



Henry J. Fletcher
Law Review Founder

Heilman and Price to be Recognized at Annual Banquet

Cheryl Heilman (vol. 64–65), is a Wisconsin native and was President of Volume 65. She has built a distinguished career in the public and non-profit sectors in her adopted home of Minnesota. Early in her career, Cheryl clerked for three federal district and circuit court of appeals



judges: Earl Larson, Gerald Heaney, and **Diana E. Murphy** (vol. 57–58). After spending several years at a private firm in Boston, Massachusetts, Cheryl returned to Minnesota where she spearheaded environmental enforcement at the Minnesota Attorney General's Office and worked on the state's team for the landmark tobacco litigation. In the non-profit sector, Cheryl led programs for the Council on Crime and Justice to address rural violence and improve the juvenile justice

(Continued on page 4)

The **Distinguished Alumni Award**, established in 2005, recognizes the accomplishments of past journal members.

Continuing the tradition for a seventh year, the Volume 96 board has selected Joseph Price and Cheryl Heilman to each receive the award at this spring's annual banquet.

This year marks the tenth, twenty-fifth, and fiftieth anniversaries of volumes 86, 71, and 46. All alumni are welcome as always, but attendance by members of the three anniversary volumes is highly encouraged.

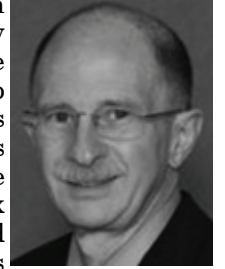
Annual Law Review Banquet Thursday, April 5, 2012

Windows on Minnesota, IDS Center
Downtown Minneapolis

Cocktail Reception 5:30 p.m.
Dinner & Program 6:30 p.m.

For information & table reservations, contact:
mnlawrev@umn.edu or 612-625-9330.

Joseph M. Price (vol. 55–56) started practice with Faegre & Benson LLP in 1972 and is now the senior partner in the general litigation group at Faegre Baker Daniels LLP. His practice focuses almost exclusively in the areas of complex litigation, mass tort and class action products liability defense, especially litigation involving medical devices and pharmaceuticals.



Joe's experience includes litigation involving intrauterine devices, mammary implants, orthopaedic prostheses, urologic implants, cardiovascular devices, a wide variety of prescription and over-the-counter drugs and various chemicals. He has tried cases in Minnesota, Texas, Florida, Massachusetts, Wisconsin and North Dakota.

Joe has managed the defense of prominent

(Continued on page 4)

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

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

Catching Up...

Robert E. Beck Volumes 42–43

Robert E. Beck is a Professor of Law Emeritus at Southern Illinois University. After graduating from the Law School in 1960, Professor Beck spent two years practicing law as an associate at Felhaber, Larson & Fenlon in St. Paul, Minnesota and then became an Associate Professor at the University of North Dakota in 1962. While still teaching at the University of North Dakota, Professor Beck received an LL.M. from New York University School of Law in 1966 and attended two non-degree programs at the Institute for Advanced Legal Studies in London, England in 1971 and the University of Manchester in Manchester, England in 1974. Starting in 1976, Professor Beck became a professor of law at Southern Illinois University School of Law and in 2002 came to his current position as Professor of Law Emeritus.



Professor Beck's scholarship focuses on the broader discipline of natural resources law, but he has been noted for his scholarship in water law, oil and gas law, mining law, environmental law, and energy law, each considered highly specialized and discrete bodies of law. From 1991 through 2008, Professor Beck served as Editor-in-Chief of the leading multi-volume law treatise, *Waters and Water Rights*, while simultaneously lecturing and writing on all topics related to natural resources law. To date, Professor Beck has written or co-written six books, upwards of thirty reports to federal and state authorities, several book chapters, and more than fifty articles published in law reviews and specialty journals around the country.

Beyond simply writing articles, however, Professor Beck has dedicated himself to teaching students the practice of law. Professor Beck received the Chester Fritz Distinguished Professorship and Professor Emeritus awards in 1975 and 1987, respectively, and the Clyde O. Martz Teaching Award in 2007. //

C. Michael Hurley Volumes 63–64

C. Michael Hurley is best known for co-authoring The 9/11 Commission Report and for his critical role in the hunt for Osama bin Laden. Although it is fair to say his career trajectory has been unique among *Law Review* alumni, he credits his *Law Review* experience with imparting skills and lessons that have served him in all of his endeavors.

Hurley practiced at the Twin Cities firm of Doherty, Rumble, & Butler before embarking on a twenty-five year career with the CIA which included multiple tours of duty (including Haiti, Bosnia, and Kosovo) and various senior management positions. He served on the National Security Council at the White House in 1989 and again in 2000 as Director of Southeast European Affairs. He has been a special advisor on counterterrorism to the Special Envoy for Middle East Regional Security focusing on the Israeli-Palestinian peace process.

Following the September 11, 2001, terrorist attacks, Hurley transferred to the CIA's counterterrorism center and joined a unit focusing exclusively on finding bin Laden. He was deployed to Afghanistan for three tours of duty as part of that effort.

When his final tour ended, Hurley returned to his home in Falls Church, Virginia, and joined the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) as senior counsel and team leader. He co-authored *The 9/11 Commission Report*, which



Barry C. Feld Volumes 52–53

Barry C. Feld is Centennial Professor of Law at the University of Minnesota Law School and one of the nation's leading scholars of juvenile justice. His voluminous scholarship on juvenile justice and criminal procedure issues includes, most recently, co-editing *THE OXFORD HANDBOOK OF JUVENILE CRIME AND JUVENILE JUSTICE* (Oxford University Press 2011).



After law school, Professor Feld earned his Ph.D. in sociology from Harvard University, where he was a Russell Sage Foundation Fellow in Law and the Social Sciences. Professor Feld joined the Law School faculty in 1972. He has since been a visiting scholar at the National Center for Juvenile Justice, a Reporter for the American Bar Association-Institute of Judicial Administration Juvenile Justice Standards Project, a member of the Minnesota Department of Corrections Special Committee on Serious Juvenile Offenders, the Minnesota Supreme Court Advisory Committee on Legal Representation of Juveniles, and the American Bar Association's Juvenile Justice Due Process Advisory Board. He is a member of the American Law Institute and a Fellow of the American Society of Criminology. He has taught at Uppsala University, Sweden, and has been a Visiting Fellow at the Department of Criminology, University of Melbourne, and the Netherlands Institute for Study of Crime and Law Enforcement, Amsterdam, Netherlands.

In 2008, Professor Feld received the American Bar Association's Livingston Hall Award, which recognizes "lawyers practicing in the juvenile delinquency field who have demonstrated a high degree of skill, commitment, and professionalism in representing their young clients."

While on the *Law Review*, the politically active and passionate Feld was assigned to write a case comment on the negotiability of postal money orders under the UCC. This topic—which he describes as the least interesting he could imagine at the time—was assigned as a test of his commitment to the *Law Review*. Apparently he passed the test, as he was chosen as Note and Comment Editor the following year. His work on postal money orders was published, as was his student note on due process in university disciplinary proceedings (a subject closer to his heart).

The relationships Professor Feld formed on the *Law Review* continue to this day, and he feels a "special kinship" with his fellow board members. Professor Feld credits his *Law Review* experience for a lesson that has infused his writing ever since—good writing requires a thesis that the author believes is important. He continues his service to the *Law Review* today by helping staff members select student note topics and reviewing their drafts. //

became a national bestseller and was one of five finalists for the National Book Award in 2004.

Hurley is now the president of his own consulting firm, Team 3i, and lectures on national security and counterterrorism strategy around the world.

Hurley has brought his *Law Review* experience to bear throughout his career. Assuming responsibility for producing a major legal publication taught him discipline that has served him ever since. The attention to detail and understanding of the publishing process he developed on the *Law Review* were particularly valuable to his leadership in drafting *The 9/11 Commission Report*. The interpersonal and collaborative skills he developed on the *Law Review* have also been invaluable to Hurley, and the friendships he formed with fellow board members (including United States District Court Judge **John R. Tunheim** (vol. 64–65)) remain strong to this day. //

Politics and Law Mix at Last Fall's Symposium

The *Law Review* hosted leading academics, political scientists, and practicing attorneys from across the country on October 21, 2011 for its annual symposium, entitled “*Citizens United: Democracy Realized—or Defeated?*” An engaged audience packed Room 25 of the law school to discuss the U.S. Supreme Court’s landmark campaign-finance decision, *Citizens United v. Federal Election Commission*.

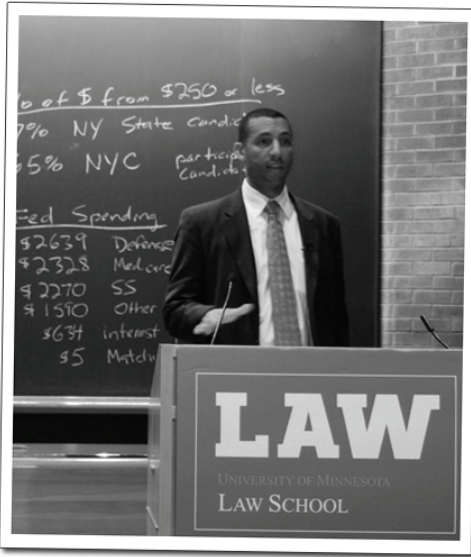
The first panel, “*Citizens United: Right or Wrong?*” was composed of Professors Richard Briffault (Columbia Law School) and Guy-Uriel Charles (Duke University School of Law) and campaign finance attorney Cleta Mitchell (Foley & Lardner L.L.P.). Panelists debated the merits of the controversial decision, and discussion topics included the court’s level of deference, the effects of disclosure, and the Court’s framework of democratic politics.

The second panel, “Don’t Look Now! *Citizens United: An Empirical Analysis?*” featured Professor of Political Science Kenneth Goldstein (University of Wisconsin-Madison) and administrative and regulatory attorney Mike Wittenwyler (Godfrey & Kahn, S.C.). Goldstein and Wittenwyler analyzed how the composition, targeting, and tone of political advertising has changed over the last three midterm contests to better understand the current state of political speech, political competition, and political parties.

The final panel, “After *Citizens United* is Campaign Finance Reform a

Phoenix—or the Titanic?,” addressed the decision’s effects and the future of campaign financing. James Bopp, Jr., campaign finance attorney and lead counsel for *Citizens United* in the lower courts, discussed his view that judicial elections preserve judicial independence and enhance judicial accountability. Professor Spencer Overton (George Washington University Law School) proposed a paradigm shift, arguing that public financing should no longer aim to purge money from politics, but should encourage citizens to participate in financing politics.

Articles by Briffault, Charles, Goldstein and Wittenwyler, and Mitchell will be published in Issue 5, the symposium issue, of Volume 96. Visit the *Law Review* website for audio and video recordings of the symposium speakers and panels. //



“MINN. L. REV.” NOW A TOP TEN CITATION

The *Law Review* received a combined score ranking of 10 out of 1,621 law journals in the most recent released statistics from Washington and Lee School of Law.

The rankings are based on the number of citations to each journal since 2004. Before the 2011 rankings, the *Law Review* had fluctuated between number 14 and number 16, making the jump to no. 10 that much more impressive.

Congratulations are in order to recent volumes as the “currency-factor” attributed to the *Law Review* increased from 10 in 2010 to 5 in 2011. That measure is based on how many cita-

tions are generated by a journals articles within three years of publication.

The Harvard Law Review, Columbia Law Review, Yale Law Journal and Stanford Law Review each held on to the top four rankings for a fourth consecutive year.

In reaching number 10 the *Law Review* passed the UCLA Law Review, New York University Law Review, Georgetown Law Journal, Northwestern University Law Review and Cornell Law Review, each of which out-ranked it for 2010. //

Congratulations to past and current members on continuing to enhance the *Law Review* legacy!

Editor's Desk

It has been a great year so far for Volume 96! The staff have finished their last citechecks and turned in the final drafts of their student Notes and Comments, which means they are done for the year! Meanwhile, our editors are hard at work putting the finishing touches on our spring issues, including our forthcoming Symposium Issue, featuring articles from our very successful 2011 Symposium on *Citizens United* and money in politics.



Volume 96 will include 44 pieces in total, including 27 Articles or Essays from professional authors and 17 Notes by *Law Review* members.

The Law School faculty approved our proposal to increase the number of credits received by Article Submission Editors, which now means all editorial positions receive the same number of credits. This was an important reform to help recognize the important work in our Articles Department and also to help us redistribute work as needed between departments.

For both this year and next year, we have focused on outreach to first year law students to increase enthusiasm for joining one of the school’s five law journals and help share information about the petitioning process. Due in part to this outreach, interest in joining *Law Review* remains high among first year law students and we are confident we will continue to have a great selection of applicants to choose from for future volumes.

Under the leadership of incoming Editor-in-Chief **Chris Schmitter** (vol. 96) the *Law Review* has created a new Alumni and Development Committee to increase outreach between current members and our strong alumni community. Incoming editors **Jay Creagh** (vol. 96) and **Paul Shneider** (vol. 96) are this committee’s first chairs.

Everyone on *Law Review* is looking forward to the Banquet on Thursday April 5—it is always a great time to meet alumni and look back on the times we have shared. I hope you will join us this year! //

Matthew J.M. Pelikan is
editor-in-chief of Volume 96.

MINNESOTA LAW REVIEW ALUMNI ADVISORY BOARD

OFFICERS

- Rachel Clark Hughey** (vol. 86–87),
President
- Kevin O'Riordan** (vol. 91–92),
Vice President
- Morgan Holcomb** (vol. 85–86),
Secretary

MEMBERS

Term Ending 2012

- David Doty** (vol. 44–45)
- John Hartmann** (vol. 70–71)
- Rachel Hughey** (vol. 86–87)
- David Potter** (vol. 63–64)
- Allen Saeks** (vol. 38–39)

Term Ending 2013

- Jeannette Arazi** (vol. 82–83)
- Morgan Holcomb** (vol. 85–86)
- Ronald Schutz** (vol. 65)
- Clinton Schroeder** (vol. 38–39)
- Andrew Shoenthal** (vol. 86–87)
- John Tunheim** (vol. 63–64)

Term Ending 2011

- Dulce Foster** (vol. 81–82)
- Philip Martin** (vol. 47–48)
- Kevin O'Riordan** (vol. 91–92)

Volume 96 Editor-in-Chief

- Matthew J.M. Pelikan** (vol. 95–96)

The *Fletcher Files* is published twice annually.

Send news, articles for submission, updated contact information, or feedback before August 15, 2012 for inclusion in the fall issue.

Editors

- Joshua Colburn** (vol. 90–91)
joshua.colburn@faegreb.com
- David Leishman** (vol. 89–90)
dleishman@mcguirewoods.com

Issue Contributors

- Matthew J.M. Pelikan** (vol. 95–96)
- Margaret Wade** (vol. 95–96)
- Reed Schuster** (vol. 94–95)
- Daniel Iden** (vol. 95–96)
- Christina McSparron** (vol. 95–96)

Alumni News

Stephen C. Aldrich (vol. 54–55) retired as a District Court Judge for the Fourth District of Hennepin County in October 2010 and has joined the Gilbert Mediation Center, Ltd.

Alain M. Baudry (vol. 70–71) is now the Litigation Practice Group leader at Maslon Edelman Borman & Brand.

Thomas W. Beimers (vol. 81–82) has joined Faegre Baker Daniels LLP as special counsel in its healthcare practice.

The Volunteer Lawyers Network awarded **Jerrold F. Bergfalk** (vol. 41–42) the John D. Levine Distinguished Service Award in September 2011.

Johanna Bond (vol. 78–79) received tenure at Washington and Lee University School of Law in May 2011.

Peter W. Carter (vol. 74–75) is now a Fellow of the American College of Trial Lawyers.

Karen L. Clauson (vol. 71–72) has been promoted to senior vice president, general counsel, corporate secretary at Integra Telecom Inc.

Dulce J. Foster (vol. 81–82) has been elected to the board of directors of the foundation Fredrikson & Byron P.A.

Richard G. Lareau (vol. 35–35) has been reappointed to the Lawyers Professional Responsibility Board.

Hon. **Gary R. Larson** (vol. 50) recently retired from the Hennepin County Fourth Judicial District bench.

Linda Mealey-Lohmann (vol. 73–74) has joined ValueSolve ADR and is the co-author of the recently published MN CLE title THE MINNESOTA ADR HANDBOOK.

Katherina A. Moerke (vol. 84–85) has joined Leonard, Street and Deinard as of counsel.

Aleava Rael Sayre (vol. 88) has been elected as a shareholder of Leonard, Street and Deinard.

Steven M. Rubin (vol. 52–53) received the Sidney Barrows Lifetime Commitment Award from the Twin Cities Cardozo Society in November 2011.

Amy M. Salmela (vol. 86–87) is among the “40 Under Forty” recognized in the March 2012 issue of the Minneapolis St. Paul Business Journal.

Nena Street (vol. 89–90) is now Chief Executive Officer of Robotics Innovation, LLC and a senior associate at Fredrikson & Byron P.A.

In Memoriam

- James R. Carlson** (vol. 59–60)
April 24, 2011 — Rochester, MN
- Judith Rubinow Gartner** (vol. 63–64)
September 10, 2011 — Naples, FL
- Royce N. Sanner** (vol. 43–44)
April 9, 2011 — Wayzata, MN
- Robert J. Sheran** (vol. 22–23)
January 25, 2012 — Edina, MN
- Thomas D. Tews** (vol. 50–51)
May 1, 2011 — Colorado Springs, CO
- Ronald J. Werner** (vol. 41–42)
August 4, 2011 — St. Paul, MN

(Price from page 1)

medical products lawsuits in his role as national coordinating counsel for 3M Company in silicone breast implant litigation and for Target Corporation in L-tryptophan amino acid litigation. He has also assumed key roles in the national defense of Ritalin litigation for Novartis Pharmaceuticals Corp. and the defense and coordination of the Thimerosal vaccine litigation for Aventis Pasteur, Inc. Joe is presently Multi-District Litigation (MDL) liaison counsel for Guidant in its defibrillator and pacemaker litigation and a member of Guidant's trial team. He is also MDL Liaison for Pfizer in its Mirapex Parkinson's Disease drug litigation. He also serves as one of Novartis' national trial counsel in its Zelnorm litigation. He is currently on the AstraZeneca Pain Pump/Local Anesthetic litigation national defense team.

Other major medical products litigation in which Joe has taken an active role as defense counsel includes the Dalkon Shield and other IUDs, a variety of orthopedic implants, cardiac defibrillators, oral contraceptives, PPA, Diet Drugs, SSRI Psychotropics, herbal supplements and vaccines. He also served as national counsel for a major Fortune 500 Company in several toxic tort cases. Joe is also a recognized expert in the area of obesity/fast food litigation and has vast experience in trial/jury consulting and psychology. //

(Heilman from page 1)

system. For the past ten years, she has served as a judicial adjunct in a nationwide class action settlement, *Pigford v. Vilsack*. Part of a team of lawyers, Cheryl has reviewed class members' claims of discrimination and monitored implementation of the Pigford Consent Decree for Judge Paul Friedman of the United States District Court for the District of Columbia. Active in her community and in the state and federal bars, Cheryl has hosted Humphrey Fellows and worked on human rights issues with Professor David Weissbrodt and the Human Rights Center. She has served as a mentor for law students and as a judge for the law school's annual Civil Rights Moot Court competition. Recently, she accepted a position with the State of Wisconsin, where she advises the Wisconsin Department of Natural Resources on mining, Great Lakes, and other environmental and natural resource issues. //