

# High school training helped in Supreme Court wins, alums say

by Ben Howard

Within a matter of months, three Harvard School alumni argued and won cases before the United States Supreme Court. E. Randol Schoenberg '84, Stuart Raphael '82 and Jeffrey Lamkin '82 were each victorious in their most recent cases at the United States Judiciary's highest level.

In his first case before the Supreme Court, Schoenberg argued for Maria Altmann, defeating the Austrian government. Altmann, an 88-year-old Holocaust survivor, claimed that the Austrian government has unlawfully kept six Gustav Klimt paintings, worth over \$150 million, after they were looted from her family by the Nazis.

The case, Republic of Austria v. Altmann, primarily dealt with California's jurisdiction over claims against foreign states.

Schoenberg had won the case in the Ninth Circuit Court of Appeals, but it was appealed and taken to the Supreme Court.

Schoenberg said that he changed his argument, victorious in the Ninth Circuit Court, for the Supreme Court.

"It is strange to stray from a winning argument, but the Ninth Circuit Court is historically much more liberal than the Supreme Court," Schoenberg said.

"I decided to put my argument away from the Ninth Circuit."

The Supreme Court decided 6-3 in Altmann's favor June 7, 2004, with Justice Anthony M. Kennedy, Chief Justice William H. Rehnquist and Justice Clarence Thomas dissenting.

Raphael, one of the 10 leading water rights lawyers in the United States according to Chambers and Partners U.S.A., a nationwide lawyer ranking service, also won his first argument before the Supreme Court. Virginia v. Maryland, argued Oct. 7, 2003, dealt with Virginia's historic rights in the Potomac River.

Maryland claimed that it has held unquestionable power over the river since it was placed within colonial Maryland's boundaries by King Charles I of England in 1632.

Maryland wanted to use this power to prevent Virginia from installing a water intake in the middle of the river by requiring permits from Maryland, but the Supreme Court declared that Virginia has the right to use the river as it wishes, as long as its actions did not impede the navigation or interfere with Maryland's use of the river.

"Substantively, the case was absolutely fascinating because

it was based on a compact from 1785, called the Mount Vernon Compact," Raphael said.

"The thing that is so interesting about this case is that it literally covers 400 years of history."

The vote was 7-2 in favor of Virginia, with Justices Anthony M. Kennedy and John Paul Stevens dissenting. Raphael calls his success before the Supreme Court the highlight of his career.

Lamkin, in his final case before the Supreme Court as a member of the Office of the Solicitor General, defeated Pauline Thomas in her request for disability benefits.

Thomas was laid off her job as an elevator operator when the position was eliminated and requested disability benefits because she was unable to find new work in the field.

"The question involved the definition of the word 'disability,'" Lamkin said. "The question was whether economic changes caused your job, the one job you could do, to go away, were you disabled? Or did it have to be a physical change in your body or a change in your mental capacity that prevented you from working?" Lamkin said.

"There was a small irony in that the Supreme Court is one of the few places left in which there are still elevator operators."

The court decided unanimously against Thomas, saying that she was still physically capable of doing her work, but that since the job no

longer existed in significant numbers in her region, she was not entitled to the benefits.

As a member of the Office of the Solicitor General, Lamkin has argued several cases before the Supreme Court.

"It was with a certain amount of regret," said Lamkin about arguing his final case before the Supreme Court as a member of the Office of the Solicitor General.

"But generally, when you're arguing a case, you're so focused and so terrified of the questions that will be fired at you that you have a pretty singular focus on just getting the job done and answering the questions being put to you and doing the best you can to illuminate the case for the court."

Schoenberg, Raphael and Lamkin were members of Harvard's speech and debate team. Schoenberg was team captain. Schoenberg was also editor-in-chief of the Harvard news



Stuart Raphael '82



E. Randol Schoenberg '84



Jeffrey Lamkin '82

paper the Coldwater Pipeline, and recalls having an "affinity for delegating authority."

"The speech and debate that I did in high school definitely helped me; it made me a better lawyer," Raphael said.

"I also had some bad habits — I talked too fast — which I still do, in a large part because of speech and debate."

Lamkin also remembers his time on the speech and debate team fondly, though humbly; "I was not particularly successful at it."

Schoenberg, Raphael and Lamkin never planned on becoming lawyers while in high school, but they agree that Harvard thoroughly prepared them for their careers.

Raphael says that he really learned to write from his English teachers, especially Susie Moser.

Lamkin also remembers Moser as one of the most influential teachers he had at Harvard School.

"Whether you know it at the time, each of your teachers is influential in their own way. The teacher is training you to learn and to think in particular rigorous pattern, regardless of the subject," Lamkin said.

"I didn't know I was going to be a lawyer [in high school], and in many ways I resisted it. The best and most helpful thing was just the rigor of going through the challenge of high school because by the time you get to college you realize just how prepared you are in comparison to other kids," he said.

"It was strictly a matter of having had such a great opportunity to be in such a challenging environment that makes it easier to excel later in life."

"I took advantage of what Harvard had to offer," Schoenberg said, saying that the extensive opportunities at Harvard made the school special.

All three find joy in their profession, taking pleasure in the challenges and nuances of law, as well as the opportunity to explore many fields.

"I love being a lawyer. I love cases that involve historical issues," Raphael said. "I have become an amateur historian as a result of working on Virginia v. Maryland."

"A lawyer is sort of good at a lot of things, not very good at everything," Schoenberg said.

**"The speech and debate that I did in high school definitely helped me; it made me a better lawyer."**

—Attorney Stuart Raphael '82

## Model U.N. member brings home Gavel

by Adam Gold

Of the 18 students returning from the Tustin High School Model United Nations conference Nov. 20, 13 won individual awards, and 10 of those were the highest honor possible in each committee.

The program's highest individual award, the Gavel, was given to club president Ryan Kesapyan '05 in an advanced NATO committee representing Turkey.

"Winning a Gavel is always a high point," Kesapyan said.

"The school shares in a Gavel because I'm a product of Harvard Westlake Model United Nations," he said. "I like to share my Gavel with the rest of the team."

Model United Nations, a national program under the leadership of the actual United Nations in New York, allows for high school students interested in public speaking and foreign relations to accrue valuable experience representing a specific country in a competitive environment by simulating as close as possible the actual environment of United Nations committees.

At the monthly competitions, held in high school and college campuses throughout the country, each participating school is assigned a different country to represent in simulations of various U.N. committees.

The goal of each four-hour session is to pass as many resolutions as possible, often with the aid and participation of other nations, placing emphasis on making peaceful agreements between nations.

Each school assigns students to committees beforehand, and each student is required to research his country's position before the conference.

The committees are divided into novice and advanced designations, with advanced reserved for the

more ambitious and experienced 11th and 12th grades.

The Gavel is only awarded in advanced committees. Students of the host school act as "chairs," or judges, running each committee and tabulating points for the awards. When conventions are held at college campuses, undergraduate students act as chairs.

The club meets on an ad hoc basis after school before conventions in order to prepare and practice.

Members are expected to attend two conferences each year.

The abrupt departure of faculty adviser Shawn Atencio earlier this year originally cast some doubt on the future of the club.

However, this doubt was immediately eliminated when the position was quickly filled by Assistant Head of Upper School Ryan Tarpley.

"This year, because of the situation internationally...this is an environment conducive towards debate and negotiation," Kesapyan said.

"And students who have a real interest in foreign relations have come to Model U.N. because they want to talk about it," he said.

"They want to represent different countries, they want to learn more about the issues, not only from their own perspective but from the perspective of other countries," Kesapyan said.

In contrast to the extra-curricular nature of Harvard-Westlake's Model U.N. team, most competing schools have a Model U.N. class built into the daily schedule, complete with homework and graded assignments.

However, the Model United Nations organization makes a distinction between the curricular and extra-curricular schools in the

awards that it gives.

"We're one of the few extra-curricular schools with a large following and a devoted membership," Kesapyan said. "Being a club, it takes those who are really interested and who want to do their best, not just because of grades but because they love doing it," he said.



Ryan Tarpley



Ryan Kesapyan '05

## JSA members debate at student-run conference

by Adam Gold

Ten students represented the school in debates ranging from abortion to the war in Iraq at the most recent Junior Statesmen of America convention, joining almost 1,000 students from locations all around Southern California at the Marriott Hotel near LAX the weekend of Nov. 20.

The weekend was structured around eight 50-minute debating sessions.

Many debates consisted of age-old arguments such as abortion, but there was no shortage of obscure topics, such as the regulation of dietary supplements by the FDA or the merits of a hunter-gatherer society.

"The highlight of my trip was to let my inner debater come out," chapter president Elliot Gensemer '06 said.

"It was really interesting being able to ... learn about other topics that I might not have known beforehand."

The school chapter departed early Sunday morning, before the convention was officially finished.

"Toward the end everyone was tired and wanted to get home," Gensemer said.

The Junior Statesmen of America, a student-driven national organization, was founded 70 years ago by high school students in California to help prepare teens to become the statesmen of the future.

One of JSA's hallmarks is its unique debating system in which two speakers give opening arguments for each side, followed by shorter subsequent speeches given by volunteers from the audience.

Volunteers have only two minutes to speak and answer questions, but extensions can be granted with the approval of the student moderator.

The proximity to the airport allowed for any easy way to escape the mealtime dilemma students faced.

Four students rode a shuttle to the LAX international terminal Saturday night to eat at the food court.

The club, merging the JSA conventions with a lunchtime public policy discussion group, was founded by history teacher David Waterhouse around 1986.

It is the only non-partisan group on campus for students interested in national politics.

In October it organized the campus-wide mock election, with John Kerry winning a clear majority.

The chapter is slated to attend two more conventions before the end of the year, and there are no prerequisites for attendance.

Though awards were given out for outstanding individual performance in the debates, the school did not win any.

"I think we won the award for being the coolest," Gensemer said.