Comings and goings

Introducing four of our eight new faculty members

Eight new faculty members are joining the Law School this year. The new group represents a wide range of experience, from three assistant professors who are just embarking on their academic careers, to several associate and full professors who have achieved recognition through their writing and teaching, to an internationally known legal scholar and philosopher.

This summer, LQN interviewed the four new faculty who were in Ann Arbor. Their profiles follow. The Winter issue will feature profiles of Pheobe Ellsworth, Samuel Gross, O. W. Brian Simpson, and Richard Pildes.

Leo Katz

Using the arcane to illuminate the mundane

Leo Katz is beginning his academic career with a substantial list of publications to his credit in areas as seemingly divergent as criminal law and corporate law. "The interest in both may seem odd," he admits, "but in my mind the two fit comfortably together and I frequently draw on ideas from one area in solving problems in another. For example, thinking about the business judgment rule turns out to be illuminating for the doctrine of necessity. Similarly, thinking about criminal complicity suggests insights about certain quirks in the securities laws."

Katz's eclectic interests and his ability to weave together diverse strands of thought into a coherent tapestry of principles are evident in his recently published book, Bad Acts and Guilty Minds: Conundrums of the Criminal Law (University of Chicago Press, 1987). Highlighting his arguments with the decisions of common law judges in colonial and postcolonial Africa, famous cases such as the Nuremberg Trials, and well-known incidents in fiction, Katz uses the arcane to shed new light on the mundane.

Examples: "A [Sudanese] villager kills his neighbor believing her a witch. Has he intentionally killed a human being? What about Bratton, who fires a bullet at a man, misses, and shoots the man's wife instead? And what of Clyde Griffiths, the protagonist of Theodore Dreiser's novel An American Tragedy, who takes his lover, Roberta, out on a lake to drown? Somehow, not quite according to plan, the boat capsizes and she does drown. Has he intentionally killed her?"

Through these and other conundrums, which raise problems not only of intention, but also of causation, negligence, necessity, duress, complicity, and attempt, Katz seeks to understand the basic rules and concepts underlying the moral, linguistic, and psychological puzzles that plague the criminal law.

A 1982 graduate of the University of Chicago Law School, Katz explains that he began thinking about the book while clerking for Judge Anthony M. Kennedy of the U.S. Circuit Court of Appeals, Ninth Circuit. He was able to complete a draft of the book by taking a year off to work on it before becoming an associate with the Chicago law firm of Mayer, Brown & Platt.

Katz's other publications concern issues of corporate law, such as insider trading cases, corporate takeovers, and the poison pill. Most of these he coauthored with Leo Herzel, one of the senior partners of Mayer, Brown & Platt. Katz and Herzel are now expanding their ideas into a book, The Law of the Boardroom, as it will be called, is intended to serve as an advice book for newly installed corporate directors. "It's meant to convey a sense of the legal environment in which they will be moving and the significant problems they are going to have to think about," explains Katz.

Katz, who was born in Vienna and grew up in Berlin, learned English as a teenager when his family immigrated to the U.S. after his father, a professor of Latin American history joined the University of Chicago faculty. Katz returned to Vienna for his first year of undergraduate studies and then completed both an A.B. and an A.M. in economics at the University of Chicago. As an undergraduate, Katz never expected to enter the field of law. He explained, "People I knew who
studied law in Europe found it exceedingly dreary." During his junior year, however, Katz recalls, he "stumbled into" a course in constitutional history, where he discovered that "all the things I had been looking for in economics were more fortuitously combined in law: the analytical rigor, the literary elegance, and the real world proximity."

Katz, who is looking forward to teaching criminal law this fall and enterprise organization this winter, says, "I loved practice, but I think I'll love this more. Being able to think about interesting problems and knowing that a client cares enough about them to pay you to do so was certainly an exhilarating feeling. On the other hand, I'll now have the thrill of teaching and the freedom to pursue interests even if they don't happen to match a client's immediate needs. And to get to do that at a place like Michigan seems like the hand of fate Don Corleone is famous for making, one that I just couldn't refuse."

Joel Seligman

Securities specialist, SEC enthusiast, valued teacher

Joel Seligman — whose specialty is corporate and securities law — is the first to admit that he doesn't fit everyone's image of a corporate lawyer.

"The popular impression is of a fairly materialistic, very specialized — and very narrow — practitioner," he says. "And that's very far from my world."

In fact, Seligman joined forces with Ralph Nader upon graduating from Harvard Law School in 1974. His three-year association with the Corporate Accountability Research Group resulted in two books: Taming the Giant Corporation, which argued for federal, not state, chartering of large corporations; and The High Citadel: The Influence of Harvard Law School. The latter "had the distinction of being the only recent book about Harvard Law School not to be a bestseller," notes Seligman.

Seligman is fascinated by corporate law — a field which he says is often stigmatized as "dry." In the past 15 years, he says, it has enjoyed a kind of renaissance.

Securities regulation is Seligman's specialty, and he is currently working with Louis Loss to revise Loss's classic Securities Regulation. The completed work is currently expected to be ten volumes long. Despite the formidable nature of the project, Seligman is buoyed by his extensive knowledge of SEC history (he wrote The Transformation of Wall Street: A History of the Securities and Exchange Commission and Modern Corporate Finance) and by his unchecked enthusiasm for the SEC. "You have to appreciate that the SEC was FDR's favorite agency," he says.

Early in his career, Seligman co-authored Taming the Giant Corporation with Ralph Nader and Mark Green. While the book received considerable attention, Seligman says that "in terms of leading to the adoption of a federal corporate law, it didn't succeed."

In his closeup of Harvard Law School, The High Citadel, Seligman says, "I found myself in the odd position of having been hired by Ralph Nader who wanted a critical book, and yet finding the issues of legal education I was studying much more complicated than I thought when I started out." Nader held the view that elite schools like Harvard steered graduates into corporate law careers by the very makeup of their curriculum. Seligman concluded, among other things, that the schools had less influence than the job market.

Seligman taught at Northeastern University Law School and at George Washington University's National Law Center before coming to Michigan as a visiting professor last year. He joins the faculty as a tenured full professor this fall. Of the U-M, Seligman says, "This is not a law school where corporate and securities law has been particularly emphasized. It's a law school which has a rich, humanistic, interdisciplinary tradition, which makes working here particularly stimulating."

Seligman was one of two faculty members (the other was Professor Douglas Kahn) who received the L. Hart Wright Teaching Award voted by the 1987 graduating class for excellence in teaching. "I really can't explain how I teach," he said. "But I've been teaching for ten years and