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FACULTY

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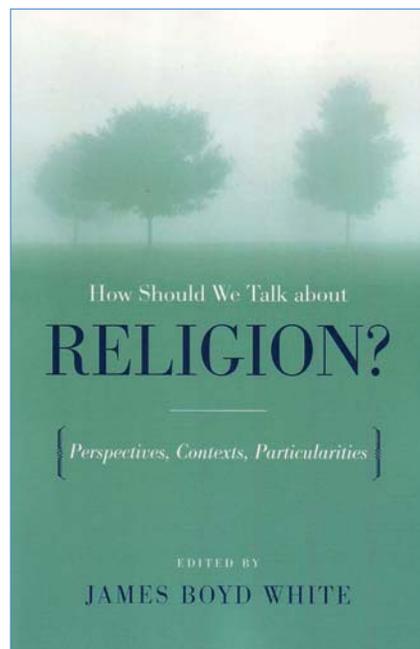
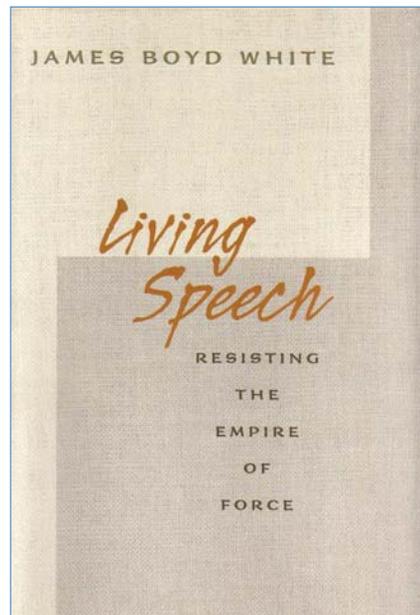
Samuel D. Estep, '46

Professor Emeritus Samuel D. Estep, '46, died July 8, 2006. He had joined the Law School faculty in 1948 after practicing law in Detroit for two years after his graduation.

He was promoted from assistant to associate professor in 1951 and to full professor in 1954.

A winner of the Francis Allen Award from the Law School Student Senate for his teaching contributions, Estep was especially interested in the intersection of science and law and the legal issues associated with atomic energy. He published many articles in scholarly journals on the legal problems emerging from the peacetime use of atomic energy.

"Professor Estep devoted his career to teaching in such diverse fields as constitutional law, commercial law, and science and the law," the *University Record* reported on the occasion of his retirement from active teaching in 1989. "His work as a scholar has been devoted primarily to topics drawn from his interest in science and law."



Recent books by James Boyd White

L. Hart Wright Collegiate Professor of Law
James Boyd White

James Boyd White and the power and pitfalls of language

James Boyd White, the L.Hart Wright Collegiate Professor of Law at Michigan, immerses himself and his scholarship in our efforts to yoke language to our lives, and his two most recent books, both out this year, continue this quest though coming at it from two different directions.

In *Living Speech: Resisting the Empire of Force* (Princeton University Press), White explores his “long-standing interest in what is at stake—intellectually, ethically, politically—when the human mind meets and tries to use the languages that surround it, in the law and elsewhere: languages that are made by others, that are full of commitments to particular ways of imagining the world—describing it, judging it—and that carry deep within them the habits of mind, the values, of the world in which they are made.”

“What I think is at stake at such moments of expression is practically everything, including both the integrity of the individual person and the quality of our larger culture and policy,” he writes in his Preface. “In our struggles with our languages we define and reveal the nature of our own processes of thought and imagination; we establish characters for ourselves and relations with others; we act upon the materials of meaning that define our culture, sometimes replicating them, sometimes transforming them, for good or ill. The activity of expression is the heart of intellectual and ethical life.”

Roaming through a rich variety of intellectual fields—literature like Dante’s *Divine Comedy* and Shakespeare’s *Hamlet*; court cases like *Virginia State Pharmacy Board v. Citizens Consumer Council* and *Ashcroft v. Free Speech Coalition*; correspondence like Abraham Lincoln’s letter to General Joseph Hooker; Quaker

worship practices; and others—White, as his publisher says, reminds us “that every moment of speech is an occasion for gaining control of what we say and who we are.”

Some idea of the book’s themes can be found in its chapter titles: from “Speech in the Empire,” “Living Speech and the Mind Behind It,” and “The Desire for Meaning,” to “Writing that Calls the Reader into Life—or Death,” “Human Dignity and the Claim of Meaning,” and “Silence, Belief, and the Right to Speak.”

White applies the idea of living speech to the law in two ways. First, he argues that the First Amendment should be understood as having at its core the protection and fostering of living speech; second, he maintains that in deciding cases under the First Amendment, but not only there, it is necessary that judges engage in living speech themselves if the law is to be a powerful agent of resistance to the empire of force rather than its instrument.

According to White, the phrase “empire of force” comes from an essay on the *Iliad* by the French philosopher Simone Weil, where she uses it to mean not only brutal force and violence of the kind we have always seen in war, and now see in police states, but, more deeply, our ways of thinking and talking and imagining that dehumanize others and ourselves, trivialize human experience, diminish the possibilities of meaning in life, and thus make that kind of force possible: propaganda, sentimental clichés, politics by buzzwords, unquestioned ideologies, and so forth.

In his other book out this year, *How*



Should We Talk about Religion? (University of Notre Dame Press), White takes on the role of editor, working like the moderator on the printed page of the 14 chapters that grew out of a seminar of the same title held under the auspices of the Erasmus Institute at the University of Notre Dame in 2000.

“These chapters should not be read as a series of unrelated essays aimed at distinct professional audiences—historians or psychologists, say, or philosophers—but as composed for the diverse audience to which they were originally given and then rewritten for the even more diverse audience we hope this book reaches,” he writes. “While each of the writers speaks from a disciplinary base, each of them also questions the nature and limits of that base, both as an independent matter and in connection with the other essays in this book. The writers of these essays know that they speak in different ways, and that these differences are an important part of our subject.”

Two examples:

- “Christianity in Spanish America was, in the first instance, a by-product of invasion and conquest. . . . Military and spiritual conquests were thus intimately intertwined, and this correlation of

see “White” on pg. 45

New faculty members deepen, enrich Michigan Law's teaching, research

Michigan Law always has enjoyed the scholarship, pedagogy, and collegiality of outstanding faculty members. The Law School community benefits immensely from its professors' research, writing, and professional and public service activities, and the School is known worldwide as the home of active, involved, and dedicated legal scholars.

This year, the Law School welcomes six new faculty members, and also recognizes two additional professors who will join the active teaching ranks next fall. The addition of these scholars to the ranks of the faculty enhances Michigan Law's depth in issues like criminal law and employment law, and brings to Michigan a widely known expert on the law of remedies and the law of religious liberty. In addition, two of the new professors will add to the School's already high renown in the field of intellectual property.

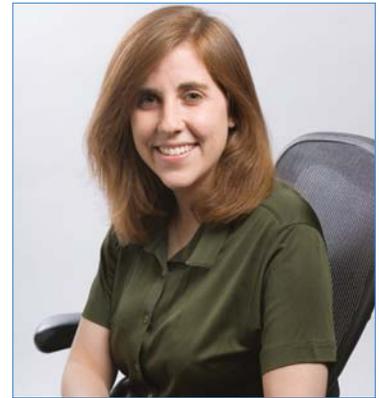
Here are the new faculty members:



Alicia Alvarez joins the faculty as a clinical professor. She has developed numerous clinics as a faculty member at De Paul University College of Law in Chicago and in El Salvador as a consultant for the National Center for State Courts and DPK Consulting Inc.

Alvarez was a Fulbright Scholar and Visiting Professor at the University of El Salvador, where she co-coordinated a Central American clinical conference. She was also a visiting professor of clinical education at Boston College. She has worked with Business and Professional People for the Public Interest and the Legal Assistance Foundation of Chicago. She was on the National Steering Committee of the Association of American Law Schools' conference on law schools and equal justice issues as well as the chair of the poverty law section.

In addition, she is a member of the Chicago Bar Association and was on the Board of Directors for the Society of American Law Teachers. Alvarez received her B.A., *magna cum laude*, from Loyola University of Chicago and her J.D., *cum laude*, from Boston College Law School.



Eve L. Brensike, '01, joins the faculty as an assistant professor of law. She earned her B.A., *magna cum laude*, from Brown University, and, before entering law school, worked as a criminal investigator for the Public Defender Service in Washington, D.C., as well as a property subrogation paralegal for the Law Offices of White and Williams in Philadelphia, Pennsylvania.

At Michigan Law, where she earned her J.D. *summa cum laude*, she was an articles editor on the *Michigan Law Review* as well as a board member on the Henry M. Campbell Moot Court Board. During law school, she volunteered at a number of public defender and capital defense organizations in addition to working in the Civil Rights Division of the United States Department of Justice.

After law school, Brensike clerked for the Hon. Stephen Reinhardt on the Ninth Circuit Court of Appeals and worked in both the trial and appellate divisions of the Maryland Office of the Public Defender.

Brensike's research and teaching interests include criminal law, criminal procedure, evidence, and *habeas corpus*. Her article "Structural Reform in Criminal Defense Representation" is forthcoming. Her article "Saying Goodbye to a Legend: A Tribute to Yale Kamisar—My Mentor, Teacher, and Friend," appeared in *Michigan Law Review* (2004).



Professor of Law James R. Hines Jr. also is Walton H. Hamilton Collegiate Professor of Economics in the Department of Economics at Michigan, and serves as research director of the University of Michigan Stephen M. Ross School of Business, Office of Tax Policy Research. His area of interest is taxation.

He is a research associate of the National Bureau of Economic Research, research director of the International Tax Policy Forum, and co-editor of the American Economic Association's *Journal of Economic Perspectives*. He was previously on the faculty at Princeton and Harvard, and has held visiting appointments at Columbia, the London School of Economics, and Harvard Law School.

Hines has a B.A. and M.A. from Yale, and a Ph.D. from Harvard, all in economics. Once, long ago, he says, he was an economist in the United States Department of Commerce. His writing has been published widely, appearing in journals such as the *Survey of Current Business*, *Tax Review*, *Journal of Policy Analysis and Management*, *American Economic Review*, *Harvard Business Review*, *National Tax Journal*, *Economica*, and others.



Professor Douglas Laycock is one of the nation's leading authorities on the law of remedies and also on the law of religious liberty. He testifies frequently before Congress and has argued many cases in the courts, including the U.S. Supreme Court.

Laycock is author of the leading casebook *Modern American Remedies*; the award-winning monograph, *The Death of the Irreparable Injury Rule*; and many articles in *Harvard Law Review*, *Columbia Law Review*, *Supreme Court Review*, and elsewhere.

He is a member of the Council of the American Law Institute and an elected fellow of the American Academy of Arts & Sciences.

Laycock earned his B.A. from Michigan State University and his J.D. from the University of Chicago Law School. Prior to joining U-M Law School, he was associate dean for research and held the Alice McKean Young Regents Chair at the University of Texas Law School, Austin. Before joining UT, he was a professor of law at the University of Chicago Law School.

Laycock is the first holder of Michigan Law's newly-established Yale Kamisar Collegiate Professorship of Law. (See story on page 46.)



Jessica Litman was previously a professor of law at Wayne State University in Detroit, where she taught copyright law, Internet law, and trademarks and unfair competition.

She was also a professor at the University of Michigan Law School from 1984-1990 and a visiting professor at New York University Law School and at American University Washington College of Law. Litman is the author of the book *Digital Copyright* (2nd Ed., Prometheus Books, 2006) and the co-author with Jane Ginsburg and Mary Lou Kevlin of the casebook *Trademarks and Unfair Competition Law* (Foundation Press, 2001). Her work also has appeared in (J.C. Ginsburg and R.C. Dreyfuss, eds.) *Intellectual Property Stories* (Foundation Press, 2006) and in many other scholarly publications.

Litman has testified before Congress and the White House Information Infrastructure Task Force's Working Group on Intellectual Property. She is a trustee of the Copyright Society of the USA and the chair elect of the American Association of Law Schools Section on Intellectual Property. Litman serves on the advisory board for the Public Knowledge organization, is a winner of Public Knowledge's IP³ award for 2006, and has served on the National Research Council's Committee on Partnerships in Weather and Climate Services.

She also is a member of the Intellectual Property and Internet Committee of the ACLU and the advisory board of Cyberspace Law Abstracts.



J.J. Prescott joins the Law School as an assistant professor. He received his J.D., *magna cum laude*, in 2002 from Harvard Law School, where he was the treasurer (Vol. 115) and an editor of the *Harvard Law Review*.

Prescott clerked for Judge Merrick B. Garland on the U.S. Court of Appeals for the D.C. Circuit, and he was a research fellow at Harvard Law School in 2003-04, a special guest at the Brookings Institution (Economic Studies) in Washington, D.C., in 2004-05, and a research fellow at Georgetown University Law Center from 2004-2006.

Prescott's research and teaching interests include criminal law, sentencing law and reform, employment law, and torts. Much of his work is empirical in focus. He has taught at Stanford University, Harvard Law School, and Harvard's Economics Department.

He was awarded a double B.A. with honors and distinction in economics and public policy from Stanford University in 1996, and is currently completing a Ph.D. in economics at the Massachusetts Institute of Technology.

Faculty designates who begin teaching in fall 2007:

Scott Hershovitz, who will join the faculty as an assistant professor, is currently a member of the appellate staff of the Civil Division of the United States Department of Justice. He graduated *summa cum laude* from the University of Georgia, with an A.B. in political science and philosophy and an M.A. in philosophy. He also holds a D.Phil. in philosophy from the University of Oxford, where he studied as a Rhodes Scholar. He earned his J.D. at Yale Law School, where he was a senior editor of the *Yale Law Journal* and a recipient of the Felix S. Cohen prize.

After graduating from law school, Hershovitz clerked for Judge William A. Fletcher of the U.S. Court of Appeals for the Ninth Circuit. Before joining the Michigan Law faculty in September 2007, he is clerking for Justice Ruth Bader Ginsburg of the Supreme Court of the United States.

Hershovitz's primary research interests are jurisprudence, tort law, and political law. He has published articles in *Virginia Law Review*, *Legal Theory*, and *Oxford Journal of Legal Studies*, and is editor of *Exploring Law's Empire: The Jurisprudence of Ronald Dworkin*, being published by Oxford University Press this fall.

Margaret Jane Radin is currently the William Benjamin Scott and Luna M. Scott Professor of Law at Stanford University, and director of Stanford Law School's LL.M. Program in Law, Science and Technology. She will join the Michigan Law faculty as a professor of law.

Radin received her A.B. from Stanford, where she was elected to Phi Beta Kappa, and her J.D. from the University of Southern California, where she was elected to Order of the Coif. She also holds an honorary LL.D. from Illinois Institute of Technology/Chicago-Kent School of Law, as well as an M.F.A. in music history from Brandeis University.

A noted property theorist, Radin is co-author of *Internet Commerce: The Emerging Legal Framework* (the first traditional-format casebook on e-commerce, published this year by Foundation Press). She also is the author of *Reinterpreting Property* (University of Chicago Press, 1993) and *Contested Commodities* (Harvard University Press, 1996).

Radin's current research involves intellectual property, information technology, electronic commerce, and the jurisprudence of cyberspace. Most recently, she has investigated the role of contract in the online world, as well as the expansion of propretization through the expedient of treating information as if it were a tangible object. As a teacher, she has pioneered courses in Legal Issues in Cyberspace, Electronic Commerce, and Intellectual Property in Cyberspace. In 2002 she founded Stanford's Center for E-Commerce. She also directs Stanford's innovative LL.M. program in Law, Science, and Technology. Professor Radin is a member of the State Bar of California.

Rebecca Scott's *Degrees of Freedom* wins multiple honors

Professor Rebecca J. Scott, the University of Michigan's Charles Gibson Distinguished University Professor of History, has been chosen winner of the Frederick Douglass Book Prize, which is awarded for the best book on slavery or abolition.

Scott won for her book *Degrees of Freedom: Louisiana and Cuba after Slavery* (Harvard University Press, 2005). The book examines the paths to freedom taken in two sugar-producing societies, and the post-slavery orders constructed in each. It draws upon manuscript materials in archives in Louisiana and Cuba to explore both the structures of coercion that continued after slavery, and the strategies that former slaves and their allies used to challenge those structures. The prize is awarded by Yale University's Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition, sponsored by the Gilder Lehrman Institute of American History.

The other two finalists for the prize were Steven Deyle for *Carry Me Back: The Domestic Slave Trade in American Life* (Oxford University Press), and Richard Follett for *The Sugar Masters: Planters and Slaves in Louisiana's CaneWorld, 1820-1860* (Louisiana State University Press).

The \$25,000 annual award is the most generous history prize in the field. The prize will be presented to Scott at a dinner in New York City in February.

This year's three finalists were selected from a field of nearly 80 entries by a jury of scholars that included Mia Bay of Rutgers University, Larry E. Hudson Jr. of the University of Rochester, and Jane Landers of Vanderbilt University. The winner was selected by a review committee of representatives from the Gilder

Lehrman Center for the Study of Slavery, Resistance and Abolition, the Gilder Lehrman Institute of American History, and Yale University.

"Rebecca Scott's *Degrees of Freedom: Louisiana and Cuba after Slavery* is a worthy recipient of the Frederick Douglass Prize," said Hudson, an associate professor of history at the University of Rochester. "Its examination of the political obstacles to black freedom in post-emancipation Cuba and Louisiana provides an innovative and exciting approach to comparative history that will influence the study of the black experience for decades to come."

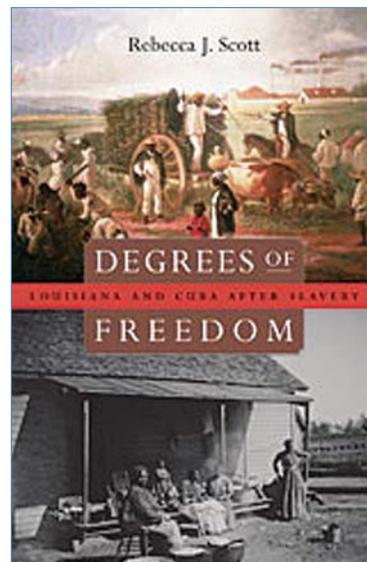
The Frederick Douglass Book Prize was established in 1999 to stimulate scholarship in the field of slavery and abolition by honoring outstanding books. It is named for Frederick Douglass (1818-95), a slave who escaped bondage to emerge as one of the great American abolitionists, reformers, writers, and orators of the 19th century.

Degrees of Freedom also won two other awards:

- The Gulf South Historical Association's annual book award, which was presented to Scott at the association's annual conference in October. The association is a consortium of Gulf Coast area schools including the University of South Alabama, the University of West Florida, Pensacola Junior College, the University of Southern Mississippi, Southeastern Louisiana University, Texas Christian University, and Texas A&M at Galveston.
- The American Studies Association's John Hope Franklin Prize, the association's highest honor, as the best book of the year in the field of American Studies.



Rebecca J. Scott



Michigan Law launches new Business Law Faculty Fellows program

We all have fond memories of going to that “favorite” professor who could help us (you fill in the blank). And in a move to help build those memories—as well as to help law students find teachers, mentors, and leaders who are experienced, highly regarded, and well connected in students’ specialized fields—Michigan Law has established a third component of its successful Affiliated Faculty program.

The newest addition, the Business Law Faculty Fellows, follows the successful launch last year of Michigan Law’s Public Interest/Public Service Faculty Fellows program, which in turn is similar to the School’s successful Affiliated Overseas Faculty program, launched a few years ago.

Each affiliated faculty program groups together experts who “bring a breadth of practical experience to their teaching and interactions with Michigan Law students that enhance the classroom,” explains Michigan Law’s description of its new group of Business Law Faculty Fellows.

The four Business Law Faculty Fellows, like their Public Interest/Public Service counterparts, are adjunct professors with extensive experience in their respective fields. They “teach courses of special interest to students planning careers in business, they offer career mentoring, organize events to increase students’ understanding of career possibilities, and interact with students in smaller settings designed to encourage conversations about business career paths and provide an expanded network of contacts for students interested in pursuing careers in business,” the Law School explains of the program.

All four Business Law Faculty Fellows are Law School graduates, which gives

them a special insight into the lives and career questions of their students. The fellows are:

Barry A. Adelman, '69, a senior partner at Friedman Kaplan Seiler & Adelman LLP in New York City.

Adelman works with domestic and international clients in activities including mergers and acquisitions; public and private issuances of equity and debt securities; formation and structuring of domestic and international



Barry A. Adelman, '69

corporations, partnerships, limited liability companies, and joint ventures; project financings; secured loan transactions; agreements for the acquisition, construction, and maintenance of communications systems, including vendor financing of such systems; and other commercial transactions.

He also represents and advises individuals and families on business and financial transactions and personal matters.

Adelman teaches courses like Anatomy of a Deal and Seminar Supplement.

Timothy L. Dickinson, '79, a partner in the Washington, D.C., office of Paul, Hastings, Janofsky & Walker LLP, devotes his practice primarily to international commercial matters, including all aspects of political risk insurance, counseling on the Foreign Corrupt Practices Act and U.S. export law, economic sanctions, and International Traffic in Arms Regulations (including enforcement actions), as well as assisting with commercial transactions involving joint ventures and the establishment of operations for U.S. companies overseas. He works closely with U.S. defense industry companies on issues relating to overseas sales and represents political risk insurance entities dealing with coverage issues, dispute arbitration, and recovery activities. He has worked on major infrastruc-



Timothy L. Dickinson, '79

ture projects in the Middle East and Asia and has represented foreign governments in matters of public international law, including treaty rights, expropriation, and sovereign immunity.

Dickinson has been involved in many technical legal assistance projects:

Through the International Human Rights Law Group he participated in development and implementation of the election process in Bulgaria in 1990; he and then-ABA Executive Director Robert Stein were the first official ABA delegation to visit Vietnam and work with the Vietnam Lawyers Association; while chair of the ABA's Section of International Law and Practice, Dicksonson and then-ABA President Jerome Shestak led an ABA delegation to the People's Republic of China whose visit eventually led to conclusion of a Memorandum of Understanding between the ABA and the All China Lawyers Association; and from 1993-98 Dickinson was extensively involved in the ABA's programs in Cambodia relating to assistance to Parliament, the Ministries of Justice and Commerce, and the Cambodian Bar Association. He continues to be involved with programs in ASEAN (Association of Southeast Asian Nations) countries.

In addition to his B.A. and J.D., Dickinson holds the LL.M., earned as a Jervy Fellow at Columbia University; he also has studied at the Hague Academy of International Law in The Netherlands and L'Université d'Aix-Marseille in France and has externed in the Office of the Legal Adviser of the U.S. Department of State. He has worked in the Legal Service of the Commission of the European Communities in Brussels and practiced for 15 years with Gibson, Dunn & Crutcher in Washington, D.C. He was partner-in-charge of Gibson, Dunn & Crutcher's Brussels office from 1990-92. He was an adjunct professor at Georgetown University Law Center from 1983-93.

At Michigan Law, Dickinson teaches Transnational Law and International Commercial Transaction, and serves on

the board of the Center for International and Comparative Law. He has chaired the ABA's Committees on European Law and Foreign Claims and its Section of International Law and Practice, has served on the Executive Council of the International Law Institute and the ABA's Asia Law Initiative Council, and chairs the ABA's worldwide technical legal assistance activities with the United Nations Development Program.

Karl E. Lutz, '75, was formerly a senior partner with Kirkland & Ellis in Chicago, but now focuses on teaching, other outside interests, and his role as a Business Law Faculty Fellow.



Karl E. Lutz, '75

At Kirkland & Ellis, Lutz practiced corporate law, specializing in private equity, venture capital, leveraged buyouts, mergers and acquisitions, debt and equity financings, and board representations. He also served on Kirkland & Ellis' senior committee for several years.

Lutz has lectured at numerous graduate law and business schools, and has served as general counsel of a public company. At Michigan Law, he has taught courses in business transactions, private equity and entrepreneurial transactions,

law firms and legal careers, and professional responsibility.

Dennis Ross, '78, has enjoyed a career rich in diversity: He has worked in government, academia, private firm practice, and the corporate sector. He began his practice with Davis Polk & Wardwell in New York City, then joined the Michigan Law School faculty in 1982.



Dennis Ross, '78

From 1984-89, he held a variety of positions in the Tax Policy Office of the U.S. Treasury Department, including tax legislative counsel and later acting assistant secretary.

Ross returned to Davis Polk in 1989 as a partner in the firm's tax department. In 1995, he joined the Ford Motor Company as chief tax officer, and in 2000 became Ford's general counsel. He retired from Ford last year, but retains a consulting relationship with the company.

Ross's teaching interests include a variety of tax and business courses.



Leonard M. Niehoff, '84

Michigan Law's Niehoff, '84, cited in ruling against warrantless surveillance

A U.S. District Court judge cited a Michigan Law teacher in the decision she handed down last summer declaring the National Security Agency's warrantless Terrorist Surveillance Program (TSP) unconstitutional because it violates the First and Fourth Amendments.

In her written decision last August, District Judge Anna Diggs Taylor cited an affidavit submitted by Leonard M. Niehoff, '84, an adjunct faculty member who teaches ethics, mass media law, and evidence. Niehoff is a shareholder in the Ann Arbor office of Butzel Long.

Taylor cited Niehoff's affidavit more than once, noting at one point that "the ability to communicate confidentially is an indispensable part of the attorney-client relationship. As University of Michigan legal ethics professor Leonard Niehoff explains, attorney-client confidentiality is 'central to the functioning of the attorney-client relationship and to effective representation.' He further

explains that defendants 'TSP' creates an overwhelming, if not insurmountable obstacle to effective and ethical representation' and that although plaintiffs are resorting to other 'inefficient' means for gathering information, the TSP continues to cause 'substantial and ongoing harm to the attorney-client relationships and legal representations.' He explains that the increased risk that privileged communications will be intercepted forces attorneys to cease telephonic and electronic communications with clients to fulfill their ethical responsibilities."

The suit was brought by the national and Michigan organizations of the American Civil Liberties Union and the Council on American Islamic Relations, the National Association of Criminal Defense Lawyers, and others seeking an injunction against the federal government's operation of the TSP.

"This is a challenge to the legality of a secret program undisputedly inaugurated by the National Security Agency at least by 2002 and continuing today, which intercepts without benefit of warrant or other judicial approval, prior or subsequent, the international telephone and internet communications of numerous persons and organizations within this country," Diggs Taylor explained of the plaintiffs' charge.

"The permanent injunction of the TSP requested by plaintiffs is granted inasmuch as each of the factors required to be met to sustain such an injunction have undisputedly been met," she wrote in her decision. "The irreparable injury necessary to warrant injunctive relief is clear, as the First and Fourth Amendment rights of plaintiffs are violated by the TSP."

Miller will visit St. Andrews as Carnegie Centenary Professor

William Ian Miller, the Thomas G. Long Professor of Law, has been named a Carnegie Centenary Professor at St. Andrews University in Scotland and will be in residence there from January-June as a visiting professor.

“A pleasant surprise, to say the least, and I even hate golf,” Miller said.

Miller, a member of the Michigan Law faculty since 1984, is a scholar of the Icelandic sagas, emotions (the Association of American Publishers named his book *The Anatomy of Disgust* [Harvard University Press] the best book of 1997 in anthropology/sociology), and the law of the talion, the ancient code that calls for “an eye for an eye” and punishment that equals the crime. Miller’s most recent book, *Eye for an Eye* (Cambridge University Press, 2006), is a meditation on the evolution of the code of revenge and the law of the talion and their continuing roles in contemporary life and law.

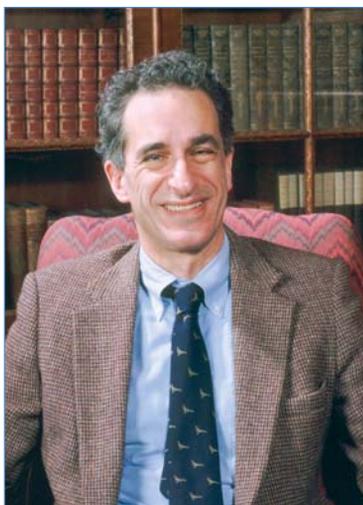
The Carnegie Trust for the Universities of Scotland established the Carnegie Centenary Professorships in 2001 to mark the centenary of the trust. Nineteenth century business magnate Andrew Carnegie, who was born in Scotland, established the trust in 1901 with a gift of \$10 million, a figure that was several times the total of the assistance the government then provided to the four ancient Scottish universities. The trust now supports 13 Scottish universities.

The Centenary Professorships’ Web page says the program chooses scholars “of the highest academic standing who will contribute to academic/scientific developments in the Scottish universities in their particular fields, whether

in teaching or research or in both, in emerging as well as established disciplines or in interdisciplinary field.

“Such senior scholars of high distinction, by their very presence, will confer benefits on the Scottish universities.”

Founded in 1413, the University of St. Andrews is Scotland’s oldest university and the third oldest in the English-speaking world. It has a total of about 7,000 undergraduate and graduate students.



Thomas G. Long Professor of Law
William I. Miller

“White” cont’d from pg. 37

purposes has shaped Christian experience in Latin America to the present day,” Notre Dame Professor in Arts and Letters Sabine MacCormack begins her chapter “A House of Many Mansions.”

- Ebrahim Moosa, an associate professor of Islamic studies at Duke University, opens his essay “The Unbearable Intimacy of Language and Thought in Islam”, with these words: “Public discussions about Islam are often reductive, hiding more than they are supposed to reveal. Talk about ‘Islamic fundamentalism’ might give comfort to those who like to talk in ideological keystrokes, but it remains a problematic category precisely because it also carries an unusual and complex political freight.”

Others in the book frame their chapters from the perspectives of philosophy, classics, medieval studies, anthropology, economics, political science, art history, and other disciplines.

“Each of the authors had his or her own way of talking about religions, and the merit of this collection lies in large part in the diversity of approach—of discipline and background, age and nationality, religious outlook and intellectual commitment—reflected here,” White tells readers. “Yet perhaps there is something of an answer to our question that can be found in this collections of essays, for we found that we talked together much better—more fully, more deeply, more intelligently—than any of us did alone.”

An evening of recognition and collegiality

It's a very welcome occasion when faculty members can come together to celebrate each other in the kind of atmosphere of collegiality and easygoing dinnertime conversation that accompanied Michigan Law's Faculty Recognition Dinner in October.

As Dean Evan H. Caminker noted in his welcoming remarks, the opportunity to enjoy such an evening comes too seldom amid the hectic daily schedules of teaching, research, counseling, mentoring, and other activities that fill faculty members' daily lives.

The Recognition Dinner evening included a formal program that gave participants the opportunity to celebrate the career of a long-time faculty member, savor the creation of a professorship in honor of a recently retired professor, thank a departing associate dean and welcome his replacement, and to enjoy the naming of two faculty members to endowed professorships:

Professor Emeritus Layman E. Allen

Professor Emeritus Layman E. Allen, who took emeritus status last spring, drew praise for his cutting edge work in using mathematical logic as an analytical tool in law, employing computers in legal research, and developing now widely popular games of logic and mathematics. His most recent work involves ferreting out unintended ambiguities in legal statutes and the game that grew out of his research, The Legal Argument Game of Legal Relations.

"It has been a great pleasure to come to know you as a friend and colleague," Caminker told Allen.

The inventor of widely used games such as WFF 'N PROOF and

EQUATIONS, Allen joined the Michigan Law faculty in 1966. "I had the good fortune in my first year on the faculty to vote for the addition of Layman Allen to the faculty," recalled former dean and Professor Emeritus Theodore St. Antoine, '54. St. Antoine drew appreciative laughter when he explained that Allen was on Yale's faculty at the time but found the New Haven law school a bit too practical for his tastes.

Allen has no pretensions, is "the genuine article" and is "the most 24-carat member of our profession I have ever encountered," St. Antoine said.

Ralph W. Aigler Professor of Law Richard D. Friedman proudly related his daughter's award-winning participation in high school state championships using Allen's games—he held up one of his daughter's trophies as evidence—and could have doubled as a standup comic as he described his own struggle to read the 60-page instruction manual for Allen's game.

Professor Steven J. Croley

Professor Steven J. Croley, who this fall completed three years as associate dean for academic affairs, was praised for his dedication and efficiency and his launch of new initiatives like the highly successful Public Interest/Public Service Faculty Fellows (PIPS) program, which designates a number of adjunct professors with extensive public interest experience for special roles as teachers and mentors.

"I was greatly appreciative when three years ago he expressed his interest in working with me as a team," recalled Caminker, who then was the incoming dean.

Croley's successor, Professor **Kyle D. Logue**, noted that he and Croley were

a year apart at Yale Law School and have become close friends since both came to Michigan Law 13 years ago. Logue said Croley's accomplishments are many and varied—from prodigious scholar to marathon runner—but he would focus on "two big things that he did that really made a mark on this institution":

1. Coping with recent budget constraints by enlisting faculty members to teach more courses and/or courses they perhaps had not taught in some time; and
2. "Helping to put the U-M Law School on the map as a place that teaches and takes seriously its public service," by establishing the "extraordinarily successful" PIPS program and "also finding a way to combine his own career with pro bono work." Croley is using his current sabbatical to work as a volunteer U.S. attorney in Detroit.

Yale Kamisar Collegiate Professor of Law Douglas Laycock

Professor Douglas Laycock, a renowned scholar of the law of remedies and the law of religious liberty who joined Michigan Law's faculty this fall, was named to the newly-created Yale Kamisar Collegiate Professorship of Law, named for the recently retired professor.

Professor Don Herzog explained that Laycock is a prolific writer who is widely recognized for his scholarship and intellectual energy. "You name it, and I think he's done it," Herzog said of Laycock's work.

"Everyone has his own Yale Kamisar story," Caminker noted. Indeed, Kamisar himself came to the podium to "set straight" the frequently told tale of how he threw a book at a student and broke the student's glasses. Yes, he said, he did throw the book—underhand, he stressed, underhand—but it was part of demonstrating a legal point. And, yes, he

confessed, he did break the student's glasses. But the student was not wearing them at the time; they were on the desk. And yes, he said, he did pay to replace them for the uninjured student.

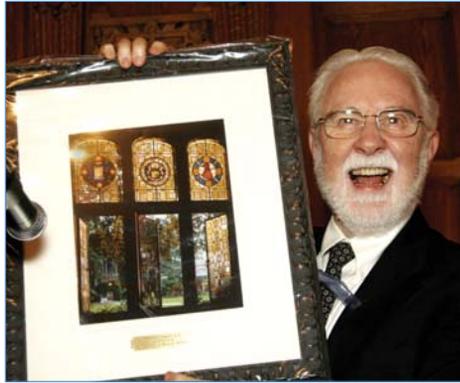
Kirkland & Ellis Professor of Law Omri Ben-Shahar

Wade H. McCree Collegiate Professor of Law Kyle D. Logue

Two professors also were named to endowed professorships: Omri Ben-Shahar as Kirkland & Ellis Professor of Law and Logue as Wade H. McCree Collegiate Professor of Law. A specialist in law and economics, Ben-Shahar joined Michigan Law eight years ago and is director of the Law School's John M. Olin Center for Law and Economics.

Caminker noted that the Kirkland & Ellis chair, established at Michigan Law in 1993 with gifts from the firm, William R. Jentes, '56, and Karl E. Lutz, '75, is one of four at U.S. law schools named for the Chicago-based firm, considered one of the best in the nation.

The McCree chair was created in 1988 to honor the one-time Sixth Circuit Court of Appeals judge, U.S. solicitor general, and Law School faculty member. McCree died in 1987. His widow Dores, who retired from the Law School in 1996, daughter Kathleen McCree Lewis, '73, and grandson Aaron McCree Lewis '05, attended the dinner program.



Top: Professor Emeritus Layman E. Allen's exuberant expression says it all as he displays one of his gifts from the Law School.



Above: Professor Steven P. Croley shows the multi-image frame of Law School images he received in recognition of his three-year service as associate dean for academic affairs.



Above: Yale Kamisar Collegiate Professor of Law Douglas Laycock, left, is shown with Kamisar, the Clarence Darrow Distinguished University Professor of Law Emeritus, the longtime faculty member whom the professorship honors.



Above: Omri Ben-Shahar (at left) and Kyle D. Logue have been named Kirkland & Ellis Professor of Law and Wade H. McCree Jr. Collegiate Professor of Law respectively. Logue also is Michigan Law's new associate dean for academic affairs.



Left: Logue spends a moment with Dores McCree at the Faculty Recognition Dinner. His professorship honors McCree's late husband.

ACTIVITIES

Irwin I. Cohn Professor of Law **Reuven Avi-Yonah** hosted and delivered a paper for the inaugural conference of the OECD/INTR (Organization for Economic and Commercial Development/International Network for Tax Research) on “Taxation and Development,” which drew more than 50 participants from around the world. During the summer he testified before the U.S. Senate Permanent Subcommittee on investigations of offshore tax shelters; participated in a steering group meeting to prepare for the OECD/INTR conference held at Michigan Law this fall, and taught a course on OECD model tax treaty at Di Tella University in Buenos Aires. Last May, he organized a conference on U.S. and Chinese approaches to transfer pricing at Peking University in Beijing, and delivered a paper at the conference on the evolution of U.S. transfer pricing through 2006.

Professor of Law **Michael S. Barr** has been appointed co-chair of the Equal Access to Justice Committee, Section of Individual Rights and Responsibilities, of the American Bar Association. Barr presented his paper “Transforming the Financial Services Market for Low- and Moderate-Income Households” at the Center for American Progress in Washington, D.C., in July. This fall he spoke about his empirical research in Detroit on household financial services at the Harvard Business School-FDIC forum on consumer finance and at the Harvard University Joint Center for Housing Studies, as well as at the University of Texas Law School.

Omri Ben-Shahar, newly named Kirkland and Ellis Professor of Law,

presented his new study “A Bargaining Power Theory of Gap-Fillers” to faculty seminars at Cornell, Duke, and New York universities earlier this year. He has been a visiting faculty member at the New York University School of Law and the University of Chicago Law School during this fall term. Ben-Shahar is the director of Michigan Law’s Olin Center for Law and Economics.

Frank Murphy Distinguished University Professor of Law and Psychology **Phoebe C. Ellsworth** presented a paper on confirmation bias in criminal investigations in October at the First Annual Conference on Empirical Legal Studies at Austin, Texas, and a paper on courts’ responses to empirical data on the death penalty at a meeting of the Society for Experimental Social Psychology in Philadelphia. She was a panelist to discuss the relation between cognition and emotion at a program of the International Society for Research on Emotion in Atlanta in August, and in July presented a paper on contextual influences on the interpretation of facial expression in Japan and America at the International Association for Cultural Psychology in Spetses, Greece.

Assistant Professor of Law **Nicholas C. Howson** gave a speech entitled “China and Rule of Law” at the Woodrow Wilson Center for International Scholars in Washington, D.C., last fall. In October of last year, he presented “China’s Acquisitions Abroad—Global Ambitions, Domestic Effects” at the Law School’s International Law Workshop (expanded text published in *Law Quadrangle Notes*, 48.3, Winter/Spring 2006), and shortly thereafter the

inaugural lecture at Western Michigan University’s “Global Business Lecture Series” on China’s reforming capital markets. In January, he was a featured speaker at the Columbia Law School’s conference “China’s Emerging Financial Markets: Opportunities and Obstacles” in New York City, addressing the role of foreign financial institutions in the transformation of China’s banking sector (a presentation he reprised shortly afterwards at the 16th Annual Asian Business Conference at the University of Michigan’s Stephen M. Ross School of Business). In February, he gave a paper on the private right of action in securities disclosure cases in China at the Eurasia Group in New York City, which paper he continued to develop in presentations before the Michigan Law School Governance Workshop, directed by Professors **Sallyanne Payton** and **Jill Horwitz** (March) and a more extended lecture before the University of Michigan Center for Chinese Studies (April). Also in March, he gave a faculty presentation at the Law School entitled “China’s Hong Kong—‘Democratization’ of Legislative and Executive Elections Under the SAR’s Quasi-Constitution”. At the end of April, Professor Howson was in New Haven at the Yale University School of Management China Conference to present his draft chapter on the Chinese legal profession, which is being published in book form by the Yale University Press this fall. After the end of term at Michigan, Professor Howson taught the first half of a U.S. Securities Regulation course with Professor **Vikramaditya S. Khanna** in Beijing, China, under the Michigan-Tsinghua Teaching Exchange Program directed by Professor **Reuven**

Avi-Yonah. While in China, Professors Howson and Khanna also gave lectures at the China Securities Regulatory Commission in Beijing and the Shanghai Stock Exchange in Pudong, Shanghai, on the regulation of securities offerings and market supervision generally. In addition, Professors Howson and Khanna gave a jointly written paper entitled “The Development of Modern Corporate Governance in China and India” at the 3rd Annual Asian Law Institute (ASLI) Conference “The Development of Law in Asia: Convergence versus Divergence” in Shanghai on May 27. In July, Howson submitted written testimony to the U.S. Congress on China’s compliance with its WTO commitments in the securities and fund industry sectors (his personal testimony being postponed at the last minute because of a Joint Session of Congress called to hear the Iraqi Premier). For a three-year term commencing with the 2006-7 academic term, Howson was elected to the Executive Committee of the Michigan Center for Chinese Studies. At the end of September, he participated in an author’s workshop in Tokyo, Japan, presenting his chapter on Chinese corporate law in the forthcoming volume (Hideki Kanda, Kon Sik Kim, and Curtis J. Milhaupt, Eds.) *A Decade After Crisis: Transforming Corporate Governance in Asia* (Routledge, 2007) sponsored by the University of Tokyo’s Center of Excellence on Soft Law, Seoul National University Center on Financial Law, and the Columbia Law School Center for Japanese Legal Studies. In mid-October, he gave a paper on the application of corporate fiduciary duties principles by the PRC courts at the Tsinghua University Commercial Law Forum’s 6th International

Symposium on Commercial Law in Beijing, China. In mid-September, he was at Yale Law School to present his paper on new Article 148 of China’s 2005 Company Law.

In October, Clarence Darrow Distinguished University Professor of Law Emeritus **Yale Kamisar** delivered a paper on *Miranda v. Arizona* (1966) at the Ohio State University Moritz School of Law; he also delivered the keynote address at a University of Colorado Law School conference on criminal procedure. In September, in commemoration of the 40th anniversary of the *Miranda* decision, Kamisar played Ernesto Miranda’s attorney in Chapman University School of Law’s re-enactment of the *Miranda* oral argument before the U.S. Supreme Court.

Professor of Law **Ellen D. Katz** served as commentator for the *Houston Law Review*’s Frankel Memorial Lecture in November. In September, she spoke on “Reviving the Right to Vote in the Roberts Court” at the symposium Election Law and the Roberts Court at the Moritz College of Law, the Ohio State University, in Columbus, and discussed “Not like the South: Regional Variation and Political Participation Through the Lens of Section” at a faculty workshop at Notre Dame School of Law. Last spring she spoke on “Cows, Crops, Courts, and Voters: Closing Georgia’s Range,” as part of the Elizabeth Battell Clarke Legal History Program at Boston University; and delivered comment on the session “Law and the Meaning of Freedom” as part of the colloquium Slavery and Freedom in the Atlantic World: Statutes, Science, and the Seas, sponsored by

the Institute for the Humanities at the University of Michigan. Early this year she was a roundtable participant for the program Protecting Democracy: Using Research to Inform the Voting Rights Reauthorization Debate at the Earl Warren Institute for Race, Ethnicity, and Diversity at the University of California’s Washington Center.

Douglas Laycock, who joined the Michigan Law faculty this fall, also was named to the newly created Yale Kamisar Collegiate Professorship in Law. (See stories on page 38 and page 46.) Laycock delivered the keynote address, “The Supreme Court and Religious Liberty,” at the conference Walls of Fear, Bridges of Hope: Religious Freedom in America, sponsored by The Interfaith Alliance and the Interfaith Social Section Task Force of Temple Beth Emeth and St. Clare of Assisi Episcopal Church in Ann Arbor in October. He also discussed “The Supreme Court and Religious Liberty” in talks to the Ann Arbor Kiwanis Club and reuniting Law School graduates in October, as well as took part in meetings of the Council of the American Law Institute in New York City and of the Advisors to the Restatement (Third) of Restitution and Unjust Enrichment in Philadelphia. In September, he spoke on “Government Money, Government Speech, and the Establishment Clause in the Supreme Court” at the conference From the State House to the Schoolhouse: Religious Expression in the Public Sphere, sponsored by the Program on Law and State Government at the Indiana University School of Law in Indianapolis. In July he spoke on “The Federal Law of Sovereign Immunity” at the Continuing Legal Education

Program on Suing and Defending Governmental Entities sponsored by the State Bar of Texas in San Antonio. And in June he participated in the invitation-only conference of academics and practitioners on Church Autonomy sponsored by the Christian Legal Society in Springfield, Virginia.

Director of the Law Library **Margaret A. Leary** has been elected president of the Board of Trustees of the Ann Arbor District Library. She was elected to the board in spring 2004.

Richard O. Lempert, '68, the Eric Stein Distinguished University Professor of Law and Sociology, has been elected president of the Law and Society Association, chosen secretary of the Political and Social Science Section of the American Association for the Advancement of Science, and named to the council of the Sociology of Law Section of the American Sociological Association. He is editor of *Evidence Stories*, which Foundation Press published last summer.

Professor of Law **Jessica Litman**, who joined the Michigan Law faculty this fall from a faculty position at Wayne State University Law School in Detroit, delivered the paper "Lawful Personal Use" at the University of Texas Law School's symposium *Frontiers of Intellectual Property*. The paper will be published in volume 85 of *Texas Law Review*. (Michigan Law Professor and intellectual property expert **Rebecca Eisenberg** also participated in the symposium, as did Margaret Jane Radin, who joins the Law School's faculty next year.) In October, Litman, responding to an invitation from Seattle University Law School Professor Maggie Chon,

'86, presented a paper in that law school's Powerful Ideas, Influential Voices speakers series. Last June, she spoke on "The Politics of Copyright Law" at a plenary session of the Association of American Law Schools' mid-year meeting/workshop on Intellectual Property and delivered the paper "The Economics of Open Access Law Publishing" at a concurrent session of the same workshop. The latter paper appears this fall in volume 10 of the *Lewis & Clark Law Review*.

Assistant Professor of Law **John A.E. Pottow** delivered his paper "Reckless Lending" at the Canadian Law and Economic Group meeting in September in Toronto.

Professor of Law **Adam C. Pritchard** in November participated in the Federalist Society's National Lawyers Convention, visiting Seoul College of Law, and served as commentator for the Korea Securities Dealers Association's conference on Conflicts of Interest in Investment Banking. In August he served as visiting professor at the University of Iowa College of Law.

Professor of Law **Steven R. Ratner** earlier this year was featured speaker on "Renditions and Targeted Killings in the Global War on Terror: What Place for International Law?" at the International Law Society of the University of Tokyo Colloquium on the subject in Tokyo. In April he was a panelist discussing "Responding to Mass Atrocities: Intervention, Prosecution, or Both?" at the conference *The Crisis in Darfur: International Response to Genocide in the 21st Century* at Eastern Michigan University in Ypsilanti, and presented the paper "Predator and Prey: Seizing and Killing Suspected Terrorists Abroad"

at the conference *Philosophical Issues in International Law* at the University of North Carolina at Greensboro. Late last year he was featured speaker for the University of Michigan Center for Southeast Asian Studies Lectures Series Seminar on the Khmer Rouge Genocide Trial and commentator on a paper by Professor Fritz Allhoff from the University's Bioethics, Value, and Society Faculty Seminar on *Physician Involvement in Hostile Interrogations*.

Hessel E. Yntema Professor of Law **Mathias W. Reimann**, LL.M '83, has been honored with election as a Titular Member of the International Academy of Comparative Law. During the summer he also presented a workshop in Zurich, Switzerland, on the systemic advantages of American-style lawyering in the 21st century (the workshop was organized by Professor Doctor Jens Drolshammer, M.C.L. '71) and spoke on the same topic at the University of Bonn; and delivered a report on "Pure Economic Loss" jointly with Professor Nils Jansen of the University of Dusseldorf at the XVIIth International Congress of Comparative Law in Utrecht, Netherlands.

James E. and Sarah A. Degan Professor of Law Emeritus **Theodore J. St. Antoine**, '54, spoke on "Human Rights in the Workplace" in September at a meeting of the International Association of Labor Law Journals in Paris, France.

Clinical Assistant Professor of Law **Vivek Sankaren**, who was certified last spring as a Child Welfare Law Specialist by the National Association of Counsel for Children, did a presentation on "Strengthening the Delivery of Legal Services to Parents" at the National Association of Counsel for Children

Visiting and adjunct faculty

conference in Louisville in October. Last August he served as expert consultant to the roundtable discussion for Safe Havens Domestic Violence Technical Assistance Providers in Atlanta.

In August, **A.W. Brian Simpson**, the Charles F. and Edith J. Clyne Professor of Law, delivered the inaugural Salmond Lecture and participated in the Salmond Symposium “Developing a New Zealand Jurisprudence” at the University of Wellington, New Zealand. The symposium commemorated the centennial of the arrival of Sir John Salmond (1862-1924) as the first professor of law at Victoria. Simpson also taught a class on the economic analysis of Victorian tort law at Victoria University and gave a seminar on litigation to secure redress for the indigenous inhabitants of the Chagos Islands in the Indian Ocean, who were displaced between 1967 and 1973 to facilitate establishment of the U.S. Diego Garcia airbase known as Camp Freedom.

Lawrence E. Waggoner, '63, has been appointed reporter for the Uniform Law Conference Committee to revise provisions of the Uniform Probate Code dealing with intestacy rights of children, especially children of assisted reproduction, which held its first meeting in October.

James Boyd White, the L. Hart Wright Collegiate Professor of Law, is author of the just-published *Living Speech: Resisting the Empire of Force* (Princeton University Press) and editor of the newly published essay collection *How Should We Talk About Religion?* (See story on page 37.) In October, he spoke on law and literature at a conference in Como, Italy, and also lectured on the subject at the University of Milan.

Visiting professor **David Driesen**, the Angela S. Cooney Professor at Syracuse University College of Law, used the fall term to give his Environmental Law students a preview of his forthcoming book *Environmental Law: A Conceptual and Pragmatic Approach* (co-written with Robert Adler), teaching from a draft of the book, to be published next year by Aspen. In October, he delivered the paper “The Kyoto Protocol and Renewable Energy: Is There a Role for Fiscal Policy?”, at the seventh annual Conference on Environmental Taxation in Ottawa, hosted by the Law Faculty of the University of Ottawa. In September, he moderated a panel discussion on International Law and the Great Lakes at the Law School as part of the Environmental Law Society’s symposium on the Great Lakes.