The Art of Imperturbability

Roger Wolf has been pivotal to the advance of Alternative Dispute Resolution.

By Martha Thomas

When Roger Wolf lived in Tunisia in the 1960s, he played basketball on a team in the hillside village of Le Kef, traveling with team members to nearby towns for games. A Peace Corps volunteer working on a public housing construction project at the time, Wolf recalls that the lessons on the basketball court were as valuable as his work assignment. As he got to know his fellow teammates and others in the community, he says, their differences—he was a Jewish American, a recent Harvard graduate living in an Arab country—didn’t seem to matter. “They knew me as a person foremost, and we were able to talk about issues in a way that wasn’t hostile.”

Whether Wolf arrived in Tunisia with an empathetic ear, or honed his listening skills while he was there, may be a kind of chicken-and-egg puzzle, but his ability to hear—and understand—both sides of an issue defines his approach to the law, and his popularity as a teacher.

Wolf, who retired from the School of Law last spring, served on the faculty since 1982. In 2001, he founded the Center for Dispute Resolution at the University of Maryland (C-DRUM), which has served not only the schools at the University, but courts and agencies throughout the state. He also ran the school’s mediation clinic. Last year, he was the first recipient of the Robert M. Bell award for outstanding contribution to Alternative Dispute Resolution (ADR) from the State Bar Association.

“Roger’s personal influence on advancing the acceptance of Alternative Dispute Resolution within the legal community cannot be underplayed,” says Rachel Wohl, executive director of the State’s Mediation and Conflict Resolution Office. “He was a pivotal leader at several critical turning points in the development of ADR in Maryland,” she adds, noting that Wolf was one of the key drafters of Title 17 of the Maryland Rules, which advances the use of ADR in the courts.

For Wolf, mediation and ADR have been a perfect fit. He has been described by a fellow mediation trainer, Harry Fox, as someone “who raises imperturbability to an art form.”

Says Wolf, “I like to think that I listen to people, and I can get people to listen to each other.” ADR, he says, is “not so much avoiding conflict as learning how to deal with it in a productive way.”

After the Peace Corps, Wolf attended law school at George Washington University, and went to work for the Neighborhood Legal Services Program as a Reginald Heber Smith Fellow. Advocating for tenants’ and consumer rights in Lyndon Johnson’s Washington, he says, was gratifying. “We felt we were on the side of what was right.”

Wolf went on to head the Clinical Law program at Catholic University, and took a hiatus from legal teaching to purchase a farm and operate a vineyard in Knoxville, MD, though he continued with private practice in Frederick. A few years after his return to teaching, at the University of Maryland, he volunteered to act as the reporter for the nascent Maryland State Bar special committee on dispute resolution. The work launched his leadership efforts into ADR.

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Brian Tucker ’02 says his former teacher “embodies the best of the legal profession, by combining intelligence, creativity, and compassion.” Says Tucker: “I see in Professor Wolf someone who is using the law to do good things.”
Such a humane person. Reasonable, calm, patient beyond words. One of the most solid human beings I know. Such were the heartfelt accolades expressed by UMLaw students for longtime administrator James Forsyth, upon his retirement last spring.

In his role as assistant dean for registration and enrollment, Forsyth often encountered students during times of crisis—perhaps they were struggling to pay a tuition bill, or complete enough credits for graduation. In response, he was “flexible, kind, and open to creative problem solving, but not a pushover,” says Dawna Cobb, assistant dean for student affairs.

Forsyth joined the School of Law’s administration as assistant to the dean in 1969. At that time, most of the students were white males from Maryland, presided over by two deans and about 20 faculty members. (One of Forsyth’s duties was making sure the school’s manual typewriters were in order so students could type their papers and exams.) Today’s student body is much more diverse, both in terms of race and gender, as well as geographically, with more than 40 percent of students hailing from outside Maryland.

The shift has brought new expectations from students, says Forsyth. Previously, he says, “institutions could get away with marginal services. Students went to class and that was it.” Today, “the school expects more of itself. There are a number of extra-curricular and student activities. It’s more than just a place to go to school.”

Over the years, Forsyth was closely involved in these transformations. In the early 1970s, he was director of financial aid for the University of Maryland’s professional schools, and later worked as an admissions officer for the School of Law. In 1984, he became responsible for registration and student records, before moving on to head the Office of Registration and Enrollment.

“As a student, you never realized all that he did to keep the Law School running,” says Kenneth Aneckstein ’96, a partner at DLA Piper in Baltimore who has taught estate planning and estates and trusts as an adjunct faculty member for seven years. “As an adjunct, I came to understand how just and wise he is. He takes into account the needs and concerns of various constituencies while keeping the School’s best interests at heart.”

One thing that never changed, says Forsyth, whose mission involved ensuring that students took and passed the required courses, is law students’ ability to frame an argument. “I sometimes admired it when students came into my office and presented a lawyer-like case to convince me of why I should let them do something,” he says. Though he didn’t always bend the rules, he says, “I could appreciate the validity of an argument well made.”

Judging from the outpouring of student responses at Forsyth’s retirement (gathered into a booklet by Cobb), he’ll be sorely missed. “He’s never one to seek the spotlight or be the center of attention,” wrote one student, “but he’s had a huge impact on the lives of students here.”

—I could appreciate the validity of an argument well made. —James Forsyth

A Creative Problem Solver
Longtime administrator James Forsyth shepherded a generation of students through times of crises.

—Martha Thomas
The School of Law continues to attract leading legal minds to join its community of innovative scholars. Emerging and nationally known stars enhance the school’s outstanding academic reputation.

Promotions

Two faculty were recognized for their contributions to the law school with promotions this year.

**DANIELLE CITRON WAS PROMOTED TO PROFESSOR OF LAW** and tenured. Voted “Best Teacher” by the Law School’s students in 2005, Citron’s scholarly interests include information privacy law, cyberspace law, and administrative law, with an emphasis on legal issues surrounding the government’s reliance on information technologies. Her 2009 article “Cyber Civil Rights,” in *Boston University Law Review*, was cited as “groundbreaking” and became the subject of an online symposium at the Concurring Opinions legal blog. Other publications within the last year include “Law’s Expressive Value in Combating Cyber Gender Harassment” in *Michigan Law Review*, “Open Code Governance” in *University of Chicago Legal Forum*, and “Technological Due Process” in *Washington University Law Review*.

**PETER DANCHIN WAS PROMOTED TO ASSOCIATE PROFESSOR.** Before joining the faculty at Maryland in 2006, he was lecturer and director of the human rights program at Columbia University’s School of International and Public Affairs. He has served as a foreign law clerk to Chief Justice Arthur Chaskalson of the Constitutional Court of South Africa. His areas of interest are international law, human rights law, and comparative constitutionalism. His recent articles have been published or are forthcoming in the *Columbia Journal of Transnational Law*, the *Yale Journal of International Law*, and the *Harvard International Law Journal*. His most recent book, *United Nations Reform and the New Collective Security* (with Horst Fischer), was published last year by Cambridge University Press.

New Faculty

Four distinguished and highly talented scholars and teachers have joined the School of Law faculty this year.

**ASSOCIATE PROFESSOR OF LAW MICHIELLE HARNER** arrives from the University of Nebraska College of Law, where she served as an Assistant Professor of Law and was voted “Professor of the Year” by the upperclass students for two consecutive years. Harner is widely published and lectures frequently on various topics involving financially distressed entities and related legal issues. Her most recent publications include “Corporate Control and the Need for Meaningful Board Accountability” (94 *Minnesota Law Review*, forthcoming 2010); “The Corporate Governance and Public Policy Implications of Activist Distressed Debt Investing” (77 *Fordham Law Review* 703, 2008); and “Trends in Distressed Debt Investing: An Empirical Study of Investors’ Objectives” (16 *American Bankruptcy Institute Law Review* 69, 2008). Harner earned a JD at the Moritz College of Law at The Ohio State University, where she served as Executive Editor of the Ohio State Law Journal and also was a member of the Order of the Coif. She earned a BA in English and Political Science at Boston College.
AFTER JOINING MARYLAND LAW IN 2008 AS ITS FIRST HEALTH LAW & BIOETHICS FELLOW, LESLIE MELTZER HENRY is now an Assistant Professor of Law. Her scholarly interests lie at the intersection of bioethics, health policy, and law. Henry's current research explores the use of “dignity,” and considers the degree to which it has any moral force as a normative concept in law and bioethics. Her most recent article in this area is “Human Dignity and Bioethics,” which was published this summer in the *New England Journal of Medicine*. Henry's bioethics scholarship also includes a chapter in *The Oxford Textbook of Clinical Research Ethics* entitled “What is Fair Subject Selection?” (with James Childress), and an article in the *American Journal of Bioethics*, which discusses the “Undesirable Implications of Disclosing Individual Genetic Results to Research Participants.” Before coming to the law school, Henry was a Greenwall Fellow in Bioethics and Health Policy at the Johns Hopkins Berman Institute of Bioethics. She earned a JD at Yale Law School, an MSc in the History of Medicine at the University of Oxford, and a BA, *summa cum laude*, in both History and Medical Ethics at the University of Virginia. She is currently a doctoral candidate in the Department of Religious Studies (bioethics specialization) at the University of Virginia.

ASSISTANT PROFESSOR OF LAW AMANDA PUSTILNIK comes to the law school from Harvard Law School, where she served as a Climenko Fellow and Lecturer on Law. She conducts research in the area of law and science. Her current research includes work on models of mind in neuroscience and criminal law and on torts by semi-autonomous machines. Pustilnik graduated from Yale Law School in 2001, where she was an editor of the *Yale Journal of International Law* and published notes on law and science. She then practiced litigation with Covington & Burling, where she focused on pharmaceutical and securities regulation. Prior to practicing law, Pustilnik clerked for the Hon. Jose A. Cabranes on the United States Court of Appeals for the Second Circuit. She graduated Harvard College, *magna cum laude*, and Phi Beta Kappa, with a concentration in History of Science. She also served as the John Harvard Visiting Scholar at the University of Cambridge, Emmanuel College, where she was affiliated with the History and Philosophy of Science department.

RUSSELL McCLAIN WHO JOINED MARYLAND LAW in 2006 as Coordinator of the Academic Achievement Program, was appointed as a Law School Assistant Professor. Prior to joining the School of Law, he served as a Legal Writing instructor at Howard University. Professor McClain is currently developing a work in progress relating to the discharge of student loans in bankruptcy under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. His research agenda includes a follow up to this article, relating to the student lending paradigm generally, and, specifically, comparing student lending to predatory consumer lending. Professor McClain was recently honored by the University of Maryland Chapter of the Black Law Students Association as the 2006-2007 Alumnus of the Year. He graduated Order of the Coif from the School of Law in 1995, going on to practice civil litigation in Los Angeles, and specializing in entertainment, consumer, and bankruptcy law.
The School of Law’s faculty has a well-deserved reputation for producing outstanding legal scholarship, as evidenced by the rich array of books, articles, working papers, and conference presentations they complete each year. The entries on the following pages represent only a sampling of the diverse scholarly activities of our academic community. For a more complete listing and actual links to articles, visit [www.law.umaryland.edu/scholarship](http://www.law.umaryland.edu/scholarship).


**Patricia Campbell** presented “Intellectual Property Rights and Legal Attacks on Counterfeit Goods” at the Symposium on Avoiding, Preventing, and Detecting Counterfeit Electronic Parts, Center for Advanced Life Cycle Engineering (CALCE), A. James Clark School of Engineering, University of Maryland (September 9-10, 2008).


Kathleen Dachille published the Law Synopsis “Pick Your Poison: Responses to the Marketing and Sale of Flavored Tobacco Products” (Tobacco Control Consortium, February 2009) and presented “Flavored Tobacco Products: Legislative Activity and Options” and “Fire-Safe Cigarette Laws: How This Legislation Swept the Country Like Wildfire” at the National Conference on Tobacco or Health; Phoenix, Arizona (June 11, 2009).


Martha Ertman presented “The Upside of Baby Markets” and “Developing a Scholarly Agenda” at the National University of Kyiv-Mohyla Academy School of Law, Kiev, Ukraine (November 2008); “Incorporating Sexual Orientation Issues into Teaching Contracts,” at the AALS Annual meeting in San Diego (Jan. 2009); and “Race Treason: The Untold Story of America’s Ban on Polygamy” at Washington University in St. Louis’ workshop on Family, State and Public Policy (March 2009) and at the University of Baltimore Law School’s Legal Feminism Conference (April 2009).


David Gray presented “A No-Excuse Approach to Transitional Justice” at the conference on Conflict and Transitional Justice at Emory University (September 19-20, 2008).


Deborah Hellman published the article “Prosecuting Doctors for Trusting Patients,” 16 George Mason Law Review 701 (2009); gave presentations on her book WHEN IS DISCRIMINATION WRONG? at the Syracuse University Law School Faculty Colloquia Series (February 16, 2009), at the Association of Practical and Professional Ethics Annual Meeting (March 6-7, 2009), and at the Woodrow Wilson International Center for Scholars (September 16, 2008); and presented the paper “Willfully Blind for Good Reason” at the University of Toronto Legal Theory Workshop (January 16, 2009) and the University of Southern California Law School (March 13, 2009).

Susan Leviton published the article “Preventing Schools from Becoming the Pipeline to Prison,” 42 Maryland Bar Journal 3 (May/June 2009) (with others); and presented “The Urban Child in Context: Families, Schools, Neighborhoods and Lives” at the Urban Child Symposium, University of Baltimore School of Law, Baltimore, Maryland (April 2, 2009).

Paula Monopoli published “Why So Slow: A Comparative View of Women’s Political Leadership,” 24 Maryland Journal of International Law 857 (2009); presented “Gender, Power & the Presidency,” Moderator, Symposium on the 60th Anniversary of the Universal Declaration of Human Rights, University of Maryland School of Law, Baltimore, Maryland (October 24, 2008); and “Gender and Constitutional Design,” Symposium on Constitutional Law and Policy Speakers Series, Washington Institute, Annapolis, Maryland (October 16, 2008). Professor Monopoli was also an invited member of the Thought Leaders Roundtable convened at the University of Texas Summit on Women and the Law (April 30, 2009).

Robert Percival published the new sixth edition of his best-selling casebook Environmental Regulation: Law, Science & Policy (2009); and presented the 15th Annual Lloyd K. Garrison Lecture at Pace University School of Law (April 1, 2009). He also made presentations at the law schools at Harvard, Duke, American University, and Vermont, addressed the IUCN Academy of Environmental Law in Mexico City (November 10, 2008), and the Congress of the World Jurist Association in Kiev, Ukraine (March 24, 2009). In May 2009 he served as an environmental expert for the U.S. State Department in China, delivering 14 lectures in six Chinese cities at universities, think tanks, consultates, the Chinese Ministry of Environmental Protection, and the Guangzhou Lawyer’s Association.

Michael Pinard served as a panelist for “The Future of Clinical Legal Education” at the University of Maryland Clinical Law Program’s 35th Anniversary Conference, Curriculum Reform: Linking Theory and Practice (March 6, 2009); and “A Comparative Perspective on the Collateral Consequences of Criminal Convictions: Lessons the United States Can Learn from England and Wales, Canada and South Africa,” at the New York University School of Law Faculty Workshop (February 18, 2009); and presented “The Civil Rights Dimensions of Prisoner Reentry: The Impact on Individuals, Families and Communities” as the Dr. Martin Luther King Commemorative Speaker for the Public Interest Law and Policy Speakers Series, Washington University School of Law (January 22, 2009).


Karen Rothenberg published the article “Recalibrating the Moral Compass: Expanding ‘Thinking Like a Lawyer’ Into ‘Thinking Like a Leader’” in 40 University of Toledo

**Jana Singer** published the book **RESOLVING FAMILY CONFLICTS** (Ashgate Press, 2008) (edited with Jane Murphy); the article "Dispute Resolution and the Post-divorce Family: Implications of a Paradigm Shift" in 47 Family Court Review 363 (2009); and presented "Hearing Children's Voices in Family Court Processes: Which Way is Forward?" at the Association of Family and Conciliation Courts Annual Conference (May 28, 2009) and "The Evidence Is In: The Results of the University of Maryland School of Law Alumni Survey," at the Conference on Retaining and Advancing Women in Challenging Economic Times, University of Maryland School of Law (April 24, 2009) (with Paula Monopoli).


**David Super** published the article "Laboratories of Destitution: Democratic Experimentalism and the Failure of Anti-Poverty Law," 137 University of Pennsylvania Law Review 541 (2008); presented "Against Flexibility," UCLA Law School Faculty Workshop, UCLA Law School, Los Angeles, California (October 17, 2008); and will publish "Defending Mortgage Foreclosures: Seeking a Role for Equity," 42 Clearinghouse Review (forthcoming 2009).


**Ellen Weber** presented "Reluctance of and Restrictions on Physician Prescribing," Obstacles to the Development and Use of Pharmacotherapies for Addiction (November 7, 2008); "Disability Discrimination and Health Privacy Standards," University of Maryland School of Medicine, Addiction Psychiatry Fellows Forum, Baltimore, Maryland (December 22, 2008); and "Protecting Civil and Health Privacy Rights of Patients with Addiction" at the Maryland Society of Addiction Medicine, Baltimore, Maryland (March 7, 2009). She also received the 2009 Public Citizen Award from the National Association of Social Workers – Maryland.

**Deborah Weimer** served as a panelist for "Medical-Legal Partnerships in the Law School Setting" at the 2009 AALS Annual Meeting (January 9, 2009) and presented "Current Issues Facing Women Living with HIV" at the UMB Interdisciplinary Conference for Law, Medicine, Social Work, Nursing, and Pharmacy students (January 11, 2009).

**Marley Weiss** participated in the Roundtable Session, "Towards More Effective Labor Governance" at the Conference on Humanizing Trade/humaniser le commerce, sponsored by the Global Labour Governance (GLG) Project, Montreal, Quebec, Canada (April 27-29, 2009); and presented "The Employee Free Choice Act" at the National Lawyers' Guild Regional Conference, University of Maryland School of Law, Baltimore, Maryland (March 28, 2009).