

NEW FACULTY

Nora Freeman Engstrom '02

Assistant Professor of Law

NORA FREEMAN ENGSTROM '02 WAS SURE SHE WANTED TO TEACH LAW—SHE ALWAYS HAD.

Her father was a law professor at the University of South Carolina, and he described the job as the best in the world. She loved the law and wanted to immerse herself in it. But after graduating from Stanford Law School and clerking first for Judge Henry H. Kennedy, Jr. on the U.S. District Court for the District of Columbia and then for Judge Merrick B. Garland on the D.C. Circuit, she decided she wasn't ready. "I had not yet found a research agenda that would thrill me, that would make a tangible contribution to society, and that I would want to pursue for the long term," she says. So she decided to practice law until she found the scholarly inspiration that would lead her to the academy.

That inspiration came to her when she least expected it. She was visiting her parents in South Carolina, watching the World Series. It was 2004 and they didn't have TiVo yet, so she endured the lengthy commercial breaks along with the game. One law firm ad stood out because it ran over and over again—the lawyer enthusiastically encouraging clients to bring their cases to his firm for a quick settlement. "I had to wonder how a local law firm could possibly generate enough profit to purchase expensive ad time during the World Series. What was going on there?"

She started her preliminary research and was immediately intrigued. She noticed, among other things, that "settlement mills," as she calls these high-volume personal injury law practices, resolve a staggering number of claims each year—and they do so with virtually no meaningful client interaction, rarely filing lawsuits, and almost never taking claims to trial. She also found a significant gap in existing scholarship on how legal services are delivered and marketed at these settlement mills,

despite the profound implications for legal ethics, tort law, and the operation of the civil justice system. "I started out thinking it would be interesting to do a profile of this one particular firm and then realized that I was looking at the tip of an iceberg. Beneath the surface was a pervasive, distinctive, and almost entirely unexplored type of legal practice." She soon left her job as an associate at Wilmer Cutler Pickering Hale and Dorr LLP and found a base for her work as a research dean's scholar at Georgetown University Law Center.

And so began her career in the legal academy. She completed a working paper on her research—which will soon be published in a leading journal of legal ethics—and started searching for a position as an assistant professor along with her husband David



NORA '02 AND DAVID FREEMAN ENGSTROM '02

'02, who was also looking for a teaching position. Finding a joint appointment is not easy, so they were thrilled when their own law school made them both offers. And while her research is evolving, she is hopeful that with this appointment she will have time to focus on her scholarship, and so make a lasting contribution to the legal profession.

"I believe that our legal system is best judged not by how it resolves the rare headline-grabbing case but by how it resolves the frequent, everyday disputes of ordinary citizens. My research focuses on how those disputes are resolved and how the legal profession serves and sometimes disserves ordinary Americans," she says. Now back at Stanford Law, she is looking forward to teaching *Torts* and *Professional Responsibility*—and to continuing the research that inspired her. - SHARON DRISCOLL

Y N E W S

David Freeman Engstrom '02

Assistant Professor of Law

DAVID FREEMAN ENGSTROM '02 HAS WANTED TO TEACH LAW FOR A LONG TIME. Growing up as an Air Force kid in Dayton, Ohio, Engstrom had no lawyers in his family and had no particular intention of becoming one himself. His interest in the legal system developed later as he studied the civil rights movement while a Dartmouth undergraduate.

This, in turn, led him to join the Mississippi Teacher Corps following graduation in 1993, where he taught and coached football for two years in a poor, African-American high school, in a town of 4,000 deep in the Mississippi Delta.

And that experience ignited his love of teaching. It also ignited his interest in the design of public institutions, particularly regarding civil rights. Following his stint in Mississippi, Engstrom pursued these interests, first at Oxford as a Fulbright scholar and then as a PhD student in political science at Yale.

While Engstrom greatly valued the quantitative training he received as a graduate student, he soon realized that the policy debates that interested him most were largely driven by lawyers. Law school—and the legal academy—seemed like the logical next step. He chose Stanford Law School for its faculty and close-knit community.

“At Stanford, I took full advantage of the incredible faculty access and sought out mentors such as Mark Kelman, Pam Karlan, and Tom Grey (BA '63),” says Engstrom. Articles on constitutional federalism and law and education followed.

When entering Stanford Law School in the fall of 1999, Engstrom never could have imagined how serendipitous that step would turn out to be. He met Nora Freeman '02 in their 1L orientation group. They began dating during their 2L year and married in 2003.

After graduating from SLS, Engstrom clerked for Judge Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit. He also spent a year at Yale Law School as an Olin Fellow in Law, Economics, and Public Policy and completed his PhD dissertation, which explores the pre-Title VII origins of employment discrimination law at the state level.

“America’s first wide-scale experiment with regulating employment discrimination was an administrative scheme, in stark contrast to the court-centered Title VII scheme that currently exists. My project allows me to ask about paths not taken—and paths that could, and perhaps should, be taken in the future,” Engstrom explains.

Following completion of his dissertation, Engstrom practiced law for three and a half years as an associate at a boutique law firm in Washington, D.C., that specializes in Supreme Court and trial litigation.

Engstrom is currently writing a book based on his dissertation, and the project has already been hailed as helping to reconceive how we think about the evolution of civil rights in the second half of the 20th century. Engstrom is working on other projects as well, including a quantitative analysis of disability discrimination laws and a series of papers examining the *qui tam* provisions of the False Claims Act.

His clerkship and practical training will be invaluable when he teaches *Administrative Law* and *Civil Procedure*. But perhaps most important—at least to Engstrom’s students—is his palpable excitement about being in the classroom again. - RANDEE FENNER

Daniel P. Kessler '93

Professor of Law

DANIEL P. KESSLER '93 COULD WRITE A BOOK ABOUT THE CURRENT DEBATE ON HEALTH CARE REFORM.

Actually, he already has. *Healthy, Wealthy, and Wise:*

Five Steps to a Better Health Care System,

which he wrote with John Cogan and

R. Glenn Hubbard, provides an accessible explanation

of how health care in the United States

has become such an important problem and what

policymakers can do to get the country back on

track in addressing it.

“The book draws on research that I and others have done that shows how market-based health care reform can preserve our system’s strengths while correcting its weaknesses,” he says. This is his career’s work—research and scholarship from years in the academy—now playing out on a very real stage. As to how this

great American challenge, perhaps the most important since civil rights or the New Deal, will end, he's not so sure.

"Congress has a very hard problem in front of it," he says. "Extending coverage to those who don't have it while at the same time not disrupting people's existing insurance arrangements is going to be fantastically costly. Finding a way to finance this agenda is a massive challenge."

Health policy has fascinated Kessler since his days as a graduate student in economics at MIT where he began working with Mark McClellan, who later became the head of Medicare and the commissioner of the FDA. Today, Kessler is a much sought after expert in the field, consulting with corporations, foundations, and the governments of both the United States and Canada.

But it is the Stanford campus that Kessler has called home for the last 15 years as a professor at the Graduate School of Business and, since 2006, a senior fellow at the Hoover Institution. While he studied at Stanford Law and has been a "by courtesy" professor here on occasion, this year he joins the law school faculty teaching a course this winter that brings

says Kessler. "They are so interested in public policy and its implications. They're just a treat to teach." - SHARON DRISCOLL

Joan Petersilia

Adelbert H. Sweet Professor of Law

JOAN PETERSILIA'S

FIRST BRUSH WITH THE LAW CAME WHEN SHE WAS 23 YEARS OLD, studying for her master's in sociology at The Ohio State University. She took a class in criminology from Simon Dinitz, and he arranged for her to do an internship that entailed transporting female prisoners from prison to a halfway house and then spending several nights with them.

After that, she was hooked.

"Until then, I didn't really know what my specialty was going to be," says Petersilia, a criminologist with a background in empirical research and social sciences. "Working with these women, seeing what happened to them while in prison and after—that was the spark."

The daughter of a Pentagon Air Force general, Petersilia grew up during the Vietnam War. Choosing to study social work and sociology, she says, was a way to "balance my family's military background." And she wanted to give something back to society. Over the course of her 30-year career, Petersilia has become the nation's leading scholar in corrections, publishing 11 books and numerous papers—her research fueling discussions throughout the country. A policy junkie at heart, it is what happens to her research and how the data affects public policy that motivates her.

"Studies are only valuable, to me, if they are implemented in the real-world context," says Petersilia, who joins Robert Weisberg '79, Edwin E. Huddleson, Jr. Professor of Law, as faculty co-director of the Stanford Criminal Justice Center. "I don't think my work is done until that's happened."

After receiving her graduate degree in sociology, Petersilia joined the RAND Corporation where she spent 23 years examining correctional issues and eventually heading its criminal justice program. While at RAND, she also finished her doctorate degree in criminology at the University of California, Irvine, and eventually became a member of the faculty there, where she taught PhD students in the School of Social Ecology and was the founding director of UCI's Center for Evidence-Based Corrections.

It was while at Irvine that Petersilia's work came to the attention of California Governor Arnold Schwarzenegger.

"About a week after his election I got a call from someone



Daniel P. Kessler '93, Joan Petersilia, and Michael W. McConnell

together his scholarship in law, economics, and medicine: *Health Care Regulation, Finance and Policy*, which will be cross listed with Stanford School of Medicine's Department of Health Research and Policy. He will also co-teach *Tax Policy* with Joseph Bankman, Ralph M. Parsons Professor of Law and Business.

"I'm thrilled to be part of the law school's efforts to facilitate interdisciplinary work," he says. "This is the direction all law schools should be going. It's fantastic that Stanford Law is doing so much with the other graduate schools on campus. It makes sense."

And he's looking forward to returning to his alma mater to teach law students.

"I've especially enjoyed teaching law students, which I've done here, at Harvard, and at the University of Pennsylvania,"

I knew from my years at RAND asking for my help,” says Petersilia. “Previously, when I’d go visit legislators my reports were on their shelves—just sitting there. So the challenge was to make those reports come alive in this administration.”

Since then, Petersilia has served as a special advisor to the governor, helping to reorganize juvenile and adult corrections and working with the California State Legislature to implement prison and parole reform. And data gathered by Petersilia and her colleagues here at Stanford Law School have influenced major legislation in the state, including AB 900, which covers various aspects of corrections reform, from funding for community corrections to reentry centers, to rehabilitation programs in prison, and more.

“I was there next to the governor when it was signed two years ago. And we had everyone’s agreement on a way to move forward. We were ready,” she says. “And then the bottom fell out of the economy.”

While recognizing the enormity of the corrections problems facing California and all of the states—with the costs to society from its many issues including overcrowding, prisoner addiction, prison violence, and recidivism—Petersilia is undeterred.

“Unbiased data and research is now affecting the debate in a way that it didn’t before,” she says. “And legislators are hungry for the data—they know that the issues facing the corrections system will not just go away.”

Though not a JD herself, Petersilia has been a visiting member of the Stanford Law faculty before and is looking forward to once again sharing her experience and research teaching law students.

“Law students have a sense of public service. And they believe they can do anything,” she says. “And they are so bright. The scholarship produced by the students I taught when I was visiting was incredible, and it is now widely cited.” - SHARON DRISCOLL

Judge Michael W. McConnell

Richard and Frances Mallery Professor of Law

WHEN JUDGE MICHAEL W. MCCONNELL WAS A STUDENT AT

MICHIGAN STATE UNIVERSITY, he had a vague notion

that he might go on to study law—sort of a hunch

that the field would suit him. “My favorite extracurricular

activity was debating. I was actually a state

champion debater in high school. But I didn’t

know any lawyers, so I didn’t have a role model

in the field,” he says.

He majored in political philosophy and economics and was a cub reporter for the Louisville *Courier-Journal* in the summers and a page editor for his college daily. When it came time to

apply to graduate schools, he considered journalism—but also sought advice about the law from the one lawyer he had met—a local whose election McConnell had covered for the paper. That lawyer, Clifford Taylor, advised him that the law could open many doors. Taylor eventually became chief justice of the Michigan Supreme Court—McConnell a federal judge and noted constitutional scholar.

Looking back, it’s clear that McConnell’s hunch paid off and Taylor’s advice was sound. McConnell discovered not only a career that fit, but a great passion for the law—starting with legal studies.

“I’m almost embarrassed to say it, but I actually loved law school, even the first year,” says McConnell, now Stanford Law School’s Richard and Frances Mallery Professor of Law and director of the Stanford Constitutional Law Center. “I guess that makes me a complete law dork—but there you have it.”

After receiving his JD from the University of Chicago in 1979, he first clerked for Chief Judge J. Skelly Wright on the U.S. Court of Appeals for the D.C. Circuit and then for Justice William J. Brennan Jr. at the Supreme Court of the United States. And while he thought he’d eventually practice law at a firm, he then took a position at the Office of Management and Budget as an assistant general counsel and later at the Department of Justice as assistant to the solicitor general—experiences that led him to conclude that his future was in the legal academy.

“My clerkships and government service involved really interesting constitutional questions. I realized that the only way I could continue to pursue this side of law, this scholarship, was as an academic. So I didn’t enter the academy with a strong desire to teach—though I have that now—but wanting to do scholarship,” he says.

He found a base for that scholarship on the faculty at the University of Chicago Law School in 1985 and then at the University of Utah S.J. Quinney College of Law in 1997. Focusing on the religion clauses of the U.S. Constitution, separation of powers, federalism, originalism, and various aspects of constitutional law, McConnell has over the years built a reputation as a preeminent legal scholar—his work widely cited.

His career took an interesting turn when he was nominated by President George W. Bush to a seat on the U.S. Court of Appeals for the Tenth Circuit, which he held from 2002 until this year when he joined Stanford Law’s faculty in August. As to whether he will miss his work on the bench, McConnell is clear:

“I’ve spent the summer both grieving and anticipating,” says McConnell, who will also be a senior fellow at Stanford’s Hoover Institution. “But the truth is that the university is really my first love. And I regard teaching as one of the great joys—perhaps the greatest joy—of academics.” - SHARON DRISCOLL

Promotions

Widely considered the nation's top young scholar in his field,

DANIEL E. HO, Robert E. Paradise Faculty Fellow for Excellence in Teaching and Research, was promoted from assistant to associate professor. He teaches *Administrative Law* and *Statistical Inference in Law* and is an expert in the increasingly important field of empirical legal studies. Ho is impressively prolific, having written nearly 20 articles since joining the law school in 2006—five of which have been singled out for special awards—on such varied topics as media regulation and viewpoint diversity, the impact of war on Supreme Court civil rights and liberties decisions, and the effects of affirmative action.



JULIET M. BRODIE, director of the Stanford Community Law Clinic (SCLC), is now a full professor. Since coming to Stanford Law three years ago, Brodie has reshaped and reinvigorated the SCLC, enriching the kinds of work Stanford Law students do and enlarging the clinic's historic role in the surrounding area. She writes about the role of law school clinics in developing and testing new models of legal services delivery and on the role of community-based clinics in training lawyers to maintain the profession's commitment to access to justice.



A leading Supreme Court litigator and nationally recognized expert on criminal procedure, **JEFFREY L. FISHER**, co-director of Stanford's Supreme Court Litigation Clinic, has been renewed for an additional term in anticipation of being promoted to full professor in three years. Fisher has argued and won numerous cases before the Court, including the landmark case of *Blakely v. Washington* (which held the Sixth Amendment right to a jury trial applicable to sentencing guidelines). In addition to his teaching and practice concerning the Supreme Court, Fisher has published several articles on criminal and constitutional issues. One measure of his achievements: In 2006, *The National Law Journal* named him one of the 100 most influential lawyers in America (the group's youngest member); in 2007, *The American Lawyer* chose him as one of its "Fab 50 Litigators Under 45"; and in 2008, *California Lawyer* recognized him as one of its "lawyers of the year."



A legal scholar and entrepreneur with expertise in corporate governance, corporate finance, and immigration law, **F. DANIEL SICILIANO '04** was promoted to senior lecturer in law and associate dean for executive education and special programs. In addition to teaching, Siciliano has been instrumental in the success of the law school's many executive education and special programs and assumes a variety of leadership roles, including director of the Arthur and Toni Rembe Rock Center for Corporate Governance. Previously, he was the executive director of the Stanford Program in Law, Economics & Business, and a teaching fellow in Corporate Governance & Practice.



Retirements

This year, two long-standing members of the Stanford Law School community retired.

Thomas C. Heller, Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies, has accepted emeritus status, though he will remain at Stanford and continue teaching. And **Miguel A. Méndez**, Adelbert H. Sweet Professor of Law, is moving to UC Davis.

A polymath who has taught and written in numerous fields since he joined the faculty in 1979, Thomas Heller has become something of an academic globe-trotter in recent years. He is sought for conferences throughout the world, advises political leaders on every continent, and was intimately involved in the United Nations Intergovernmental Panel on Climate Change, which earned the Nobel Peace Prize two years ago. On campus, he has influenced generations of young lawyers through the Stanford Program in International Legal Studies (which he co-founded with Lawrence Friedman in 1996), as director of the Rule of Law Program, and as a senior fellow at Stanford's Freeman Spogli Institute for International Studies.

Miguel Méndez has been a scholar and teacher at the forefront of evidence law, having published four books and more than 30 articles on the California and Federal Rules of Evidence Codes. Before coming to Stanford in 1977, he was deputy public defender in the Monterey County Public Defender's Office, deputy director of California Rural Legal Assistance, and a staff attorney for the Mexican American Legal Defense and Educational Fund. Earlier, Méndez clerked for the U.S. Court of Federal Claims and was a legislative assistant to U.S. Senator Alan Cranston (BA '36). Countless students have named him among their most admired teachers.

VISITING FACULTY

Michael Asimow

UCLA SCHOOL OF LAW
Visiting Professor of Law Michael Asimow brings to Stanford Law decades of experience teaching *Contracts*. He is a professor of law emeritus at UCLA Law School, where he has been a member of the faculty since 1967. He is an expert in the fields of administrative law and the portrayal of law in popular culture. Asimow holds a BS from UCLA and a JD from UC Berkeley.

Daphne Barak-Erez

TEL AVIV UNIVERSITY, THE BUCHMANN FACULTY OF LAW
Daphne Barak-Erez comes to Stanford Law this fall as the Leah Kaplan Visiting Professor of Human Rights and will teach *Law and Terrorism*. She is a Stewart and Judy Colton professor of law at Tel Aviv University's Buchmann Faculty of Law, where she specializes in administrative and constitutional law. She is a member of the Council of Higher Education in Israel, the American Law Institute, and the International Academy of Comparative Law. She has an LLB, LLM, and JSD from Tel Aviv University.

Jared R. Curhan

MIT SLOAN SCHOOL OF MANAGEMENT
Jared R. Curhan is a visiting associate professor of law from MIT Sloan School of Management where he specializes in negotiation and conflict resolution. He is teaching an *Interdisciplinary Research Seminar on Negotiation and Decision Making*. Curhan's current research uses the subjective value inventory (a measure he developed) to examine precursors, processes, and long-term effects of subjective value in negotiation. He received degrees in psychology from Harvard (BA) and Stanford (MA '99, PhD '01).

Siegfried Fina

UNIVERSITY OF VIENNA SCHOOL OF LAW
Siegfried Fina is a visiting professor of law from the University of Vienna School of Law, where he is an

associate professor of European Union law and technology law. He is teaching *European Union Law*. No stranger to Stanford, Fina is co-director of the Transatlantic Technology Law Forum at Stanford Law and a research affiliate with the Forum on Contemporary Europe of the Freeman Spogli Institute for International Studies at Stanford University. He is an expert in business-related and technology-related law and policy of the European Union as well as legal aspects of the EU-US trade and economic governance issues of the trans-Atlantic marketplace. Fina received his LLM and JD from the University of Vienna School of Law, where he also earned a postgraduate diploma in international law.

James L. Gibson

WASHINGTON UNIVERSITY IN ST. LOUIS
James L. Gibson comes to the law school from Washington University as the James B. McClatchy Visiting Professor. He is teaching *Law and Society* and *Transitional Justice*. Some of his current scholarship focuses on the consolidation of democratization in Russia; political tolerance, justice, and the initiation of democratic reform in South Africa; and the legitimacy of judicial and legal institutions throughout the world. He earned a BA from Emory University and an MA and PhD from the University of Iowa.

Robert W. Gordon

YALE LAW SCHOOL
Robert W. Gordon returns to Stanford Law from Yale Law School this year as an Edwin A. Heafey, Jr. Visiting Professor. He is teaching *Modern American Legal Thought* and the *Legal Studies Workshop*. Gordon's areas of expertise include contracts, American legal history, evidence, the legal profession, and law and globalization. He was a member of Stanford Law School's faculty from 1982 to 1995. He holds both a BA and a JD from Harvard Law School.

Adriaan Lanni

HARVARD LAW SCHOOL
Visiting Assistant Professor of Law Adriaan Lanni is at Stanford Law in the fall to teach *Criminal Law*. She is an assistant professor at Harvard Law School and holds a BA from Yale and JD from Yale Law School, a master of philosophy degree from Cambridge, and a PhD in history from the University of Michigan. Her research interests include ancient law, criminal law and procedure, and the jury.

Donald J. Lewis

UNIVERSITY OF HONG KONG FACULTY OF LAW
Donald J. Lewis will be a visiting associate professor of law this winter, teaching *Trade and Investment in China*. He is also an associate professor at the University of Hong Kong, convenor of the Chinese Law Research Group, and a fellow of the HKU Institute for China and Global Development. His research has focused on Chinese law, trade and investment law in the People's Republic of China, international trade law, and Asian law and development. Lewis received his BA from the University of Southern California, his JD from Emory University, and his LLM from the University of London, School of Oriental and African Studies.

Rogelio Pérez-Perdomo

UNIVERSIDAD METROPOLITANA IN CARACAS
Professor Pérez-Perdomo is a visiting faculty member from Universidad Metropolitana in Caracas, Venezuela, where he is dean of the Faculty of Juridical and Political Studies. He is teaching *Law in Latin America* and, in conjunction with Professor Lawrence M. Friedman, the *SPILS Law and Society Seminar* in the fall.

Leo M. Romero

UNIVERSITY OF NEW MEXICO SCHOOL OF LAW
Leo M. Romero is a Herman Phleger Visiting Professor, visiting from the University of New Mexico School of Law where he recently served as acting dean. He is teaching *Evidence*. Romero received a BA from Oberlin College, a JD from Washington University, and an LLM from Georgetown University.

His scholarship focuses primarily on criminal law and judicial selection issues.

William Simon

COLUMBIA LAW SCHOOL
A Herman Phleger Visiting Professor this year, William Simon returns to Stanford Law as a visitor from Columbia Law School this autumn, teaching *Professional Responsibility Issues in Business Practice* and *Reconstructing the Administrative State: Theory and Practice of Regulatory and Welfare Return*. He was on Stanford Law's faculty from 1981 to 2003, first as the Kenneth and Harle Montgomery Professor of Public Interest Law and then the William W. and Gertrude H. Saunders Professor of Law. His research interests include professional responsibility, corporations, and foundations of regulatory state. Simon holds a BA from Princeton and a JD from Harvard Law School.

George G. Triantis

HARVARD LAW SCHOOL
Harvard Law School's Eli Goldston Professor of Law George G. Triantis visits this year to teach *Bankruptcy*. His teaching and research have focused upon bankruptcy, commercial transactions, contracts, and corporate finance. He has degrees from the University of Toronto (JD and BA), University of Virginia School of Law (LLB), and Stanford Law School (JSD '89).

Jonathan Zittrain

HARVARD LAW SCHOOL
Jonathan Zittrain is also visiting from Harvard Law School, returning this year as an Edwin A. Heafey, Jr. Visiting Professor. He will teach *Torts* in the fall and an innovative joint course with Harvard Law students *Cyberlaw: Difficult Problems* in the winter. Zittrain's research interests include digital property, electronic privacy, technology in education, cyberlaw, intellectual property, torts, trademark, privacy, electronic commerce, Internet governance, and the role played by private "middlepeople" in Internet architecture. He holds degrees from Yale (BS), Harvard Law School (JD), and the Harvard University John F. Kennedy School of Government (MPA).