



Henry J. Fletcher
Law Review Founder

Law Review Honors Its First Distinguished Alumni



Richard Lareau, William Canby, Joyce Hughes, Walter Mondale, and Stanley Efron.

Seventy alumni joined guests, faculty, and current members at the Law Review banquet

On April 21, 2005, seventy alumni, several guests, and Law School faculty joined current *Law Review* members at the journal's annual banquet.

Former Vice President **Walter Mondale** (vol. 39), gave the evening's keynote address.

The *Law Review* also presented its inaugural Distinguished Alumni awards to five recipients: **Hon. William Canby** (vol. 39-40), Ninth Circuit Court of Appeals; **Stanley Efron** (vol. 36-37), Henson & Efron; Professor **Joyce Hughes** (vol. 48-49), Northwestern University; **Richard Lareau** (vol. 35-

36), Oppenheimer, Wolff & Donnelly; and **Mondale**, now of Dorsey & Whitney. Gray Plant Mooty sponsored the awards.

The banquet witnessed the fifty-year reunion of volume 39 of the *Law Review*. Eight members attended to share memories and to honor their colleagues Canby and Mondale.

The highlight of the evening was Mondale's speech. He spoke eloquently about his experience at the Law School and the role of its graduates in advancing civil rights, liberties, and political participation. He noted the accomplishments of volume

39's members and acknowledged two other judges of the volume, **Mary Jeanne Coyne** (vol. 39-40) and **Harry MacLaughlin** (vol. 39).

BANQUET, page 4

Law Review Advisory Board Launched

Reflecting its long history, volume 89 created the *Law Review* Alumni Advisory Board. The board's mission is to keep alumni connected through communication and events, provide advice to the current volume, and encourage financial support of the *Law Review* and the Law School.

This newsletter is one of the board's first steps to keep alumni better connected. The board is also promoting the annual banquet, set for April 6, 2006, at the Grand Hotel in Minneapolis. The advisory board's members are:

- Mary Patricia Byrn** (vol. 86-87)
- Philip Garon** (vol. 55-56)
- Blaine Harstad** (vol. 39-40)
- Ann Huntrods** (vol. 64-65)
- Matthew Krueger** (current EIC)
- Ryan Miske** (vol. 88-89)
- Hon. Diana Murphy** (vol. 57-58)
- Jayna Paquin** (vol. 86-87)
- James Poradek** (vol. 81-82)
- Mary Ranum** (vol. 66-67)
- Eileen Scallen** (vol. 69-70)
- Hon. John Simonett** (vol. 34-35)
- Ryan Stai** (vol. 88-89)
- Robert Stein** (vol. 44-45)
- Madge Thorsen** (vol. 60-61) 

Minnesota Law Review
University of Minnesota Law School
255 Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455

Nonprofit Org.
U.S. Postage
PAID
Mpls., MN
Permit No. 155

RETURN SERVICE REQUESTED

Catching Up With...

Polly Nelson

Volumes 67-68



Polly Nelson's first client was almost her last. She had just agreed to assist a client facing the death penalty. "Remember Ted Bundy?" her law partner asked. Bundy had been convicted for killing three women in the early 1980s and sat on death row as the nation's most famous serial killer.

Polly was Bundy's attorney for three years, filing stays of execution and appeals in the postconviction phase of his case. She never disputed Bundy's guilt; she later wrote that it was "not a tragedy that Ted died for his crimes – he was not falsely accused." But "in seeking to prevent the killing of a person," Polly said, "I felt I was fulfilling a lawyer's highest calling."

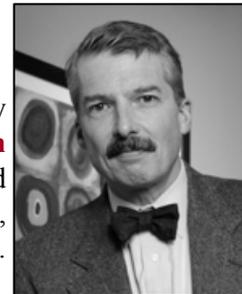
After receiving two stays, Bundy was ultimately executed in 1989. "We had the better arguments, filed the better briefs," Polly remarked. "But we never got a real hearing. The courts preferred to make bad law rather than risk public outrage."

Disappointed with law, Polly did not practice for ten years following Bundy's execution. Her friends then started a business, and she agreed to help with the legal work. This led to in-house counsel positions with various technology companies. "I love being part of business strategizing and negotiation," Polly said. "It's creative and intriguing, no lives are at stake, and no great moral or constitutional principles are involved. But I will never be as proud to be a lawyer as I was when I fought to prevent an execution."

Read Polly's story in *Defending the Devil: My Story as Ted Bundy's Last Lawyer*. //

Thomas Newcomb

Volumes 59-60



Law Review alumni have a long history of partisan political involvement. **Tom Newcomb** is one of the few to have served in all three branches of government. Yet, even as he advised President George W. Bush, Tom "really wasn't very political."

Prior to law school, Tom served in Vietnam as a sergeant in the 101st Airborne. He was a trial attorney for five years, until his commitment to his country called again. He spent seventeen years with the CIA, stationed throughout Europe and Africa conducting Cold War and counterterrorism operations, before returning to serve as CIA assistant counsel. He spent three years with the House Select Committee on Intelligence, and then three more as a lawyer at the Justice Department.

In his most recent role, Tom served as Special Assistant to the President for National Security Affairs. While he directly served the National Security Advisor – "Dr. Rice's threat guy" – he was the point person on potential terrorist threats. "I knew," he reflected, "that if we were attacked in the run-up to the national election, I'd have the tail pinned on me." He spent Election Day worried about "nuts with hand grenades." His impression of President Bush? "Extraordinarily kind and courteous."

Having now "run the table" in government, Tom has turned to teaching about terrorism, intelligence, and diplomacy at Tuffin University in Ohio. "I've dedicated my life to this wonderful country and am talking to the next generation about the value and rewards of public service." //

Katherine Kersten

Volume 65



As a former think-tank fellow and current *Star Tribune* newspaper columnist, **Katherine Kersten** has turned her *Law Review* experience into a career.

Katherine practiced at a private law firm before leaving the workforce to raise her four children. (Her husband is **Mark Johnson**, vol. 64.) She became involved in Central American issues and formed an advocacy group to promote democracy in the region. She began submitting commentary pieces to the *Star Tribune*, eventually joining the paper's Board of Contributors. She wrote bimonthly opinion pieces for eight years.

At the same time, Katherine met Mitch Pearlstein, an editor of St. Paul's *Pioneer Press*. She joined Pearlstein's Center of the American Experiment, launching her public-policy career. She chaired the Center and spent another six years as its Senior Fellow for Cultural Studies. In 2004, she left the Center

to work full-time as the *Star Tribune's* metro/state columnist.

Katherine brings a strong conservative voice to the state's largest newspaper. Her columns are predictably followed by opposing and often critical responses. But being the most popular target of letters-to-the-editor does not affect her. "The *Star Tribune's* management understands that the paper is strengthened by the diversity of ideas I try to bring," she said.

So, did the *Law Review* contribute to her career success? "Without a doubt," Katherine replied. "*Law Review* service adds credibility, I think, when speaking in business settings. It also developed a passion for accuracy and a focus on documentation that helped me significantly in writing the extensive studies I carried out while at the Center."

Katherine's column appears Mondays, Thursdays, and occasional Saturdays in the Star Tribune (www.startribune.com/kersten). //

Special thanks to **Angela Behrens** (vol. 88-89), **Matt Krueger** (vol. 89-90), **Sarah McLaren** (vol. 88-89), **Eliot Wrenn** (vol. 87-88), and the alumni advisory board for assistance in producing this newsletter.

Stein Returning to Minnesota

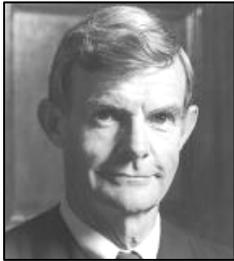
After twelve years, **Robert Stein** (vol. 44-45) will step down as Executive Director and Chief Operating Officer of the ABA in August 2006. Under Stein, the ABA surpassed 400,000 members, diversified its leadership, expanded its international influence, and upgraded facilities in Chicago and Washington.

Before the ABA, Stein had a distinguished career at the Law School. He joined the faculty in 1964

and served as its dean from 1979 to 1994. Stein is the University of Minnesota Alumni Association National President and currently serves on the *Law Review* alumni advisory board. He will likely return to academia when he leaves the ABA. //



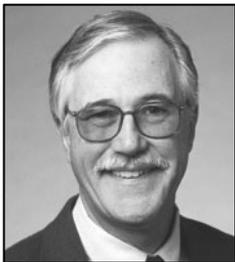
As the Supreme Court begins the John Roberts era, we highlight alumni who clerked for its justices:



Hon. William Canby (vol. 39-40)
Ninth Circuit Court of Appeals
Justice Charles Whittaker, 1958-59



Norris Darrell (vol. 6-7)
1899-1989
Justice Pierce Butler, 1924-25



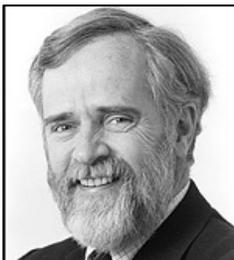
James Hale (vol. 48-49)
Former Exec. V.P. and Gen. Counsel, Target Corp.
Chief Justice Earl Warren, 1965-66



Tim Kelly (vol. 56-57)
Partner, Kelly & Berens, Minneapolis
Chief Justice Warren Burger, 1974-75



Scott Knudson (vol. 65-66)
Shareholder, Briggs & Morgan, Minneapolis
Justice William Rehnquist, 1983-84



Allan Ryan (vol. 53-54)
Director of IP, Harvard Bus. Sch. Pub.
Justice Byron White, 1972-73



Douglas Winthrop (vol. 74-75)
Director, Howard Rice, San Francisco
Justice John Paul Stevens, 1992-93

The Editor's Desk

Volume 90 of the *Law Review* is proceeding splendidly. The Articles Department has selected twenty stellar professional pieces from nearly 1,800 submissions. The Managing Department is polishing the manuscripts and diligently applying the newly released 18th edition of the Bluebook. And the Note and Comment Department is shepherding staff members through the grueling but rewarding task of writing a piece of original legal scholarship.

We are particularly pleased that the *Law Review's* first article is from retired Professor Donald Marshall. Professor Marshall taught over 6,000 students in his thirty-six years at the Law School before retiring this past spring. His exacting teaching methods and love of the law have inspired generations of *Law Review* members. As a tribute to his career, volume 90 will feature his lecture, "Socratic Method and the Irreducible Core of Legal Education."

Another highlight of the volume was our symposium, "The Future of the Supreme Court: Institutional Reform and Beyond," in October. As the Court changes, scholars are increasingly questioning how the Court accepts cases, the selection and composition of its members, and its power relative to the other branches of government. The symposium fostered useful discussion of these issues from leading scholars of the Court, including Kenneth Starr (Pepperdine), Steven Calabresi (Northwestern), Angela Onwauchi-Willing (UC-Davis), Mark Tushnet (Georgetown), and Adrian Vermuele (Chicago).

Finally, volume 90 is already planning the annual banquet, set for April 6, 2006, at the Grand Hotel in downtown Minneapolis. We are excited to continue the tradition of honoring the journal's annual success and our distinguished alumni. Announcements of this year's honorees and invitations to the banquet will be sent in February. //

Matt Krueger is the editor-in-chief of volume 90. He will clerk next year for Judge Paul Niemeyer, Fourth Circuit Court of Appeals.





Perhaps Robert Street in St. Paul (Minn.) should be renamed in honor of the Law Review. Construction of the **Orville L. Freeman Office Building** (left) will be completed this fall. Across the street sits the **Harold E. Stassen Office Building** (right). Both Freeman (vol. 25) and Stassen (vol. 12) served as governors of Minnesota.



BANQUET, continued

Colleague **Gerry Mahoney** (vol. 38-39) introduced Mondale by highlighting his career. The presenter of the alumni awards reminded the crowd of Mondale's appearances in the Law School's student-produced musical, commenting that "he's the best actor to have ever run for president."

Lareau and **Alyn Bedford** (vol. 87-88) presented the annual writing awards to several current *Law Review* members.

Jana Bruder (vol. 88-89), now at Dorsey, chaired the banquet com-

mittee.

"The banquet was a success, both in recognizing the current volume and honoring the *Law Review's* past," said **Stacy Bettison** (vol. 82-83). "Hopefully this tradition, and alumni attendance, will continue."

Mondale summed up the evening's general mood: "I love the University. And I love the *Law Review*." //

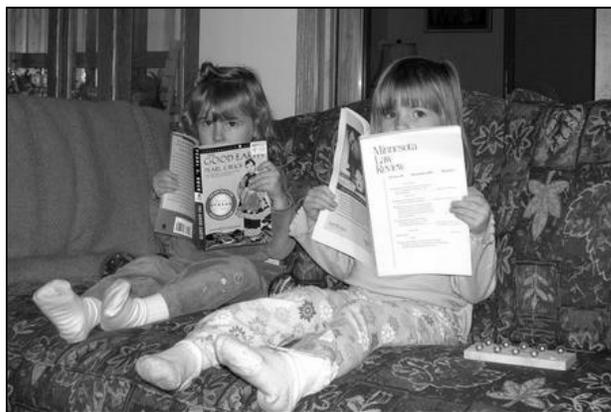
Walter Mondale smiles while delivering the keynote address.



Whitney Nominated as Ambassador

The Senate unanimously confirmed **Ben Whitney** (vol. 70-71) as ambassador to Norway. Whitney is a Minnesota businessman and Republican-party activist. He served as executive director of President Bush's reelection campaign in Minnesota and as Sen. Norm Coleman's 2002 campaign manager. Whitney will be the second *Law Review* alumnus to serve as ambassador. **Walter Mondale** (vol. 39) was ambassador to Japan during the Clinton administration. //

Below, Zach Crain's (vol. 88-89) niece scrutinizes the latest issue of the Minnesota Law Review.



The Fletcher Files is published twice annually. Send news, articles for submission, updated contact information, or general feedback to **Ryan Stai**, 2414 Buchanan Ave NE, Minneapolis, MN 55418 or stai0015@umn.edu. The submission deadline for the spring 2006 issue is January 10, 2006.

The *Law Review's*
annual banquet

April 6, 2006
The Grand Hotel
Minneapolis

Nominate
distinguished
alumni at

[www.law.umn.edu/
lawreview/](http://www.law.umn.edu/lawreview/)

Deadline is January 20th

"Law Review Board Students: A class by themselves, especially the president and the editors. Are to be revered, but are mostly laughed at."

- *The Gopher* (1921), the University's yearbook

Alumni News

Stacy Lynn Bettison (vol. 82-83) is the Communications and Development Director at the Minnesota Arboretum.

Mary Patricia Byrn (vol. 86-87) is a Visiting Professor at the Law School.

Joseph M. Finley (vol. 63-64) has been elected president of Leonard, Street and Deinard, Minnesota's third-largest law office. Joe has been with Leonard Street since 1980.

Susan D. Franck (vol. 81-82) has joined the University of Nebraska Law School as an Associate Professor.

Douglas E. Lahammer (vol. 72-73) was elected as a fellow in the American College of Mortgage Attorneys.

Daniel D. Polsby (vol. 54-55) is the new dean of George Mason University School of Law.

In Memoriam

James P. Larkin, vol. 38

February 26, 2005, Minneapolis

John S. MacEachern, vol. 83-84

February 11, 2005, Minneapolis

Lawrence A. Marsden, vol. 26-27

June 12, 2005, North Carolina

Hon. Harry H. MacLaughlin, vol. 39

May 3, 2005, Minneapolis

Donald E. Nelson, vol. 14-15

January 28, 2005, Minneapolis

Norman L. Newhall, vol. 23

February 5, 2005, Minneapolis

John S. Pillsbury, vol. 23-24

March 28, 2005, Minneapolis

Virginia Ritt Fabian, vol. 22-23

August 13, 2005, San Francisco