

Alumni **UPDATE**

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**Weldon Drives Reforms as Head of New Zealand Stock Exchange**

Former Skadden Associate Strives to Boost Investor Confidence

Mark Weldon (NY/Corp./'97) took over as chief executive officer of New Zealand Exchange Ltd. ("NZX") last June, and in so doing, became the youngest CEO among those currently heading up the world's stock exchanges. As a native of New Zealand, Mark welcomed the opportunity to return to his homeland, knowing that one of his most exciting professional challenges lay ahead. A year has passed since Mark's appointment and, already, he has implemented several important changes at the NZX.

Upon his arrival at the exchange, Mark instituted certain "quick fixes" to improve operations. Turning to the bigger picture, however, he knew that more was needed to encourage investor confidence in New Zealand's monetary markets, and he saw education and the dissemination of information as necessary to facilitate this goal. Mark organized initiatives designed to increase awareness of New Zealand's economic progress over the last two decades. "It seems to be a little known fact that New Zealand has ranked second in global market performance in the past two years," he said.

According to Mark, economic reforms in New Zealand — mainly, the elimination of domestic and export subsidies as well as most tariffs — have contributed to the country's evolution from an agrarian nation to an industrialized society, and helped to create one of the most open markets in the world. A recent report indicates that over the past 10 years, the NZX has consistently generated high levels of growth and outperformed most major international markets. In the last three years, for example, the NZSX All Index outperformed the S&P 500 by 41 percent while experiencing low volatility and delivering high levels of cash returns (ranking fifth in the world for dividend yield).



Mark Weldon outside the New Zealand Stock Exchange.

Photo: Courtesy of New Zealand Exchange Ltd.

As he marks the first anniversary of his leadership at the NZX, Mark can look back on several significant accomplishments, including: the revision of market trading rules; the launch of the NZSX 50, which was introduced on March 3 of this year; and, most importantly, the demutualization of the NZX, which became a limited liability company on January 1, 2003. Mark explained that a corporate structure for the NZX will better support business strategies and growth objectives in an increasingly competitive market. He anticipates that this change will stimulate economic growth in New Zealand. "The overriding

goal is to make the New Zealand capital markets a world-class arena capable of attracting both national and international investments, while continuing to provide a low-cost environment for companies seeking to access much needed capital for growth," Mark said.

Mark hopes that improving the market structure and developing a secondary growth market focused on options and futures will shift investors' reliance away from managed funds, cooperatives and mutual funds, currently the predominant investment vehicles of his homeland. "In the long run, we

need to create a capital markets mentality among New Zealand investors whose mind-set is quite different from Americans, who are driven by where the Dow is at any given moment," Mark stated.

So far, the strategy appears to be working. At the end of 2002, ASB Bank Ltd. conducted a survey which evidenced that investor confidence among New Zealanders was still "quite positive," though it had eased from higher levels recorded earlier in the year. In addition, the NZSX 50 index was already

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# Letter to Alumni

Dear Alumni:

I am pleased to greet you on behalf of the firm with the Summer 2003 *Alumni Update*. In this issue, we are bringing you up to date on former New York corporate associate Mark Weldon and former Skadden Fellow Kevin Ryan. We have also included a piece on arbitration, which focuses on its widespread



Robert C. Sheehan

use as an alternative means of dispute resolution in many European venues. I would be remiss if I did not mention the retirement in December 2002 of a valued colleague and friend, Irene Sullivan, who served as the New York office leader for the past eight years. An exceptionally skilled mass torts and insurance litigation attorney, Irene joined Skadden, Arps in 1976 and became the firm's second woman partner in 1982. She chaired the hiring committee in the early to mid-1990s, during Skadden's greatest period of growth. Irene's leadership of the New York office reflected her acute sense of purpose

and her pragmatism. Many attorneys, for whom she served as both mentor and role model, benefitted greatly from her knowledge and intuition. I personally have long enjoyed my friendship with her. We wish her all the best!

Our attorney ranks are now approximately 1,725 worldwide. We continue to attract the brightest and best, and take pride in our ongoing commitment to diversity. For the first time, women comprise more than 50 percent of our New York summer class.

I hope you enjoy this issue of the *Update*. Additionally, at this time each year, we review Skadden's many successes and those of our individual partners, and publish the *Year In Review*, which is enclosed.

As always, I ask that you please keep in touch.

Best regards,

Robert C. Sheehan  
*Executive Partner*

## Briefs

### Skadden Alumni Exchange

Log On. Stay Connected!

#### Got News?

Please use the "Send Us Your News" feature located at the bottom of the News & Publications page of the Skadden Alumni Exchange ([www.skadden.com](http://www.skadden.com)) to keep us up-to-date on your professional successes and life achievements.



The Alumni Exchange Web page.

#### We Need Your Assistance

A list of alumni with whom we have lost contact can be found online in the Alumni Directory section of the Web site. Click on the box that reads "We Need Your Assistance" to pull up the list. If you see the name of someone whose current whereabouts you know, just click on the name and an update form will appear.

All information will be verified before the database is updated. We appreciate your help.

#### Keep us current

Please help us keep our database current by using our online form to update your contact information. If you prefer, e-mail your information to us at [alumni@skadden.com](mailto:alumni@skadden.com).

# Arbitration a Popular Alternative for Dispute Resolution in Europe

## A Look at the Advantages of International Commercial Arbitration Over Litigation

The history surrounding international commercial arbitration in Europe is long and distinguished. London and Paris are well-established centers of international arbitration, along with the traditionally neutral venues of Geneva, Zurich, Stockholm and Vienna. Recently, several arbitration laws in Europe have been updated to reflect the latest trends in favor of arbitration under the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958 (the "New York Convention"), which provides for the recognition and enforcement of foreign arbitral awards between contracting states. All main European countries are signatories to the New York Convention.

Arbitration offers several advantages over litigation when confronted with international commercial disputes, including (i) flexibility, (ii) confidentiality and, (iii) enforceability of arbitration clauses and arbitral awards across international

borders. Parties that opt for arbitration frequently resolve their disputes more quickly and efficiently than if they had utilized national courts to resolve problems. As a result, when properly managed, arbitration is usually a more suitable means of resolving commercial disputes than litigation, particularly when the parties are from different jurisdictions.

#### Flexibility

Flexibility is perhaps the greatest advantage of arbitration. When used properly, arbitration is essentially a private, tailor-made method of dispute resolution, and various parameters can be determined by the parties to ensure that the dispute resolution process is appropriate to the types of disputes which are likely to arise.

*Jurisdictional neutrality.* Arbitration enables the parties to choose a neutral venue (or seat) to resolve their disputes. It is always advisable to seek legal advice

to ensure that the chosen seat of the arbitration does not pose any hidden snares. The seat of an arbitration determines which country's courts will supervise the conduct of the arbitration and determines

**"Arbitration enables the parties to choose a neutral venue (or seat) to resolve their disputes."**

the nationality of the arbitral award, and hence, its enforceability. A number of cities in Europe — London, Paris, Stockholm and Zurich — are regularly chosen as suitable venues due, in particu-

lar, to their supportive court regime and an experienced arbitration community.

In addition to choosing the seat for the arbitration, the parties can specify that procedural or evidentiary hearings be conducted in another geographical location. For example, an arbitral tribunal with its seat in London can conduct hearings in India if that is most convenient for the participants.

*Time/Cost Efficiency.* Parties frequently complain of the cost, intrusiveness and the allocation of management time associated with document discovery in litigation based on common law principles. In arbitration, the parties have considerable flexibility in deciding how to approach this issue. For instance, parties can choose to adopt the International Bar Association Rules on the Taking of Evidence in International Commercial

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## Skadden's international arbitration practice was ranked among the top in the U.S. by *Chambers Global – The World's Leading Lawyers 2002-2003*.

The following partners were recognized as leaders in the field:



Dana H. Freyer, New York



Barry H. Garfinkel, New York



Paul Mitchard, London



Marco E. Schnabl, New York

Arbitration, which seek to provide a middle ground between the wide-ranging common law systems of discovery and the more limited civil law approach to that subject.

There are many other practical issues that the parties can stipulate in the agreement to assist the timely, cost-efficient and effective resolution of their dispute, such as: the law that is to apply to the contract, the procedure for the arbitration, the language in which the arbitration is to be conducted, time limits by which the tribunal is required to arrive at its

“One of the main reasons for the growth in arbitration in the last 30 years is the widespread ratification of the New York Convention.”

decision and/or that the disputes are to be determined without a hearing or without giving reasons. It is also commonplace for parties to seek to exclude any right of appeal, which can lead to increased legal costs and can be used purely to delay the enforcement of an award or judgment.

**Level of Expertise.** Another benefit of arbitration is the ability of the parties to choose the quality and expertise of the arbitrators who will try their dispute. Often parties have concerns about the quality and independence of judges in national courts, particularly where the dispute is of a specialist commercial nature, likely to be outside the knowledge and experience of a national judge or where one of the parties is a national of the state before whose courts any claims are likely to be brought. Parties commonly choose an arbitral tribunal that consists of three arbitrators: one appointee from each party, and a neutral third — usually the chairman of the tribunal. The third arbitrator is either chosen by an independent

administrative body (such as the London Court of International Arbitration [LCIA] or the International Chamber of Commerce Court of Arbitration [ICC] in Paris) or by the two party-appointed arbitrators. The parties may therefore ensure that the arbitrators have the proper qualifications — nationality, expertise and/or language — to determine their dispute and that the independence of the tribunal is assured.

### Confidentiality

It is often essential for one or more parties to keep the details of a dispute confidential. This may be because of the nature of the information forming the basis of the dispute and/or the impact of publicity of the dispute on a party's commercial reputation. Arbitration hearings are generally held in private, and so journalists and other third parties have no right to attend. By contrast hearings before national courts are generally held in public, a right enshrined under Article 6 of the European Convention on Human Rights.

Arbitrators and lawyers generally have a duty to keep the details of an arbitration confidential, and the parties can ensure that the duty of confidentiality extends to themselves. However, confidentiality has been something of a hot topic in the field of international arbitration in recent years. Having previously been an assumed feature of arbitration, the fact that arbitration was confidential suddenly seemed to be under threat, first by the Australian courts,<sup>1</sup> and then by the Swedish courts in a case which has come to be known as the *Bulbank* case.<sup>2</sup> There followed a steady stream of articles, in which English practitioners in particular sought to champion the supremacy of England as a seat of arbitration by reaffirming the English common law duty of confidentiality in arbitration. International arbitration institutions have also been grappling with the issue — some arbitration rules, notably those of the LCIA, include provisions which require all involved to observe confidentiality with respect to all aspects of the arbitration, while others, like those of the ICC, do not.

The recent debates have painted a rather complex picture, and in turn the question of whether the parties have an implied

duty of confidentiality has, perhaps, assumed unjustified importance in circumstances where it is open to the parties to make specific provision for it. However, even where a confidentiality term is included, the difficulty is that there is very often no suitable sanction for breach, and lawyers are left arguing about damages long after the real damage has been done and the proverbial “horse has bolted.” One of the issues in the Swedish *Bulbank* case was whether the arbitration award could be set aside because the winning party had published the decision in *Mealeys' International Arbitration Reports*. The Swedish Supreme Court held that was not a ground for setting aside the award, and it then went on to hold that there was in fact no implied duty of confidentiality on the parties. If instead the court had decided that there was such a duty or a term was included, however, what would have been a suitable sanction? To set aside the award would be a drastic and disproportionate step; damages on the other hand might be inadequate and difficult to quantify.

In cases where confidentiality is a concern, it is wise to insert special provisions for confidentiality into your arbitration clause in the relevant contractual documentation or by means of a detailed confidentiality agreement. This may cover exactly what is to be kept confidential, and what sanctions will apply for breach. Such sanctions could take the form of contractually-stipulated damages, provided that any national laws on penalties are not infringed. This will give the greatest degree of protection, albeit not a watertight guarantee that effective enforcement will be possible.

### Enforceability

One of the main reasons for the growth in arbitration in the last 30 years is the widespread ratification of the New York Convention. The New York Convention, which has now been adopted by over 120 countries, provides for the enforcement of international arbitration awards among all its contracting states (subject to certain conditions), and provides clear advantages over the enforcement of judgements obtained before national courts for which there is no such worldwide convention, and no cross-border enforcement regime at all for judgements of U.S. courts.

In order to take advantage of the New York Convention, it is important to ensure that the chosen seat of arbitration is located in a New York Convention country, and enforcement may be easier if the respondent's assets are also in a New York Convention country. However, most well-known countries are now signatories, with the major exceptions being the United Arab Emirates and a few countries in West Africa.

### Conclusion

In short, arbitration is a means of creating a tailor-made dispute resolution procedure that may better suit the parties than the remedies available in national courts. Parties usually choose arbitration by including an arbitration clause in their contractual documentation (although parties are generally free to agree to arbitrate a dispute once it has arisen). Parties frequently find it convenient to choose a standard arbitration clause which ensures that the arbitration procedure will be administered by a recognized international arbitration institution such as the ICC or the LCIA, thus minimizing the risk of procedural difficulties when a dispute arises and increasing the enforceability of any awards.

However, care should be taken to design a workable arbitration clause which caters to the particular disputes that may arise. Careful drafting of such clauses is essential in order to ensure that the arbitration process works properly and effectively. ■

Information contained in the preceding article has been excerpted from a recently released newsletter published by Skadden's European Arbitration Group, which is headed by London partner **Paul Mitchard**. This article is provided by Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates for educational and informational purposes only and is not intended and should not be construed as legal advice. It may be considered advertising under applicable laws.

#### Footnotes

1. *Eso Australia Resources Ltd v. Plowman* [1995] 183 CLR 10.
2. *Bulgarian Foreign Trade Bank Ltd v. Al Trade Finance Inc.* (Swedish Supreme Court, 27 October 2000.)

# Inside Skadden

A glimpse inside the firm – honors, articles, anniversaries, new partners, new babies and a U.S. Supreme Court victory.

## Skadden, Arps Attorneys Recognized

The firm and Wilmington partners **Tom Allingham**, **Tony Clark**, **Rich Easton**, **Bob Pincus** and **Ed Welch** were recognized in the publication *IN RE*: for contributions to the 2002 Combined Campaign for Justice, a partnership that supports the Delaware State Bar Association, the Community Legal Aid Society, Inc., Delaware Volunteer Legal Services and the Legal Services Corporation of Delaware.

New York partner **Ken Bialkin** was profiled as one of the Dealmakers of the Year in *The American Lawyer's* annual "Corporate Scorecard" issue ("Compound Interest," April 2003). The article highlighted Ken's work on Citigroup's \$3.9 billion initial public offering of its Travelers Property Casualty unit and Citigroup's \$5.8 billion acquisition of Golden State Bancorp. In addition, the profile noted the leading roles of New York partners **Greg Fericola** and **Eric Friedman** in the Travelers offering and the Golden State acquisition, respectively.

New York partner **Sheila Birnbaum** was honored by the Women's Bar Association of the State of New York and the Fund for Modern Courts.

London partner **Bruce Buck** was the subject of a complimentary profile in *The Lawyer* ("Interview: Buck Review," July 22, 2002).

Chicago partner **Jack Butler**, New York partners **Jan Baker** and **Jay Goffman** and Los Angeles partner **Rich Levin** were selected for inclusion in the 2003 edition of the *K&A Restructuring Register*. The publication is a peer group listing of the top restructuring attorneys and financial advisors in the United States.

Chicago partner **Jack Butler** and New York partner **Jan Baker** were selected for *Turnarounds & Workouts'* annual list of the nation's 12 "Outstanding Bankruptcy Lawyers 2002."

Newark partner **Bob Del Tufo** was included on a list naming New Jersey's best lawyers as highlighted in *New Jersey Monthly* ("Power of Attorney," March 2003).

New York partners **Jim Douglas**, **Joe Halliday** and **Marc Hanrahan** and Washington, D.C. partner **Bill Sweet** were named to *The International Who's Who of Banking Lawyers* (2d ed.). The list of individuals, who are selected by their peers, represents a select group of attorneys with extensive experience representing financial institutions and their corporate clients. Joe was also included in *The International Who's Who of Business Lawyers 2003*.

The Jewish Theological Seminary presented New York partner **Fin Fogg** with its annual Judge Simon H. Rifkind Award in recognition of his career achievements and commitment to the school over the years.

New York partner **David Fox** was profiled in *The American Lawyer's* report on the bar's next generation of leaders ("45 Under 45: The Rising Stars of the Private Bar," January 2003). The report focuses on a number of the high-profile matters that David has handled on behalf of clients in the U.S. and Israel, including Cendant Corporation and DSP Communications.

New York of counsel **Barry Garfinkel** was appointed to the newly formed Advisory Committee of the American Arbitration Association's International Centre for Dispute Resolution (ICDR). The committee will act on proposed rule changes and other procedures governing the ICDR. Also, The Respect for Law Alliance presented its "Peak" Award to Barry in recognition of his continuous and generous support for the Alliance since its inception.

London partners **Michael Hatchard** and **Scott Simpson** ranked among the top 10 European lawyers advising on completed M&A deals during the second half of 2002 in a survey conducted by Mergermarket.com which

appeared in *The Deal* ("A Tale of Two," January 13).

New York partner **Linda Hayman** was nominated for the position of secretary of the Business Law Section of the American Bar Association. The Nominating Committee presented Linda's name at the mid-winter meeting of the ABA; the election will take place at the annual meeting in August.

Palo Alto partner **Ron Laurie** was selected for inclusion in a list of California's top 25 intellectual property lawyers, which was published in the *Los Angeles Daily Journal's Daily Journal Extra* ("Headstrong," February 24).

New York partner **Jon Lerner** was honored by the New York State Bar Association's Committee on Professional Ethics with the Sanford D. Levy Memorial Award, which recognizes those who have contributed through publications to the understanding and advancement of the field of professional ethics. Jon was cited for his article, "Honoring Choice by Consenting Adults: Prospective Conflict Waivers as a Mature Solution to Ethical Gamesmanship," which was published in the summer 2001 issue of the *Hofstra Law Review*.

New York partner **Nancy Lieberman** was presented with the annual Empowerment Award by the Jewish Women's Foundation of New York.

Washington, D.C. partner **Larry Roberts** was honored by the Arlington County (VA) School Board for his work as chairman of the Arlington School Bond Committee.

Washington, D.C. partner **Doug Robinson** received a 2003 "Texas Justice Alliance Award" for his efforts in representing wrongly convicted individuals on death row in Texas. Doug's *pro bono* work representing death penalty defendants was profiled in an article in *Washington Lawyer* ("Death Penalty Lawyers," July/August 2002). The story

highlighted Doug's successful appeal on behalf of a Texas man who was subsequently released from prison after nine years on death row.

New York partner **Rita Rodin** was appointed by the Internet Corporation for Assigned Names and Numbers ("ICANN") to chair an international task force on global Internet policy development. In connection with ICANN's renewal of its memorandum of understanding with the U.S. Department of Commerce, Rita and her task force were asked to create a framework whereby policy suggestions could be made on a global basis from a variety of sources, and could be discussed and implemented by the Internet community and ultimately the ICANN board.

Wilmington partner **Steve Rothschild** was selected to lead a sub-committee of the Delaware State Bar's Low Income Persons (LIP) Committee that will analyze a funding shortfall which will affect agencies that provide legal services to Delaware's poor.

Wilmington litigation partner **Karen Valihura** was appointed to the Delaware Bar Foundation, a non-profit organization devoted to improving and facilitating the provision of legal services to the poor in Delaware, promoting research in the field of law and enhancing public respect for the rule of law. Karen was also selected to serve as co-chair of Delaware's Combined Campaign for Justice for New Castle County.

Chicago partners **Wayne Whalen** and **Chip Mulaney** were recognized in the *Crain's Chicago Business* listing of "Who's Who in Chicago Business" (September 2, 2002).

New York partner **Ron Weiss** was elected as the First District (Manhattan) representative to the Executive Committee of the Trusts and Estates Law Section of the New York State Bar Association. Ron also was recently elected as a Fellow of The American College of Trust and Estate Counsel.

## Diaper Duty

Congratulations to Washington, D.C. partner **Ben Klubes** and his wife, Risa Bender, on the birth of their daughter. Sophia Lianna Klubes was born January 22, weighing 6 pounds, 7 ounces.

Congratulations to Paris partner **Eden Quainton** and his wife, Nina McPherson-Quainton, on the birth of their son. Benjamin Eden Kende Quainton was born February 11, weighing 8 pounds and 7 ounces.

Congratulations to New York partner **Joe Sacca**, and his wife, Sophie, on the birth of their son. Joshua David Sacca was born December 14, weighing 7 pounds, 4 ounces.

## Anniversaries

The following partners have recently celebrated milestones with the firm or will be in coming months:

### 35 Years

**Peter Atkins** *New York*  
**Ted Kozloff** *San Francisco*

### 30 Years

**Lou Goodman** *Boston*  
**Doug Kraus** *New York*

### 25 Years

**Ben Crisman** *Washington, D.C.*  
**Frank Gittes** *New York*

### 20 Years

**Tom Allingham** *Wilmington*  
**Peggy Brown** *Boston*  
**Jerry Coben** *Los Angeles*  
**Richard Grossman** *New York*  
**Rod Guerra** *Los Angeles*  
**Stacy Kanter** *New York*  
**Rob Pincus** *Wilmington*  
**Eric Waxman** *Los Angeles*  
**Fred White** *New York*

## Partners in Print

### Articles

**Lance Brasher** (Washington, D.C.) (with associate Paul S. Kraske) *Lessons Learned in Emerging Markets*, INFRASTRUCTURE J., July/August 2002

**Karen Corman, Jeff Dasteel and John Donovan** (Los Angeles) *From the United States—Wage/Hour Class Actions*, EMP. L. BULL., July/August 2002

**Jeff Dasteel** (Los Angeles) (with Richard Jacobs, a UK-qualified barrister) *American Werewolves in London*, ARB. INT'L, 2002

**John Furfaro** (New York) (with Skadden alumnus Maury Josephson and associate Aney Chandy) *Recent Developments: Former Employees' Duties*, N.Y.L.J., February 7, 2003; and

(with Maury Josephson and New York associate Louis Wilson) *Recent Developments in Successorship Law*, N.Y.L.J., October 4, 2002.

**Ken Gross** (Washington, D.C.) *The New Federal Campaign Finance Act — In a Nutshell*, CAMPAIGNS & ELECTIONS, July 2002; and

(with counsel Ki Hong and associate Matthew Bobys) *Easing of Tax Rules for Political Organizations*, IMPACT, January 2003.

**Rich Levin** (Los Angeles) *Almost All You Ever Wanted to Know About Carve Out*, 76 AM. BANKR. L.J., Summer 2002.

**Neal Stoll and Shep Goldfein** (New York) (with associate Andrew Fuchs) *Securities Laws Trump Antitrust Laws Again*, N.Y.L.J., February 18, 2003;

(with associate Kristin Henderson) *One Small Step ...*, N.Y.L.J., January 21, 2003;

(with associate Ian John) *Did the FTC Take A Cruise*, N.Y.L.J., October 15, 2002;

*"Gun Jumping" and "Computer Associates" One Year Later*, N.Y.L.J., September 20, 2002; and

*I Come to Bury Caesar; Not to Praise Him ...*, N.Y.L.J., August 20, 2002.

**Paul Schnell** (New York) *M&A's Turning Point: Opportunities on the Horizon*, CORP. BD. MEMBER., (2002 Special Supplement).

### Book

**Charles Fox** (New York) *Working with Contracts: What Law School Doesn't Teach You* (PLI Press 2002).

### Book Review

**Wayne Whalen** (Chicago) *Gangland Days, Downstate*, THE CHI. DAILY L. BULL., August 20, 2002.

*For a listing of these and other articles by our partners, please refer to the Skadden Web site: [www.skadden.com](http://www.skadden.com).*

# Skadden Wins U.S. Supreme Court Victory for State Farm Birnbaum two-for-two before High Court

New York partner **Sheila Birnbaum** successfully argued before the U.S. Supreme Court and secured a significant victory for Skadden client, State Farm Mutual Automobile Insurance Company. The Court — in a 6-3 decision — reversed a \$145 million punitive damages award against the company as unconstitutionally excessive.

*The New York Times* reported that the Court's decision has been hailed as "a major victory in the long-running effort to shield corporate defendants from unconstrained jury awards." *The Wall Street Journal* characterized the decision as "a big win for business interests concerned about ballooning legal judgments," and the *Washington Post* described it as "a big win for corporate America."

In *State Farm Mutual Automobile Insurance Co. v. Campbell*, No. 01-1289 (U.S. April 7, 2003), the U.S. Supreme Court ruled that the Utah Supreme Court had committed constitutional error in reinstating a jury's \$145 million punitive damages award against State Farm in favor of one of its insureds in a bad faith failure to settle the case. The majority opinion — authored by Justice Kennedy and joined by Chief Justice Rehnquist and Justices Breyer, O'Connor, Souter, and Stevens — answers questions left unsettled in the Court's earlier decision on punitive damages, *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996), and significantly strengthens the constitutional constraints on punitive awards. The majority opinion held that the Utah Supreme Court had impermissibly

punished State Farm for its business practices nationwide over a 20-year period, which were unrelated and dissimilar to the conduct that had given rise to the plaintiffs' claims. In addition, a ratio of 145 to 1 between punitive damages and

win, *Metro-North v. Buckley*, she successfully represented petitioner Metro-North Commuter Railroad in a seminal case on the issue of medical monitoring. In its June 1997 ruling, the Supreme Court reversed a decision by the



Sheila L. Birnbaum

Photo: Wagner International

compensatory damages was excessive. The Court indicated that a punitive award of approximately \$1 million might pass constitutional muster. The Court's opinion has been widely acknowledged as one of landmark importance that will have a far-reaching impact in reining in runaway punitive damages awards.

The New York-based appellate team included **Barbara Wrubel, Douglas Dunham, Ellen Quackenbos, Melissa Rule and David Weinraub.**

The victory is Sheila's second (in as many appearances) at the Supreme Court. In her first

U.S. Court of Appeals for the Second Circuit that permitted a plaintiff, who had been exposed to asbestos but had no disease or physical injury, to recover for emotional distress and medical monitoring under the Federal Employer's Liability Act (FELA). Writing for the majority, Justice Stephen Breyer adopted the "zone of danger" reasoning set forth in Sheila's brief for Metro-North and held that the plaintiff could not recover for emotional distress in the absence of physical injury and that a "traditional lump-sum damages remedy" for medical monitoring was not available to the plaintiff under FELA. ■

## New partners

**Effective April 1 of this year, the following attorneys became partners of the firm:**

**Boston**  
Matthew J. Matule  
*Litigation*

**Chicago**  
Frances Kao  
*Litigation*

Charles B. Taylor  
*Corporate*

**Frankfurt**  
Matthias Horbach  
*Corporate*

**London**  
Ann Beth Bejgrowicz  
*Corporate*

**Los Angeles**  
Jennifer A. Bensch  
*Corporate*

Van C. Durrer, II  
*Corporate Restructuring*

**New York**  
Richard B. Aftanas  
*Corporate Finance*

Cyrus Amir-Mokri  
*Antitrust*

Mark S. Cheffo  
*Mass Torts*

Scott D. Musoff  
*Litigation*

Neil P. Stronski  
*M&A*

Daniel E. Wolf  
*M&A*

**Washington**  
Marc S. Gerber  
*M&A*

Armando Gomez  
*Tax*

Charles F. Walker  
*SEC/Enforcement*

**The following have recently joined the firm:**

**Houston Office**  
Charles W. Schwartz, Partner  
*Government Enforcement Litigation*

(formerly chairman of the Securities Litigation Group at Vinson & Elkins LLP in Houston). Charles is the current chairman of the Board of Directors of the Texas State Bar.

**Washington, D.C.**  
Jerry D. Jackson, Of Counsel  
*Energy and Project Finance*

(formerly an executive vice president with Entergy Corporation in New Orleans, LA).

Thomas C. Siekman, Of Counsel  
*Corporate and Intellectual Property & Technology*

(formerly senior vice president and general counsel at Compaq Computer Corporation).

# Alums on the Move

This section reflects job changes, promotions and other personal achievements received since the last issue. Alumni are listed by the year of hire. (Office/Dept.)

## '60s

**'67**  
**Martin P. Unger** (NY/Lit.) has joined Certilman Balin Adler & Hyman, LLP in East Meadow, NY, as a partner. Martin formerly was a partner at Blank Rome LLP in New York City.

**'68**  
**Michael W. Mitchell** (NY/Lit.) has joined the New York-based Shapiro Mitchell Forman Allen & Miller LLP. Mike formerly was counsel at Morvillo, Abramowitz, Grand, Iason & Silberberg, PC in New York City.

## '70s

**'71**  
**Henry S. Hacker** (NY/Corp.) is the president of Lifestyle Marketing Group, LLC, a New York City-based sports marketing firm. Henry formerly was the executive vice president at Alexander Julian, Inc. in Ridgefield, CT.

**'72**  
**James M. Davis** (NY/Corp. Gen.) has joined Fulbright & Jaworski LLP in New York City as a partner. James formerly was a partner at Owen & Davis PC in New York, which merged with Fulbright & Jaworski LLP.

**'77**  
Kensington & Ressler, the New York City-based firm co-founded 20 years ago by **Costa N. Kensington** (NY/Corp. Gen.) has merged with Anderson Kill & Olick P.C., where Costa is a partner.

**Jonelle Procope** (NY/Lit.) has been named president and chief executive officer of the Apollo Theater Foundation, Inc. (ATF) in New York City. Jonelle, an entertainment lawyer, has served on the board of the ATF since 1999. She has held senior management positions at a variety of entertainment and media-related companies.

**'78**  
**Lynda J. Striegel** (Wash./Corp. Gen.) has established her own practice in Chesapeake Beach, MD. Lyn formerly was a vice president at SEI Investments Inc. in Oak, PA.

**'79**  
**David M. Hashmall** (NY/Lit.) has joined Goodwin Procter LLP in New York City as a partner. David formerly was a partner at Schneck, Weltman & Hashmall LLP in New York.

**Bruce L. Resnik** (NY/Corp.) has joined Strategic Workforce Solutions, LLC, a New York-based job placement consulting firm, as a principal. Bruce formerly was a principal at Chief Advantage Business Services LLC in New York.

## '80s

**'82**  
**Harold O. Levy** (NY/Lit.) has joined Kaplan Inc., an educational services provider located in New York City, as senior vice president. Harold formerly was the chancellor of the New York City Board of Education.

**'83**  
**Kathryn M. Keneally** (NY/Lit.) has joined Fulbright & Jaworski LLP in New York City as a partner. Kathryn formerly was a partner at Owen & Davis PC in New York, which merged with Fulbright.

**Margaret E. Nelson** (NY/Corp. Fin.) is a first vice president and assistant general counsel at Merrill Lynch & Co., Inc. in New York City.

**Debra F. Stone** (NY/Corp. Gen.) has joined Zurich Capital Markets in New York City as general counsel. Debbie formerly was managing director and assistant general counsel at J.P. Morgan Chase & Co. in New York.

**Gregory R. Zaragoza** (NY/Tax) has joined Shapiro Mitchell Forman Allen & Miller LLP in New York City.

**Angela D. Works** (NY/Fin. Serv.) has joined Kramer Levin Naftalis & Frankel LLP in New York City as an associate. Angela formerly was general counsel at Vam Inc. in New York.

**'84**  
**William F. Gray, Jr.** (NY/Corp. Restruct.) has joined Torsy LLP in New York City as a partner. Bill formerly was a partner at Salans in New York.

**Brian Hoffmann** (Wash./M&A) has joined Clifford Chance LLP in New York City as a partner. Brian formerly was a partner at Cadwalader, Wickersham & Taft LLP in New York.

**'85**  
**Jeffrey T. Makoff** (SF/Lit.) and his mother, Rhoda Makoff, Ph.D., a retired pharmaceutical industry CEO, have collaborated on a book entitled *Get Off The Fence! 10+1 Steps To Help You Make That Big Decision*. The book, which offers guidance on making major personal and business decisions, is published by Health Communications, Inc., the publisher of the popular Chicken Soup books. Jeff currently is the chairman and chief executive officer of DigitalCustom Group, Inc. in San Francisco, CA.

**Mitchell A. Sabshon** (NY/Struct. Fin.) has joined Morgan Stanley in New York City as an executive director. Mitch formerly was a vice president at Goldman, Sachs & Co. in New York.

**'86**  
**Robert M. Cohen** (NY/Bkg. & Instit. Inv.) has joined Codikow, Carroll, Guido & Groffman LLP in New York City as a partner. Rob formerly was at Sony Music Entertainment, Inc. in Santa Monica, CA.

**S. Jeanne Hall** (NY/Fiduciary) has joined Fulton, Rowe, Hart & Coon in New York City as a partner. Jeanne formerly was a senior vice president at U.S. Trust Company of New York.

**Paul M. Krekorian** (LA/Lit.) has been elected to a four-year term on the board of the Burbank Unified School District in Burbank, CA. Paul is a partner at Fisher & Krekorian in Los Angeles, CA

**Theodore Em-Po Liu** (HK/For. Pract.) has been appointed director of Hawaii's Department of Business, Economic Development and Tourism. Ted formerly was a co-founder and partner of PacifiCap Group LLC, a Honolulu-based private equity firm.

**Joseph P. Longo** (NY/Corp. Gen.) has joined Deutsche Bank AG in Hong Kong as managing director and general counsel of Deutsche Bank's corporate and investment banking division for Asia. Joe formerly was special counsel at Freehills in Sydney, Australia.

**Robert S. Matlin** (NY/Lit.) has joined Thelen Reid & Priest LLP in New York City as a partner and co-head of the firm's Private Equity Group. Robert formerly was a partner and head of the Technology Group at Akin Gump Strauss Hauer & Feld LLP in New York.

**Stephanie B. Mudick** (NY/Corp. Fin.) has been named chief administrative officer of the Global Consumer Group at Citigroup Inc. in New York City. Stephanie formerly was co-general counsel at Citigroup Inc.

**Jonathan M. Robertson** (LA/Pub. Fin.) has joined Aramark Uniform Services in Burbank, CA, as senior vice president of legal affairs and associate general counsel. Jonathan formerly was senior vice president and managing regional counsel at Washington Group International in Cleveland, OH.

**'87**  
**Martin B. Howard** (LA/Corp. Gen.) has been named a partner at Orrick, Herrington & Sutcliffe LLP in Los Angeles, CA. Marty formerly was of counsel at the firm.

**Beth Renee Jacobson** (NY/Corp. Fin.) has joined PDI, Inc., a pharmaceutical products marketing company in Upper Saddle River, NJ, as executive vice president and general counsel.

**Ira B. Matetsky** (NY/Lit.) has been named general counsel at Goya Foods, Inc. in Secaucus, NJ. Ira formerly was deputy general counsel at Goya.

**Dean N. Menegas** (NY/Corp. Fin.) has joined Spinnaker Capital Group in London as general counsel. Dean formerly was an associate at Dewey Ballantine LLP in London.

**Warren O. Nelson** (NY/Emp. Ben.) has joined J.P. Morgan Chase & Co. in New York City as a vice president. Warren formerly was a senior manager at Ernst & Young LLP in New York.

**'88**  
**Mark L. Berman** (NY/M&A) has been appointed to the board of directors of Jennifer Convertibles, Inc. in Woodbury, NY, and will serve on the board's audit committee. Mark currently is the managing partner of the New York City office of Liquid Realty Partners, LLC.

**Asher A. Harris** (NY/Tax) has established a private tax practice in New York City. Asher formerly was a director at Swiss Re New Markets in New York.

**Gary E. Mason** (Wash./Lit.) has established The Mason Law Firm, PC in Washington, D.C. Gary formerly was a partner at Cohen, Milstein, Hausfeld & Toll PLLC in Washington, D.C.

**J. Wesley Kinnear** (SF/Lit.) has joined Holme, Roberts & Owen LLP in San Francisco, CA, as a partner. Wes formerly was the managing director of his own firm, Kinnear Law Firm P.C., in San Francisco.

**Matthew N. Menzer** (NY/Lit.) has established The Menzer Law Firm, PLLC in Seattle, WA. Matt formerly was a partner at McNaull Ebel Nawrot Helgren & Vance, PLLC in Seattle.

**Mary-Jo V. Saeli** (NY/Fiduc.) has joined Clifford Chance LLP in New York City as a staff attorney. Mary-Jo formerly was a vice president at U.S. Trust Company of New York.

**William J. Seiter** (LA/Bkg. & Instit. Inv.) has established his own practice in Pacific Palisades, CA. Bill formerly was vice president of Legal Affairs at Bugle Boy Industries, Inc. in Woodland Hills, CA.

**Rosa A. Testani** (NY/Corp. Fin.) is a partner at O'Melveny & Myers LLP in New York City. Rosa formerly was at O'Sullivan LLP in New York, which merged with O'Melveny & Myers last year.

**'89**  
**Xavier Jaspas** (NY/For. Int.) has joined Mayer, Brown, Rowe & Maw in Paris, France, as a partner. Xavier formerly was a partner at Archibald Andersen in Neuilly-sur-Seine, France.

**Nathaniel J. Lipman** (LA/Corp. Gen.) has been appointed president and chief executive officer at Trilegiant Corporation, a membership-based provider of travel, shopping, health, entertainment and consumer protection services in Norwalk, CT. Nat previously was senior executive vice president at the company.

**Cathy L. Reese** (Wilm./Lit.) has joined Greenberg Traurig, LLP as head of the litigation department in Wilmington, DE. Cathy formerly was a partner at Blank Rome LLP in Wilmington.

**Lawrence S. Sher** (Wash./Lit.) has joined Blank Rome LLP in Washington, D.C., as a partner. Larry formerly was a partner at Dyer Ellis & Joseph which combined with Blank Rome in January of this year.

**Alan J. Swirski** (Wash./Lit.) has joined Shearman & Sterling in Washington, D.C., as a partner. Alan formerly was a partner at Ivins, Phillips & Barker, Chartered in Washington, D.C.

**Jeffery A. Tomasevich** (Wash./Antitr.) has joined Kaye Scholer LLP in Washington, D.C., as counsel. Jeff formerly was a partner at Cooper, Carvin & Rosenthal, PLLC in Washington, D.C.

## '90s

**'90**  
**Andre De Cort** (Moscow/Corp. Gen.) has joined Millhouse Capital in Moscow, Russia, as head of the firm's International Legal Department.

**Toni C. Hamburg Clithero** (NY/Prod. Liab.) has joined the Securities Division of the State of Vermont in Montpelier, VT, as a senior enforcement attorney. Toni formerly was a trial counsel in the Division of Enforcement at New York Stock Exchange, Inc. in New York City.

**Gail K. Gordon** (NY/Struct. Fin.) has joined the legal department of the United States Postal Service in Washington, D.C. Gail formerly was a counsel at Mayer, Brown, Rowe & Maw in Washington, D.C.

**Heidi L. Mason** (Wash./Lit.) has joined Wells Fargo Home Mortgage in Des Moines, IA, as associate general counsel.

**'91**  
**Seth L. Pearlstein** (NY/Corp. Fin.) has joined W.P. Stewart & Co., Inc. in New York City as associate general counsel. Seth formerly was of counsel at Dorsey & Whitney LLP in New York

**'92**  
**Keith L. Belknap, Jr.** (PA/Corp.) has joined Georgia-Pacific Corporation in Atlanta, GA, as principal securities counsel.

**Steven R. Kronengold** (NY/Lit.) has established an international commercial hi-tech and securities law practice in Rehovot, Israel. Steve served as executive vice president, general counsel and secretary at Sapiens International Corporation in Israel and will continue to work with Sapiens as its legal counsel and corporate secretary.

**Carl E. Stetz** (NY/Corp. Fin.) has been named an executive director at Morgan Stanley in New York City. Carl formerly was a first vice president at the investment bank.

**'93**  
**Heather M. Benedict** (NY/Lit.) is the vice president and associate general counsel at Starwood Hotels & Resorts Worldwide, Inc. in White Plains, NY. She formerly was an associate at Morrison & Foerster LLP in New York City.

**Jon A. Brilliant** (Wilm./M&A) has joined Syntek Capital US, Inc. in Wilmington, DE, as a managing director. Jon formerly was associate counsel at JM Family Enterprises, Inc. in Deerfield Beach, FL.

**Dori Chadbourne** (Bost./Lit.) has relocated her private practice, Chadbourne Law Offices, to Portland, ME. The firm, which focuses on litigation and family law, formerly was located in Cumberland Center, ME.

**David L. Davis** (Wash./Energy) has been named director of strategic transactions at Mirant Corporation (formerly known as Southern Energy, Inc.) in Atlanta, GA. David formerly was a project director at Southern Energy.

**Michael K. Lowman** (Wash./Lit.) has joined the Securities and Exchange Commission in Washington, D.C., as senior counsel for the Division of Enforcement. Michael formerly was an associate at Arent Fox Kintner Plotkin & Kahn, PLLC in Washington, D.C.

**Kevin S. Masuda** (LA/Corp. Gen.) has been named partner at Munger, Tolles & Olson LLP in Los Angeles, CA. Kevin formerly was an associate at the firm.

**Robin M. Shifrin** (Bost./M&A) has established his own practice in New York City. Robin formerly was an associate at Seward & Kissel LLP in New York.

**Jonathan M. Silver** (NY/M&A) has joined Horizon Blue Cross Blue Shield of New Jersey in Newark, NJ, as assistant general counsel. Jonathan formerly was an associate at Friedman Kaplan Seiler & Adelman LLP in New York City.

**'94**  
**David J. Abrams** (NY/Prod. Liab.) has been named a partner at Kasowitz, Benson, Torres & Friedman LLP in New York City. David formerly held the position of special counsel at the firm.

**Susan E. Howsmon Ball** (NY/Corp. Fin.) has joined Cross Country, Inc. in Boca Raton, FL, as corporate counsel. Susan formerly was an associate at Gunster, Yoakley, Valdes-Fauli & Stewart, PA in West Palm Beach, FL.

**Laurence Beaurain** (NY/Corp. Fin.) has joined Clifford Chance LLP in Paris, France, as an associate.

**Shai Buber** (NY/Corp. Fin.) has joined Paradigm Geophysical Ltd. in Herzliya, Israel, as corporate vice president and general counsel. Shai formerly was a partner at DOR Ventures (Israel) Ltd. in Herzliya.

**Tomas Rui de Castro** (NY/M&A) has joined the Corporate Strategy and Development department at FleetBoston Financial in Boston, MA, as managing director. Tomas formerly was an executive director at Morgan Stanley & Co. Limited in London, England.

**William C. Claiborne III** (Wash./Energy) has established his own civil rights and class actions practice in Washington, D.C.

**Christopher B. Crowder** (NY/M&A) has joined The Scotts Company in Marysville, OH, as senior counsel. Chris formerly was a vice president of investment banking at Salomon Smith Barney Holdings Inc. in New York City.

**John W. Davie** (NY/Fin. Serv.) has joined Forest City Ratner Companies in Brooklyn, NY, as associate general counsel. John formerly was an associate at Morrison & Foerster LLP in New York.

**Stephen Douglas** (NY/Tax) has re-joined Gardere Wynne Sewell LLP in Houston, TX, as a partner in the firm's Tax Practice and Global Projects Groups. Steve previously worked at Gardere as an associate between 1990-1992. Most recently, he was director of taxation at UBS Warburg Energy LLC in Houston.

**Eric J. Glover** (Chi./Lit.) has joined the U.S. Attorney's Office for the District of Connecticut as an assistant U.S. attorney. Eric formerly worked at the Criminal Division of the U.S. Department of Justice in Washington, D.C.

**George E. Hellman** (NY/UCC) has joined the United States Holocaust Memorial Museum in Washington, D.C., as the director of planned giving. George formerly was the senior development executive of planned giving and endowments at UJA - Federation of Jewish Philanthropies of NY in New York City.

**Alphonse C. Valbrune** (Chi./Corp.) has been named general counsel and corporate secretary at Headstrong Inc., a global technology consulting firm, located in Fairfax, VA. Al formerly was the deputy general counsel at the company.

**Heidi M. Wertz** (Wash./Energy) has joined Preston Gates Ellis & Rouvelas Meeds LLP in Washington, D.C., as of counsel. Heidi formerly was of counsel at Huber, Lawrence & Abell in Washington, D.C.

**Carl G. Wistreich** (NY/M&A) has been promoted to senior vice president and deputy general counsel at C&S Wholesale Grocers Inc. in Brattleboro, VT. Carl formerly was vice president and associate general counsel at C&S.

**'95**  
**Christos T. Antoniou** (Wash./Energy) has joined Verizon Network Services in Arlington, VA, as assistant general counsel. Chris formerly was general counsel at Bell Atlantic Network Services, Inc. in Arlington.

**Matthew D. Bekerman** (NY/M&A) has joined Willkie Farr & Gallagher in New York City as an associate. Matthew formerly was an associate at Baker Botts LLP in New York.

**Mitchell A. Davidson** (NY/M&A) is the founder and president of Palladian Capital LLC in New York City. Mitchell formerly was a vice president at Merrill Lynch & Co., Inc. in New York City.

**Michael S. Emanuel** (NY/Inv. Co.) has joined State Street Corporation in Boston, MA, as a senior vice president. Mike formerly was a director at Pershing Investment Manager Services in Jersey City, NJ.

**Kenneth S. Gersh** (NY/Corp. Fin.) has joined Sportsline.com, Inc. in Fort Lauderdale, FL, as vice president and general counsel. Kenny formerly was an associate at Greenberg Traurig, LLP in Miami.

**Jeffrey A. Haar** (Tor./For. Pract.) has joined Digital Fairway Corporation in Toronto, Canada, as vice president and general counsel. Jeff formerly was vice president and general counsel at Classwave Wireless Inc. in Toronto.

**Richard F. Hans** (NY/Lit.) has joined Piper Rudnick LLP in New York City as a partner. Richard formerly was an associate at King & Spalding LLP in New York.

**James D. Katarincic** (NY/Corp. Fin.) has joined Salomon Smith Barney Holdings Inc. in New York City as an associate. James was recently awarded an MBA from New York University's Leonard N. Stern School of Business.

**Margaret Maggio** (Beijing/For. Pract.) has been named director at Courtyard Gallery in Beijing, China. Meg formerly was an associate at Vinson & Elkins LLP in Beijing.

**Frederique M. Pont** (Paris/Corp. Gen.) has joined the legal staff at PPG Europe in Paris, France.

**Mark C. Redman** (NY/Corp. Fin.) has joined The Hearst Corporation in New York City as a counsel. Mark formerly was the director of legal affairs at SmartMoney in New York.

President George W. Bush announced the nomination and subsequent appointment of **Faryar Shirzad** (Wash./Int'l Trade) as special assistant to the President and senior director for international economic affairs. Faryar formerly was the assistant secretary for import administration at the U.S. Department of Commerce in Washington, D.C.

**Joseph E. Stumpf** (LA/Corp. Gen.) has joined Spin Tour Productions, LLC in Truckee, CA, as president and chief executive officer. Joe formerly was vice president of acquisitions and development at AT&T Wireless Services, Inc. in Redmond, WA.

**William J. Sushon** (NY/Lit.) is a counsel at O'Melveny & Myers LLP in New York City. Bill formerly was at O'Sullivan LLP, which merged with O'Melveny last year.

**Dereck Walker** (NY/M&A) is a principal at Miller Buckfire Lewis & Co., LLC in New York City. Dereck formerly was a vice president at Dresdner Kleinwort Wasserstein, which spun off its Restructuring Advisory Group in April 2002 to form Miller Buckfire Lewis & Co., an independent financial advisory firm.

**Benjamin J. Waltuch** (NY/Struct. Fin.) has joined I. Gornitzky & Co. in Tel Aviv, Israel. Ben formerly was an associate at Reed Smith LLP in New York City.

**'96**  
**Maria T. Fasulo** (NY/Fin. Serv.) has been named as a senior appellate court attorney at The Supreme Court of the State of New York, Appellate Division, Second Department. Maria formerly was an associate at King & Spalding LLP in New York City.

**George F. Fraley, III** (Wash./Antitr.) has joined Abgenix, Inc. in Fremont, CA, as corporate counsel. George formerly was an associate at Cooley Godward LLP in Palo Alto, CA.

**Daniel H. Galpern** (NY/M&A) has been appointed vice president at TD Capital Communications Partners in New York City. Dan formerly was an associate at TD Capital.

**Paul-Johan Jean** (Bost./M&A) and **Sean D. Belanga** (Bost./M&A/98) have formed GTC Law Group in Boston, MA, which focuses on the development and execution of intellectual property strategies for technology companies. Prior to their new venture, both Paul and Sean were affiliated with Bounty Legal LLP in Boston.

**Fabio Labruna** (Brus./For. Int.) has been named partner at Gianni, Origoni, Grippo & Partners in Rome, Italy. Fabio formerly was an associate at the firm.

**Craig P. Lehner** (NY/M&A) has joined Citibank, N.A. in Tokyo, Japan, as director of business development. Craig formerly was in the Investment Banking Division at Morgan Stanley in New York City.

**Lorelei D. Ritchie de Larena** (NY/Lit.) has joined the University of California at Los Angeles as intellectual property manager. Lorelei formerly was an associate at Brobeck, Phleger & Harrison LLP in Los Angeles.

**Janet M. Nadile** (NY/UCC) has joined Cravath, Swaine & Moore LLP in New York City as an associate. Janet formerly was an associate at Schulte Roth & Zabel LLP in New York.

**Paul C. Roberts** (NY/Struct. Fin.) has joined MBIA Insurance Corporation in Armonk, NY, as vice president of the Legal Department.

**S. Kinnie Smith, Jr.** (NY/M&A) has been appointed vice chairman and general counsel at CMS Energy Corporation in Dearborn, MI.

**Annemarie Tierney** (NY/Corp. Fin.) has joined the New York Stock Exchange, Inc. in New York City as senior special counsel.

**Esther S. Trakinski** (NY/Int. Prop.) has joined Pine Equity, Inc. in New York City as executive vice president and chief legal officer.

**Kenneth I. Weissman** (NY/Lit.) has joined Testa, Hurwitz & Thibault, LLP in Boston, MA, as an associate. Ken formerly was a law clerk for the Honorable Judith S. Kaye, Chief Judge of the New York Court of Appeals, in New York City.

Skadden Fellow Profile

# Ryan Reshapes New Jersey's Child Welfare System

Kevin M. Ryan (SF '92) started his career battling government bureaucracy. Today, he creates system reform from within the governmental framework. Recently appointed by New Jersey Governor James E. McGreevey as Deputy Chief of Management and Operations in the Office of the Governor, Kevin coordinates operations between the governor's office and the various state agencies. His past experience as chief of staff of one of those agencies — New Jersey's Department of Human Services — coupled with his 10 years as a child advocate working with homeless teenagers at Covenant House in New York and New Jersey, provides Kevin with the unique ability to see both sides of the issues he confronts on a daily basis.

A 1992 graduate of the Georgetown University Law Center, Kevin began his Skadden Fellowship providing legal services for homeless and runaway teens at Covenant House New York. As Kevin explained, "One of the benefits of working with Covenant House was that I always knew that the kids there were fed, clothed and had a warm place to sleep at the end of the day. I wish more public interest lawyers could say that." After his two-year Skadden Fellowship, Kevin collaborated with Covenant House to establish a law center that provides legal services for homeless teenagers residing at the organization's Atlantic City and Newark, New Jersey locations. The law center now serves more than 400 teenagers per year and has grown to a staff of six lawyers.

Kevin, who received his LL.M. from New York University School of Law in 2000, eventually served as general counsel and associate executive director for Covenant House New Jersey and during his time there, wrote the New Jersey Homeless Youth Act ("the Act"). Unanimously passed by the New Jersey Legislature in 1999, the Act changed an archaic state law that prevented homeless youths from going to shelters without first obtaining parental or judicial consent, thereby rendering the shelters virtually useless for children at the most critical times. Kevin also spent six months commuting from New Jersey to Washington, D.C., to

lead Covenant House's opposition to the United States Senate's federal juvenile justice bill, which would have permitted any state to incarcerate runaway teenagers in facilities with violent adult offenders simply because they had run away from home and violated various state status offender laws. For his work on the federal and state fronts, Kevin was named "Advocate of the Year" in 2000 by the National Network for Youth. He has also been recognized as the "Lawyer of the Year" (2001) by the New Jersey State Bar Association and named a Wasserstein Fellow by Harvard Law School for his contributions to public interest law and child welfare.

In January of this year, Gov. McGreevey sent Kevin back to Newark to take over child welfare operations on an emergency basis. Kevin's appointment to the post followed a gruesome discovery by local police of two brothers who had been starved, beaten and locked in a basement. A third brother was found dead at the same site. State officials reported that there had been more than a dozen complaints of abuse and neglect involving the brothers, the last one made just months before the boys were found. Inexplicably, there was no investigation and the situation was not assessed by a state caseworker. The governor called it "a Third World debacle."

Within days of his designation to run Newark operations, Kevin replaced the leadership; brought in a caravan of vehicles and a supply of cell phones to ensure that caseworkers could have access to children in need; demanded an accounting of every incomplete investigation; and talked frankly about systemic problems instead of just individual culprits. "This system is completely overwhelmed by the volume and complexity of cases thrown at it every day," he told *The New York Times*. "On my first day in Newark, I asked a supervisor why she had so many post-it notes tacked to her cubicle wall, and she told me that is how she keeps track of the kids she is overseeing. It was the best method the supervisor could devise since the computers did not work, and the case files were too thick with paper. Is

this how we tell our children they are important to us? I don't think so."

Now back in Trenton at the governor's office, Kevin is one of the key architects of New Jersey's emerging plan to trans-



Kevin M. Ryan Photo: Keith Meyers/The New York Times

form child welfare services. "Nothing matters more than this. I can't think of anything — anything at all — that competes with our obligation to make this system better. The governor inherited a mess and, trust me, it's cleanup time."

Kevin is enlisting the help of key players from the advocacy, philanthropic and legal communities, as well as his primary partner in the administration, Human Services Commissioner Gwendolyn Harris. They expect to make significant changes, though there is no "quick fix." Their success depends on the development of an integrated computerized tracking system that will maintain a log of a child's whereabouts; chart the progress of cases; link schools with child welfare offices; and ensure that electronic warnings are sent to state officials when children have not been seen or cannot be located. The Governor has proposed a \$20 million initiative to hire more social workers to lower the staff-to-children ratio. Kevin views this investment as only a down payment on the costs of implementing additional reforms.

"Covenant House's Executive Director Jim White would say to us, 'Make this shelter a place where you would want your own children to stay in a crisis,'" Kevin recalled. That statement resonates with him as the father of five children. "It is how I am approaching the job at hand." ■

- '97  
**Ileana Aguinis** (NY/M&A) has founded Latino Mediation in Denver, CO. Ileana formerly was an associate at Patton Boggs LLP in Denver.  
**Paul P. Chen** (HK/For. Pract.) has joined LeBoeuf, Lamb, Greene & MacRae, LLP in New York City as an associate. Paul formerly was at McKinsey & Company in Hong Kong.  
**Kathleen M. Cronin** (Chi./Corp. Gen.) has joined Chicago Mercantile Exchange, Inc. in Chicago, IL, as corporate secretary and acting general counsel.  
**Ralph A. Gerra, Jr.** (NY/Tax) has joined Pryor Cashman Sherman & Flynn LLP in New York City as of counsel.  
**Michael N. Goldman** (NY/M&A) has joined National Financial Partners in New York City as vice president and assistant general counsel. Michael formerly served as legal counsel at RSL Communications U.S.A., Inc. in New York City.  
**Christine Hurt** (Hous./Energy) has joined the faculty at Marquette University Law School in Milwaukee, WI, as an assistant professor. Christine, who formerly was the director of legal research and writing at the University of Houston Law Center in Houston, TX, will teach primarily in the area of corporate law.  
**Stephen M. Klein** (Wash./M&A) has been named the director of healthcare investments at CapitalSource, LLC in Chevy Chase, MD. Stephen formerly was senior investment officer at the company.  
**Jason E. Panzer** (NY/M&A) has joined JCF Group in New York City as chief financial officer. Jason formerly was director of corporate development at WorldlyInvestor.com in New York.  
**Andrea L. Powell** (NY/Bkg. M&A) has joined Ecko.Complex LLC in South River, NJ, as assistant general counsel. Andrea formerly was assistant general counsel at PartMiner, Inc. in New York City.  
**David Seo** (LA/Tax) has joined the legal department of Boeing Capital Corporation in Long Beach, CA.  
'98  
**Kwesi A. Baiden** (NY/Corp. Fin.) has joined Weil, Gotshal & Manges LLP in New York City as an associate.  
**Darin D. Baur** (Chi./Corp. Gen.) has been named vice president of investment banking at Citigroup Global Markets Inc. in Chicago, IL. Darin formerly was an associate at Solomon Smith Barney in Chicago.  
**Connie Chang** (LA/Bkg. & Instit. Inv.) has joined WellPoint Health Networks in Thousand Oaks, CA.  
**Jamie Fleckner** (Bost./Lit.) has joined Goodwin Procter LLP in Boston, MA, as an associate. Jamie formerly was an associate at Nixon Peabody LLP (previously Hutchins, Wheeler & Dittmar) in Boston.  
**Emily Jones** (NY/Lit.) has joined Wollmuth Maher & Deutsch LLP in New York City as an associate.  
**Nelson N. Lee** (LA/ Corp. Gen.) has joined The Capital Group Companies in Los Angeles, CA, as counsel.  
**Matthew J. Maletta** (Chi./Bkg. & Instit. Inv.) has joined Allergan, Inc. in Irvine, CA, as corporate counsel and assistant secretary. Matthew formerly was an associate at Brobeck, Phleger & Harrison LLP in Broomfield, CO.  
**Randi B. May** (NY/Labor) has joined Hogueut, Newman & Regal LLP in New York City as an associate.  
**Olutoyin B. Olakanpo** (NY/Corp. Fin.) has been named the director of the Montessori Schoolhouse in Lagos, Nigeria. Toyin recently graduated from New York University with a masters in education.  
**J. Brad Parish** (NY/Corp. Fin.) has joined Advantage Capital Partners in New York City as an associate. Brad formerly was an associate in the Investment Banking Division at Morgan Stanley in New York.  
**Steven M. Rosenthal** (NY/Int. Prop.) has joined Diageo North America, Inc. in Stamford, CT, as intellectual property counsel.  
**Dalton Sprinkle** (LA/Corp. Restruct.) has joined Morgan, Lewis & Bockius LLP as an associate in Los Angeles, CA.  
**Eric J. Watson** (NY/Struct. Fin.) has joined Sallie Mae, Inc. in Reston, VA.  
**Scott E. Way** (NY/Corp. Fin.) has joined AIC Ventures in Austin, TX, as director. Scott formerly was an associate at Brobeck, Phleger & Harrison LLP in Austin.  
'99  
**Garland W. Allison** (NY/M&A) has joined Krendl Krendl Sachnoff & Way, P.C. in Denver, CO, as an associate. Garland formerly was an associate at Brobeck, Phleger & Harrison LLP in Broomfield, CO.  
**Calogero (Charlie) J. Gambino** (NY/Lit.) has joined Deutsche Bank AG in New York City as vice president and counsel.  
**Gloria G. Gonzalez** (NY/Struct. Fin.) has joined the London office of Sidley Austin Brown & Wood LLP as an associate.  
**Maria L. Kalorides** (NY/Bkg. & Instit. Inv.) has joined Bingham McCutchen LLP in New York City as an associate.

- Claudia M. Marmolejo** (NY/M&A) has joined Citigroup in Miami, FL, as regional counsel for Latin American interests.  
**Todd D. Oretsky** (NY/Struct. Fin.) has joined White & Case LLP in Miami, FL, as an associate.  
**Philip A. Pucillo** (Wash./Lit.) has joined the Ave Maria School of Law in Ann Arbor, MI, as an assistant professor of law.  
**Terra N. Smith** (Wash./M&A) has joined the Division of Corporate Finance at the Securities and Exchange Commission in Washington, D.C.  
**Benjamin A. Vega** (LA/Corp. Gen.) has joined Liberty Livewire Corporation in Santa Monica, CA.

## '00s

- '00  
**Paulo Abreu** (NY/For. Int.) has joined the Exploration & Production department of TotalFinaElf in Paris, France. Paulo formerly was a member of the legal department at Banif-Banco de Investimento, S.A. in Lisbon, Portugal.  
**Allison Marie Akers** (LA/Corp. Gen.) has joined Environmental Resources Management in Austin, TX, as counsel.  
**Shlomo Azarbad** (NY/Corp. Restruct.) has joined Weil, Gotshal & Manges LLP in New York City as an associate. Shlomo formerly was a law clerk for the Honorable Mary F. Walrath of the United States Bankruptcy Court for the District of Delaware in Wilmington, DE.  
**Eugene P. Caiola** (NY/Fin. Serv.) is clerking for the Honorable Nina Gershon, U.S. District Court, Eastern District of New York, in Brooklyn, NY.  
**Yaffa R. Cheslow** (NY/Inv. Co.) has joined Resurgence Asset Management, LLC in White Plains, NY, as assistant general counsel.  
**Michael D. Fabiano** (LA/Int. Prop.) has joined Mazzarella, Dunwoody & Caldarelli, LLP in San Diego, CA.  
**Gerald A. Gordon** (NY/Corp. Restruct.) has joined the Financial Restructuring Group at King & Spalding LLP in New York City as an associate.  
**Gary W. Katz** (NY/Corp. Restruct.) has joined Delaware Street Capital, LLC in New York City as a legal analyst.  
**Stephen J. Lubben** (LA/Corp. Restruct.) has joined the faculty at Seton Hall University School of Law in Newark, NJ, as a professor of law.  
**William C. Manderson** (LA/Corp. Gen.) has joined Sangra, Moller in Vancouver, Canada, as an associate.  
**Douglas E. McCann** (Wilm./Lit.) has joined the U.S. Attorney's Office for the District of Delaware in Wilmington as an assistant U.S. attorney.  
**Yusuke Nakano** (NY/For. Int.) has joined Anderson Mori in Tokyo, Japan, as an associate.  
**Jennifer J. Austin Pappas** (LA/Fin. Serv.) has joined Alexandria Real Estate Equities in Pasadena, CA, as vice president and real estate counsel.  
**Daniel Rashbaum** (NY/Antitr.) has joined Morvillo Abramowitz Grand Iason & Silberberg, PC in New York City as an associate.  
**Corinne Rebhun** (LA/Corp. Restruct.) has joined Kaye Scholer LLP in Los Angeles, CA, as an associate.  
**Eleni M. Roumel** (NY/Int. Prop.) and **Vincent Tortorella** (NY/WCC) are clerking for the Honorable William H. Pauley III, U.S. District Court, Southern District of New York in New York.  
'01  
**Juan Pablo Albán** (LA/Bnkg. & Instit. Invest.) has joined Quinn Emanuel Urquhart Oliver & Hedges, LLP in Los Angeles, CA, as an associate.  
**Ayelet Amrani** (NY/M&A) has joined the Trump Group in New York City as associate general counsel.  
**Alan Chesick** (PA/Corp. Gen.) has joined Fortress Investment Group, LLC in New York City.  
**Adam P. Chodkowski** (NY/Struct. Fin.) has joined Swiss Re Financial Products in New York City as legal counsel.  
**Alma C. Garza** (NY/For. Int.) has joined Baker & McKenzie in Monterrey, Mexico.  
**Mariano Hazana** (NY/For. Int.) has been named junior partner at Estudio Beccar Varela in Buenos Aires, Argentina.  
**Daniel Lin** (PA/Int. Prop.) has joined Kirkland & Ellis in San Francisco, CA, as an associate.  
'02  
**Rita Petrilli** (NY/Bkg. & Instit. Inv.) has joined Chiomenti Studio Legale in London.
- In Memoriam**  
Skadden mourns the deaths of the alumni listed below and extends condolences to their families and friends.  
**Thomas R. DeRosa** (NY/Lit./'85)  
**Victoria Mattison** (Wash./Tax/'88)  
**Mary Moers Wenig** (NY/Tax/'60)

# Weldon Drives Reforms at NZX

## Continued from front cover

attracting considerable interest from brokers and investment institutions, according to an article in *The Dominion Post*, one of New Zealand's leading newspapers. "We are in the midst of an aggressive business development phase," Mark noted, explaining that doing so is critical to the NZX's efforts to encourage investments in, and the growth of, the capital markets, and ultimately, the growth of the country itself. "It's a hotbed of stress right now, but it's all good fun."

While the success of the NZX is currently Mark's focus, financial markets and corporate finance have not always been at the center of his attention. Prior to joining the New York office of Skadden as a corporate associate, Mark trained for the 1992 Summer Olympics in Barcelona as a member of New Zealand's swim team. Similar to his role at the NZX, Mark's Olympic pursuit presented its share of obstacles and challenges. In the midst of Mark's preparation for

the Summer Games, he broke both arms in a biking accident and was forced out of the pool; thereafter, his Olympic training consisted of running, biking and cross-training for several months before he was able to return to the water. While he didn't qualify for the final round, Mark estimates that 80 percent of his competitive performances in Barcelona were his best ever.

"My Olympic experience was tremendous," Mark enthused. "Like a lot of situations in life, it didn't matter how good you were *before* you got there, it only mattered how well you performed once you were thrust into the world arena where everyone is seemingly at your level. You have to do the best you can do at that moment, and see if you can cut it."

Mark felt much the same way about coming to the United States in 1993 following his Olympic run and the completion of his education at the University of Auckland (B.Com '91; M.Com '93). While he traveled to New York for the purpose of

attending law school, Mark never intended to pursue a legal career.

"You have to do the best you can do at that moment, and see if you can cut it."

However, upon graduating from Columbia Law School in 1997, Mark joined Skadden while reminding himself, "If I can't hack it, I will find another use for these skills."

He credits his exposure to corporate transactional work at Skadden and his subsequent position at McKinsey & Company, where he served as

a senior engagement manager, as the springboards to the NZX. "Skadden and McKinsey provided me with a tremendous skill set," Mark explained.

Mark's departure from New York only served to strengthen his love for the place he called home for almost nine years. He considers himself a New Yorker at heart, especially after the September 11 attacks on the World Trade Center, which, unfortunately, resulted in the loss of a number of good friends. As a demonstration of his fondness for New York, Mark still maintains his downtown apartment and admits to frequent cravings for a game of chess and a drink with old friends at Quilty's, a favorite haunt in Manhattan's SoHo district.

"I do miss New York . . . I have a great set of friends there," Mark readily professes, but "professionally, the NZX is a fantastic challenge for me, one I could have never passed up. If I do well here, I will be permanently satisfied." ■

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