ralph’s jurisprudence, and it is worth discussing; but what I remember most and what I miss the most is the Ralph Cappy that would plan a 5,000-mile motorcycle ride or the Ralph Cappy that would wear a parrot head or a Pirate hat at a Jimmy Buffett concert, or the Ralph Cappy that would wear a sombrero at a Mexican restaurant in Cancun, Mexico, with mutual friends of ours, or the Ralph that would go to a restaurant and decide that he was going to order a hamburger and fries and look at Janet, and say, ‘I think I’ll have salmon.’ I mean, this is the Ralph Cappy that I knew and the Ralph Cappy that I truly miss. Ralph Cappy was a good man, a good husband, a good father, a good jurist, and a good friend. When Chief Justice Ralph J. Cappy died, the Commonwealth of Pennsylvania lost a good and faithful servant.”

The Honorable Joseph A. Del Sole, Judge of the PA Superior Court (ret.)

“You know our pain of loss, because you, too, knew him for his loyalty and integrity. You, too, experienced his intense focus, that intent listening, a few questions, his complete empathy, thoughtful advice, creative solutions, his generosity, the jokes, the toys, the chuckle, and, of course, that trademark twinkle of the eye when Ralph knew he had helped you. And yet having shared him with all of you is what brings us here today and yet another testimony of his outstanding life. We are forever grateful for his love and the time that we had with him. We are also most appreciative of this special Law Review tribute honoring Ralph, and for including us today in the unveiling of his portrait. We will remember this day forever.”

Ellen Sylves Ruddock, Mrs. Cappy’s cousin

The justices admire the Cappy portrait
Phoebe A. Haddon, L’77, was named the first African-American dean of the University of Maryland School of Law. Interim Dean Ken Gormley spoke with her about this groundbreaking achievement and her remarkable legal career.

KG: You attended Duquesne University School of Law from 1974 to 1977. What brought you to Pittsburgh to enroll at this particular law school?

PH: After graduating from Smith College in 1972, I took the Federal Service examination and qualified for a job with the National Labor Relations Board as a field examiner. In that capacity I investigated unfair labor practices and conducted elections to determine whether employees desired to be represented by a union. I spent a year in Cincinnati and a year in Pittsburgh at two very different NLRB Regional Offices (given the relative sophistication about federal rights related to representation) doing this work. I applied for this job because it was law-related and I thought it would help to confirm my interest in studying law. I was interested in going to law school but had little interest in practice and I thought this job would help to determine whether my interest was strong enough. I am the fourth generation in a line of lawyers – my great-grandfather, grandfather and my mother’s brother were lawyers.
I decided to go to law school during my second year with the NLRB and applied to Duquesne, where I received a full scholarship and strong encouragement from then-Dean Ronald Davenport to attend. I worked as his research assistant and had a chance to see law school administration and management firsthand.

**KG: What were your favorite classes? Who were your most memorable professors?**

PH: I had a number of really effective and thought-provoking professors – Donaher (corporations), Nahmod (constitutional law), and Murphy (legal process) were among my favorites because they challenged my assumptions about law. Young Professor (Frank) McClellan (Duquesne Law Class of 1970) had just come back from Yale Law School and was deep into law and economics, which made his torts class challenging and similarly expansive in thinking.

**KG: You served as editor-in-chief of the Duquesne Law Review. What was that experience like?**

PH: Serving as editor-in-chief was the best experience of my time at Duquesne. I worked with a terrific board and we spent countless hours working together in the office. I think we worked well as a team. I enjoyed the editing experience as well as the administrative work. We worked hard to produce a good volume of articles and student work, and I loved the independence of the office and the opportunity to interact with the student editors and academic and practitioner authors. Editing is also a great way to improve your own writing – you see the pitfalls that legal writers fall into, and come up with more effective ways of communicating the thoughts of others.

**KG: I assume it would have surprised you if someone told you back then that you would be the dean of a major law school one day. Did you know that you wanted to teach? Did Dean Ronald Davenport have any influence on you?**

PH: I really don’t know how others saw me at the time. I worked hard and enjoyed studying. I know I always wanted to teach law – I was never really interested in a long stint at practice or other legal work. I also recall that this was a time when few women were in positions of authority in law. (The late) Judge Carol Los Mansmann, who taught us administrative law, had become a federal judge and that was certainly an extraordinary feat at the time. There were increasing numbers of women in law school but few women professors and no deans that I knew about when I was in law school. There were also very few people of color in these kinds of positions. Dean Davenport encouraged me to apply for a federal appellate clerkship and I was happy to be interviewed by Judges (Ruggero) Aldisert and (Joseph) Weis, the two court of appeals judges in Pittsburgh.

I was thrilled to receive an offer from Judge Weis, who was a terrific mentor and advisor for the rest of my career. He encouraged me to practice before entering the academy and also suggested that I consider planning my career path so that I could be considered for a judgeship in the future. I will always be grateful for the great education I received as a clerk for Judge Weis. We came from very different political perspectives but Judge Weis is a judge of great wisdom and integrity and always looked for a judicial resolution that was faithful to the law and mindful of the contextual nuances of the controversy. He invited his clerks to offer their own perspectives, supported by authority on the controversies under examination, and he listened to us before making up his mind. My principal co-clerks, Joe Polizotto and Stanley Edelstein, have been lifelong friends and part of a large cohort of clerks who admire and respect Judge Weis.

**KG: If you were to point to one important thing that benefitted you during your years at the Law School, what would it be?**

PH: I loved the study of law. It was truly amazing to me that 10 or 60 students in a class could read the same case and find different ways of reasoning in support of an outcome and reach somewhat different understandings about how to resolve the next controversy. My interests always were in the underlying reasoning rather than the outcome of a case and that predilection confirmed for me that I would have a better place in teaching rather than advocacy.

**KG: You taught at Temple Law School for over 25 years. What were your favorite courses to teach? Did you ever consider leaving teaching for private practice?**

PH: I practiced for two years in Washington D.C. at Wilmer, Cutler, Pickering before teaching at Temple. I truly enjoyed that practice but it was probably in substantial part because the firm was different in many ways from some of the other high-powered, large East Coast law firms. The partners and associates at Wilmer were smart, thoughtful lawyers who were active in the D.C. community. Many of them devoted hours to pro bono service on a fairly regular basis, and the firm donated thousands of dollars to free legal work and assistance of causes related to the public good. A substantial number of Wilmer lawyers went to government service for at least part of their careers and many went on to teach. I felt comfortable with this progressive environment but left when Temple extended an offer to me in 1981.

I loved teaching and was prepared to devote myself to a life of scholarship. In fact, I left after I received tenure to get an LL.M. at Yale Law School because I wanted some additional time to reflect upon my scholarly direction and interests. I spent a year reading and studying areas of torts and constitutional law, which I love teaching – particularly upper level courses like equal protection.
and constitutional remedies. I created an interdisciplinary reading seminar at Temple on Law Justice and Morality because so many of my students wondered why we seldom talked about justice in law school classes or examined the moral foundations of law. I most enjoyed team teaching a course with (my husband) Professor Frank McClellan and with another colleague at Temple, Theresa Glennon, on Critical Race Theory.

KG: You have developed a national reputation as a legal academic, serving on major committees and mentoring many young law professors. What do you like about this aspect of the job?

PH: I really like working with young people who are interested or who have just begun to teach and write. I have been active in the Society of American Law Teachers (I was co-president of that national organization with Stephanie Wildman in the late 90s.). This is a law teacher organization that supports efforts to become more effective teachers and promotes inclusionary admission and hiring practices in law schools. I have enjoyed working with the mix of law professors, lawyers, judges, and others on the governing boards of organizations concerned with access to justice issues in the courts and law schools. I have served on boards of such organizations because I believe in the importance of equal opportunity to quality legal education and to the courts.

KG: When did it dawn on you that you were interested in running a law school?

PH: I was encouraged to attend HERS, a summer program at Bryn Mawr College for women interested in higher education administration, and really came to understand that I could make an impact in a leadership position in higher education administration. I liked the many facets of this kind of leadership – interacting with alumni, working with the broader community, and leading the institution in defining its academic direction. I like inspiring the group to work collectively toward attaining excellence.

I was invited to be a candidate for Maryland’s deanship and knew when I visited the law school that I had found a community that shared my values and the faculty was one with whom I could easily engage and grow. The faculty at Maryland are serious scholars and problem solvers; they include nationally known scholars and faculty who engage in cutting-edge clinical work in support of access to justice in the areas of criminal and civil justice, and devote themselves to specialized areas like environmental work, business-related interests like intellectual property, and law and health care, as well as ethics, constitutional law and torts. They tend more than others to share their scholarly thinking and teaching ideas with each other across substantive lines.

KG: The University of Maryland Law School, of course, holds a special significance: It is the school where young Thurgood Marshall and his law professor and mentor, Charles Hamilton Houston, brought one of their first lawsuits – the case of Donald Gaines Murray, who was denied admission to your Law School. The Murray case laid the foundation for a series of major lawsuits conceived by Houston and Marshall, culminating in the landmark decision in Brown v. Board of Education. Do you feel as if you are a part of history, becoming the first African-American dean of Maryland Law School?

PH: No doubt I am a part of history, given the past racial inequities of this school! Many alumni and other supporters of the law school have written to me of how deeply moved they were to discover that an African American was named to lead this institution. I don’t think we can downplay how important this transition means for many African Americans and other people of color who have lived in a formally racially segregated society. I also have heard from others who have not necessarily lived in a formally segregated community but who have felt the sting of more subtle racial and gender discrimination and they, too, celebrate having a woman of color in a position of authority. It is an awesome responsibility to take the lead at this law school knowing that so many people are wishing me well and expecting good judgment and integrity in my decision making. The campus, however, is very diverse, and there are other women and men of diverse racial and ethnic backgrounds taking the lead.
**KG: What are your principal goals as dean? How would you like to change the world, or at least the legal profession, during your time in the dean's office?**

PH: This is a wonderful law school with tremendous resources. The opportunities for interdisciplinary and multi-disciplinary collaboration in research, writing, and classroom teaching clinical problem solving make it a special place for students and faculty. I have been working both on this campus and at College Park to increase the opportunities for joint work that I believe will strengthen our programs and centers of excellence. We also have strong student and faculty interest in international and comparative law, and my aim is to increase and strengthen the opportunities for our students and faculty to work abroad and connect what we learn from these settings to what we do in Baltimore.

I have asked the faculty to engage in strategic planning about the future to consider how best to make these things happen. We have also invited alumni and other supporters in the local community and nationally to work with us on planning.

**KG: How is your family adjusting to the job change?**

PH: The job change was dramatically affected by a freakish accident this summer that resulted in my fracturing my knee cap. I was on crutches for 10 weeks! I could not drive and basically depended on my colleagues and my family to help me get around. Thankfully, because Frank was not teaching this fall he was able to arrange his schedule and commute back and forth between Philadelphia and Baltimore and was extraordinarily helpful.

We are empty nesters; our daughter, Cara, is a senior at Yale and the older children, Toussaint and Malik, are on their own. We have been able to make the transition fairly easily because Philadelphia is less than 90 minutes away by train and many of our friends extend along the Northeastern corridor.

**KG: What do you believe are the greatest strengths of a law school like Duquesne? Do you ever have any second thoughts about attending Duquesne to pursue your law degree?**

PH: Duquesne has strong ties with the Pittsburgh community and provides a source of talented lawyers for the region. For those like me who decide or by necessity must be in the area, it offered a solid legal education.

**KG: Thank you for taking the time to participate in this online interview, Dean Haddon. Your friends and admirers at Duquesne Law School look forward to your visiting your alma mater soon! 📚**

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**Phoebe A. Haddon**

**Education**

- LL.M., Yale Law School
- J.D., Duquesne University School of Law
- B.A., Smith College

**Legal Experience**

- Clerk to the Honorable Joseph F. Weis, Jr., United States Court of Appeals for the Third Circuit, 1977-79

**Professional Organizations**

- Trustee, Law School Admissions Council
- Member, Council of the ABA Section of Legal Education and Admissions to the Bar
- Vice-Chair, Smith College Board of Trustees
- Executive Committee (1996-98) and Professional Development Committee (1990-93) of the Association of American Law Schools; member, AALS Resource Corps
- Member, American Law Institute; ALI-ABA Committee on Continuing Professional Education (chair, subcommittee on Diversity in CLE)
- Board member, The Philadelphia Education Fund, the Samuel S. Fels Fund, and Pennsylvanians for Modern Courts
- Member of the Philadelphia Bar Association Committee on Racial and Gender Bias (2003-06) and Committee to Promote Fairness in the Philadelphia Legal System
- Trustee, Women’s Way, Women’s Law Project, Public Interest Law Center, and Friends Select School
- Member, Gender Commission of the Third Circuit Task Force on Equal Treatment in the Courts
- Member, Race Subcommittee of the Supreme Court of Pennsylvania’s Committee on Racial and Gender Bias in the Justice System
- Board of Trustees, Pennsylvania Bar Institute

**Recognition**

- Named one of 50 of the most influential minority attorneys in Pennsylvania by the Legal Intelligencer, 2002
- Named one of the 2009 Diversity Attorneys by the Legal Intelligencer and the PA Law Weekly, 2009
H. Beatty Chadwick is a lawyer who once had a successful corporate practice. He has never been charged with a crime, yet he has been incarcerated in the Delaware County jail for nearly 14 years. His story is as complicated and filled with as much intrigue as a 1930s mystery novel; however, this is a real life pot boiler. It involves a bitter divorce proceeding, allegations of Chadwick hiding funds in offshore bank accounts, his refusal to provide personal financial information, and a dispute between the former president judge and a panel of judges of the Common Pleas Court of Delaware County. Chadwick is being held in civil contempt for refusing to comply with a 1994 preliminary injunction ordering him to turn over funds belonging to the marital estate. The divorce proceeding was finalized in 2004, yet Chadwick remains incarcerated. He has served more jail time than if he were convicted and sentenced for robbery, rape, arson or attempted murder.

The case started with a divorce complaint filed by Chadwick’s wife in Delaware County in 1992. She contended that he had secreted $2,500,000 in overseas accounts which should have been part of the marital estate. Chadwick contended he did not have the money. In 1994 Judge Joseph Labrum ruled that Chadwick had control over the money, and ordered him to produce it. When he failed to personally appear in court, the judge issued a bench warrant for his arrest. He evaded process until he was arrested six months later in April 1995. He has been in jail ever since.

Through numerous lawyers, Chadwick has attempted to demonstrate he does not have the money and cannot comply with the court’s order. On each occasion, the courts have denied his request for relief, citing Labrum’s initial finding that Chadwick has control over the money. Pursuant to civil contempt, a person may be imprisoned until he complies with the order. Under Pennsylvania law, there are no cases setting a limit on the time one may be incarcerated for civil contempt.

Chadwick’s current attorney, Michael J. Malloy of Media, Pennsylvania, described his client to a reporter as a modern day Count of Monte Cristo, imprisoned and left to die on a French penal island, with no legal remedy for escape. Many others do not share that view. After reading the opinions of the numerous state and federal judges who have refused to release Chadwick, one comes away with the strong inference that they view him as a con man who has control over the money and has been gaming the system in hopes of an eventual release. “He has the keys to the jail house in his pocket” is a phrase used in their opinions.

Albert Momjian, attorney for Chadwick’s wife, states there is a great deal of evidence that Chadwick is hiding the money, and is willing to gamble on a court decision to release him. He told a reporter that the courts have noticed that although Chadwick contends he is without funds, he has hired numerous attorneys to pursue his cause. Momjian points to a deposition of a lawyer who, while not representing Chadwick, sent him a letter in jail,
Chadwick’s incarceration has become a life sentence without the basic constitutional protections afforded to those citizens accused of more heinous acts.

advising Chadwick that he had a friend who could “start up your numbered account with Caymans.” Momjian said that Chadwick has never given the court his tax returns, or permitted access to financial institutions where there were accounts in his name.

Momjian said that Chadwick has continually refused to cooperate with the court. In 1994, after he had evaded process to personally appear in court for six months, he was arrested by sheriff’s deputies while sitting in a dentist’s chair. Chadwick told the deputies he was not the man they were looking for, and said a driver’s license in his coat would prove he was not Chadwick. He went to his coat, but instead of a driver’s license he produced a can of mace and sprayed the deputies. There was a resulting physical altercation that caused extensive damage to the dental office. When he was called to testify in a hearing, Chadwick would only answer with his name and Social Security number.

In 2004, a three-judge panel of the Court of Common Pleas of Delaware County appointed as a special master the former president judge of the Delaware County Common Pleas Court, A. Leo Sereni, to determine if Chadwick possessed or controlled any substantial funds with which he could comply with the order. According to a petition filed by Malloy, Sereni employed two independent accounting firms, Parente Randolph of Philadelphia and Intelysis Corp. of Toronto, Canada. In 2005, after an 18-month investigation, Sereni submitted a report to the court in which he stated he found no evidence that Chadwick controlled or possessed any substantial monies, and was not able to comply with the order. Sereni stated “(a civil contempt order) starts as coercive, can become punitive during the course of confinement.” He found that Chadwick’s incarceration has become a life sentence without the basic constitutional protections afforded to those citizens accused of more heinous acts. He recommended that Chadwick be released. The three-judge panel, in an unusually strongly worded opinion, found Sereni had exceeded the scope of his engagement, and that Chadwick had failed to cooperate in the investigation. The court ordered Sereni’s report stricken in total, and continued Chadwick’s confinement.

In the latest chapter, on February 12, 2009, Malloy filed a petition for Writ of Habeas Corpus in the Court of Common Pleas of Delaware County. Malloy told a reporter that the petition opens a new front in the litigation. Malloy argues in his petition that the federal courts have held that in order for a person to be lawfully confined for civil contempt, the order must have a continuing coercive effect. Once the imprisonment ceases to have a possible coercive effect, the imprisonment is punishment without a criminal conviction and sentence, and the continued imprisonment is an abuse of the court’s powers. Malloy argues that the United States Supreme Court has stated that the point when civil contempt ceases to be coercive and becomes punishment is determined by a standard of reasonableness. He cites Maggio v. Zeitz, in which the United States Supreme Court stated, “It is everywhere admitted that he (the jailed person) will not be held indefinitely if he does not comply. His denial of possession is given credit after demonstration that a period in prison does not produce goods” 333 U.S. 56, 76 (1948). The language in Maggio is certainly strong, however it is dicta, and the decision in the case did not turn on that issue.

One judge has found that argument persuasive. On January 3, 2002, federal district Judge Norma Shapiro, in ruling on a writ of habeas corpus filed by Chadwick, found that because of the length of incarceration, Chadwick’s confinement ceased to be coercive and became punitive. Shapiro stated that Chadwick could not remain incarcerated unless given the due process protections of a criminal prosecution, and ordered him to be released. Chadwick v. Janecka, 00-1130, Memorandum, January 3, 2002. On an appeal by Chadwick’s wife, the Third Circuit Court of Appeals, in an opinion written by then Judge Alito (now Justice Samuel Alito of the United States Supreme Court), ruled there were no Pennsylvania cases that held that there was a limit on confinement for civil contempt, and there was no such holding of the United States Supreme Court, and overruled Shapiro. Chadwick remained in the county jail.

In his current petition, Malloy seeks relief from the courts of Pennsylvania on the limits of civil contempt. He argues that regardless of whether a court once found that Chadwick had the money, or may still believe that he has the money, the length of time of his incarceration demonstrates his confinement is no longer coercive. He argues that it is time for a decision by the courts of Pennsylvania on that issue. In fact, Chadwick had the opportunity to bring that issue to the Supreme Court, but declined to do so. On April 23, 1997, a panel of the Superior
The court, while denying an appeal of Chadwick’s sixth state habeas corpus petition, agreed that the issue of coercive versus punitive confinement should be addressed. The court said although no court in the Commonwealth had adopted that test, it was reasonable to assume that at some point a benchmark should be adopted to determine when contempt incarceration becomes punitive. The court encouraged the Pennsylvania Supreme Court to hear the matter, and invited Chadwick to appeal to the Supreme Court to make that determination. Chadwick v. Hill, 2192 Philadelphia 1996, Pa. Super. Ct., April 23, 1997, 689 A.2d 659. Curiously, Chadwick did not pursue that appeal to the Supreme Court.

Malloy now wants the Common Pleas Court, and if necessary, the Supreme Court of Pennsylvania, to decide what is the limit of civil confinement dictated by due process in Pennsylvania. In support of his argument, Malloy lists the maximum sentencing guideline punishments set by the state legislature for various crimes, which he argues should be consulted when deciding what is a reasonable civil confinement in this case. They include: attempted murder (60 to 78 months); rape (48 to 66 months); robbery (48 to 66 months); voluntary manslaughter (36 to 54 months); arson of a building with persons inside (22 to 36 months). So far Chadwick has served 168 months.

Malloy also points out in his petition that the original injunction issued by the court which required Chadwick to turn over the money expired with entry of the final divorce decree in 2004. He argues the order to produce the money was extinguished with the final decree.

Momjian has filed a petition on behalf of the wife to intervene in Chadwick’s most recent petition in Delaware County (a necessary step since she is not a party to a habeas corpus petition). Momjian argues that Chadwick remains in control of the secreted funds and has the ability to purge himself of the contempt. Momjian states that Chadwick has presented no new facts or law, and the rulings of the numerous judges denying relief to Chadwick should be followed.

This is a case of complicated legal and factual issues. Chadwick’s assertions that he does not have the funds or control of them has been found incredible by all of the judges (with one exception) who have reviewed and denied his petitions. Even Shapiro, who ruled that he should be released, stated that Chadwick has continued to refuse to provide information and materials to prove he has no funds to satisfy the court order. Shapiro said, “(His conduct) suggests that Chadwick will do all in his power to keep the money hidden and beyond the jurisdiction of the Delaware County Court.” Despite these findings, as a major matter of civil due process, Chadwick has been confined for 14 years without ever being charged with a crime. Malloy said, “Aside from the legal issue, there comes a point when the court has to say what is right and what is wrong. Guantanamo prison will be closed and Chadwick will still be in jail.” If Chadwick had been charged with a felony for misappropriating the $2,500,000 and had been found guilty, the maximum jail sentence he could have received would have been seven years, and he would have been released seven years ago.

Creed Black, an experienced Philadelphia criminal lawyer, commented on the emotional versus due process factors of the case. He said, “A disturbing tale. The man seems not an especially sympathetic figure. Yet, his plight resonates and strikes a disquieting, Kafkaesque note which lingers — when is enough, enough?”

It now boils down to whether the courts of Pennsylvania, most likely the Pennsylvania Supreme Court, will decide if there are due process limits to incarceration for civil contempt. The court has three options:

Rule those limits have been reached, and release Chadwick regardless of whether the judges believe he is hiding the money;

Rule that there are limits to the incarceration for civil contempt, but under the circumstances, continued imprisonment is necessary to coerce him to turn over the funds. Under this scenario, additional time must pass until the court eventually finds that the limits of due process have been reached;

Rule there are no limits to the confinement for civil contempt and Chadwick should remain in jail until he complies with the court order or dies.

Will Chadwick become another Earl Gideon of the famous Supreme Court case of Gideon v. Wainwright and be the one to forge a major change in the law of civil contempt; or will he remain in jail as person the courts view as a con man out to beat the system.

Post-script:
On July 10, 2009, H. Beatty Chadwick was released from jail by Judge Joseph Cronin who ruled that continued incarceration had lost its coercive effect and would not result in Chadwick turning over the money. The warden and the guards stood outside the jail and gave him a round of applause as he departed.

Peter F. Vaira, A’59, L’62, is a founding shareholder of Vaira & Riley, Philadelphia. Mr. Vaira was the first Duquesne Law graduate to be appointed U.S. Attorney by a president (E.D. Pa. 1978-1983). Mr. Vaira also served as Attorney in Charge of the Department of Justice Organized Crime Strike Force in Chicago for five years. He received the Law Alumni Association’s Distinguished Alumnus Award in 2005.
I have met many wonderful people since coming to Pittsburgh and Duquesne University. I moved here last year from Kansas City to teach law at Duquesne. I loved this city at first sight, and the people in my neighborhood are so friendly that I felt at home right away. But being new means a lot of introductions at receptions and the like.

When I am introduced as a law professor, people usually want to know what classes I teach. So I recite the list: sales, banking law, and Islamic law. After a short period of shock and odd looks, the person I am meeting usually asks “the question” as I have come to know it. And it goes something like this: “Islamic law??” [Yes.] “Really?” [Yes.] “How did you become interested in Islamic law?”

This is not an easy question to answer in the two or so minutes one has at a mingling event. I am still working on a proper cocktail-length response.

It is no easy task to sum up a lifetime of experience and academic interest in the short amount of time you have to bend the ear of a questioner at a party. It is difficult to control the temptation to launch into a long lecture extolling the fascinating aspects of one of the most complex, influential, well-developed, and diverse legal systems humans have ever created. So, I am going to attempt to answer “the question” in this little article, which no one has to keep reading in order to be polite.

First, I’ll pose a question. What is it about Islamic law that creates such a stir? When Rowan Williams, the Archbishop of Canterbury, stated that the government of the U.K. should acknowledge that Shari’ah law is part of the legal system, all hell broke loose. When Canada began to formally acknowledge the decisions by Islamic arbitration panels in Ontario there was such uproar that the Ontario legislature passed the Family Statute Law Amendment Act. This act deprived the religious tribunals of any authority to decide family law matters based on religious law if the law they applied conflicted with the family law of Ontario. When certain states in Northern Nigeria decided to adopt Islamic criminal law, it made international headlines, and the stories were accompanied by horrific pictures of amputations.

The uproar, it seems, is related to the image of Islamic law that is portrayed in the media as backward, medieval, violent, oppressive, and misogynist. The media tends to focus on the most sensational aspects of Islamic law. In the minds of most Americans, Islamic law, or Shari’ah law, is the law of “the other.” It stands in sharp contrast to the enlightenment inspired common law/civil law of the Western tradition. But most Americans are wrong. Nothing in life is ever as simple as black versus white, good versus evil, East versus West.

What is Islamic law?

Islamic law is religious law. But unlike religious law in the West, Islamic law covers not just the duties of humans to God, but also deals with our relationships with and responsibilities to one another. It covers civil transactions, criminal law, family law, the
law of inheritance, and governance. Religious ideals and morality permeate every aspect of Islamic law.

Islamic law is often referred to as Shari’ah law. There is an important distinction between Shari’ah and Islamic law. The literal translation of Shari’ah is “the path” or “the way.” Shari’ah is the divinely given or inspired law. Islamic law, however, is a broader category. Islamic law includes Shari’ah, but it also includes the law that has been derived from the Shari’ah through human understanding and the application of reason.

Shari’ah is considered the right path of religion, and primarily emphasizes faith in God and the proper way to worship. It is also concerned with justice, and thus with transactions between humans. Shari’ah aims to protect the five essentials: life, religion, intellect, property, and family. Shari’ah is divinely revealed law. The divine will is conveyed through the Qur’an and the traditions of the Prophet Muhammad.

The Qur’an is the holy book of Islam. Muslims believe that it was revealed to the Prophet over a number of years, and that it is the actual word of God. The Qur’an contains over 6,200 verses, but it is not a book of law. Only about 350 of the verses in the Qur’an can be considered “legal” verses. The rest of the verses deal with belief, dogma, history, and the nature of humans and God.

The traditions of the Prophet, or the sunna, make up the second source of Shari’ah. These include examples of proper behavior, legal rulings, letters, and the hadith. The hadith are the teachings of the Prophet passed down from generation to generation that were collected, analyzed, and authenticated by Islamic scholars. The sunna together with the Qur’anic legal verses constitute the Shari’ah.

Classical Islamic jurisprudence developed in the Middle Ages. A handful of renowned scholars founded the leading schools of thought. Scholars from these schools of thought developed the Islamic corpus juris and Islamic jurisprudence. The works of the leading scholars from these schools of thought are still consulted today by lawyers, judges, legislatures, and contemporary scholars. These scholars devised techniques for deciding legal questions that were not clearly addressed in the Qur’an and hadith. Because they were applying human reasoning to address these legal issues there is variation among the approaches they took. Therefore, the rules of law devised by these schools of thought, “fiqh,” are not completely consistent with one another.

Several Muslim majority countries have incorporated the Shari’ah and certain interpretations of Islamic law into the law of the state. There is tremendous variety in the approaches nation states have taken in incorporating Islamic law into their legal systems. These approaches have changed through time and are continuing to change. There is also tension between those who would attempt to preserve the classical interpretations of Shari’ah and apply them to modern society and those who argue that Islamic law is open to change and contains many ideas and theories that are perfectly compatible with democracy and human rights.

Nations that incorporate Shari’ah law into the law of the state may have interpretations of Islamic law that fall anywhere on the spectrum between extremely conservative interpretations and liberal interpretations of the law. Where a nation falls on that spectrum depends on a number of factors. History, politics, and cultural practices inform the law of any nation state, and so affect the way Islamic law is interpreted and the extent to which it is incorporated into the law of any particular state.

Where is Islamic law practiced?

Islamic law is not just a form of official state law that is incorporated into the law of certain Muslim majority states. Islamic law is practiced wherever there are observant Muslims. Following the right path, Shari’ah, is a religious duty. So, even though a Muslim may live in a non-Muslim majority country, he or she may decide to follow those aspects of Shari’ah that teach the proper way to worship, interact with others, and conduct personal affairs. Muslims living in countries that do not incorporate Shari’ah law into their official legal systems might also agree to have their business disputes, divorces, inheritance issues, and other matters adjudicated by Islamic arbitration panels. They might seek advice from a scholar trained in Islamic law, or from a lawyer familiar with Islamic legal principles.

How could it be relevant to your practice?

There are an estimated two-and-a half million Muslims in the United States. Chances are you may encounter some of these Americans in your practice. Most likely, their issues will be the same as those of any other client. You might, however, be asked to tailor a will according to Islamic law. You might be asked to draft
a marriage contract in accordance with Islamic principles. Or, you might be asked for your advice on how to arrange interest-free financing for a business venture. Islamic law prohibits the taking or charging of interest, which is called “riba.” Even though riba is prohibited, profit is not.

Practitioners and scholars have devised a number of ways in which to finance a business venture, make a home loan, and extend credit without violating the prohibition on riba. In fact, the Islamic banking industry has grown into a $700 billion dollar industry worldwide. Some of the forms of transactions that are being used are at least 1,600 years old. Some were invented yesterday. The challenge for lawyers is to find ways to satisfy their clients’ business needs while complying with Islamic law and with the applicable official state law.

**What can we learn from Islamic law?**

Studying another legal system is always a useful exercise. Much as learning another language helps one to better understand one’s own language, by learning about a different legal system we learn to better understand our own legal system. Studying Islamic law can elucidate some of the concepts and assumptions we take for granted in our own legal system. It can also lead to creative solutions to legal problems by unlocking new ways of looking at legal issues.

One of the proposals for reform following the credit crisis in the United States is to require that the securitizer of an asset-backed security retain at least five percent of the credit risk of the underlying assets. This proposal is in line with the purposes of Shari’ah, “Maqasid al-Shari’ah.” Islamic finance involves more than just rules of the game. Islamic finance is built on a moral system that seeks to promote justice and benefit all people in society.

In order to attain social justice, Islamic finance law requires that the financier of a business enterprise retain some of the risk of the venture. The financier is not allowed to shift the entire risk of loss to the entrepreneur while making profit based only on the time value of money. In other words, the investor has skin in the game at all times, and therefore has a motive to oversee the entrepreneur’s use of the funds and monitor the health of the underlying investment.

Islamic law also does not allow investment in activities or financial products that involve excessive risk due to uncertainty, or “gharar.” Most scholars have interpreted this prohibition to extend to derivative contracts, short selling, futures and options. Credit default swaps would definitely have been forbidden under Islamic financial law. In fact, every principle of Islamic financial law was violated in a big way prior to the meltdown of the financial system. Now, regulators and politicians are scrambling to come up with new rules to fix the system. Some of their proposed solutions reflect values that have been a part of Islamic finance for millennia.

So, what can we learn from studying Islamic law? We can learn about ourselves. We can learn about belief systems that are a part of the lives of 1.57 billion Muslims, roughly one-quarter of the world’s population. And we may find new ideas and solutions to the practical problems all societies face. For me, Islamic law is endlessly fascinating. I hope in this short article I have managed to explain why I am interested in Islamic law. If you have found anything I mentioned in this article interesting and if you see me at a reception or around Duquesne, I’ll be happy to go on and on about Islamic law. Just ask. But if you ask me where I’m from, be prepared for another long answer. I’m still working on the short version of that one too.

“So, what can we learn from studying Islamic law? We can learn about ourselves. We can learn about belief systems that are a part of the lives of 1.57 billion Muslims, roughly one-quarter of the world’s population.”
Continued Progress is made in Ethiopia

Associate Professor Kirk W. Junker and I visited the Mekelle and Addis Ababa law schools in Ethiopia from June 22 to July 18. The visit was aimed at forging cooperation between these law schools and the Duquesne School of Law and was an extension of my prior visit to Ethiopia on an exploratory mission in the summer of 2007. Both Professor Junker and I held talks with the president, dean, and law professors of Mekelle Law School; and the dean of the Addis Ababa Law School. This visit has established exciting new collaborations and a collective consensus has been reached to forge cooperation along the following lines:

- To donate books to these law schools.
- To start faculty exchange programs.
- To assist in the development of their law schools’ curriculums.
- To train the federal judiciary.
- To start CLE and summer programs in Ethiopia.
- To publish federal Supreme Court cases in print and electronically.
- To launch a case study system in their schools.

So far, we have made huge inroads by shipping $300,000 worth of books to these schools and we have also been able to fund a subscription to HeinOnline for a period of two years. The program has made an incredible impact already. We anticipate fully implementing our program once a memorandum of understanding has been signed by Interim Dean Ken Gormley and the deans of the two Ethiopian law schools.

We were also fortunate to be able to visit with the Spiritan Fathers, making our trip even more meaningful and universal in its mission.

By Tsegaye Beru, L’96
Assistant Director of Public Services
The Center for Legal Information
On September 4, 2009, Duquesne University signed a formal agreement with the China University of Political Science and Law (CUPL) to exchange students and professors of both institutions, and to collaborate on research projects. Present at the signing were from left to right: Dr. Chu Zhang, professor at CUPL, Dr. Cyril Wecht, Interim Dean Ken Gormley, Baosheng Zheng (seated; vice president and director of the CUPL Institute of Evidence Law and Forensic Science), Fred Fochtman (Director of the Cyril H. Wecht Institute), Provost Ralph Pearson (seated), Benjamin Wecht (Program Administrator of the Wecht Institute), and Professor Frank Liu.
During the 2009 Summer Ireland program, Interim Dean Gormley and Professor Kirk Junker visited Father Tom Nash and headmaster Alan MacGinty at Blackrock College. A portrait of Father Sean Kealy, Duquesne University Holy Ghost Father, is in the background.

Students and faculty in Rome with St. Peter’s Basilica in the background.
Duquesne’s Bar Pass Results Remain Strong

by Richard C. Gaffney, Director of Bar Services

One hundred seventy five Duquesne alumni from the class of 2009 sat for the Pennsylvania Bar Examination in July at locations in Pittsburgh, Philadelphia, and Harrisburg. Continuing the successful performances from the last three years, the overwhelming majority of these graduates (88%) recently received the good news that they had passed the Bar Examination on their first attempt. Twenty-five other graduates sat for bar examinations in other states and, while results of those examinations are not yet available, we are optimistic that these results will also be strong.

This is the fourth consecutive year that Duquesne placed above the statewide average for the bar pass rate for both first-time takers and total number of takers. The results place Duquesne in a cluster of other Pennsylvania law schools and within just a few percentage points of Penn State Dickinson, Villanova, and Pittsburgh. The 2009 results outperformed both Duquesne’s ten-year rolling average first-time bar pass rate (81.0%) and Pennsylvania’s ten-year rolling average first-time bar pass rate (78.5%).

This exceptional pass rate for Duquesne graduates was the product of months of diligent preparation and hard work. Many Duquesne students begin studying for the Bar Examination during the fall semester of their final year in school, well before the commencement of the summer bar preparation courses taken by almost all law school graduates. Most students take full advantage of the substantial resources that Duquesne provides to help them maximize their bar scores, including a year-long course that covers test-taking techniques for the multiple-choice portion of the Bar Examination and a two-credit spring semester course that focuses on reviewing the substantive law and improving writing skills for the essay portion of the Bar Examination.

These courses are having an impact. Since the introduction of the spring semester Bar Preparation Course in 2006, Duquesne’s first-time bar pass rate has improved from 68% (in 2005) to 88% (in 2006), 91% (in 2007), 97% (in 2008) and now, 88% (in 2009). Our current students understand that the exceptional results achieved by these alumni were the direct result of their exceptional work ethic. Congratulations to all of our alumni who passed the bar in July!

The Clinics were highlighted in the May 2009 Clinical Legal Education Association (CLEA) newsletter for the following activities:

- On April 21, 2009, the Community Enterprise Clinic (CEC), which provides legal services to nonprofit clients, hosted the first client Networking Event. Approximately 40 individuals representing 30 organizations at different stages of development attended.
- The Center for the Bill of Rights Law Clinic received the 1st Annual President’s Award from the Pittsburgh NAACP at the 55th Annual Human Rights Dinner on Thursday, May 7, 2009.
- The Unemployment Compensation Clinic (UCC) was featured in the Family Finance section of the July 31, 2009, edition of the Pittsburgh Catholic newspaper.

Additionally, Buchanan Ingersoll & Rooney’s E-discovery Team teamed up with the E-Discovery Clinic to offer a series of four CLE courses on the discovery of electronically stored information (ESI), otherwise known as e-discovery. Each course consisted of a 1.5 hour-long video conference led by Duquesne Law’s Director of E-discovery Education, Anne Peterson. The course covered many topics from the duty to preserve, to emerging trends in the law and technology.

In July, the CEC also co-hosted a workshop with the Pittsburgh Foundation explaining to clients, who have already incorporated and received their tax-exempt status, the new PittsburghGives initiative, which assists nonprofits to create for themselves “digital portraits” as they prepare to approach sources for financial sponsorship.
The Securities Arbitration Practicum received a continuation grant award from the Pennsylvania Securities Commission in the amount of $50,000 for 2009-10. When added to the grants received from the Commission over the past five years, the Securities Arbitration Practicum has received $250,000 from the Commission to fund the practicum's efforts in assisting small investors of modest means with claims against securities firms and broker/dealers in the securities industry. Additionally, the Department of the Treasury has once again awarded the Low-Income Tax Practicum a continuation grant in the amount of $72,038 for 2009 bringing the total grants to date from the Department of the Treasury to the Low-Income Tax Practicum to over $720,000. These grants, obtained and administered by practicum director Alice L. Stewart, L'95, allows the practicums to not only provide assistance to low-income individuals, families and, broadly speaking, the working poor in our region, but also allows the Law School to educate our students in very significant pro bono cases.

Also newsworthy:

- During the 2008-09 academic year, the students in the Securities Arbitration Practicum obtained over $100,000 in recoveries for our securities-clients bringing the total recoveries to date for our securities-clients to over $450,000.
- The students currently enrolled in the Securities Arbitration Practicum have begun their work with new clients as well as training for the first annual Securities Arbitration Triathlon hosted by St. John’s School of Law in New York this past October.
- The students in the Low-Income Tax Practicum represent low-income taxpayer-clients through Internal Revenue Service audits, exams, collections, and appeals in the United States Tax Court. To date, our students have successfully argued and negotiated a total tax savings for our low-income taxpayers in excess of $1,500,000.
- The students in the Low-Income Tax Practicum successfully represented twelve taxpayer-clients in Tax Court in March of this year and will be representing 19 taxpayer-clients in Tax Court in November. Our students represent a taxpayer-client in the Third Circuit Court of Appeals.

Additionally, Director Stewart worked closely with the Greater Pittsburgh Compliance Roundtable, the Beard Center for Leadership in Ethics, and the Donahue Chair in Investment Management in the creation and development of the Duquesne University Financial Regulation Symposium, held April 21, 2009, in the Power Center.

Duquesne University School of Law is a Best Value law school according to National Jurist magazine

Using data collected from the Law School Admissions Council’s “Official Guide to ABA Approved Law Schools 2009,” National Jurist indicates that Duquesne has low tuition, an outstanding academic program, a strong alumni base, and excellent job placement.

DU Law School Ranked in Top 100 Schools by Super Lawyers Magazine

Duquesne University has been included in the inaugural Super Lawyers U.S. Law School Rankings. The School of Law ranked 100 out of 180 schools on the list, and nearly 170 alumni were named to the 2009 Super Lawyers list.

“The 2010 Super Lawyers U.S. Law School Rankings is unique in that it ranks law schools based on the number of graduates who are selected for inclusion in Super Lawyers across the country,” said Bill White, publisher of Super Lawyers magazine. “Only five percent of the lawyers in each state are selected to Super Lawyers lists.”
Distinguished Professor Law Robert S. Barker was one of three professors chosen by the University of Buenos Aires to judge the competition for, and selection of, two chaired professorships in Constitutional Law at that University’s Law School, the largest and most important law school in Argentina, December 2-4, 2008. During his most recent visit to Argentina, he was inducted as a member of the Asociación Argentina de Derecho Constitucional. He was also a participant in the International Seminar on “El Constitucionalismo Mexicano: Influencias Continentales y Trasatlánticas” and “El Proceso independentista de los Estados Unidos de Américas” at the international seminar, “Historia Comparada de las Américas: Sus Procesos Independentalistas,” sponsored by the Senate of Mexico and the National Autonomous University of Mexico in celebration of the Bicentennial of Mexican Independence and the Centennial of the Mexican Revolution, February 4-6, 2009 and August 5-7, 2009. Additionally, he was a guest participant on the KDKA-TV public affairs program “KD/PG Sunday Edition,” April 19, 2009, where he discussed international and United States law with respect to the problem of Somali pirates. Other presentations include “Jurisdicción Constitucional y Judicial Review: La Experiencia de los Estados Unidos,” at the XLV Conference of the Inter-American Bar Association, July 2, 2009, in Nassau, The Bahamas; “La Independencia de la Corte Suprema de los Estados Unidos y la Designación de sus Magistrados” at the U.S. Embassy in Caracas, July 8, 2009; a guest appearance on the PCNC television program “Night Talk,” discussing the nomination of Sonia Sotomayor and other matters related to the U.S. Supreme Court, Pittsburgh, July 14, 2009; and, by video-conference, the annual Congress of the Argentine Association of Constitutional Law, meeting in Tucumán, on “El Federalismo fiscal en los Estados Unidos,” August 28, 2009.

Professor Barker was the only United States jurist to contribute a chapter titled “El Control Judicial de Constitucionalidad en los Estados Unidos” to the two-volume work, Justicia Constitucional en Bolivia, published by the Constitutional Tribunal of Bolivia in celebration of its tenth anniversary. He also edited and donated to the John F. Kennedy Presidential Library in Boston an additional collection of papers dealing with the role of Peace Corps Volunteers in the establishment, in the late 1960’s, of Panama’s pioneer program of legal assistance to that country’s low-income communities.


Associate Professor Bruce Antkowiak presented Searching for the Soul of the American Constitution at the University of Glasgow Seminar, The Scottish Enlightenment and Scottish History, conducted by Professor Colin Kidd, November 24, 2008, University of Glasgow. He also presented Stopping and Searching Automobiles in Pennsylvania, June 5, 2009, Pennsylvania Bar Institute Statewide Criminal Law Symposium, Harrisburg, Pennsylvania and conducted four review sessions in June with graduates preparing for the Bar exam on Constitutional Law, Criminal Law and Procedure, and Evidence. Professor Antkowiak published The Irresistible Force, 18 Temple Political & Civil Rights Law Review 1 (Fall 2008); The Art of Malice, 60 Rutgers Law Review 437 (Winter 2008); and Pennsylvania Criminal Procedure: Elements, Analysis, Application, Second Edition, Pennsylvania Bar Institute, (January, 2009). On May 5, he gave the keynote address at the Mercer County Law Day celebration, organized by Brett Stedman, L’07. Professor Antkowiak was interviewed by the Pittsburgh Post-Gazette on sentencing of public officials (February 2, 2009), a cutting edge case of an auto mechanic charged with manslaughter (March 11, 2009), and jury selection in capital cases (March 31, 2009). Along with Professor Bruce Ledewitz, he was also interviewed by the Pittsburgh Tribun Review, August 13, 2009, on psychiatric testing used as a defense in the Richard Poplawski murder trial.
Assistant Professor **Julia Glencer** presented the CLE *Appellate Standards of Review*, April 18, 2009, at Duquesne University School of Law. Along with Assistant Professors **Erin Karsman** and **Tara Willke**, Professor Glencer co-created a 2-credit upper-level writing course entitled “Advanced Legal Writing: Writing in Law Practice” and, along with Professors Karsman and Willke, was awarded a Legal Writing Scholarship Grant for a forthcoming article to be based on this upper-level writing course.


Professor **Kenneth Gray** was elected to serve as a member of the Special Diocesan Convention of the Episcopal Reconstructed Diocese of Pittsburgh for a one-year term.

Assistant Professor **Susan Hascall** participated in the closed door workshop, “The Constitutional Judiciary in the Moslem World,” Harvard Law School, November 2008 and presented a paper titled “The Role of Non-Religious Claims and Community Activism in Protecting the Sacred Spaces of Native Americans” at a conference in Tunisia in March hosted by the *Association Tunisienne de Droit Constitutionnel*. In May, Professor Hascall was invited to speak at the University of Pittsburgh at a workshop for regional faculty on “Understanding Islamic Frameworks in a Global Context.” She also spoke at the Allegheny County Bar Association’s Business Law Section’s annual meeting on “Islamic Business and Banking Law Principals and Practice.”

Professor **Kenneth Hirsch** was interviewed by WPXI, Pittsburgh, on August 18, 2009, on the impact of e-mails sent in the Ben Roethlisberger civil case.

Assistant Professor **Erin Karsman** presented the CLE, *Effective Persuasive Writing*, December 6, 2008, at Duquesne University School of Law.
Professor Bruce Ledewitz’s proposal of “A New Progressive Vision for Church and State” was discussed at the Netroots Nation 2009 Convention, Pittsburgh, August 13—16. An expert panel, led by Professor Ledewitz, argued whether his theory of promoting and accepting religious images as universal is viable today. Other speakers at this convention included former President Bill Clinton, Howard Dean, and Al Gore. His book, Hallowed Secularism: Theory, Belief, and Practice (Palgrave Macmillan 2009), was published. Additionally, Professor Ledewitz participated in the church/state debate in online magazine Religion Dispatches and became a regular contributor to Huffington Post.

Associate Professor Jan Levine spoke on December 9, 2008 on a panel at a conference hosted by St. John’s University Law School titled “Practice Meets Pedagogy: Views from the Bench, Bar and Academy on Law School Graduates’ Research and Writing Skills.” He also visited the University of Akron School of Law to consult on their development of a new legal writing program. Professor Levine was elected to the Association of Legal Writing Directors (ALWD) Board of Directors and made the following presentations at the 2009 ALWD Conference: “Painless and Efficient Critiques of Student Documents Using ClipCache (& an Unlimited Library of Comments)”; “Building and Advancing a New Program” (with Assistant Professors Julia Glencer and Erin Karsman); and “How Can Directors Protect Academic Freedom?” (with Richard Neumann, Linda Berger, and Eric Easton).

Professor Frank Y. Liu published Selected Laws Of The People’s Republic Of China And Selected Readings (Summer Study of Law in Beijing, China, Duquesne University, School of Law, updated and revised) (Co-editor Professor Alfred S. Peláez). He also organized and co-chaired the China – United States Conference on Legal Information and Law Librarians held in Beijing, China, May 28 – 30, 2009, co-sponsored by the Ministry of Education of PRC, the AALL and International Association of Law Libraries (IALL). Professor Liu was granted the AALL Presidential Recognition of Appreciation at the July 27, 2009, AALL Annual Meeting in Washington D.C. for his work on this Conference.

Associate Professor Joseph Sabino Mistick provided extensive on-the-air commentary on “Roddy v. Mistick,” WQED-TV, Pittsburgh, various airdates, 2008-2009; and KDKA Talk Radio, hosting segments discussing health care reform, swine flu policy and other current issues. He was also interviewed by the Voice of America in preparation for their series on the G-20 meeting in Pittsburgh.


Conference, Pittsburgh, Pennsylvania, April 2, 2009. Dean Perkins also directed eight law students who conducted independent research projects regarding scientific modeling and its potential to guide local government efforts to combat climate change (in conjunction with Assistant Professor Kirk Junker and Professor Naga Sivasubramaniam), September – December 2008.

Associate Professor John T. Rago, along with Associate Professor Bruce Antkowiak and Program Administrator, Wecht Institute for Forensic Science, Benjamin Wecht, were featured in the WTAE news report, “Team 4 Investigates Witness Photo Lineup Procedures,” May 11, 2009.

Professor S. Michael Streib was interviewed by the Pittsburgh Tribune-Review on the LA Fitness killer’s will, leaving his estate to the University of Pittsburgh.

Assistant Professor Tara Willke presented the CLE, “Survey of Litigation and Regulation in a Green World,” March 7, 2009, Duquesne University School of Law. On a happy note, Professor Willke and her husband welcomed their first baby, Lydia.


Congratulations to former School of Law Dean and Professor Donald J. Guter, L’77, who became the Dean and President of South Texas College of Law in Houston. Dean Guter was also appointed to a special Commission of the National Institute of Military Justice and Military Justice Committee of the American Bar Association’s Criminal Justice Section, chaired by the former Chief Judge of the United States Court of Appeals for the Armed Forces. The Commission will examine the current operation of the military justice system and consider whether the Uniform Code of Military Justice is meeting the needs of the military services.

Note Bene

Associate Dean Nancy Perkins graduated from Nova Southeastern University Shepard Broad Law Center and taught there from ’89 – ‘93 as a legal writing professor. During that time, she taught with Leslie Cooney, L’78. This past spring, Cooney became Associate Dean of the Shepard Broad Law Center. As such, at just about the same time, a Nova graduate became associate dean of Duquesne, and a Duquesne graduate became the associate dean of Nova! Congratulations!
DLAA President’s Message

I am truly honored to serve as your Alumni Association President. What better way to give back to the school which has given me the opportunity to practice law for more than 28 years than to serve as its Alumni Association President? Everywhere I go I take great pride in identifying myself as a Duquesne Lawyer. I always wear my Duquesne ring, with its special Law School shank, which is easily recognizable by the world famous Duquesne “D” logo.

I am fortunate to be surrounded by a very talented Board of Governors. Also, special thanks to Interim Dean Ken Gormley, who has been most helpful in sharing his insight, experience, and leadership, and to our Director of Law Alumni Relations, Jeanine L. DeBor, and Law Alumni Relations Assistant, Estelle Feltovich. We are here to serve you, the alumni, and to provide occasions for social and professional interaction. We are also a representative association, serving alumni, law students, and the Law School, by making opportunities available for the involvement of alumni in the needs, activities, and affairs of the Law School. The Duquesne University School of Law is truly a special place.

Originally established as a school for immigrants, Duquesne University has developed a reputation for being in the top tier national rankings of colleges and universities. The Law School, which was the University’s first professional program, is well known for producing more Superior Court, Commonwealth Court, and Court of Common Pleas judges than any other law school in the Commonwealth. The number of outstanding public servants is most impressive as well. The noteworthy achievements of students provide us with a glimpse into the future, as to the “rising stars” that are being cultivated in the school. It is only with the continued help of a strong alumni base that these trends will continue.

My affiliation with the Duquesne University Law Alumni Association has been a most memorable and rewarding experience. I encourage all Duquesne lawyers to become members of this “special club,” known as the Duquesne University Law Alumni Association, to share in the time-honored traditions of the Duquesne University School of Law. As ambassadors of our alma mater, we can continue to enhance the reputation of our Law School by working together toward common goals and objectives.

Gino F. Peluso, L’80
From the Director of Law Alumni Relations

The Top 10 Reasons to Join the Duquesne Law Alumni Association

10. Nifty little DLAA member pin tells the world you “belong”
9. Hang out with really cool people in really cool places
8. Free food and drinks!
7. Exclusive offers to see Broadway shows and hockey games
6. Support students seeking public interest jobs through the DLAA PILA Scholarship
5. Help fund student activities and recognize academic excellence
4. Get free CLE credits
3. Network with old friends while making new ones at the annual receptions
2. Your $50 membership dues are completely tax-deductible
1. The easiest way to give back to your alma mater and become active in the Duquesne Legal Community is to become a DLAA member.

Estelle and Jeanine at the Philly reception

JOIN TODAY!!!

Best Wishes,

Jeanine L. DeBor

Guests at our Philadelphia reception included Joe Messina L’79, Michael Moyer L’08, Elaine Moyer L’08, Jesse Leisawitz L’07, Peter Vaira L’62
Annual Reunion Dinner
Pittsburgh — April 24, 2009

The 58th Annual Reunion Dinner was held at the Grand Hall at the Priory, Pittsburgh, on April 24, 2009. Professors S. Michael Streib, L’79, and Amelia Michele Joiner, L’02, received the Distinguished Alumnus Award and the Outstanding Achievement Award, respectively, for their leadership in the Law School’s Trial Advocacy Program, which saw unprecedented success in the 2008-09 School Year. Rear Admiral Donald J. Guter (ret.), L’77, was honored with the Meritorious Service Award for his contributions to the Law School as its 10th Dean.
Rebecca Maziarz, Maureen Kowalski, Terry Yandrich

Mary-Jo Rebeo passes the presidential gavel to Gino Peluso

Class of 1984

Edward L. Graf proposes a toast

Jonathan and Jack Orie

Rodney Fink, Donna Stasa, Michelle Shuker, Melinda Sala, Sara Flasher
Interim Dean Gormley congratulates Margaret Mary Daly

DLAA Immediate Past President Mary-Jo Rebele addresses the graduates
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<td>Timothy Grant Wojton</td>
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<td>Erin E. Work</td>
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<td>Julie Ann Work</td>
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<td>David Andrew York</td>
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<td>Alaina M. Young</td>
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<td>Wendy Yu</td>
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<tr>
<td>January Graduates                  2</td>
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<tr>
<td>June Graduates                  204</td>
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<td>Total                         206</td>
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Duquesne University School Of Law  
Class Of 2009, June 7, 2009  

LLM  
Ammar Saeed Alrefaei  
Ratna Haresh Prabhu  

FALL 2009  
35
It’s hard to believe that it has been 34 years since I sat here anxiously awaiting my law degree from Duquesne, just as you are today. It is truly humbling — and a real honor — to return to the school to offer to you some personal thoughts and insights drawn from my experience since I left.

I offer these thoughts, I know, at a time of profound change, which, in turn, has led to disrupted expectations. But as Einstein once remarked: “In the middle of every difficulty lies opportunity.” The key to this observation, I believe, lies in looking forward to forge new paths and without regret about what could have been. In times of dynamic change, success will come to those who readjust expectations to conform to new realities and who are open to opportunity even if it is redefined by circumstance.

So I thought I would focus today on the lessons that I have learned about opportunity in the hope that some of those experiences can be of value to you as you plot your course, even in these challenging times.

As is the case with many of life’s most important lessons, I learned the first one through failure. I had the privilege of going to a great university at the peak of its intellectual excellence — Brandeis University during the years 1965-1969. Sadly, it was an opportunity I squandered. Oh, I did OK. My performance did not embarrass, but it certainly didn’t distinguish. Content to just be there, I approached opportunity with a sense of entitlement and measured success in doing what I needed to do to get by. Indeed, on an effort to achievement ratio, I had done pretty well.

And then one day I went for a walk with a close cousin and had a conversation that changed everything. On that walk, my cousin burst the bubble of any satisfaction I was taking from my “do only what you need to coast” approach to my college career. He chided that only a fool takes satisfaction in approaching opportunity with a sense of entitlement and measured success in doing what I needed to do to get by. Indeed, on an effort to achievement ratio, I had done pretty well.

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Company was acquired by Disney and ultimately I was asked to become its General Counsel. So you see based on my experience, the wisest career move that someone can make is to stay after class and ask a question.

Not exactly a precise set of circumstance likely to re-occur all that often, I know.

But what I do take away from it is that careers are just as often driven by serendipity as well-laid strategic plans and that becoming too narrowly focused on the better known, more familiar paths can blind people from seeing, let alone pursuing, other, potentially more rewarding opportunities that may be within their reach.

This lesson was reinforced when that charming former hiring partner offered me the opportunity to leave my practice in Washington at Wilmer, Cutler, and join him in New York at Cap/Cities ABC. In hindsight, the decision here may not even seem close. In truth, I almost turned the job down.

You see, at the time the offer came my way, I was completely content with my career and my life. I was a relatively young partner at a wonderful firm, was actively involved in firm management, had just bought a house, and was buoyed by rich, deep personal relationships built up in D.C. over eighteen years. I was at a moment in time when I had found real contentment. Why change paths? And as a life-long Boston Red Sox fan, who would want to live in New York anyway?

But drawing on my experience with my remedies professor, I applied the “regrets” test – a test that says that it is a mistake to ground decisions about new opportunities too deeply on a sense of the now and a fear of the unfamiliar. Rather, it is important to ask: “...looking back in time, will I regret not having taken the chance to reach beyond my comfort zone, to challenge myself to grow, even at the risk of disrupting contentment.” In applying this test, my decision became clear. I had to take the chance.

In the words of Robert Frost in the closing refrain at the end of his great poem “The Road not Taken”:

Two roads diverged in a wood, and I –
I took the one less traveled by,
And that has made all the difference.

But before I came to that moment in time, I faced the type of challenge that you face today as you enter the workforce. For me, that challenge played out at Wilmer where, after taking the leap, I soon realized that I was in a pool surrounded by Supreme Court clerks, and top of the class graduates, and law review editors from the best law schools in the country. To be honest, I was a bit intimidated at first. But I quickly learned two important things:

First, I found that my legal education at Duquesne was a match for a degree from anywhere. I am here as living proof that the degree you are leaving with here today equips you to take on any challenge and to compete with anyone.

Second, my greatest advantage was that I loved what I was doing. While I did not appreciate it at time, there is no greater differentiator than the passion you bring to your work. It translates into a sense of commitment and engagement that comes to define your efforts and the regard in which you are held. It is the sure fire antidote to the self-defeating sense of entitlement that I spoke of earlier. Professional complacency is not something that can be easily masked and, over time, it tends to undermine even the best intentioned efforts to succeed. To me, there is no substitute for loving what you do and if you don’t, you should find something to do you can love.

Before closing, there are two other thoughts that I would like to share with you. These are, in effect, two of my guiding principles:

First, nurture and protect your integrity. As a lawyer you have no more important asset. It defines who you are and how effective you can be. And it is the one thing that travels with you from job to job, from representation to representation. But your reputation for integrity is as fragile as it is enduring. Once lost, it is hard, if not impossible, to recover. To me, there is no case, no client, no opportunity that is worth pursuing if it would call your integrity into question. One of my mentors preached that lawyers should come at decisions by applying what he called “The Front Page of The New York Times” test. If you would not be comfortable having what you do or say reported on that front page – don’t do it. I have applied that test throughout my career and it has served me well. I commend it to you.

Second, focus on life and the world in which we live as much as you do the law. In many respects, our job is to solve problems that arise among people. To be sure, those problems need be solved within the context of our legal framework, and knowing the law is vital. But in the end, it is equally important to understand what animates the problem and that understanding comes not from a law book, but from a sensitivity to people and an appreciation of the social, economic, political and philosophical forces that shape the dispute. One gains that understanding by participating in community life, reading, traveling and exploring, each in our own way, the complexity of the world we inhabit. As for me, I was lucky enough to spend two years after college in the inner city of Gary, Indiana, as a VISTA volunteer – a domestic version of the Peace Corps. That experience was humbling. In being exposed to a part of American life that was so totally foreign to me, I came to realize – on a daily basis – how little I really knew about people and the forces that shape their societal attitudes and how essential it was to understand those forces to forge effective solutions. It left me with an urging to know more about what I don’t know about our world, which, to me, is as important to a lawyer’s ongoing education as any CLE seminar.

So in sum, as you head off onto your adventures, I urge you only:

To do what you love;
Do it with all your heart;
Have the courage to take the road not taken;
Stay true to your principles;
Explore the world;
And in doing it all, never ever lose a sense of fun.
Excerpt from SBA President’s Commencement Speech

I’ve watched all of us grow from somewhat uncertain first year law students into true counselors of the law. I know that when clients come to us for advice, we will be ready to provide them with the best legal counsel available because that is what Duquesne Law has trained us to do. We have taken rigorous courses, difficult examinations, and challenging trial competitions all in preparation for our life beyond law school. I have witnessed our self confidence grow and mature. I have so much faith in all of my friends sitting before me that I know no matter what obstacle or task comes our way, we will face it with the same kind of perseverance and determination that we’ve used to tackle our studies at Duquesne Law. What we have accomplished here makes me excited about our future, because I know we will do remarkable things in our lives.

I look forward to someday seeing you as fellow attorneys in depositions, conferences or meeting you across counsel table in court. And it will be my honor to see you again, shake your hand, and know you care more about righting wrongs than you do about any status or money that comes with the job. That when you see injustice being done, you care enough to fight for justice. And it will be my privilege to serve with you as a counselor of the law.

Today, as we receive our diplomas, we remember Katie Westbrook and we thank God for the opportunities that lie before us and the chances we have to make a positive impact on our society.

I am so honored to walk with all of you today. I respect you as fellow attorneys, and more importantly, I respect all of you as classmates and friends. So, Congratulations Duquesne Law Class of 2009 and good luck!

Brandon Neuman, L’09
1963
Joseph E. Zoffer joined Goldblum Sablowsky, LLC as of Counsel.

1965
The Hon. Joseph Del Sole, former President Judge of the Pennsylvania Superior Court, has been included on the American Arbitration Association roster of qualified Mediators and appointed a member of the Pennsylvania Bar Association’s Alternative Dispute Resolution Committee.

Irwin B. Wedner joined Goldblum Sablowsky, LLC as of Counsel.

1967
John L. Gedid was named chair of the PBA Statutory Law Committee and appointed chair of the Resolution Committee which is “charged with making recommendations for restructuring operations at the Dauphin County Court of Common Pleas.”

1968
William A. Goyette received the 2009 Amram Award at the 47th Allegheny County Bar Association’s Annual Bench-Bar Conference.

Hon. Lester G. Nauhaus was appointed as vice-chair of the Supreme Court Criminal Court Rules Committee.

1969
Hon. Robert E. Colville was elected to the board of trustees of the Pittsburgh Child Guidance Foundation for 2009.

Robert A. Galanter was awarded the “Five Star: Best in Client Satisfaction Wealth Manager” distinction for 2009 in Pittsburgh magazine.

1970
Hon. Donetta Ambrose was asked by Supreme Court Justice Anthony Kennedy to sit on the Devitt Award Committee as the District Judge Representative. She also received the 2009 Duquesne University Century Club of Distinguished Alumni Award.

William J. McKim retired from U.S. Steel after almost 35 years of service.

1972
Hon. Jeffrey Manning was appointed the administrative judge of the Criminal Division of Common Pleas Court of Allegheny County.

Richard I. Thomas was appointed to serve on the open shop committee and union contractors committee of The Associated General Contractors of America.

1973
Hon. Joy Flowers Conti received the 2009 Professionalism Award from the American Inns of Court and the Third Circuit Professionalism Award.

1975
Anne L. Begler received the Sir Francis Bacon Award, presented by the Pennsylvania Bar Association’s Alternative Dispute Resolution Committee during the PBA Annual Meeting, June 2009.

Rita F. Joyce received the St. Thomas More Award in Pittsburgh.

Frank A. Petrich joined Julian Gray Associates as of Counsel.

1976
James T. Davis was confirmed to California University’s Council of Trustees for a six-year term.

Gerald J. Hutton joined Edgar Snyder & Associates.

1977
Frank A. Mayer III joined the Financial Services Practice Group as a partner in the Philadelphia office of Pepper Hamilton LLP.

Scott L. Melton joined Richards & Richards LLP.

Karyn A. Rok was added to the board of directors of the Carnegie Community Development Corporation. Ms. Rok is also president of the Carnegie chapter of Business and Professional Women and is on the board of the Andrew Carnegie Free Library.

1978
Thomas R. Kline, appointed by Sen. Arlen Specter, co-chaired the Office of United States Attorney for the Western District search committee. He was the subject of the book Two Boys by Robert Zausner, which chronicles Kline’s life and the Hall v. SEPTA case.

1979
John B. Bechtol was named Chair of the Unemployment and Labor Law Group of Metz Lewis.

Katherine Benesch was appointed to the American Arbitration Association Health Card Advisory Council.

Hon. Stephanie Domitrovich received the Carlow University Laureate award and the Edinboro University President’s Martin Luther King Award for outstanding commitment to enhancing access to opportunity for all members of the Erie community.

Thomas Herder was elected Vice President, General Counsel, and Secretary of Siemens Energy, Inc., in Orlando, FL, and also serves as General Counsel to the Energy Service Division of Siemens AG.

Dennis C. Modzelewski has joined Gaggos Law Firm, P.C. as a partner in Bingham Farms, Michigan.

William Goodrich was appointed to the search committee for the Office of United States Attorney for the Western District.

1980
Hon. Cynthia A. Baldwin received the Anne X. Alpern Award by The PBA Commission on Women in the Profession during the PBA Annual Meeting and was the recipient of the 2009 Women Who Make A Difference Award by the prestigious International Women’s Forum. She was also appointed to the search committee for the Office of United States Attorney for the Western District.

David J. Laurent presented The New COBRA Laws at Indiana University of Pennsylvania’s 28th Annual Labor Management Conference and was named fellow of the American Bar Foundation.

Hon. Timothy K. Lewis received the American Arbitration Association’s Outstanding Director Award for work in furthering the association’s mission of service and education in the field of conflict management.

1981
Robert S. Bernstein has been recertified by the American Board of Certification as creditors’ rights law specialist for an additional five years.
Kathy K. Condo joined Babst, Calland, Clements & Zomnir, P.C. as a shareholder and will represent a variety of local and national companies facing claims on alleged exposure to toxic substances.

Richard W. Dell, Jr., was selected as a member of the Council on Litigation Management.

Joan Ellenbogen was named Distinguished Accounting Alumna for 2008 by the accounting faculty of the A.J. Palumbo School of Business Administration at Duquesne University. Ellenbogen was also inducted as an honorary member of the Beta Alpha Psi accounting honors society, Duquesne University chapter.

Michael Hennessy joined Goldblum & Sablowsky, LLC as of counsel.

Joseph A. Macerelli was appointed the Defense Research Institute’s State Representative for Pennsylvania, Chairman of the Board of Canonsburg General Hospital, and director and member of the Executive Committee of West Penn Allegheny Health System.

1982
Joseph A. Napoli was elected President of the Western Pennsylvania Chapter of the Association of Corporate Counsel.

John M. Noble created noblemediation, a full-time ADR service provider.

1983
Carol A. Behers has been appointed by the Pennsylvania Supreme Court as Chair of the Domestic Relations Procedural Rules Committee. Ms. Behers is also the current Chair of the Pennsylvania Bar Association’s Family Law Section.

Michael J. Foley was elected to a three-year term to the Board of Governors of the American Association for Justice, formerly the Association of Trial Lawyers of America.

Andrea Geraghty was elected to serve on the board of Minnesota Lawyers Mutual Insurance Company.

Henry M. Sneath was named Chair of the Intellectual Property Section of the Pennsylvania Bar Association and also serves as Second Vice President of DRI – the Voice of the Defense Bar.

1984
Bernard J. Bercik attended the 60th anniversary of the United Nations Correspondence Association “2008 Annual Awards Dinner” and spoke with the United Nations Secretary General Ban Ki-moon.

James A. Donahue, III, has been named the new chair of the National Association of Attorneys General Multistate Antitrust Task Force.

Jerry S. Eisenberg was renamed chair of the PBA Insurance Staff Attorney Committee.

Hon. Michael E. McCarthy joined with a host of local organizations to create a Veterans Court to help veterans find needed programs and services. Judge McCarthy will also supervise the Allegheny County Court of Common Pleas foreclosure conciliation project.

Stephen A. Zappala, Jr., was named to the United States Conference of Catholic Bishops’ Child, Youth Protection National Review Board for a three-year term.

June F. Swanson was named to the board of the South Hills Interfaith Ministries.

1985
Julie Elizabeth McGuire authored the Pennsylvania chapter of Legal Aspects of Doing Business in North America.

1986
Sally Griffith Cimini has achieved advanced member status in the National Association for Conflict Resolution and is one of just three workplace mediators in Pennsylvania who has completed the stringent ADR training and met the experience requirements to earn this premier status. She was also renamed chair of the PBA Alternative Dispute Resolution Committee.

Margaret M. Hock became a shareholder of the law firm of Tucker Arensberg, P.C.

Edward Rice has joined Zoot Enterprises, Inc., in Bozeman, Montana, as general counsel.

Kathleen D. Schneider was named vice president of Women’s Business Network Inc.

Joseph G. Sepesy completed his term as president of the Midland County Bar Association in Michigan.

Hon. Farley Toothman was confirmed in a unanimous vote by the PA Senate and sworn in as a judge of the Greene County Court of Common Pleas.

1987
Patricia Farrell was honored with the Most Creative Deal Award for a successful work in a complex real estate transaction in Monroeville from the Pittsburgh chapter of Commercial Real Estate Women.

Marie Milie Jones was appointed as the first woman to serve as chair of the board of directors of Duquesne University and was appointed to serve as a member of the Board of Regents of the St. Vincent Seminary.

Maureen P. Kelly was appointed to the American Bar Association’s Commission on Interest on Lawyer Trust Accounts (IOLTA) for a one-year term and was honored by the Penn State Dickinson School of Law Women’s Law Caucus as the 14th recipient of the annual Sylvia H. Rambo Award.
1988
Joseph H. Bucci joined the board of the Spina Bifida Association of Western PA.

Craig G. Cochenour is this year’s recipient of The Hugh C. Muldoon Memorial Lecture Award, presented by the Rho Chi Society of the Duquesne University School of Pharmacy and the 2009 Century Club of Distinguished Alumni Award.

R. Douglas DeNardo was awarded the “Five Star: Best in Client Satisfaction Wealth Manager” distinction for 2009 in Pittsburgh magazine.

Hon. Rita Donovan Hathaway completed a one-year term as President of the Pennsylvania Conference of State Trial Judges.

Michael M. Kaminsky joined Blumling & Gusky, LLP as an associate practicing in Commercial Lending, Insolvency Workouts, and Bankruptcy.

Mary-Jo Rebelo was re-elected to the 2009 Executive Committee of Houston Harbaugh.

1989
Matthew J. Wholey was elected to the board of the Nine Mile Run Watershed Association for a three-year term.

1990
Jolene W. Appleman celebrated the birth of her first grandson, Graham.

1991
Timothy M. Hazel joined the Pittsburgh office of Pietragallo Gordon Alfano Bosick & Raspanti, LLP, as a partner in the business group.

Colleen Ramage Johnston was named an equity shareholder of Rothman Gordon, P.C.

Wanda M. Schiller joined the in-house legal team of BP America as Senior Attorney in Houston, TX.

R. Damien Schorr and his wife, Heather, celebrated the birth of a baby boy, Kolbe.

1992
Hon. Robert J. Colville is the President of the Pennsylvania Conference of State Trial Judges.

Paul J. Malak was promoted to General Counsel of Mitsubishi Caterpillar headquartered in Houston, TX.


1993
Michael F. Marmo was appointed judge of the Court of Common Pleas of Allegheny County.

Raymond M. Roberts and his wife, Kimberly Roberts, celebrated the birth of a baby boy, Michael Thomas.

1994
Jason M. Lichtenstein, partner, Edgar Snyder & Associates, was inducted into the Million Dollar Advocates Forum.

Daniel L. Rivetti has been named Managing Partner of Robb Leonard Mulvihill, LLP.

Heidi Rai Stewart was promoted from Director Level 2 to Director Level 1 at Houston Harbaugh.

1995
Deborah A. Rouse was named to the board of directors of Preservation Pennsylvania.

Kevin J. McKeon was appointed as Legal Counsel to the Pennsylvania Utility Contractors Association and was named a partner at Watt, Tieder, Hoffar & Fitzgerald, LLP.

Paul T. Oven was named a 2009 Lawyer on the Fast Track by The Legal Intelligencer and The PA Law Weekly.

Brian D. Walters was appointed General Counsel and Vice President of Matthews International Corporation.

1996
James W. Creenan formed Creenan Law Offices, P.C., in Murrysville, PA, concentrating on construction and insurance litigation. He is also the Treasurer of the Allegheny County Bar Foundation and Chair of the ACBA Finance Committee.

Sheila Burke Duffy and her husband celebrated the birth of a baby girl, Keira.

Kurt F. Fernsler became a shareholder with Babst, Calland, Clements and Zomnir, P.C.

Dawn K. Gull was elected President of the Pittsburgh Chapter of the Matrimonial Inns of Court for a two-year term.

Michael McAuliffe Miller joined the Harrisburg office of Eckert Seamans Cherin & Mellott, LLC.

1997
Dana Baiocco became the chair of the PBA House of Delegates for a two-year term at the PBA Annual Meeting, June 2009.

Rebecca A. Chambers was appointed to the Green Tree Borough Planning and Zoning Commission.

Todd W. Elliott was promoted to partner of Fried & Davis, LLC.

Richard W. James joined the Pittsburgh office of Spilman Thomas & Battle, PLLC as Counsel and primarily practices in intellectual property.

Stefanie Malone Upham joined The Hart Law Group in Asheville, NC, practicing real estate law.
2000

Elisabeth M. Bennington was named partner at Pollock, Begg, Komar, Glasser LLC, was elected to the board of directors of Bethlehem Haven, a shelter for homeless women, and inducted as a fellow by the Allegheny County Bar Foundation.

Michael S. Faber, Richard J. Kabbert and Kristen Hock Prex were elected shareholders in the firm of Dickie, McCamey & Chilcote, P.C.

James F. Glunt and Jennifer R. Minter were promoted to shareholder at Buchanan Ingersoll & Rooney, P.C.

Jason E. Luckasevic was promoted to shareholder at Goldberg, Persky & White.

Christine Neroni, who started her own company, Agency Assist Outsource Solutions LLC, received the CREW-to-CREW Award for outstanding networking experience between members of Pittsburgh CREW network (Commercial Real Estate Women).

Amy M. Wertz joined Michael D. Flynn & Associates as an associate focusing in areas of civil litigation and workers compensation.

2001

Barry K. Nelson was named a shareholder in Tucker Arensberg, P.C.

Richard W. Saxe became an associate in the intellectual property practice and also chaired the Asian Attorneys Committee for the Allegheny County Bar Association. She and her husband celebrated the birth of a baby girl.

Heather L. Schmidt joined Voelker, Griggs & Schmidt as a partner.

2002

Nicholas J. Delulios received the 2009 Distinguished Alumni Achievement Award conferred by Duquesne University Palumbo/Donahue School of Business and was elected a trustee of the Carnegie Museums of Pittsburgh.

Sandra Kozlowski and her husband celebrated the birth of a baby boy.

Mary C. McGinley was named a 2009 Lawyer on the Fast Track by The Legal Intelligencer and The PA Law Weekly.

2003

William T. Fahey joined Sitko, Rodella & Bruno LLC as an associate concentrating in real estate development.

Luca M. Giorgi accepted a position with Friday Porta Cox & Ward LLC as an associate focusing in personal injury, product liability and medical malpractice.

Justin L. McCall has become a shareholder with McGrath Law Group.

Ann Schiavone is now a full-time Legal Research and Writing professor at the University of Akron School of Law.

2004

Katherine P. Berquist accepted a position as an associate with Weinheimer, Schadel & Haber, P.C. focusing in the areas of insurance defense, professional malpractice and family law.

Michael J. Berquist was promoted to the Violent Crimes & Firearms Unit in the Allegheny County District Attorney’s Office.

Dean F. Falavolito rejoined Burns, White & Hickton as an associate in the Pittsburgh Office focusing on employment and business law.

Ayanna M. Lee joined Carpenter Legal Search, Inc. in Pittsburgh, PA as a legal search consultant.

Michele Sabo Machen was hired at Dechert, LLP working in the Philadelphia office in the International Tax Department.

Kathleen G. Sheehan joined the United States Department of Interior, Office of Surface Mining, focusing on regulatory and compliance standards and enforcement of the Surface Mining Control and Reclamation Act. She was also elected to the board of directors of Just Harvest, a Pittsburgh-based, anti-poverty, non-profit organization.

2005

Joseph R. Carnicella joined Picadio Sneath Miller & Norton, P.C., as an associate focusing on commercial, intellectual property, and insurance coverage litigation.

Brianne Hess was named Vice President at the Bank of New York Mellon.


Lisa R. Pitell was hired as an associate by Cohen & Grigsby in the international business practice group.
Katherine A. Weeks accepted a job with Burns, White & Hickton as an associate in the firm’s litigation group focusing on long-term care and professional liability cases.

**2006**

Ed J. Humes works for Iberdrola Renewables, Inc., in Chicago and is engaged to Nichole E. Tuliszewski, who practices construction and trucking defense.

David Ialenti joined Burns, White & Hickton as an associate in the transportation group focusing on occupational injury cases for the railroad industry.

Darlene S. Wood accepted a position as associate with Eckert Seamans Cherin & Mellott focusing on product liability and other corporate defense matters.

**2007**

Lyndsay E. Rowland was hired by Weltman, Weinberg & Reis Co., L.P.A. as an associate working in Civil Litigation and Collections departments of the Pittsburgh office.

**2008**

Milinda J. Bowen joined Carpenter, McCadden & Lane, LLP.

Glen S. Downey and his wife celebrated the birth of twins, Charlotte and Jackson.

Matthew D. Haydo joined the law firm Spilman Thomas & Battle in Charleston, West Virginia.

Wendy Kunkle joined Burns, White & Hickton as an associate focusing on Medicare Law.

Michael A. Metcalfe accepted a position with Cohen & Grigsby in the Litigation Practice Group.

Matthew D. Monsour has joined the Pittsburgh office of McGuireWoods LLP as an associate in the firm’s Complex Commercial Litigation Department.

Bryan D. Rohm joined Stonecipher, Cunningham, Beard & Schmidt as an associate practicing in areas of corporate law, bankruptcy law and business reorganization.

Jenice Woodruff Smith married Royce Smith in Haleiwa, Hawaii. She is now employed as an associate at the Philadelphia office of Burns, White & Hickton.

**2009**

Patrick R. Barry joined Spilman Thomas & Battle, PLLC in Charleston, WV, as an associate focusing in general litigation, consumer finance and labor & employment law.

In Memoriam

It is with deep sadness that we list the following Law School alumni who passed away between December 1, 2008, and October 30, 2009:

Martha E. Bailor, Esq. L’85
Amiel B. Carmann Jr., Esq. L’74
Joseph B. Collins, Esq. L’69
Duane A. Dudik, Esq. L’75
Michael D. Flynn, Esq. L’76
Thomas V. Fritz, Esq. L’64
John E. Gabriel, Esq. L’85
Thomas A. Hill, Esq. L’52
Debra L. Jacob, Esq. L’94
Rita Kelly, Esq. L’57
Carl F. Meyer, Esq. L’57
Jane C. Mika, Esq. L’80
Joseph M. Noel Sr., Esq. L’58
John J. O’Donnell Jr., Esq. L’57
Robert J. Pfaff, Esq. L’73
O’Malley A. Pitcher, Esq. L’85
Thomas P. Ruane, Esq. L’68
Michelle Sphar, Esq. L’86
Russell H. Tobe, Esq. L’70
Stephen T. Tomko, Esq. L’71
Francis J. Trunzo, Esq. L’65
Mark L. Unatin, Esq. L’68
Michael L. Utz, Esq. L’99
William Wieder Jr. L’87
Allan J. Wertz, Esq. L’00
Gerald J. Yanity, Esq. L’75

Duquesne University’s list is provided through Advancement Records Office and may not be a complete list. If you have information on a Law School alumnus who has passed away this past year and is not listed, please contact the Law Alumni Office at 412-396-5215 so that we may update our records.
On March 3, the Women’s Bar Association of Western Pennsylvania and The National Association of Women Judges presented “The Color of Justice,” a program to encourage minority female students in high school to consider the law and judgeships as career goals. Jeneé Oliver L’05, pictured, presented along with the honorable Cathleen Bubash L’85, Nicola Henry-Taylor L’96, and Assistant Professor Amelia Michele Joiner L’02.

On March 11, the PACDL Criminal Defense Resource Center presented “Pardon Me?” , a free lecture on strategies for erasing criminal convictions. Pictured L-R are Royce L. Morris, Esquire, speaker; Diane Morgan, PACDL Director; John L. Heaton, Esquire, Secretary of the PA Board of Pardons. John Knorr, L’74, moderated the program.

Pennsylvania Superior Court judges attended a Duquesne Law/St. Frances University program on September 9 where Judge Maureen Lally-Green was honored for her commitment to both schools. L-R: Senior Judge James Fitzgerald, Judge Jacqueline Shogan, Judge Lally-Green, Judge Robert Freedberg.

On March 3, The Women’s Bar Association of Western Pennsylvania and The National Association of Women Judges presented “The Color of Justice,” a program to encourage minority female students in high school to consider the law and judgeships as career goals. Jeneé Oliver L’05, pictured, presented along with the Honorable Cathleen Bubash L’85, Nicola Henry-Taylor L’96, and Assistant Professor Amelia Michele Joiner L’02.
The Wecht Institute Announces “Forensic Fridays”

Spring 2010 Monthly Seminar Series to Offer CLE and Other Professional Education Credit

By Benjamin Wecht, Program Administrator

Fresh on the heels of two highly successful professional education programs this fall, The Cyril H. Wecht Institute of Forensic Science and Law is busy developing a series of monthly seminars geared toward offering the region’s attorneys, physicians, nurses, and others a better grounding in many of the forensic scientific disciplines and methodologies upon which their work relies. “Forensic Fridays” will open on January 15, 2010, and run on selected Friday afternoons through June.

While the schedule of programs, instructors, and credit hours has yet to be finalized, topics to be addressed over the course of the series include medical malpractice, personal injury, products liability, drunk driving, and the investigation of sex-related crimes. Among the instructors will be some of the leading experts in these and related areas from throughout the Pittsburgh region and beyond.

“As a longtime provider of CLE, Continuing Nursing and Continuing Medical Education through our annual conference series, we look forward to beginning to offer these opportunities on a more regular basis and in shorter courses better suited to the busy schedules of professional people,” said Institute Director Frederick W. Fochtman. “At the same time, we’re excited about sharing our faculty’s expertise in toxicology, pathology, forensic nursing, and other disciplines.”

The “Forensic Fridays” seminars, which will be formally announced via email and on the Institute’s Web site later this year, will be offered both as a series and on an individual seminar basis. Those interested in being added to the email list should contact the Institute at 412-396-1330 or by email at wechtinstitute@duq.edu.

Busy Fall Semester Sees Two National Seminars

The Institute’s spring programming will follow on a pair of programs that brought professional and other audiences to the Duquesne University campus on consecutive months this fall.

On Sept. 11, the Institute hosted “Does Forensics Need Fixing?,” a one-day seminar developed to address the far-reaching legal and scientific ramifications of the National Academy of Sciences’ groundbreaking report of earlier this year, “Strengthening Forensic Science in the United States: A Path Forward.” Featuring speakers such as Dr. David Christian Hassell, director of the FBI’s Laboratory Division; Dr. Thomas Bohan, president of the American Academy of Forensic Sciences; and Craig Watkins, district attorney of Dallas County, the seminar served to expose flaws in the current practice of forensic science and, more importantly, to begin to develop consensus on how best to rectify those problems.

On Oct. 23 and 24, the Institute hosted “Evidence in the Information Age: A National Symposium on the Collection, Analysis and Legal Applications of Digital Evidence.” Drawing on local, state and federal law enforcement officials; digital forensic examiners; attorneys; and legal scholars, the conference offered its attendees both hands-on training in the uses and applications of digital evidence and a broad education in many of the legal and public policy issues surrounding computer and cyber-crime.
On behalf of the Student Bar Association, we would like to thank the Duquesne Law Alumni Association for their dedication to our Law School. Under the leadership of Gino Peluso, the DLAA is committed to student activities at the Law School and has welcomed students to alumni events this fall. At the Pittsburgh reception, the alumni awarded the students of first-year writing classes for their best written briefs and recognized the most recent students who passed the bar. The students would like to thank the alumni for participating in all of our events and providing us with continued support.

This semester, the Student Bar Association has committed to making a strong presence not only here at Duquesne, but within the surrounding community. We participated in the Wheelchair Grand Prix, which is hosted by Variety, the Children’s Charity, and Light the Night, benefiting the Leukemia and Lymphoma Society. Additionally, we hosted and quadrupled the participation in the annual Katie Westbrook 5K race, which funds cancer research at UPMC and the Trial Advocacy Scholarship. Your generous donations help to keep Katie’s compassion and courage in our memory.

We would like to thank the alumni for their increased participation and hope that the new relationships built this year will continue to flourish in the future. During such times of economic hardship, it is important that the alumni reach out to assist students and enhance the strength of the Duquesne Law family. Jeanine DeBor and Estelle Feltovich of the alumni office have been integral in increasing the DLAA’s interaction with the students as well as making an alumni presence within the Law School.

The students recognize the value of your continued support and look forward to joining the ranks of the DLAA as respected attorneys.

Matthew Lambach (2D) and Steve Singhaus (3D)
2009-10 SBA Co-Presidents
Duquesne Law Review article wins prestigious Burton Award

Congratulations to the law firm of Schnader, Harrison, Segal & Lewis for winning the 2009 Burton Award for Legal Achievement for the article “Charities and the Orphan’s Court,” written by Marc S. Cornblatt and Bruce P. Merenstein for Duquesne Law Review, Volume 46, Number 4. The Burton Award is funded by the Burton Foundation which is a not for profit, academic effort devoted to recognizing and rewarding excellence in the legal profession. Since its inception in 1999 the organization has focused primarily on the refinement and enrichment of legal writing. Thirty winners were chosen from all the entries that are submitted by the nation’s 1,000 largest and most prestigious law firms.

Moot Court Teams Enjoy Continued Success in the Spring

The third-year mock trial team won the American Association for Justice (formerly ATLA) Student Trial Advocacy Regional Competition in Pittsburgh, February 27-March 1. Team members Lisa Barnett, Brock McCandless, Megan Lehman, and Linda Obioha (our Tournament of Champions victory team) defeated the University of Arkansas and the University of North Carolina in the final round. The third year team won every trial in this competition by a unanimous vote. The second-year team also performed exceptionally well by defeating University of Pennsylvania, University of Arkansas, and Appalachian School of Law to make the final round where they were narrowly defeated by the University of North Carolina. Team members were Jessica Barson, Max Petrunya, Patrick Sullivan, and Michaelene Weimer.

On January 16, our Trial Teams were honored at a reception where Representative Frank Dermody presented them with citations from the Pennsylvania Legislature. Here, Dermody is pictured with the ABA Labor & Employment Law Trial Team (Megan Arrington, Emily Fullerton, Tara Fertelmes, Michael Watson).
Professor Vanessa Browne-Barbour, L’93, pictured above with Dean Emeritus Nick Cafardi, and Amie Mihalko, L’08, right, were honored by the Women’s Law Association at their annual Woman of the Year reception.

The Tax Moot Court Team was a quarter-finalist in the Florida Bar Association’s National Tax Moot Court Competition at St. Pete’s Beach, February 3-6. Team members Allison Devore and Elena Pollock were coached by Professor Mark Yochum.

The Mock Client Counseling Team was a semi-finalist in the regional competition in St. Paul, February 6-8. Team members Elizabeth Diller and Julie Work were coached by Professor Al Peláez.

Women’s Law Association Woman of the Year Reception

Professor Vanessa Browne-Barbour, L’93, pictured above with Dean Emeritus Nick Cafardi, and Amie Mihalko, L’08, right, were honored by the Women’s Law Association at their annual Woman of the Year reception.
Alumni, students, faculty, staff, and friends marched in the annual Pittsburgh St. Patrick’s Day Parade.

Joseph Balestrino (3D) was the second-place winner of The College of Labor and Employment Lawyers inaugural Writing Competition for Law Students. His paper, “Fundamental Freedoms or Fundamental Rights? How the European Court of Justice created a new Fundamental Hierarchy in its Viking and Laval decisions, and what they mean to the future of collective bargaining in the European Union,” is posted on the college’s website at www.laborandemploymentcollege.org. The college was established in 1995 through an initiative of the Council of The Section of Labor and Employment Law of The American Bar Association to further establish this profession in all its aspects as uniquely important to the world of labor and employment law, individual rights, collective bargaining, and dispute resolution.

Rebecca Yanos (4E) was the runner-up for Best Advocate at the 2009 National Animal Law Moot Court competition at Harvard, February 6-8. Other team members were Jennifer Mattingly, Emilie Ridge, and Mary Stacy. The team was coached by Assistant Dean Ella Kwisnek and Deborah Jugan, L’92.

Two teams, including a co-ed team, competed in the national law school softball tournament at the University of Richmond in April.
The annual First Year Appellate Oral Arguments took place March 28, 29, and April 4. 115 student oral argument pairings were scheduled on those days, and over 80 Duquesne Law alumni judged alongside 12 Legal Research & Writing professors. Pictured L—R are students from Professor Tara Willke’s class: Erik Yngstrom, Kendra Green, and Robert Tyler.

First-year students attended the Student Organizations Fair in August, where they were matched with their upper-class mentors.

Students participated in the Pittsburgh “Horror Realm” Convention, raising awareness and money for leukemia/lymphoma research.

Class of 2009 recipients of several Allegheny County Bar Foundation Educational Awards:

Stefan Fairchild and Christopher Lockman received the Hon. Gerald K. Gibson Memorial Fund for their outstanding achievement in the Creditors & Debtors Rights course; Megan Lehman received the Lynette Norton Memorial Fund for her academic excellence, advocacy skills, and ethics/professionalism; Amy Nooning received the Hon. Carol Los Mansmann Memorial Scholarship for her leadership and commitment to the advancement of women; and Jason Ott received the Hon. Joseph H. Ridge Memorial Scholarship as the highest-ranking member of the class who also graduated from Central Catholic High School, Pittsburgh.
The recession has had a profound impact on legal placement. The economic downturn that has resulted in large law firms laying off attorneys and staff and, for some, closing their doors, has impacted attorneys and law students in all sectors as the trickle down of candidates to medium and small firms, government agencies, and public interest organizations results in fewer attorney positions being available overall.

At Duquesne, the “at graduation” placement rate decreased by 7%, and an increasing number of alumni turned to the Career Services Office for assistance.

There are no easy answers. However, one of our alumni, David Pollock, who recently came to the Law School to speak at a practice area lunch-n-learn on Family Law, stated it best. “It’s all about building relationships.” Whether one is a law student interning with a government agency, or an attorney transitioning to another firm, the key is to foster relationships that will help you navigate the legal market and find a position. It is axiomatic that the majority of positions available are not posted; thus, it is through relationships and contacts with people that one learns of available opportunities.

Duquesne has a reputation of having a strong alumni network, and in the current job market, it is incumbent upon our alumni who are in a position to do so to support our current students and recent graduates with law clerk and associate positions or assistance with making contacts in the legal profession.

In spring 2010, the CSO is planning to hold its third annual practice area table talk event. Alumni in various practice areas will be asked to spend approximately two hours at the Law School to discuss their practice areas with students. As last year, the program will be conducted in the format of speed networking, with each attorney spending approximately five minutes with a small group of students and then meeting a new group of students. A brief reception follows.

The CSO is more than happy to assist alumni in meeting their hiring needs by posting positions or by providing resumes from our Alumni Resume Bank. We also regularly assist alumni who are making career transitions. To learn more about our services, visit us on-line at www.law.duq.edu/career and click on “Alumni,” e-mail us at lawcareers@duq.edu, or call 412-396-6559.

Placement for the class of 2007 was 94.1% six months after graduation. Of those reporting, the types of employment and percentages of 2007 graduates employed in each category were as follows.

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Private Practice</td>
<td>57%</td>
</tr>
<tr>
<td>Business</td>
<td>17.4%</td>
</tr>
<tr>
<td>Judicial Clerkships</td>
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<tr>
<td>Public Interest</td>
<td>.8%</td>
</tr>
<tr>
<td>Academic</td>
<td>1.7%</td>
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</tbody>
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Valerie Harper, Law School registrar, was elected to the Board of Directors of the National Network of Law School Officers, a nonprofit, professional organization designed for the educational and professional development of all law school officers.

Tracey McCants Lewis, L’00, was made Acting Director of Clinical Legal Education, and Norma Caquatto, L’79, was made Acting Assistant Director. Caquatto was also honored at the 4th Annual Women of Achievement Awards which honors women of Pittsburgh who contribute to the community. The Law School is grateful to Professor Margaret Krasik, L’77, for her service to the clinics as she steps down as Director and continues teaching at the Law School. Additionally, Anne S. Peterson, Esquire, became Director of E-Discovery Education. In May and June, Ms. Caquatto presented workshops to lawyers who have volunteered in assisting start-up arts nonprofits.

Law Alumni Director Jeanine L. DeBor, Esquire, was elected treasurer of the Allegheny County Bar Association’s Women in the Law Division. She was also appointed to the Gender-Bias Subcommittee of the Division.

Assistant Dean for Students Ella Kwisnek, L’91, was elected to the AALS Executive Committee of the Section on Student Services.

Eric Springer, Esquire, was appointed as Special Advisor to the Dean of Duquesne University School of Law on developing and improving the Law School’s minority recruitment and retention program. Mr. Springer served as Confidential Law Clerk to the Honorable Matthew M. Levy, Justice of the Supreme Court of the State of New York, and was a member of the faculty of the University of Pittsburgh with a joint appointment in the School of Law and the Graduate School of Public Health. Along with John Horty, he was a founder and senior partner of Horty, Springer & Mattern in 1971. The firm, from its inception, has concentrated exclusively in health and hospital law, serving a national clientele on a variety of matters involving national, state and local issues.

The Honorable Maureen Lally-Green, L’74, was appointed as Special Advisor to the Dean of Duquesne University School of Law on developing and expanding the Law School’s Appellate Advocacy Program. Judge Lally-Green was appointed Judge of the Superior Court of Pennsylvania by Governor Tom Ridge in 1998 and then elected by the citizens of Pennsylvania in 1999 for a term beginning 2000. Judge Lally-Green retired from the bench in 2009 and was appointed Director, Office of Church Relations, Roman Catholic Diocese of Pittsburgh by Bishop David Zubik. Prior to taking the bench, she was a fully tenured Professor of Law at Duquesne University (1983-1998), and has continued to teach as an adjunct professor since 2000.

Craig Simpson, Esquire, L’77, was appointed adjunct professor of law at Duquesne University, teaching professional responsibility.
The Law School is grateful for the excellent service provided by our facilities crew, Stacia Boehm, Heidi Felch, and Cliff Turner. We would also like to thank Walter Davis for pitching in last year. Walter has been employed by Duquesne for 45 years. Below he’s pictured with Joe Campion, Director of Admissions.

2009 Entering Class Profile

225 Students

Day Division: 160
Evening Division: 65
48% Female

LSAT: 154
GPA: 3.5

Representing 18 states and the District of Columbia: Arizona, Delaware, Florida, Indiana, Iowa, Kentucky, Maine, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, Wisconsin
Save The Date!
59th Annual Reunion Dinner
April 23, 2010
Power Center Ballroom
Duquesne University