

KATHRYN HENDLEY

BY LISA KAISER

Contracts. Supplies. Paychecks. Fundamental concepts in our society. But not in the former Soviet Union, says Asst. Professor Kathryn Hendley, who studied an aviation plant in Sarotov, Russia, and now teaches International Business Transactions at the Law School. Hendley has a joint appointment with the political science department, for which she teaches Comparative Legal Institutions.

Hendley became intrigued by these cultural concepts after traveling through Europe, the Soviet Union, China and Israel while working on her B.A. at Indiana University and J.D. at the UCLA School of Law. These thoughts came back to her while she worked at a Dallas law firm in the mid-1980s.

"I had been struck, both in Russia and in other places, about the whole question of concepts that we take so for granted in the United States and how differently they're interpreted," Hendley said. "You never think that there could be anybody who disagrees."

Hendley left Dallas to work on her master's degree at Georgetown and went back to Russia in the fall of 1989 for a year of work on her dissertation on legal reform and labor law. She then earned a doctorate at the University of California at Berkeley in 1992.

Besides her academic work, Hendley also advised managers of an aviation plant in Sarotov, Russia. Her first visit to Sarotov was with a group of American business-



people to consult on privatization questions and continued her research at the aviation plant in the spring of 1993. "In essence I worked there," Hendley said. "I would go out every day just like a normal worker and talk to people and try to find out how they were coping with the changes that were happening every day."

These changes include learning how to deal with Western concepts, especially the idea of contracts. The Soviets used their ministries to enforce contracts or else left them to be settled on an informal basis. The Russian parliament has developed an economic court system that can handle disputes between private companies, although large firms usually ignore the new policies. For example, the plant that Hendley studied employs 15,000 workers, and suppliers are happy to deal with such a large factory informally.

"The trade patterns that developed

under the Soviet system were based on personal contacts, so to a large extent they still exist," Hendley said. "But when you talk to managers about the extent to which they use the economic court system, they just laugh, as if this would even be contemplated. If contracts are not enforceable, then it's not surprising that they don't take them seriously."

Smaller firms, however, rely on personal contacts of a different sort. "It's in this small-business area where you see the emergence of what they call the Mafia or what are essentially private contract enforcers," Hendley said. "Basically these are people who if you order widgets will guarantee that they'll

come on time. And they don't do it for free. As somebody who studies legal development it's not exactly the most positive thing, but it's understandable."

Even paying employees often becomes problematic, since payday entails checking off your name and wages from a list of your fellow workers. You then get the cash: no checks, no stubs, no direct deposit. "I don't think an American can actually conceive of getting a wad of tens or hundreds when they get their paycheck—well, there's no such thing as a paycheck," Hendley said. "They literally hand you the pack of rubles."

Hendley has maintained her Russian contacts through a group of UW-Madison professors who contracted with the Russian government to help set up new legal structures and she has also hosted visitors from Russia—including the manager of the Sarotov aviation plant—this past school year.

VICTORIA NOURSE

BY LISA KAISER

"I took a big chance on law school," said Victoria Nourse, a new assistant professor who now teaches Criminal Law, Criminal Procedure, and Legislation at the Law School. Nourse began her career as an engineering student and then a history major at Stanford. After enrolling at the law school at the University of California at Berkeley, Nourse found that law suited her talents well. "I found the law liberating," Nourse said. "It offered me the conceptual challenges I found in science but placed those challenges within a more human discipline."

Prof. Nourse's varied academic career turned into a varied work career, which always included her ambition to teach law. "I always wanted to teach, but I kept finding myself doing other things," Nourse said.

Those "other things" include working on some of the most controversial legal issues of the 1980s. Two and a half years after her law school graduation, Nourse found herself helping to investigate a national scandal, the Iran-Contra affair. She got there after a clerkship with noted New York Federal Judge Edward Weinfeld led to a job as an associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison. Nourse's hard work and respect for detail caught the attention of Arthur Liman, the head of the firm, and he handed her a huge break—a position in Washington as an assistant counsel to the Senate Iran-Contra Committee.



"Looking back, I had an enormous amount of responsibility for a young lawyer," said Nourse. "Along with interviewing a number of top government officials, I was assigned to read some of the most sensitive documents in the White House. My job was to know the facts better than anyone else. I read and re-read everything that Oliver North ever wrote. Still, to this day, I can repeat some choice lines from his memoranda."

After the investigation, Nourse left the firm to spend two years sharpening her skills as an appellate advocate at the Department of Justice. "I thought about seeking a teaching job at that time, but I wasn't really sure if I was ready for it," Nourse said. "I wanted to be a 'real' lawyer, to argue 'real' cases before 'real' judges."

In 1990, as she was preparing to argue a case in the D.C. Circuit, Capitol Hill called once more, this time in the form of

an offer to become Special Council to the Senate Judiciary Committee. During her three-year tenure there, the Judiciary Committee was embroiled in some of the most controversial hearings in its history, including the hearings of Supreme Court Justice Clarence Thomas and Attorney General-designate Zoe Baird.

"In one capacity or another, I worked on most Committee hearings," Nourse said. "But my principal job was to develop legislation and, in particular, crime legislation." Soon after she arrived, the chairman of the Committee, Senator Joseph Biden, asked Nourse to take the lead on a bill that would

become a centerpiece of her work there—the Violence Against Women Act. "I'm very proud of my work on that," she said. "It was something that I never could have anticipated, but something that has come to mean more to me than almost anything else I have done in the past ten years."

Her work on the legislation wasn't always easy. At first, interest groups resisted; they wouldn't even return Nourse's telephone calls. "So I did what a law professor would do—I went to the Library of Congress," Nourse said.

Despite her success in Washington, Nourse admits to enjoying the relaxed atmosphere of Madison. "Many of my former colleagues on the Hill would love the opportunity to leave Washington to come to a place where people were actually civil to each other and where they had the luxury of pursuing their true interests," Nourse said.