



ATLANTIC LEGAL FOUNDATION ANNUAL REPORT 2004

THE YEAR IN REVIEW

2004 was a banner year for our Foundation as we fought in proceedings across the nation to protect the rights of independent businesses, parents of school children and employers.

We continued to have a profound impact in focusing attention on the use of authentic science-based expert testimony, representing some of the country's most prominent scientists and academicians. Judges and regulators have welcomed the informed views of truly disinterested experts and, as demonstrated so well in the Lockheed IV litigation, our "friend of the court" briefs are indeed influential.

The caliber of our sound science clients is mirrored by the credentials of those we have represented in the corporate governance arena. We filed a brief in the Second Circuit Court of Appeals on behalf of the prestigious Corporate Law Department Section of the Los Angeles County Bar Association and an impressive group of active and retired general counsels of major U.S. corporations.

During the year, we also concluded arrangements for our spring conference on the erosion of the attorney-client privilege bringing together an all-star team of experts from government and private practice.

The Foundation's parental school choice initiative has accelerated. Our advocacy on behalf of charter schools - - where

union organization efforts threaten the progress these innovative schools have made - - has been augmented by work focusing on voucher remedies which some courts have struck down as violating state constitutions.

Following the Foundation's momentous victory in the first GEOD case, we have gone back to court on behalf of our non-minority client which wants no more than the opportunity to have an equal shot in bidding on government contracts.

As this report shows, Atlantic Legal's docket is filled with significant cases and projects which deserve vigorous and responsible representation.

In an increasingly entertainment-focused news cycle, some of our initiatives, such as sound science cases, may not be primetime news material. Nonetheless, it is enormously gratifying to see the positive impact of Atlantic Legal's work across time, and during 2004 this trend has continued unabated.

We welcomed Ernest Patrikis, Senior Vice President and General Counsel of American International Group, to our board of directors and added five outstanding members to the Advisory Council: George E. Ehrlich, M.D., Frederick T. Elder, Ph.D., Professor

Charles M. Elson, Isaac Rabino, Ph.D., and Lance H. Wilson. Their credentials are listed elsewhere in this report.

The Foundation was pleased to honor former Senator George Mitchell at our sold-out seventeenth annual award dinner.

Thanks to the on-going support of Pfizer Inc, the Foundation moved to a larger office, permitting us to expand our Academic Intern Program. Six outstanding students supported our lawyers' efforts, learned and contributed to Atlantic Legal's mission.

Finally, we are pleased to report that we have welcomed initial and renewed financial support from corporations, private foundations and a growing list of individuals, all endorsing the Foundation's mission and work. We are grateful to them and to the many dedicated professionals who have contributed their time and talent, pro bono, to the Foundation's work. Going forward, the officers, directors and advisors will strive to merit this confidence.

Hayward D. Fisk - Chairman
William H. Slattery - President

Table of Contents

<i>The Year in Review</i>	<i>p 1</i>
<i>Sound Science</i>	<i>p 2-3</i>
<i>School Choice</i>	<i>p 3-4</i>
<i>Corporate Governance</i>	<i>p 4</i>
<i>Senator Mitchell Honored</i>	<i>p 5</i>
<i>Equal Protection</i>	<i>p 6</i>
<i>Board/Council Changes</i>	<i>p 6-8</i>
<i>Internship Program Resumes</i>	<i>p 8-9</i>
<i>Atlantic Legal Leadership</i>	<i>p 10-11</i>
<i>Atlantic Legal: Mission and Programs</i>	<i>p 12</i>

SOUND SCIENCE

Atlantic Legal Foundation has been a major force in ensuring that only scientifically valid claims can be pursued by plaintiffs seeking recovery for personal injuries. Our work has focused on ensuring that expert medical evidence is sound and reliable, and that claims alleging causation are assessed according to appropriate scientific standards.

Lockheed IV (Aguilar v. Exxon Mobil)

The Lockheed litigation cases have their origin in the top-secret work done at Lockheed's plants beginning in the 1960s. As part of their work building "stealth" aircraft, Lockheed workers were exposed to a variety of chemicals supplied by some of the country's largest chemical manufacturers. A little more than a decade ago, more than 600 of these workers sued Lockheed and its chemical suppliers, alleging that exposure to chemicals had damaged their health. The "damage" cited ranged from rashes or headaches to cancer.

The workers' claims were divided into groups and were heard as a series of back-to-back trials. Lockheed settled, but judgments in excess of \$760 million began piling up against the chemical companies named in the suit. Appeals were initially unsuccessful, but a significant procedural error in two groups of cases caused a panel of appellate judges to remand the cases for retrial. The results of those retrials have been no less than phenomenal in their legal and economic implications.

"Our work has focused on ensuring that expert medical evidence is sound and reliable, and that claims alleging causation are assessed according to appropriate scientific standards."

The spectacular initial judgments for the plaintiffs are now in the process of being just as spectacularly reversed. Where the courts originally found companies such as Exxon Mobil, Ashland Chemical, Shell Oil, DuPont, and Unocal liable for the health problems experienced by Lockheed workers, they are now, on retrial, reaching very different conclusions about whether it is reasonable to claim that exposure to these companies' chemicals had any demonstrable effect on these workers' health at all. In the remanded retrial the court refused to admit the testimony of plaintiffs' "expert," who did not offer solid scientific evidence to support his opinion

that chemical exposure had harmed the plaintiffs. Without that testimony, the plaintiffs' case collapsed and judgment was entered for the defendants.

Atlantic Legal filed an amicus brief on behalf of a group of scientists (including a Nobel laureate in chemistry) who have studied the role science plays in public affairs when the plaintiffs appealed. We argued that the "requirement of reliability" of expert testimony imposed by the California Evidence Code is similar to the standard developed by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals* (1993) for cases in federal courts. In that case the Supreme Court definitively established criteria for what constitutes expert medical evidence.

The Lockheed cases are among the more dramatic and important examples of suits that depend on medical causation. The

principles established in *Daubert* and in cases interpreting the California Evidence Code clearly identify plaintiffs' "expert's science" as faulty and unscientific. There simply is no solid evidence to support the claim that the Lockheed workers were harmed by the chemicals they handled.

In January, 2005 the Court of Appeals adopted many of the science-based arguments we advanced and affirmed the judgment dismissing the claims.

Appellate counsel for Exxon Mobil and Union Oil Company observed: "I definitely think you [did have] an impact on the court. Thanks for your scholarly work."

Roberti v. Andy's Termite & Pest Control

Also in California, Atlantic Legal filed an "amicus letter" in the Supreme Court seeking review of a decision by the Court of Appeal. We urged the Supreme Court to rule that the California Evidence Code imposes an obligation on the trial court to scrutinize the reliability of expert testimony, and that an expert's opinion is inadmissible if the expert's application of the material relied upon is "professionally unreasonable" even if such material is generally of a type commonly relied upon in the field. Unfortunately, the California Supreme Court denied review. However, the arguments made in this amicus letter were also made in our amicus brief to the California Court of Appeal - - and substantially adopted by that court - - in *Aguilar v. Exxon Mobil* decided a year later; the court in *Aguilar* distinguished *Roberti*, severely limiting its impact.

National Federation of Independent Business v. EPA

This case involves an EPA final rule which became effective in 2002, reducing sub-

stantially the reporting threshold for “manufacture, process, or otherwise use” of lead and lead compounds under the Toxics Release Inventory program to 100 pounds. The combined effect of the rule subjects thousands of additional facilities to the burdens of making “manufacture, process, or otherwise use” threshold determinations for lead and lead compounds, and filing annual reports. The rule is based on EPA’s view - - erroneous, we contend - - that “lead and lead compounds are highly persistent, bioaccumulative, toxic chemicals.”

Representing the National Federation of Independent Business, Atlantic Legal sued in the United States District Court for the District of Columbia, challenging the propriety of the rule on a number of procedural grounds and because the rule was based on faulty scientific analysis. NFIB’s principal objection to the lead reporting rule is the substantial incremental burden it places on small business; Atlantic Legal’s concerns are both the regulatory burden issue and the sound science issue, because it appears that EPA ignored developing credible scientific knowledge (including presentations at a conference co-sponsored by EPA itself) indicating that the concepts of “persistence” and “bioaccumulation” are not applicable to inorganic elements such as lead.

All parties have filed motions for summary judgment and we are now awaiting a ruling from the court.

SCHOOL CHOICE

For many years, too many public school districts have been failing to teach skills necessary for productive employment and

citizenship - - most notably in poor urban areas. Federal and state legislatures have attempted to remedy the failing school problem with various recipes, most involving school choice through charter schools and voucher programs. These initiatives have not been without opposition and Atlantic Legal has been asked to aid those advocating reform.

Opposition to charter schools in New York and several other states has been moving from state houses (where charter opponents largely have been unsuccessful) to faculty lounges and lunchrooms where union organizers have been increasingly active.

The Foundation helped one charter school resist a union’s organization petition. It also sponsored workshops to explain how charter leaders can counter union organizing efforts in New York (for the New York Charter Schools Association) and in New Jersey (for the New Jersey Charter School Resource Center at Rutgers). Atlantic Legal’s guide spelling out the ways charter principals and trustees can avoid union organizing efforts - - a resource that is surely needed - - is in the editing process and will be distributed in 2005. Jackson Lewis LLP, a prominent national labor and employment law firm, has given enormous pro bono assistance in these important projects.

The New Jersey Superior Court, Appellate Division, in March 2004 issued a compre-

hensive opinion in the Red Bank appeal where Atlantic Legal filed an amicus brief on behalf of Excellent Education for Everyone, a broadly-based school choice advocacy group. The New Jersey Education Association and the ACLU challenged the renewal and expansion of a very successful charter school on a variety of substantive and procedural grounds. These attacks failed. Other New Jersey charters will not have to overcome similar challenges as they seek to renew their charters or to add additional grades. The Red Bank case is a vivid example of the effective role Atlantic Legal plays as an advocate for those whose voices otherwise

would not be heard.

The school choice movement for parents with children in failing schools in some states has led - - in addition to charter schools - - to legislation permitting the use

of vouchers. Voucher programs are often challenged by opponents of public school reform. School choice opponents here raise arguments based on federal and state constitutional grounds. Atlantic Legal is a resource for those advocating “the voucher remedy” and has been consulted by voucher proponents in Florida and New Jersey.

The Foundation continues to give legal assistance to charter school leaders who need advice as they navigate through an often bureaucratic mine field: the Paterson Charter School for Urban Leadership continues to fight to regain its

“Opposition to charter schools in New York and several other states has been moving from state houses (where charter opponents largely have been unsuccessful) to faculty lounges and lunchrooms where union organizers have been increasingly active.”

charter. PSFUL and other charter advocates and officials have registered appreciation for Atlantic Legal's guidance. Our Charter School Lawyers Clearing House is also up and running. Atlantic Legal matches lawyers in private practice with pro bono responsibilities and charter schools whose boards would benefit from the counsel of energetic lawyers who support public school choice.

CORPORATE GOVERNANCE

The Foundation's work in this area in 2004 focused on two aspects of the lawyer's role in representing corporate clients.

Pereira Appeal

Representing the Corporate Law Department Section of the Los Angeles County Bar Association (which serves more than 600 corporate lawyers) and twelve current or retired corporate law specialists, Atlantic Legal filed an amicus curiae brief in the Pereira appeal in the Second Circuit Court of Appeals. The brief challenged a decision holding the chief legal officer of a closely-held Delaware corporation liable for over \$20 million. Columbia Law School Professor John C. Coffee, Jr. observed that the district court decision, treating novel issues of corporate governance, "should particularly chill the hearts of inside General Counsel."

Atlantic Legal's brief argues that the trial court "established an affirmative duty for corporate legal officers to control and supervise the board of directors, ensuring that directors ferret out, expose and pre-

vent transactions that may damage the corporation and others. The trial court turned the lawyer-client relationship upside down" The brief also challenges the trial court's failure to apply the traditional business judgment rule. The appeal has not been decided.

Attorney-Client Privilege Conference

Federal and state prosecutors and regulators in recent months have attacked the confidentiality of privileged attorney-client communications with troubling consequences for attorneys and their corporate clients. Senior management and directors are required to waive the attorney-client privilege and to disclose investigation reports and other analyses to demonstrate "cooperation" with government investigators. In some jurisdictions, confidences conveyed to in-house attorneys are being questioned. These challenges - - coupled with those presented by the Sarbanes-Oxley legislation - - have ramifications that may rewrite traditional tenets of the administration of justice in the United States. Atlantic Legal has organized an impressive assembly of experts to explore the issue at a March, 2005 conference captioned "The Attorney-Client Privilege : Erosion, Ethics, Problems and Solutions."

Dore v. Arnold Worldwide

We filed an "amicus letter" with the California Supreme Court in support of

defendant's petition for review on behalf of the Southern California chapter of the Association of Corporate Counsel. Review was granted and with the San Francisco office of Jackson Lewis LLP as co-counsel, we filed a brief on the merits on behalf of ACCA-SoCal.

The case arises out of an alleged breach of an employment agreement. The employment letter explicitly stated that Dore's employment with Arnold was "at will." Dore was terminated after 29 months of employment, with no reason given.

The trial court granted summary judgment to defendant, holding that the employment was "at will" and Arnold was at liberty to terminate Dore's employment. The Court of Appeal, however, found that because the sentence in the letter which recited that "at will" referred only to the time of termination - - and not whether termination could be for cause or without cause - - that parole evidence was admissible to show the meaning of the "ambiguous" terms, and that there was a triable issue of fact.

There is a split among the California Courts of Appeal regarding the admissibility of parole evidence where the language of the written agreement is as apparently clear as that in the employment letter, and that is probably the reason the California Supreme Court has granted review.

Senator Mitchell Honored

Former Senator George Mitchell was honored at Atlantic Legal's sold-out Annual Award Dinner in New York City in October, 2004. Atlantic Legal directors Frank Burch and Ernest Patrikis chaired the Dinner Host Committee.

For seventeen consecutive years, the Foundation has celebrated a distinguished American exemplifying the ideals and principles of public service and private enterprise. Senator Mitchell now serves as Chairman of the Board, The Walt Disney Company, and as a partner in DLA Piper Rudnick Gray Cary US LLP.

Appointed to the Senate in 1980, Senator Mitchell served for fourteen years, including six years as majority leader, the position he held when he left the Senate in 1995. During his tenure, Senator Mitchell won enormous bipartisan respect. For six consecutive years he was voted "the most respected member" of the Senate by a bipartisan group of senior congressional aides.

In 1996, the governments of the United Kingdom and Northern Ireland asked Senator Mitchell to chair the peace negotiations in Northern Ireland. He led the negotiations that ultimately resulted in an historic accord that ended decades of conflict. He has received numerous awards and honors recognizing his service in the peace talks, including the Presidential Medal of Freedom.

In addition to the board of Disney, he serves on the boards of FedEx and Staples, Inc. He is also chancellor of The Queen's University of Northern Ireland. He has served as chairman of the International Crisis Group, as chairman of the Special Commission investigating allegations of impropriety in the bidding



Senator Mitchell and Chairman Fisk

process for the Olympic Games, and as chairman of the National Health Care Commission.

Mayor Michael Bloomberg's letter of welcome to those attending the dinner was particularly fitting. He wrote: "Senator Mitchell has demonstrated exemplary leadership on behalf of our country and the legal profession; however, it is his commitment to giving back to the community and supporting important and worthy causes such as the American Red Cross Liberty Disaster Relief Fund, that truly sets him apart."

Accepting the award from Chairman Fisk, Senator Mitchell addressed "the Role of America in the Ever-Changing World." He observed: "The foundation of strength abroad is strength at home. That means a free and strong people drawing on the talent of every member of our society. That is possible because our system is based upon the rule of law, the respect that the law maintains from our people, and its equal application to every single person."

EQUAL PROTECTION

In June, 2004 Atlantic Legal filed suit against New Jersey Transit on behalf of GEOD Corporation challenging the constitutionality of New Jersey Transit's discriminatory contract-

ing policies. Our previous case in this area, *GEOD v. New Jersey*, changed the public-contracting laws of every state agency in New Jersey. We defeated the state's indefensible program of "set-aside contracts" that prevented white, male-owned firms

from competing for state contracts solely because the owners are white males.

Despite the dramatic implications of the previous case - - described by New Jersey legal expert and author Steven Brawer as "one of the most sweeping developments for New Jersey public contractors in years"- - New Jersey Transit (NJ Transit) continued to deny GEOD the opportunity to bid for business.

NJ Transit is a public corporation that owns and operates commuter rail and bus lines. Some of NJ Transit's funding is derived from the State of New Jersey, and so it is subject to Atlantic Legal's victory against New Jersey, but the vast majority of NJ Transit's funding is from U.S. Department of Transportation programs. NJ Transit claims that Federal guidelines exclude GEOD from bidding for contracts. Despite communications and face-to-face meetings urging NJ Transit to recognize

the law of the land, NJ Transit ignored its obligation to behave in accordance with the law.

The lawsuit names NJ Transit and each of its directors as defendants; the individuals

"...GEOD v. New Jersey, changed the public-contracting laws of every state agency in New Jersey. We defeated the state's indefensible program of "set-aside contracts" that prevented white, male-owned firms from competing for state contracts solely because the owners are white males."

are being sued in their official and personal capacities. We are seeking a permanent injunction, and declaratory judgment that NJ Transit's Disadvantaged Business Enterprise Program is unlawful under the federal and state constitutions, and is a violation of Title VI of the Civil Rights Act of 1964 (which bars discrimination in any programs that receive federal funding) and the New Jersey Law Against Discrimination.

Ernest Patrikis Joins Board



Ernest T. Patrikis, Senior Vice President and General Counsel of American International Group, Inc., was elected to the Foundation's board in March, 2004.

Mr. Patrikis joined AIG in 1998 following a 30-year career with the Federal Reserve Bank of New York, where he was the Bank's second ranking officer. He served as an alternate member of the Federal Open Market Committee, the Federal Reserve's monetary policymaking group.

Mr. Patrikis has served as a member of the staff of the President's Working Group on Financial Markets and as a member of the Committee on Payments and Settlement Systems of the G-10 central bank governors; he has also chaired legal projects for the G-10 central bank of governors and the Basle Committee on Banking Supervision.

Mr. Patrikis holds a J.D. degree from Cornell Law School and a B.A. degree with honors in economics from the University of Massachusetts. He has served on numerous bar association committees.

Additionally, Mr. Patrikis is a member of the advisory committee of the Business Council for the United Nations, a member of the advisory council of the Morin Center for Banking and Financial Law Studies at Boston University Law School, a member of the New York Stock Exchange and the NASDAQ legal compliance advisory committees and a member of the Council on Foreign Relations. He is also a director of the International Swaps and Derivatives Association.

New Advisors Appointed

The Foundation welcomed five new members of the Advisory Council during 2004, adding significant depth to Atlantic Legal's sound science and corporate governance capacities.

George E. Ehrlich, M.D., M.A.C.R. is a world-famous expert in rheumatology. He teaches at the University of Pennsylvania Medical School. Dr. Ehrlich chairs the



World Health Organization's Expert Advisory Panel on Chronic Degenerative Diseases; he also heads several other WHO programs, including the Low Back Pain Initiative. He is actively involved in the Bone and Joint Decade and OMERACT planning groups. From 1991 to 1996, he served on the Arthritis Advisory Committee of the Food and Drug Administration. He was recently elected Honorary Life President of the International Society for Behcet's Disease. Dr. Ehrlich has edited twelve medical books and has written more than 180 peer-reviewed articles.

Frederick T. Elder, Ph.D., P.E. heads the mechanical engineering firm that bears his name. He is an adjunct professor in the Department of Engineering at the University of Wisconsin – Madison. His fields of interest include mechanical systems and energy systems design.



Charles M. Elson is the Director of the John L. Weinberg Center for Corporate Governance at the University of Delaware and is "Of Counsel" to Holland & Knight. His fields of expertise include corporations, securities regulation and corporate governance. He is a graduate of Harvard College and the University of Virginia Law School, and

served as a law clerk to federal circuit court Judges J. Harvie Wilkinson III and Elbert P. Tuttle. He has been a Visiting Professor at the University of Illinois College of Law, the Cornell Law School, and the University of Maryland School of Law, and is a Salvatori Fellow at the Heritage Foundation in Washington, D.C. He is a frequent contributor on corporate governance issues to scholarly and popular publications. He serves on the Advisory Council of National Association of Corporate Directors and he is Vice Chairman of the ABA Business Law Section's Committee on Corporate Governance and a member of its Committee on Corporate Laws.



Isaac Rabino, Ph.D. received his Ph.D. in cellular and developmental biology at the State University of New York, Stony Brook, and has published in that field. He has a scholarly interest in the social and political implications of genetic-engineering research. He is a University Professor of Biological and Health Sciences at Empire State College, State University of New York.

Lance H. Wilson, Esq. is a graduate of the University of Pennsylvania Law School and is Senior Vice President of American Property Financing, Inc., a subsidiary of Emigrant Bank, specializing in financing multi-family housing developments. His



government experience includes positions with the U.S. Department of Housing and Urban Development and the New York City Housing Development Corp.

Halvorssen Expands His Atlantic Legal Role



The board has appointed Advisory Council member Thor Halvorssen as a consultant to the Foundation to take full advantage of his outstanding communications and management experience. He has been the principal architect of the Foundation's Academic Intern Program and has engaged in fine-tuning Atlantic Legal's communication initiatives.

Mr. Halvorssen is First Amendment Scholar at The Commonwealth Foundation, a free-market research and educational institute. In 2004, he stepped down as CEO of the Foundation for Individual Rights in Education (FIRE), a civil liberties organization he headed from its founding in 1999; he currently serves on its Board of Advisors. He is a member of the Society of Fellows of the American Council of Trustees and Alumni. Mr. Halvorssen is the coauthor of the Heritage Foundation's *Bringing Justice to the People* (2004), a book documenting the 30-year history of the freedom-based public-interest law movement. He has lec-

tured at universities across the country on First Amendment issues and his opinions and views have appeared in The New York Times, The Wall Street Journal, TIME, National Journal, The Washington Post, HBO, Fox News, CNN and National Public Radio. Mr. Halvorssen graduated Phi Beta Kappa from the University of Pennsylvania with concurrent undergraduate and graduate degrees in Political Science and History.

Internship Program Resumes

This past summer, Atlantic Legal expanded its tradition of hosting academic interns from many of America's major universities and colleges. Six summer interns, carefully selected from among many outstanding applicants, helped Atlantic Legal to accomplish its mission in an economical and mutually beneficial manner. In the fall, we hosted a full-time academic intern.

In addition to detailed research on current cases, Atlantic Legal's interns engaged in reading and discussion seminars concerning economic liberty, sound science, school choice, and individual rights.

Atlantic Legal believes that educating students about limited, responsible and effective government, free enterprise, individual liberty, and sound science is fundamental to the survival of a free society.

Back at Tufts, following her internship, Jordana Starr wrote to Atlantic Legal's directors and supporters: "I was afforded the kind of hands-on experiences that interns at other institutions only dream of having Interning at the Atlantic Legal

Foundation was simply a remarkable experience and I consider myself so lucky to have had this chance to work there."



Ashley Anne Ames – Ashley is a junior at The Ohio State University, majoring in International Studies. She has excelled academical-

ly and appeared on the Dean's List every quarter in her college career. Ashley is the publisher of The Sentinel, OSU's conservative campus newspaper.



Eugene Dayanghirang – Eugene is a sophomore at Wesleyan University. He is originally from the Philippines where he was class valedictori-

an and is in the United States on a Freeman scholarship. He is majoring (with a 4.07/4.00 GPA) in Mathematics-Economics and Philosophy.



Henri-Louis Delsol – Henri-Louis received his LL.M from the Georgetown University Law Center. This follows degrees in legal studies received from University Aix-Marseille

III with High Honors and University Jean

Moulin Lyon III with Honors, in his native France. Last spring Henri-Louis interned with the Cato Institute in Washington, researching the development of corporate and personal income flat taxes in Eastern Europe. He took (and passed) the New York bar exam in July. In France Henri-Louis was very much involved with Democratie Liberale, a French free-enterprise group defending principles of individual responsibility and limited government. Henri's internship extended through the summer and fall.



Jessica Fischweicher – Jessica is a junior at the University of Michigan, and is a graduate of the Bronx High School of Science. She edits

the Michigan Journal of International Affairs, an online journal.



Jordana S. Starr – Jordana is a junior at Tufts University, pursuing a double major in Political Science and Philosophy. In 2002 she received

the Presidential Award for Academic Excellence. She sits on the Tufts Community Union Judiciary and is the Secretary of the Tufts Right to Arms student group. She has been heavily involved with The Primary Source, the conservative-libertarian student magazine at Tufts.



Nevena Zhelyazkova – Nevena is a senior at Smith College, majoring in Economics and Psychology. She grew up in Bulgaria during

the most turbulent years of that country's transition from a totalitarian political system and planned economy to a democracy with a free market. She is committed to assisting Bulgaria in its development and described her internship at Atlantic Legal as helping prepare her for this noble task.



Amanda Morris – Amanda is a Junior at Dartmouth College, where she will be the editor-in-chief of the Dartmouth Beacon. A history and government double major, Amanda serves as vice-president of the Dartmouth College Republicans.

Briefly

- Walter Wriston, former Chairman and CEO of Citicorp, received the Presidential Medal of Freedom in June, 2004 for his innovations in commercial banking and his role as Chairman of President Reagan's Economic Policy Advisory Board. Mr. Wriston was honored by Atlantic Legal with its annual award in 1991. He passed away in January, 2005 at the age of 85.
- Retired Air Force General Joseph Ralston was the Foundation's guest speaker at The Union League Club in New York City in June, 2004. Currently Vice Chairman of The Cohen Group, in 2003 General Ralston completed a distinguished 37-year Air Force career as Commander, U.S. European Command and Supreme Allied Commander Europe, NATO.
- The Foundation completed its evaluation of proposals by the Chief Judge

of the State of New York to reorganize and consolidate the current complex court system. Board action and the publication of a report are expected at the March meeting.

- Advisory Council Member Dr. Sally Satel's op-ed articles appeared in The New York Times in July and October, 2004. Her book "One Nation Under Therapy" is to be published in April 2005.
- Atlantic Legal has moved to more suitable quarters, enabling us to expand our staff of interns. The cost of the new space has been underwritten by Pfizer Inc which has supported the Foundation continuously since it opened its doors in 1977. Thanks to this new space we shall be in a better position to leverage our resources and expand our reach. We are delighted that our mission and success continue to merit this exemplary support.

Lee Loevinger (1913 – 2004)

Lee Loevinger, a long-time leader of Atlantic Legal's Advisory Council, passed away in May, 2004 at the age of 91. His was an extraordinary record of public service.

After private practice in Kansas City, Missouri, he became a trial lawyer for the National Labor Relations Board and later served as an antitrust lawyer for the Justice Department. He was an Associate Justice on the Minnesota Supreme Court, a post he resigned when appointed Assistant Attorney General

for Antitrust by President Kennedy in 1961. He thereafter served as a member of the Federal Communications Commission. He was counsel to Hogan & Hartson.

Perhaps best known as an antitrust enforcer, Mr Loevinger also had a deep interest in the intersection between the law and science and published extensively in that area. He had a profound influence in Atlantic Legal's decade-long campaign to bar junk science from judicial and administrative proceedings.

Board of Directors

CHAIRMAN

Hayward D. Fisk, Esq.
Vice President and General
Counsel
Computer Sciences Corporation

VICE CHAIRMAN

Douglas Foster, Esq.
Atlantic Legal Foundation

PRESIDENT

William H. Slattery, Esq.
Atlantic Legal Foundation

SECRETARY

Charles R. Work, Esq.
Partner
McDermott, Will & Emery

TREASURER

Stephen J. Harmelin, Esq.
Managing Partner
Dilworth Paxson LLP

- Francis B. Burch, Jr., Esq.
Co-Chairman
DLA Piper Rudnick Gray Cary US LLP
- William J. Calise, Jr., Esq.
Senior Vice President and
General Counsel (Ret.)
Rockwell Automation
- George S. Frazza, Esq.
Of Counsel
Patterson, Belknap, Webb & Tyler LLP
General Counsel (Ret.)
Johnson & Johnson
- William H. Graham, Esq.
Partner
Connell Foley LLP
Senior Vice President
and General Counsel (Ret.)
Bethlehem Steel Corporation
- Henry H. Hopkins, Esq.
Vice President and Chief Legal Counsel
T. Rowe Price Associates, Inc.
- Ernest B. Hueter
President (Ret.)
National Legal Center for the Public Interest

- Quentin J. Kennedy, Esq.
Executive Vice President (Ret.)
Federal Paper Board Company, Inc.
- Jeffrey B. Kindler, Esq.
Senior Vice President and General Counsel
Pfizer Inc
- Edwin L. Lewis, Esq.
General Counsel
Photronics, Inc.
- Robert A. Lonergan, Esq.
Vice President and General Counsel
Rohm and Haas Company
- William B. Lytton, Esq.
Executive Vice President
and General Counsel
Tyco International Ltd.
- Ernest T. Patrikis, Esq.
Senior Vice President and General Counsel
American International Group, Inc.
- Philip R. Sellinger, Esq.
Managing Shareholder-NJ
Greenberg Traurig, LLP
- Clifford B. Storms, Esq.
Senior Vice President
and General Counsel (Ret.)
CPC International Inc.
- Stephen T. Whelan, Esq.
Partner
Thacher Proffitt & Wood
- James I. Wyer, Esq.
Of Counsel
St. John & Wayne, L.L.C.
General Counsel (Ret.)
American Cyanamid

DIRECTOR EMERITUS

- Dr. Frederick Seitz
President Emeritus
The Rockefeller University

OTHER SENIOR OFFICERS

- Martin S. Kaufman, Esq.
Senior Vice President and General Counsel
- Briscoe R. Smith, Esq.
Senior Vice President and Counsel

ADVISORY COUNCIL

- Patricia A. Buffler, Ph.D., M.P.H.
Professor of Epidemiology
University of California at Berkeley
- Henry N. Butler, J.D., Ph.D.
Director, Judicial Education Program
AEI-Brookings Joint Center for
Regulatory Studies
- George E. Ehrlich, M.D., M.A.C.R.
Professor of Medicine
University of Pennsylvania Medical School
- Frederick T. Elder, Ph.D., P.E.
President
Frederick T. Elder & Associates
- Professor Charles M. Elson
Edgar S. Woolard, Jr., Chair
John L. Weinberg Center for
Corporate Governance
University of Delaware
- Arthur F. Ferguson, Esq.
Partner
DLA Piper Rudnick Gray Cary US LLP
- Alfred L. Ferguson, Esq.
Of Counsel
McCarter & English
- Ronald E. Gots, M.D., Ph.D.
Managing Principal
International Center for Toxicology
and Medicine
- Philip S. Guzelian, M.D.
Professor of Medicine
University of Colorado Health
Science Center
- Thor L. Halvorsen
First Amendment Scholar
Commonwealth Foundation
- Robert E. Juceam, Esq.
Partner
Fried, Frank, Harris, Shriver & Jacobson
- Roger S. Kaplan, Esq.
Partner
Jackson Lewis LLP
- Susan L. Meade
Senior Vice President-
Government Affairs (Ret.)
JPMorganChase & Co.

■ **Dr. A. Alan Moghissi**
 President
 Institute for Regulatory Science

■ **Professor Charles W. Mooney, Jr.**
 Professor of Law
 University of Pennsylvania Law School

■ **Rodney W. Nichols**
 Former President, New York Academy of Sciences

■ **Hamilton Osborne, Jr., Esq.**
 Partner
 Haynsworth Sinkler Boyd, P.A.

■ **William G. Primps, Esq.**
 Partner
 LeBoeuf, Lamb, Greene & MacRae LLP

■ **Isaac Rabino, Ph.D.**
 Professor of Biological and Health Science
 State University of New York

■ **Alan Charles Raul, Esq.**
 Partner
 Sidley Austin Brown & Wood LLP

■ **Paul C. Rooney, Jr., Esq.**
 Partner (Ret.)
 White & Case LLP

■ **Sally Satel, M.D.**
 Resident Scholar
 American Enterprise Institute

■ **R. Edwin Selover, Esq.**
 Senior Vice President and General Counsel
 Public Service Electric and Gas Company

■ **Dr. Barry H. Smith**
 Senior Vice President
 The Rogosin Institute

■ **Dr. A. F. Spilhaus**
 Executive Director
 American Geophysical Union

■ **Lance H. Wilson, Esq.**
 Senior Vice President
 American Property Financing, Inc.

■ **Professor Richard Wilson**
 Department of Physics
 Harvard University

■ **Lee L. Zwanziger**
 Senior Research Analyst
 President's Council on Bioethics

*Board and Council members
 as of December 31, 2004*

**ATLANTIC LEGAL'S
 PRINCIPAL SUPPORTERS - 2004**

CORPORATIONS

Abbott Laboratories
 Alcoa Inc.
 American Express/Tax and Business Services
 American International Group, Inc.
 Aon Risk Services
 CCH-Legal Information Services
 Computer Sciences Corporation
 Consolidated Edison Company of New York
 Corn Products International
 Eaton Corporation
 Exxon Mobil Corporation
 Johnson & Johnson
 Lockheed Martin Corporation
 Morrow & Co., Inc.
 Occidental Petroleum Corporation
 Pfizer Inc
 Phillips International
 PricewaterhouseCoopers
 Public Service Electric and Gas Company
 Rockwell Automation, Inc.
 Rohm and Haas Company
 Unilever United States, Inc.
 United States Steel Corporation
 Unocal Corporation
 Walt Disney Studios
 Weber Shandwick Worldwide
 Wyeth

FOUNDATIONS

Anonymous
 The Lynde and Harry Bradley Foundation
 Castle Rock Foundation
 Conway Foundation
 Kinder Foundation
 F.M. Kirby Foundation, Inc.
 Richard Lounsbery Foundation
 Sarah Scaife Foundation, Inc.
 Vecellio Family Foundation

LAW FIRMS

Arkin Kaplan, LLP
 Boies, Schiller & Flexner LLP
 Bressler Amery & Ross, P.C.
 Cahill Gordon & Reindel LLP
 Clifford Chance US LLP
 Conley Rose P.C.
 Connell Foley LLP
 Connelly Sheehan Moran
 Cooper & Durham LLP

Debevoise & Plimpton LLP
 Dewey Ballantine LLP
 Dilworth Paxson LLP
 DLA Piper Rudnick Gray Cary US LLP
 Fried, Frank, Harris, Schriver & Jacobson
 Gibson, Dunn & Crutcher LLP
 Goodwin Procter LLP
 Greenberg Traurig, LLP
 Greisinger, Tighe & Maffei LLP
 Haynsworth Sinkler Boyd
 Jackson Lewis LLP
 Kramer Levin Naftalis & Frankel LLP
 McDermott, Will & Emery
 Nelson Mullins Riley & Scarborough, LLP
 Quinn Emanuel Urquhart Oliver & Hedges, LLP
 Sidley Austin Brown & Wood LLP
 Stroock & Stroock & Lavan LLP
 Sullivan & Cromwell LLP
 Swidler Berlin Shereff Friedman, LLP
 Thacher Proffitt & Wood LLP
 Wilmer Cutler Pickering Hale and Dorr LLP

INDIVIDUALS

Robert K. Adair
 Henry N. Butler
 James Connors
 Arthur Fergenson
 George Frazza
 William Graham
 Mr. & Mrs. Kenneth J. Hanau
 Nat Handel
 Kevin R. Harper
 A. D. Hart
 Henry Hopkins
 Robert Juceam
 Roger Kaplan
 Quentin Kennedy
 Edwin Lewis
 Letty Goodman Lutzker
 Charles W. Mooney
 Roger Mulvihill
 William G. Primps
 Paul Rooney
 Christopher T. Seaver
 Barry H. Smith
 Briscoe R. Smith
 Clifford Storms
 Stephen M. Unfried
 Stephen T. Whelan
 James I. Wyer

Includes Annual Award Dinner Supporters

ATLANTIC LEGAL: MISSION AND PROGRAMS



The Atlantic Legal Foundation is a nonprofit, nonpartisan public interest law firm with a demonstrable history of advancing the rule of law by advocating limited, effective government, free enterprise, individual liberty, school choice and sound science in the courtroom. To accomplish its goals, Atlantic Legal provides legal representation and counsel, without fee, to parents, scientists, educators, and other individuals, corporations, trade associations and other groups. The Foundation also undertakes educational efforts in the form of handbooks and conferences on pertinent legal matters.

Atlantic Legal's Board of Directors and Advisory Council include the active and retired chief legal officers of some of America's most respected corporations, distinguished scientists and academicians and members of national and international law firms.

The Foundation currently has a focus on four areas: representing prominent scientists and academicians in advocating the admissibility in judicial and regulatory proceedings of sound expert opinion evidence; parental choice in education; corporate governance; and, equal protection under the law by government agencies.

Atlantic Legal's cases in the past year alone have resulted in the protection of the rights of thousands of schoolchildren, employees, independent businessmen, and entrepreneurs. In case after case, Atlantic Legal brings about favorable resolutions for individuals and corporations who continue to be challenged by those who use the legal process to deny fundamental rights and liberties. Please visit www.atlanticlegal.org where the Foundation's most recent activities are detailed.

A copy of the Foundation's latest annual financial report may be obtained from the Foundation or from the New York Attorney General's Charities Bureau, Attn: FOIL Officer, 120 Broadway, New York, NY 10271. A copy of the official registration and financial information of the Atlantic Legal Foundation (Cert. 1257) may be obtained by calling the Pennsylvania Department of State at (717) 783-1720. Registration does not imply endorsement.