

Head of State

The November Bishop Lecture in International Law was a homecoming for Yale Professor Harold H. Koh, now the Legal Adviser to the United States Department of State. "In 1984 I came out here ... to look for a teaching job under the auspices of Yale Kamisar," Koh told a packed Hutchins Hall lecture room. "We fell in love with the place, but we ended up being called to New Haven, which is my hometown." A faculty appointment at Yale Law eventually led to the deanship, and ultimately to Koh's current appointment as the Department of State's top lawyer. The Bishop Lecture commemorates the life and work of Professor William W. Bishop, '31, who helped lead the School's march to prominence in international law. Below, Koh greets Professor Emeritus Eric Stein, '42, who pioneered the field of European legal studies at the Law School.



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Professor C. Raj Kumar, O.P. Jindal Global University's vice chancellor and dean of Jindal Global Law School (center), with Michigan Law Dean Evan Caminker and Professor Vikramaditya Khanna during a visit to Michigan Law.

Michigan Law, India's Jindal Global Law School Announce Historic Collaboration

A 2010 Memorandum of Understanding between Michigan Law and Jindal Global Law School of O.P. Jindal Global University, near Delhi, establishes a Joint Centre for Global Corporate and Financial Law & Policy, as well as opening the door for future cooperative efforts between the two schools.

The MoU, signed by Michigan Law's Dean Evan Caminker and Professor C. Raj Kumar, O.P. Jindal Global University's vice chancellor and dean of Jindal Global Law School, provides the framework for Michigan and Jindal to develop collaborative initiatives on faculty and student exchange programs, teaching and research initiatives, conferences and publications, and continuing legal education programs. The Centre's directors will be Michigan's Professor Vikramaditya Khanna and JGLS professors Vivek Pande, Charles Maddox, and Ajay Goyal.

Among the areas of planned study are the regulation of financial markets and corporate governance in the United States, India, and other jurisdictions. Key activities at the Centre will be research and legal policy analysis, facilitating development of collaborative research and teaching, and organizing lectures, conferences, and symposia.

"The collaboration between the University of Michigan and O.P. Jindal Global University is truly historic and in many ways reflects the strong commitment of both these institutions to promote global education across various disciplines," Kumar said.

Dean Caminker agreed. "Michigan Law has a long and proud tradition of global law, and today, most areas of the law have international aspects. We look forward to working with O.P. Jindal Global University to establish new initiatives and exchanges of benefit to our students and faculty in this global context."

As the school's first step toward developing a strong partnership, JGU appointed Khanna a Distinguished Visiting Professor for 2010–2011. Also a term member of the Council on Foreign Relations and editor of *India Law Abstracts* and the *White Collar Crime Abstracts* on the Social Science Research Network, Khanna is spending part of the current academic year teaching courses and pursuing research.

"Building a strategic relationship with a prestigious Indian institution is important," Khanna noted. "India is one of the fastest-growing major economies in the world, as well as being the world's largest democracy and its second most populous nation. Studying legal issues related to India and the U.S. is both fascinating and critical for faculty and students to better understand the role of the law in a fluid, heterogenous, and increasingly global environment."—John Masson

Taking Home the Gold

Students at the University of Michigan have selected a law professor to receive the student body's coveted Golden Apple for the first time in the award's 20-year history. Don Herzog, the Edson R. Sunderland Professor of Law, specializes in First Amendment law and in the teaching of political, moral, legal, and social theory.

The Golden Apple—the only U-M teaching award given by the students themselves—also provides its recipient a gift most professors only dream of: the right to give exactly the lecture they choose, as if it were their last.

Herzog said he was amazed when a student organizer called him and told him he had been selected. "It's overwhelming," he said. "It's incredibly sweet. I don't deserve it."

Herzog's "Ideal Last Lecture" was held in March. The topic was based on his new book about the surprising truth of household politics in early modern England.

"Let's just say that it was better to be a man than a woman then, for sure, but not because women were mindlessly deferential and 'knew their place.' Not at all," said Herzog, who came to the Law School from the Political Science Department, where he maintains a courtesy appointment. "So the thought that feminism is this late development is nuts, completely nuts."

Around the Law School, faculty members weren't surprised to hear that Herzog had captured the coveted award. "He's just the real thing, all the way down the line," said William I. Miller, the Thomas G. Long Professor of Law, whose forays into the darker side of human emotion—book titles like *Faking It* and *Blood Feuds* come immediately to mind—make him something of an expert in the field. "People here hold him somewhat in awe."



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If there is one thing Herzog is not, Miller added, it's an easy A. "He's very informal with students, but he's also very demanding, and he's a hard grader. He doesn't pander to them," Miller said. "He does, ostensibly, political theory and things like that, but ... he actually dirties his hands in the real historical material. He feels it's a requirement to actually know something about how people operate, and to read what they've written."

Herzog demands "high-quality participation, both before and during class time," Dean Evan Caminker said at the Golden Apple awards ceremony, at which Herzog spoke about the myth of "natural" patriarchal dominance in Early Modern England. "A tenured colleague of mine on the law faculty was once herself a student of Professor Herzog's, and she reports that he made her think so hard her brain constantly hurt. Professor Herzog truly elicits the best efforts of, and the best performance from, his students."—JM

Making Sense of Ranking Season

The 2012 *U.S. News & World Report* rankings of U.S. law schools—which saw Michigan jump from ninth to seventh place—may mark the official peak of ranking season, but other surveys highlight the Law School's continuing strength, as well.

While the *U.S. News* rankings are perhaps the best recognized—measuring factors such as per-student expenditures, median LSAT scores, post-graduation employment rates, and faculty-to-student ratios—some of the other surveys also provide valuable information.

For example, a joint Best Lawyers/*U.S. News* ranking of law schools by law firm recruiters placed Michigan Law in a fourth-place tie with Columbia, behind only Harvard, Stanford, and Yale. The survey asked law firm hiring officials to rank the

schools on a five-point scale; its organizers say the results are "strictly reputational," based on how recruiters perceive each school's quality.

Another survey, and perhaps the simplest, was conducted by the *National Law Journal*. It showed that Michigan is number 10 in the number of graduates hired at the nation's top 250 firms; more than 42 percent of Michigan Law's 2010 graduates took that route, according to the magazine.

In other words, while the Best Lawyers ranking reflects the strength of Michigan Law's reputation, the *National Law Journal* tally is more a measure of the career choices the School's students make after law school.

Finally, an unusual "crowd-sourced" ranking by The Conglomerate blog recently placed Michigan fifth among American law schools. The methodology had rankers vote on head-to-head comparisons of two law schools, then aggregated the paired comparisons. More than 300,000 votes were cast, the survey organizers said.

The most important message, say law school professionals such as Sarah Zearfoss, '92, assistant dean for admissions, is for prospective students to make sure the rankings they're paying attention to measure results they actually care about.

"It's easy to remember that a particular school is number one, or number two, or number eight," Zearfoss says. "But it's crucial for people thinking about law school to know the reality these numbers are actually meant to measure."—JM

BRIEFS

Baer Appointed to Germany's Highest Court

Susanne Baer, LL.M. '93, one of the Law School's six William W. Cook Global Law Professors, has been elected to the German Federal Constitutional Court.

Baer, also a professor of public law and gender studies and dean of academic affairs of the Law Faculty at Humboldt University in Berlin, was appointed to a 12-year, non-renewable term on Germany's top court.

The court, which is divided into two separate "senates" of eight judges each, handles several thousand cases each year, several times the volume of the U.S. Supreme Court. Anyone who believes his or her rights have been violated under Germany's Basic Law, or constitution, is entitled to bring a complaint that could end up being heard by the Constitutional Court. German states and the federal government can ask the court to review laws and proposed laws for constitutionality as well.



Despite her selection by the German legislature for a term on the court, Baer is expected to continue her relationship with Michigan Law.

"We're pleased and proud to see Professor Baer elevated to a position of such eminence in her country's judiciary," said Dean Evan Caminker. "And we're confident that the people of Germany will benefit, as our students have benefited, from her wisdom and keen insight."

Baer's research areas include socio-cultural legal studies, gender studies, law against discrimination, and comparative constitutional law.

She is the second 1993 Michigan Law LL.M. alumna to land a seat on her native country's highest court in the past year. Maria Lourdes Aranal Sereno was named an associate justice of the Supreme Court of the Philippines in August (see story, *Law Quadrangle*, Vol. 53, #2).

In addition to Baer, two of the German court's current members also have Michigan ties: Andreas Paulus taught here as a visiting professor, and Johannes Masing was a visiting scholar.—JM

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Violinist Clara Presler, a 2L, performs a piece by Haydn during a Bach's Lunch, an event held by the Classical Musical Society and featuring some of the talented musicians among the Law School's faculty and students.

Scenes from the Law School

Activities at the Law School in recent months have included classical-music lunches, political chats, and scholarship banquets, representing the wide-ranging interests of students and faculty. Here are a few snapshots of the moments that occur between classes and study sessions.



Melissa Barahona, Jaclyn Kelley, and Laura Andrade were the winners at the Latino Law Students Association's annual Juan Luis Tienda Scholarship Banquet. The March event honors the memory of Juan Luis Tienda, a Michigan Law student who was killed in a 1976 car accident shortly before starting his 3L year.

Emeka Ajene, Laura Kupe, and Adrian Ohmer were named the winners at the annual Alden J. "Butch" Carpenter Memorial Scholarship Banquet, which honors the memory of a former captain of the Wolverines football team who died suddenly while a student at Michigan Law.



More than 350 people filled Honigman Auditorium in November for the taping of Slate.com's popular Political Gabfest podcast, which featured animated political discussions among Slate's Emily Bazelon, John Dickerson, and David Plotz (pictured left to right).

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McCrudden Earns Major Research Fellowship from Leverhulme Trust



A Major Research Fellowship awarded by the Leverhulme Trust will allow Christopher McCrudden, a William W. Cook Global Law Professor, to spend three years, starting this October, continuing his path-breaking work on human-rights issues around the world. McCrudden, also a law professor at Oxford University and a Fellow of Lincoln College, Oxford, was awarded the prestigious fellowship—roughly equivalent to a MacArthur Foundation fellowship—to pursue “an integrated theory of comparative human rights law.”

The Leverhulme Major Research Fellowships are designed to enable accomplished scholars to “devote themselves to a single research project of outstanding originality and significance,” essentially by funding a replacement for fellows while they’re away from the classroom doing research.

The funding will enable McCrudden to take a leave from teaching at Oxford for the period of the grant. After this fall, he’ll also take a break from teaching his annual courses as a Cook Global Law Professor at Michigan, although he is expected to come to Ann Arbor as a nonteaching visitor during the course of his fellowship.

“Chris’s Michigan Law colleagues are absolutely thrilled to see him offered the opportunity to focus more completely on this important scholarly work,” said Dean Evan Caminker. “Of course, we’ll miss him during his absence, but we’ll be eager to welcome him back when he returns.”—JM

Snyder, Portman Among Alumni Elected in November

Several Michigan Law alumni were elected to prestigious posts in the November elections, including Michigan’s new governor and a U.S. senator from Ohio.

Rick Snyder, ‘82, a Republican, became Michigan’s 48th governor by handily defeating Lansing Mayor Virg Bernero in November. Previously the president, COO, and interim CEO of Gateway Inc., Snyder returned to Ann Arbor in the late 1990s and founded the venture capital company Avalon Investments and the investment firm Ardesta LLC.

In Ohio, Rob Portman, ‘84, also had an easy win in his race for U.S. Senate. Formerly the U.S. Trade Representative and director of the Office of Management and Budget, the Republican also has served as a member of the U.S. House of Representatives. Portman will be the speaker at Senior Day in May.

Other alumni elected in November include:

- Justin Amash, ‘05, Republican, Michigan’s Third District in the U.S. House of Representatives. At age 30, Amash is the second-youngest member of Congress.
- Scott Gessler, ‘90, Republican, Colorado Secretary of State.
- Andrew Richner, ‘86, Republican, re-elected to the U-M Board of Regents.

Stein Awarded Hudson Medal by ASIL

The American Society of International Law (ASIL) has awarded the prestigious Manley O. Hudson Medal to Eric Stein for his lifetime of significant contributions to international and comparative law. The medal commemorates the life work of Manley O. Hudson, a former president of ASIL.

Stein, ‘42, the Hessel E. Yntema Professor Emeritus of Law, has been an active supporter of ASIL as honorary vice president, counsellor, and honorary editor of, and frequent contributor to, the *American Journal of International Law*. His many books and articles have established him as a leading thinker and writer on European Community law and on what he described in a famous article as the “Uses, Misuses, and Nonuses of Comparative Law.”

Throughout his long career, Stein has helped to build and maintain bridges between the United States and Europe. He is a distinguished representative of the generation of great legal scholars who came to the United States in the 1930s and 1940s to escape fascism and who then made important contributions to their adopted land, the ASIL notes.

A decorated soldier in the American Army during World War II, he later served in the U.S. Department of State, advising U.S. delegations to the UN General Assembly, the Security Council, and the International Court of Justice, and helping to create the International Atomic Energy Agency. During his subsequent academic career, he led in advancing the role of comparative analysis, including through influential works examining comparisons between American federalism and the institutions of modern Europe.

Stein’s work has been marked throughout by humanity, insight, and careful craftsmanship, the ASIL notes. His scholarship and achievements in the law have been recognized by many awards and honorary degrees. However, the organization asserts, his greatest testimonial may be the respect and affection accorded to him by generations of law students, scholars, statesmen, and diplomats on both sides of the Atlantic.—ASIL



PETER SMITH PHOTOGRAPHY

New Medical Testimony Leads to Exoneration

"I'm very relieved, and grateful to my dad and my lawyers for believing in me."



Julie Baumer relaxes at home post-exoneration with her dog, Harry.

CYBELLE CODISH

Five years ago, the medical testimony in Julie Baumer's trial came only from the neurosurgeon and radiologist who treated her nephew at Children's Hospital of Michigan. They both said she had violently shaken or hit the six-week-old boy, causing massive brain injuries and blindness. The defense could not afford to bring in a radiologist to examine the baby's brain scans, and so the opinions of the prosecution's experts were not seriously challenged at the first trial.

At a second trial in fall 2010, a defense team that included the Michigan Innocence Clinic at Michigan Law brought in six prominent physicians who examined the brain scans and all agreed that Baumer's nephew—who now lives with adoptive parents—suffered a type of stroke called a venous sinus thrombosis (VST), which can have symptoms similar to shaken baby syndrome. In October, the 34-year-old from Macomb County was acquitted.

"I'm very relieved, and grateful to my dad and my lawyers for believing in me," Baumer said.

The first step in Baumer's journey toward exoneration was a meeting with Sister Lois Mitoraj of the Felician Order in Livonia, who believed Baumer was innocent and who contacted the Ave Maria Law School. The acting dean of the school got in touch with attorney Charles Lugosi, who, along with former Macomb County Prosecutor Carl Marlinga, '71, sought relief from judgment for Baumer. (Marlinga was the county prosecutor at the time of Baumer's first trial, though he was not directly involved in her case.)

Much of their argument focused on the testimony of three physicians: Patrick Barnes, chief of pediatric neuroradiology at Stanford University; Michael Krasnokutsky, a neuroradiologist with the U.S. Army; and Rex Ferris, a veteran forensic pathologist

from Vancouver (see related story, next page). All three of them agreed that VST was the cause of the boy's brain injuries, not physical force. In late 2009, Baumer won a new trial and was released from prison on bond after serving four years.

Lugosi asked the Innocence Clinic at Michigan Law to defend the judge's decision against the prosecution's appeals to the Michigan Court of Appeals and the Michigan Supreme Court; both courts denied the prosecution's appeal. For Baumer's fall 2010 retrial, the Innocence Clinic and Seattle attorney Heather Kirkwood, who specializes in cases involving a diagnosis of shaken baby syndrome, brought in three more physicians: John Plunkett, a Minnesota forensic pathologist; Joseph Scheller, a pediatric neurologist at Children's National Medical Center in Washington, D.C.; and Ronald Uscinski, a neurosurgeon on the faculty of Georgetown University Hospital and George Washington University Medical Center.

"All of the experts really left no doubt that, while tragic, the boy's injuries were not caused by abuse," notes David Moran, '91, professor and codirector of the Michigan Innocence Clinic.

In October, a jury acquitted Baumer, making her the fourth exoneree in the short history of the Michigan Innocence Clinic. Baumer is grateful for her attorneys and student-attorneys, including Marlinga, Moran, Lugosi, clinic codirector Bridget McCormack, 2Ls Rachel Burg, Greg Polins, Aurora Maoz, and Kendal Kloostra, and 2010 graduates Jacqueline Harrington and Frances Lewis.

"I always tell the students," Baumer says, "You guys are doing a great job. Make sure you learn from this experience and use what you've learned to help other people."—KV

A Doctor on TV, and in the Courtroom

On TV, Bruno Campos played the roles of Dr. Quentin Costa on *Nip/Tuck*, Dr. Eddie Dorset on *ER*, and Dr. Charlie Casey on *Royal Pains*. This past September, he was cast in another role as a physician, but this time the stakes were much higher than with his previous characters.

Now a 1L at Michigan Law, Campos was asked by the Michigan Innocence Clinic to help with a case. In the trial of Julie Baumer (see related story, previous page), one of the physicians who had testified at a pretrial evidentiary hearing—Michael Krasnokutsky, a neuroradiologist with the U.S. Army—had been deployed to Iraq and could not be at the trial. He could have testified via Skype, but only if the prosecution agreed. They did not.

Since the prosecution's refusal to permit Krasnokutsky to testify by video rendered him unavailable, Baumer's attorneys were entitled to introduce Krasnokutsky's prior testimony to the jurors. And since the dry written word would not be as effective as the spoken version, trial judges in this situation routinely allow parties to "re-enact" the prior testimony by having someone read the testimony of the missing witness aloud in the courtroom. Jurors would know that the person on the stand was not really the physician, but that he was reading his testimony verbatim.

They wouldn't be told, however, that the faux-Dr. Krasnokutsky was a professional actor, a successful one who has appeared on some 30 TV shows and movies.

"I expressed concern that someone on the jury may have seen me on TV and that this might distract them," Campos notes. The Clinic had considered asking a drama student from U-M, but ultimately they decided Campos was the best choice.

"In a way, it's an acting assignment. But at the end of this is a woman sitting in prison, relying on the efforts of her defense," Campos recounts.

Campos studied the 65 pages of testimony packed with dense medical terminology. Luckily, Campos was comfortable with the lingo of the medical field and felt he could represent to the jury the doctor's opinions on venous sinus thrombosis. "On a superficial level, I was very familiar with this. I've shadowed doctors, sat in on surgeries in clinics all over L.A. I've even practiced suture techniques on removed flesh."

Since this acting job required no surgeries or procedures, he focused on the concepts. By the time



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he read the testimony in court, he wanted it to seem as natural and smooth as possible. "I didn't want the jury to be thinking about the reader, just the words."

At one point, the prosecutor objected and said this reader was adding inflection, which may not have been present in the initial testimony.

"I'm glad that a professional actor was there to do this for Ms. Baumer, rather than a drama student," says Campos. A young actor may have been derailed by the objection, he notes. While he already was keeping his inflection and interpretation to a minimum, he had to tone it down to be virtually flat. "It didn't bother me. Camera actors shouldn't need much to communicate."

After the verdict, when Clinic Codirectors David Moran, '91, and Bridget McCormack spoke with the jury, they learned that jurors had not recognized the actor. Several of them, however, "commented that they had to keep reminding themselves that Bruno wasn't the real Dr. Krasnokutsky," Moran recalls.

All of this raises a question: Why is Campos—who recently was the voice of the prince and the frog in the 2009 movie *The Princess and the Frog*—a law student in the first place? "I've had five mentors in my life: two professional artists and three lawyers. This influence was always there and I've sensed for years my internal magnet was leading me to law."

And why Michigan Law? In part, he was swayed when he met Sarah Zearfoss, '92, assistant dean for admissions, at a University of Michigan event in Los Angeles. "She was an inspired communicator. It's very hard to say no to her, in the best sense."

Next up for Campos is an internship during the summer with U.S. District Judge Avern Cohn, '49, in Detroit. What about a return to acting? That's not in his plans, he says; he wants to focus on being the best lawyer he can be. Not that his acting career can ever completely be separated from his new endeavor; after all, when he wasn't portraying doctors on television, he most often played lawyers.—KV