



Hearsay

The Dartmouth Lawyers Association Newsletter

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DLA CONVENES IN HANOVER ON THIRD ANNIVERSARY OF SEPTEMBER 11



Hon. Joseph P. Nadeau '59, Senior Associate Justice, N.H. Supreme Court

At the DLA's twentieth annual meeting in Hanover on the third anniversary of the terror attacks on New York City and the Pentagon, the focus was on the war on terror and its impact on civil liberties. Both of the CLE panelists, David Williams Russell

'67, *Harrison & Moberly, LLP* 317-639-4511, drussell@h-mlaw.com and Clark D. Cunningham '75, *W. Lee Burge Professor of Law and Ethics Georgia State University College of Law* as well as our banquet speaker, Hon. Joseph P. Nadeau '59, Senior Associate Justice of the New Hampshire Supreme Court, addressed these topics in their remarks.

The meeting took place on a balmy fall weekend on September 10-11, 2004. In addition to the CLE program described below, activities included a breakfast meeting to discuss Association plans for the coming year and a plenary business session. At the breakfast meeting, the Association endorsed a proposal by DLA founder, John Mathias, '69 *Jenner & Block*, 312-222-9350, jmathias@jenner.com, to authorize the DLA's immediate past president, upon conclusion of his or her term, to head up a "Great Issues" initiative to be selected by the outgoing President. Former President Al Moncure, '69 is now organizing the **Dartmouth Lawyers Committee to Stop Genocide in Sudan**. See article below. Following the business session, Susan Brison, Associate Professor of Philosophy and Convener of Dartmouth's Legal Studies Program, described the College's legal studies program – which is funded in part by the DLA.

Justice Nadeau was the guest speaker at the gala Saturday night banquet. Among other things, he discussed his participation in the American Bar Association's Central and Eastern European Initiative which has enabled him to travel to emerging democracies in the former Soviet Union to advise local officials on the establishment of fair and effective judicial systems. He noted that in some countries judges are little more than clerks who perform ministerial tasks at the conclusion of the criminal justice process but have little real authority. He

was also struck by the incredulity of foreign jurists who had difficulty comprehending how judicial pronouncements in this country are binding on the executive branch. Apropos of such skepticism, he cautioned that we must take a wait and see attitude to determine whether the executive branch in this country will actually adhere to restrictions imposed by the Courts on tactics used in the War on Terror. He is, however, encouraged by the Supreme Court's decisions in the recent trilogy of unlawful detention cases, *Rasul v. Bush* 124 S. Ct. 2686, *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, and *Rumsfeld v. Padilla* 124 S. Ct. 2711. These cases purport to impose legal constraints on the administration's asserted unbridled power to detain terror suspects and enemy combatants as part of the government's response to September 11. Time will tell, he said, how effective these limitations are.

As part of the CLE Program David Williams Russell '67 described provisions of the Patriot Act contrasting, what, he said, is "new" legislation with what is "old" policy. He said that although some of the Act's provisions reflect 21st Century technological capabilities, much of the law's focus is on a return to human intelligence gathering used during the Second World War. This so-called "strategic" approach had been largely abandoned during the Cold War in favor of national technical means of acquiring information. He said the statute's provisions are a laundry list of measures long sought by the intelligence community which the Congress rushed to embrace in the aftermath of September 11. Professor Clark Cunningham '75 used the socratic method in his portion of the CLE Program. He divided the audience into small groups and asked each group to consider a different hypothetical detention case. He asked each group to decide whether there should be any

legal limits on interrogation under the facts of a particular case and if so, who should define and enforce such limits. He then described what he believes the law to be in each case based on the Supreme Court's decisions in the *Rasul*, *Hamdi*, and *Padilla* cases (cited above).

Kudos to DLA Vice President Dan Winters '91, *Porzio, Bromberg & Newman, P.C.* 646-348-6726, DKWinters@pbnlaw.com for organizing a great meeting. His task was made more difficult this year by the limited availability of administrative help from the College resulting from Dartmouth's de-designation of the DLA as an "Affiliated Group." See Editors Note in Letters to the Editor section below.

DLA ORGANIZES TO STOP GENOCIDE IN SUDAN

The DLA is organizing its members to help stem the looming humanitarian crisis in Sudan.

Rebels in that country began an uprising in the Darfur region (the size of France) in February 2003 after years of skirmishes between mainly African farmers and Arab nomads over land and water in the arid area. The Islamist government turned to militias, drawn chiefly from the nomadic Arab population, to help suppress the rebels. The militias known as the Janjaweed, have committed widespread atrocities against black villagers uprooting more than a million people, who have fled to other regions in Sudan or across the border to Chad. Several international human rights groups estimate that 15,000 to 30,000 civilians have died in Darfur since fighting broke out. Moreover, the World Health Organization estimates that more than 200 displaced persons are dying every day from disease and malnutrition in dozens of makeshift refugee camps.

On July 30, 2004, the U.N. Security Council passed a resolution threatening action against Khartoum if it failed to disarm the Janjaweed militias and restore security within 30 days. That period expired without compliance by the Sudan government.

Although humanitarian aid is needed in the short run, a long term political solution is key to resolving this catastrophe. Believing that lawyers can play a vital role in crafting solutions to the situation former DLA President, Al Moncure '69 has organized the Dartmouth Lawyers Committee to Stop Genocide in Sudan. Plans are underway to prepare a report and suggested legislation addressed to the U.S. Congress and a report and proposed resolution or other action to the U.N. and to lobby those institutions to adopt the proposals.

DLA SKIS SWITZERLAND



Dartmouth skiers gather at top of Jungfrau

The DLA's historic first ever CLE and SKI Midwinter Meeting outside of North America took place in Wengen, Switzerland on February 16-18, 2004. Event coordinator John Manaras '67, **Steubing, McGuinness & Manaras**, 978-264-6664, jmanaras@smmalaw.com proved skeptics wrong by organizing a highly successful meeting. Although attendance was down from prior meetings-many regular

participants simply could not fit the trip into their busy schedules – those attending were treated to great skiing, spectacular alpine views and sumptuous gourmet dining. The Hotel Regina, located in the picturesque automobile-free village of Wengen at the foot of the Jungfrau served as headquarters for the meeting.

The CLE Program centered on taking U.S. business to Europe. The panelists were all Dartmouth lawyers who live and practice in Europe.

Pierre Kirch, '78 Avocat au barreaux de Paris et de Bruxelles, *Moquet Borde & Associes* p.Kirch@moquet-borde.com, who practices in Paris and Brussels, traced the history of the European Union from the 1951 treaty establishing the European Coal and Steel Community to later treaties establishing the European Economic Community and the European Union in 1957 and 1993. He discussed EU Free Movement Principles relating to the free movement of goods, people and capital within the EU. He also discussed EU Competition Law relating to antitrust regulation, merger control and limits on State aid restricting competition through direct or indirect financial support of national enterprises.

Pat Giles '62, *Rawlings Giles Sher LLP*, 44-20-7223-2765, pgiles@rgslaw.eu.com, who practices in London discussed various aspects of civil law as it applies to business activities within the EU. He noted that directors of limited liability companies in the EU face less potential personal liability for corporate misdeeds than their counterparts in the United States. He also described in detail the VAT or value added tax which is imposed at every stage of the manufacture and sale of a product.

Urs Trepp '66, who practices in Zurich, Switzerland, discussed the political history of Switzerland, the organization of its government and various aspects of its

legal system. He recounted the development of the Swiss government from its beginnings in 1291 to the establishment of the modern Swiss Federal State pursuant to the constitution of 1848. He also provided an interesting overview of Swiss bank secrecy laws, which he said, have their origins in local Swiss culture. Unlike in the United States, Swiss banking records are not required to be provided to legal authorities except in the case of criminal activity such as fraud as opposed to mere civil law violations such as tax evasion.



Attendees enjoy a gourmet dinner at the Hotel Regina

Our guest speakers at the gala banquet held on the last night of the meeting were Karl Molitor and his wife Antoinette. She won the Olympic silver medal in the Slalom in 1948 and he was the long-time captain of the Swiss national team and winner of multiple Lauberhorn races and other world cup events (which did not actually exist in its present form then). Today they operate a ski shop in Wengen. Mr. Molitor described the history of Wengen from its establishment by peasants in 1286. He also recounted the development of the town as a ski resort beginning with the construction of the Wengen Railroad and a number of hotels between 1893 and 1920. He discussed the history of the Lauberhorn races and his early involvement with competitive skiing as well as his work with his family's ski boot manufacturing

company. Of particular interest to attendees was the fact that he raced at the Dartmouth skiway and skied at Oak Hill in 1941. In 1991 he was inducted into the Ski Hall of Fame at Beaver Creek, Colorado.



Ben Riley '79 (with guitar) leads attendees in a medley of Simon and Garfunkel songs following the banquet

Next year's Mid-Winter CLE and SKI meeting will be held at Heavenly Mountain Resort, Lake Tahoe, California on February 18-20, 2005. Gary Brooks '70, *The Law Office of Gary T. Brooks*, 802-649-1200 gbrooks@brookslaw.com has agreed to come out of retirement to coordinate the meeting so as to allow former Winter Meeting Coordinator, Chris Toll '81 *Holland & Hart*, 303-290-1637, ctoll@hollandhart.com to concentrate on his new responsibilities as DLA President for 2004 to 2006. Ben Riley '79, *Cooley, Godward, LLP*, 415-693-2092, briley@cooley.com will be coordinating the CLE Program on Ethics. Please contact Ben if you have an interest in being a presenter.

Building on the success of this year's winter meeting, plans are underway to hold a meeting in London sometime in the future. Such an event would not substitute for our regular annual or winter meetings but would provide an additional venue for those interested in a European setting. As always our plans are dependent upon support from DLA membership. If you are interested,

please contact John Manaras '67 at 978-264-6664, jmanaras@Smmalaw.com.

MESSAGE FROM DLA PRESIDENT CHRIS TOLL '81

I type this article (the first few paragraphs, anyway) as I sit in one of the rocking chairs on the porch of the Hanover Inn on a spectacular Sunday morning in September. Dartmouth is on fine display as parents help anxious 'shmen get organized for freshman trips that will be departing later in the day. The DLA has just concluded a highly enjoyable and successful 20th Annual Meeting, organized by Dan Winters '91. It was a watershed meeting of sorts, marked by the founders of the organization turning over the keys to a "younger" generation of officers. For the first time, the organization has a president and treasurer who graduated in the 1980's, as opposed to those sage members of classes from the '60's and '70's who started and have capably run the organization since its inception (hereinafter referred to as the "Founding Fathers," "Really Old Guys," or "ROGs"). Apologies to Barbara Murphy '79 (DLA President 2000-2002), who probably objects to being dubbed a Really Old Guy, but who otherwise will welcome being grouped with the likes of DLA legends John Mathias '69, Gary Brooks '70, Al Moncure '69, and the other distinguished members of our Board of Directors.

Al has just concluded a remarkably strong two years as President of the DLA, which included his introduction of the DLA publication Hearsay that you are reading right now. Al also worked extensively with DLA webmaster ("webster," in Dartmouth-speak) Doug Simpson '70 to greatly expand the DLA website, which I trust everyone has bookmarked at www.DLA.org. Al has done an excellent job guiding and growing the organization, and we all owe him a

tremendous vote of thanks. He is the proverbial tough act to follow.

The slate of officers approved at the annual meeting includes youngsters Sam Braverman '88 Treasurer, Dan Winters '91 as a Vice President, and—in a dubious move uncharacteristic of the DLA—yours truly as President. Regarding this last appointment, I have two words for the organization: “Board oversight.”

On the occasion of this passing of the torch, and in response to Al's request that I provide a short article for this edition of Hearsay, I share some insights I learned this past weekend about the creation of the DLA and the early efforts of our Founding Fathers. I had never heard the story of how the organization came to be, and I found it quite interesting. Against that historical backdrop, I would then like to share my aspirations for the group looking forward for the next two years.

Creation of the DLA

As John Mathias tells the story, the concept of a Dartmouth Lawyer's Association first arose at the 15th reunion of the Class of 1969, when a group of chatting classmates realized that everyone in their little conversational circle was a lawyer. Someone quipped that if they had organized a quick seminar ahead of time, their travel expenses would have all been tax deductible. Epiphany! The conversation turned to the idea of an organization for those Dartmouth grads who had gone on to law school and become lawyers.

With most people that discussion would never have progressed beyond cocktail banter, but John and a handful of others had the initiative and energy to follow through. The original “gang of four” who met in Hanover in 1984 to start the DLA were John Mathias '69, Doug McKenna '69, Gary Brooks '70 and Fred Fields. Their first step was to contact the College and obtain

its blessing to use the Dartmouth name in the association's title. John also provided the College administration with necessary reassurance that the organization would not look to the College for funding or substantial administrative support. The College approved, and the Founding Fathers formed a new nonprofit corporation that is today's DLA.

The Founding Fathers correctly recognized that the lifeblood of the fledgling organization would be a useful directory of its members. Publication of a directory would entail a certain minimum cost. Using an assumed membership fee of \$35, the Founding Fathers needed at least 200 contributing members to cover the cost. John obtained a list of attorney Dartmouth alums from the College, and he and his wife personally stuffed the envelopes and paid the cost of the initial mailing of membership forms to those on the assembled list (and never repaid themselves, by the way). If they did not get a response sufficient to cover the publication cost, they figured they would send back those checks they received.

Needing 200 positive responses, they got 800. Clearly they had tapped a reservoir of interest. The first directory of the Dartmouth Lawyers' Association was published, and the DLA was off and running. The Founding Fathers never looked back. The first Annual Meeting took place in Hanover in latter 1984, and the first MidWinter Ski Meeting convened at Keystone Ski Resort in Colorado in 1987. The Association now boasts some 1700 members, continues to host the Annual and MidWinter meetings each year, and engages in various other activities such as lecture series and job fairs at the College. The Directory is everyone's favorite referral tool, and we now have the website and the Hearsay publication to stay in touch.

Goals for 2004-2006

As noted, we have over 1700 members now listed in the Directory, and the DLA continues a solid growth pattern. But as some of us know, the real value of being a DLA member accrues to those who attend either or both of the two Association meetings each year: the Midwinter Ski Meeting at one western ski resort or another each February, and the annual meeting in Hanover each September. And this is where the Founding Fathers continue to shine. There is a core of ROGs who would crawl through broken glass to get to whatever powder-laden ski mountain is hosting the Midwinter Meeting. They continue to provide the energy that makes the meetings so enjoyable and successful. While every year there are more and more “young” participants from the 80’s and 90’s classes, the ROGs still substantially outnumber us. To their ongoing credit, they get it.

If we are going to take the Association to the next level, we need to increase the active participation of our younger members. As the first “next gen” President, I am making it my goal for 2005-06 to double the historical attendance at the Annual and Midwinter meetings of DLA members from the graduating classes between 1980 and 2000 (hereinafter “Youngsters”). The ROGs set a high standard of loyalty, enthusiasm and consistency, and the Youngsters need to follow their example and step it up a notch. (Am I being too shameless in my appeal to the inter-class rivalry so deeply instilled in all Dartmouth grads?)

So, for all you Youngsters, and indeed anyone who has never attended one of the meetings, here is my pitch, limited for the moment to the next Midwinter Meeting to be held on February 18 to 20 in Heavenly Valley, California:

- Bring the family. No need to experience the guilt of abandoning the family for a long weekend. Most participants bring spouses and/or kids, and everyone has fun.
- Extend your stay. Stay some extra days if you want and make it a true family vacation. If you are going skiing somewhere else this winter, why not come to Heavenly instead?
- Deduct your expenses.
- Better yet, get your firm to pay for part of it.
- Instead of doing your national networking at the meeting of the ABA subcommittee on the Erie ramifications to the proposed amendments to Rule 89(b)(14)(iii)(A)(5), come hang with a great group of fellow Dartmouth alums from all over the country.
- Get some of those elusive ethics CLE credits at this year’s program, which will focus on that topic.
- Gary Brooks is back in charge of the Meeting, and he does excellent schweg.
- Have a great time. Once you attend a Midwinter Meeting, you will see why so many of the Founding Fathers come back year after year.

Persuaded? Hope so. If you have questions about the meeting, feel free to contact me at ctoll@hollandhart.com or Gary at gbrooks@brookslaw.com. We will hope to see as many of you as possible at Heavenly, and/or at any of the upcoming events in Hanover throughout 2005.

**PAUL KLAAS, '74 HEADS AWARD
WINNING PRO BONO EFFORT AT
DORSEY & WHITNEY**



Paul Klaas '74

DLA member Paul Klaas '74, *Dorsey & Whitney* LLP, 612-340-2817, klaas.paul@dorsey.com, recently supervised a team of attorneys at his firm in the preparation of a research study examining the effects of U.S. Department of Justice (“DOJ”) immigration appellate reforms. For its work *Dorsey & Whitney* received the 2003 National Law Journal Pro Bono Award. The prestigious legal publication gives pro bono awards each year to law firms of various sizes, and *Dorsey* earned special recognition among large law firms. “This is a tremendous honor for the firm,” said *Dorsey’s* managing partner Pete Hendrixson, “and for the many lawyers and support staff who make pro bono a personal priority.”

Dorsey was singled out by the National Law Journal for the firm’s study of immigration reform which it produced at the request of the American Bar Association. The ABA sought “a neutral analysis of what was happening on the ground” in immigration cases, and turned to *Dorsey* because of the firm’s commitment to pro bono work and its ability to handle complex matters. Due to the political nature of immigration law, the ABA also sought a firm that could provide an objective analysis – and a firm that was not afraid of

controversy. “We had no ax to grind and no preconceived notions,” said Klaas. One ABA official praised *Dorsey’s* fortitude in this regard, and said that the firm was “absolutely unafraid to do the work that might ruffle some feathers.”

The DOJ’s reforms, which were the subject of the report, were aimed at eliminating a backlog of cases at the Bureau of Immigration Appeals (the “BIA”), a quasijudicial board whose members are appointed by the U.S. attorney general. The reforms, among other things, expanded rules allowing individual BIA members to affirm cases summarily without opinion.

Under the new rules, summary affirmances increased from 10% to half of all BIA decisions, the report found. The study’s main conclusion was that this surge had caused a sharp increase in the number of BIA cases filed in federal appellate courts challenging BIA summary affirmances. *Dorsey* concluded the reforms were not reducing the backlog, only shifting it from an administrative to a judicial forum. The ABA study was the largest pro bono project that *Dorsey* has ever undertaken, involving more than 60 legal professionals in six offices, and taking more than 2500 hours of work over five months to complete. This huge team examined hundreds of immigration cases to gather valuable data on the effects of recent immigration reforms.

Klaas, who specializes in litigation and arbitration, is the Chair of the Trial Department and Co-Chair of the International Arbitration and Litigation Practice Group at *Dorsey*.

BRIAN ELLNER '92 RUNS FOR MANHATTAN BOROUGH PRESIDENT



Brian Ellner '92

Dartmouth lawyer Brian Ellner '92 *O'Melveny and Myers*, Bellner@OMM.com is running for Manhattan Borough President in 2005.

Brian is a native New Yorker, who grew up in Stuyvesant Town and attended the City's public schools (Middle School 104 and the Bronx High School of Science). After graduating from Dartmouth and Harvard Law School, Brian clerked for Justice Alan B. Handler of the New Jersey Supreme Court, and then began his career in private practice.

During this time, he also entered the political arena serving as a special advisor to Mark Green, while Green was the New York City Public Advocate and during Green's 2001 campaign for mayor of the City. In 1995 he was appointed to Community Board

5 by current Manhattan Borough President, C. Virginia Fields; and in 1999, Brian was elected to Community School Board 2 where he served as President until July of this year. During his tenure the Board founded two new high schools, Eleanor Roosevelt and Millennium, creating much needed classroom space in underserved neighborhoods.

Brian also led the 2000 campaign that severed the City's ties to the Boy Scouts of America in light of their continued discriminatory practices against gay Scouts and Scoutmasters.

He has worked at the firm of *Paul, Weiss, Rifkind, Wharton and Garrison*, and is currently litigation counsel at *O'Melveny & Myers*. Brian's extensive pro bono civil rights work has included work on *Lawrence v. Texas*, the landmark challenge to anti-gay sodomy laws, and the *Virginia Military Institute* case, which opened that prestigious university's doors to women.

Brian serves on the Board of Directors of the Hetrick-Martin Institute, home of the Harvey Milk High School, and on the Board of Visitors of the Nelson A. Rockefeller Center at Dartmouth. Brian is also a former member of the Dartmouth Alumni Council. For more information on Brian's race please visit: www.ellnerformanhattan.com

Brian is running as a Democrat for an open seat and the primary is in September 2005.

JOHN VAN DE KAMP '56 NAMED PRESIDENT, CALIFORNIA STATE BAR ASSOCIATION

The National Law Journal reports that **John Van De Kamp**, '56, and Stanford Law School '59, was elected as the next President of the California State Bar. He was an original "Founding Member" of the Dartmouth Lawyers Association and has consistently maintained his membership since then. He is a former Attorney General

of California, and he is a retired partner of *Dewey Ballantine* in Los Angeles. The National Law Journal reports that he has “vowed to devote his one year term to, among other things, encouraging pro bono service and finding ways to protect the public from abusive lawyers.”

DAVID RUSSELL '67 ADDRESSES INDIANA WORLD TRADE CLUB

David Williams Russell '67, *Harrison Moberly, LLP* 317-639-4511, drussell@hmlaw.com, recently delivered a speech at the World Trade Club of Indiana in Indianapolis. His topic was “Knowledge Wars: The Worldwide Struggle to Control Information in the 21st Century.” The World Trade Club of Indiana is an independent, nonprofit organization founded to promote interest and activity in global trade, and to provide a forum for the interchange of ideas and innovations for mutual cooperation and assistance among those engaged in global trade and services. The World Trade Club cooperates regularly with other organizations to promote world trade.

Russell recently left *Bose McKinney & Evans LLP* to join *Harrison Moberly* as the Chair of its Business and International Law Department. Russell’s legal interests are quite eclectic. He is an expert on the Patriot Act and was a panelist on that subject at this year’s DLA Annual Meeting in Hanover on September 10-11. See article above.

BRUCE CHASEN '67 HAS THE RIGHT CHEMISTRY FOR PATENT LAW

Bruce Chasen '67, *Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.*, 215-567-2010 bjchasan@crbcp.com recently authored an article for the University of Oregon Chemistry Department 2004 Newsletter.

Bruce earned an A.B. in chemistry from Dartmouth, an M.A. in biochemistry from the University of Oregon, and a J.D. from Boston College Law School. Bruce is a registered patent attorney and a member of the Bar of the U.S. Supreme and numerous other federal courts.

In the article Bruce traces his career from his early days with the United States Department of Justice in Washington where he practiced as an environmental lawyer for 10 years to his later association with a law firm in Philadelphia. Upon joining that firm, he immediately found himself defending a gasoline pipeline company in a class action lawsuit brought by homeowners impacted by groundwater contamination after a pipeline accident. For several years he litigated the “toxic tort” claims of the homeowners who blamed benzene for everything that went wrong in their lives. The toxicity of hydrocarbons, or lack thereof, was his professional interest for a considerable time.

Eventually he left private practice to work for a year as an assistant solicitor in the U.S. Patent and Trademark Office (the “USPTO”). The attorneys in the Solicitor’s Office are often tasked with defending the decisions of the USPTO Board of Patent Appeals and Interferences in the federal courts.

A few years ago he returned to Philadelphia to join his current law firm, which specializes in intellectual property, i.e., patents, trademarks, and copyrights. A large portion of his time is taken up with patent infringement litigation over generic drugs. A pharmaceutical company is usually alleging that the generic manufacturer infringes its patent, and the generic company is usually denying infringement or contesting the validity of the patent. “Invalidity” contests involve allegations that the USPTO issued the patent in error, as it should have been rejected for

failing to meet one or more statutory criteria of patentability (such as lack of novelty, obviousness, and so forth). Patent infringement cases often have millions of dollars at stake.

Bruce is eager to talk to anyone wanting information on chemistry and a career in law. He may be contacted by e-mail or telephone. His firm is on the web at www.crbcpc.com.

The complete text of his article is available at <http://darkwing.uoregon.edu/~chem/news04.pdf> at page 26.

DAN WINTERS '91 PROMOTED TO PRINCIPAL AT PORZIO BROMBERG

DLA Vice President, Dan Winters '91, 646-348-6726, DKWinters@pbnlaw.com; was recently promoted from Counsel to Principal at *Porzio Bromberg & Newman*. He is now resident in the firm's New York office and will continue to concentrate his practice in the area of business and commercial litigation, insurance coverage, and bankruptcy.

LETTERS TO THE EDITOR

[Editor's Note: Pursuant to newly adopted guidelines on "Affiliated Groups", the College formally de-designated the DLA as an "Affiliated Group" earlier this year. Dartmouth's position is that in order to conserve scarce financial resources, the College will now limit "Affiliated-Group" status along with associated financial and administrative support to historically marginalized alumni groups such as racial or ethnic minorities or gays and lesbians. Groups such as the DLA comprised of alumni who share common interests arising from their officially recognized Dartmouth undergraduate co-curricular activities or post graduate professional experience, will now be classified as "Alumni Interest Groups" and will get less attention from the College.

The following is a letter from a DLA member commenting on the new policy.]

To the Editor:

I received yesterday from a member of the Class of 1991 an online journal of the Dartmouth Lawyers Association, of which I am still a member, dated January 17, 2004 and relating to "New Guidelines on College Support of 'Affiliated Alumni Groups.'" Apparently, you received it from the Office of Alumni Relations and published it for review and comment.

I would like to know if you received any comment. [Editor's Note: This was the only comment received].

My own comment is that the College's definition and support of "Affiliated Alumni Groups" is one of the most insidious examples of altering Our College from a student and alumni body of independent, individualistic, self-sufficient and unified Dartmouth people to a dependent, self-indulgent, and victim ridden mass. I would like the Office of Alumni Relations to define the term "historically marginalized alumni . . ." I know of none.

The Office of Alumni Relations states that eligibility applies to any group of 100 or more of Dartmouth alumni who share a common bond based on self-identified information that they are members of a group of "historically marginalized alumni . . . and the desire to affiliate with each other as a sub-group of the Association of Alumni." Thus does the Office of Alumni Relations promote separatism and division within Dartmouth's 62,000 alumni. It does so at a time in which the percentage of alumni dollars to the Alumni Fund has diminished to less than 42%, voting in trustee elections has declined to 20%, payment of class dues has fallen below 15% and payment of club dues is less than that. Instead of addressing those staggering declines in expression of affiliation with

Dartmouth the Office of Alumni Relations encourages “sub-groups.”

Those are my comments. Disseminate them to any interested party and please, again, send me any other comments which the Dartmouth Lawyers Association received.

**Quentin L. Kopp '49,
Judge, Superior Court of California.**

To the Editor:

I have just been reading with interest the recent Dartmouth Lawyer's Association Newsletter. I thought that you and perhaps others would be interested in the fact that the first prelaw club at Dartmouth was formed in the early 50's by three members of the Class of 1953, Don McMichael, Max Weisman and myself. We became quite popular because of our speakers which included Professor Gellhorn of Columbia Law School, Dean of Admissions Toepfer of the Harvard Law School, and then Judge of the 5th Circuit, Thurgood Marshall. Our advisor was Professor Robert K. Carr, then Professor of Government and later to be President of Oberlin University in Ohio. We discussed preparation for law school and the practice of law, including how to get into law school and how to take the first series of LSATs.

Ralph E. Heyman '53

To the Editor:

Thanks for the article about me in [the February 2004 edition of] Hearsay [concerning his election as Vice Chair of Missouri Legal Aid].

In the next edition, some members might find it interesting that in 2003 I was elected as President of the Republican National Lawyers Association and would welcome those members of the DLA to join if they are of that political persuasion. They can do so by accessing: www.rnla.org

The organization is the largest national organization of Republican lawyers in the country with 2000 strong from every state and growing. Thanks!

Harvey M. Tettlebaum '64.

DLA CALENDAR OF EVENTS

February 18-20, 2005 - Eighteenth Annual Mid-Winter CLE and Ski Meeting at Heavenly Mountain Resort, Lake Tahoe, California.

September 10-11, 2005 – Twenty-first Annual DLA Meeting in Hanover.

Editor's Note: News about Dartmouth lawyers and friends may be posted on the Community Forum of the DLA Website at www.dla.org for immediate electronic dissemination, emailed to DLA's “Webster” at Webster@DLA.org for possible inclusion in the [DLA Weblog](#) and/or sent to the Editor of *Hearsay* for inclusion in the newsletter.

The editor may be reached at New York City Law Department, 100 Church Street, New York, New York 10007, (212) 788-1160, amoncure@law.nyc.gov.

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