

copy of the movie to **Roland Brandel** and Roland and Ellen hosted a viewing attended by Len, Jane and **Neil Levy**, **Bob Donovan**, and Carolyn and **David Long**. The movie is titled *Freedom on My Mind*, and I highly recommend it to all. Len sent me a copy and I plan on showing it to my family at Thanksgiving.

Finally, Judy and I hosted our entire immediate family of three children, their spouses, and three grandchildren for a belated 75th birthday celebration for Judy at the Tanque Verde Dude Ranch outside of Tucson, Arizona. I know it is hard to picture a guy from Joisey and Chicago at a dude ranch, but not as hard as it was for me to imagine, as it recalled my comment to an official of the Peace Corps during Peace Corps training before I was sent to Chile, saying, "Believe my background. I never saw a horse without a number on its back, and the only grass I ever saw was planted." Despite that, it was a wonderful experience and everyone behaved. I recommend it to all. Because I play no sports and have no hobbies, there is nothing overwhelmingly pulling me into retirement, and the targeting of immigrants by the government means there is meaningful work to be done, although I feel that I should focus on mentoring rather than doing. Otherwise, all is well with the Feiertags. Stay well and stay in touch.

## 1967

### CLASS CORRESPONDENT

**Steve Sacher**

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Fresh off our 50th Reunion Chicago weekend of drinking, eating, and talking, the Class of '67 was uncharacteristically mute on updates. But those who contributed made up for it with their quality of insight. (Ha-ha—sometime I just kill myself.)

**Bill Bowe** shares: Before our reunion Judy Munson invited me and my son Andy to her and **Lester [Munson]**'s Chicago townhouse for a special home-cooked Mexican lunch with visiting Vermonter **Duncan Kilmartin**. Given Andy's interests, we spent most of our time discussing trains rather than politics of the day. I also had a chance to catch up with **Judd Miner** before our 50th event. It was then that he gave me a preview of his later reunion talk about helping start a new bar association, serving Chicago's first black mayor

as Corporation Counsel, and hiring Barack Obama upon his graduation from Harvard. I took pains to remain agape as he talked and, as I had hoped would happen, he paid for lunch.

**Ty Olsen** reports: I have nothing of interest to report, but I did enjoy talking with you and others at the class dinner.

**David Goldberger** advises: Hi Steve, Thanks for the update. I don't have much to say. My wife and I are off to Panama next week for 10 days to look at birds. (No, I don't know anything about them other than they are fun to watch.) We really enjoyed seeing so many old friends at the reunion. And I just learned that we can be proud because James Comey, '85, is a UC alum.

Finally, if there is ever to be an exchange of views on other such communication, we should still think about a private Facebook page. The biggest obstacle is that our generation doesn't really use Facebook much, but there doesn't seem to be an easily workable alternative.

**Peter Ostroff** opines: Greetings from Indonesia. I am glad that I attended the reunion. The thoughts of numerous classmates reinforced my as-yet-unexplored sense that there are many great things to do after 50 years than practicing law (as wonderful and rewarding as that has been).

The above concludes my report for Class Notes in keeping with the new dictate. However, I have a thought. I enjoy the unconstrained contributions of my classmates. I observe that many other classes submit very short reports, if any. Is it permissible to purchase air (or wind) rights from those who do not take full advantage of their allotted 1500 words?

Subsequently, Peter added: I suggest that we continue to solicit fulsome responses and submit them (as edited in your discretion) without regard to an arbitrary word count limit.

**Art Massolo** expressed similar sentiments: The Class of '67 has passed its big milestone, for which there were many class notes and many words. I doubt, as your recent appeal shows, that we will get close to that number of words again. If we do, we do. I would not limit anyone in what they submit until we are shut down.

**Robert Krughoff** reports: I don't know whether this is appropriate and it is much too long, but having never done anything for Class Notes and having a few notes easily at hand from my remarks at the reunion, I thought I would send them along. Please feel free to throw them out. This was no trouble for me. And no offense to have rejected.

Following are Bob's notes: The reunion was a most enjoyable event. Great to see many fascinating classmates. I thought I would send some career notes I put together for my little talk at our Saturday afternoon get-together.

I realized I was not cut out to practice law during the summer of my second year. I worked at a Wall Street law firm and ended up writing long memos that were interesting for me to do but clearly more philosophical than the partners wanted or the clients would have wanted to be billed for. I began to think I might want to be a school superintendent. I know now that that would have been a disaster—you actually have to hold meetings—and I never do anything so structured. But I got a job teaching intermediate school in the South Bronx. Very enjoyable. And I did other things, like starting a school newspaper with students who'd been thrown out of regular classes, and writing an article on voucher schools that was published in the *Journal of Education and Urban Society*. A lot more interesting than my law review article had been.

After two years, I wrote to Daniel Moynihan in the Nixon White House saying I wanted a job and he connected me with the Assistant Secretary for Planning and Evaluation at HEW. I became his special assistant and worked with a fascinating bunch of people there. Secretary Elliot Richardson had me brief him and his agency heads on ways to improve the impact of the department's research and evaluation programs, and he then decided to set up an Office of Research and Evaluation Planning in the Office of the Secretary and have me head it. I didn't know how to do this but recruited some real smart staff and at least did no harm. Then a couple of years later I was driving away from an auto repair shop where I'd had my car in three times for the same repair and it still was not right. I said to myself there needs to be a *Consumer Reports* for local services, and thought



I would draw on my HEW experience evaluating neighborhood health centers, Head Start programs, etc., to find ways to evaluate various local services

I quit HEW and set up a nonprofit corporation, got about \$60,000 in start-up grants, including some from *Consumer Reports* and the Rockefeller Family Fund, began doing surveys of *Consumer Reports* subscribers checking on their local service experiences, and began doing direct mail to recruit subscribers to what we called *Washington Consumers' Checkbook* magazine. No one knows what a checkbook is now, but at the time it was kind of a fun play on checking services out, giving checkmarks to the best, and watching your money.

We published our first issue in 1976. The very first issue, local to the DC area, won the National Press Club's First Place Award for Excellence in Consumer Journalism. We have been publishing *Checkbook* ever since—including online for about the past 20 years. First in the DC area, then in the San Francisco area in 1980, and then in the Seattle, Twin Cities, Chicago, Philadelphia, and Boston areas since 2001. We have about 55,000 subscribers in Washington but far fewer in other areas—fewer than 6,000 in the Chicago area, for example.

People often say, "So it's like Angie's List." I threaten to break their kneecaps and then point out that Angie was in kindergarten when we started *Checkbook* and that there are big differences. For example: We don't take any advertising or other such money from the companies we evaluate; that's where Angie, Home Advisor, and other so-called rating services get all or most of their money. We compare prices based on apples-to-apples undercover price shopping for a representative sample of services for each company. No one else does that. And we find big price differences—with the same plumbing job or auto repair costing three times as much with one company as with others—and in most service fields there is no correlation between quality and cost. Consumers just don't do the hard work for shopping for prices for these services; it's not like products. Markets don't work, telling me *Checkbook* is really needed.

We don't just rely on consumer surveys to assess quality. For example, we report risk-adjusted death rates and complication rates for hospitals and surgeons based on complex analysis using Medicare claims data. And we find big differences—with the worst-performing one-tenth of surgeons doing heart valve, bowel, and other major surgeries having three times the death rates of the best performers—and big differences in complications and readmissions in less risky surgeries like hip and knee replacement.

The magazines and websites were for many years supported by individual subscribers, many of whom donate above and beyond their subscription payment. For the past 20 years we have also gotten income from survey and analysis work we do for other organizations—for example, for years doing all of Medicare's surveys of members of Medicare Advantage plans, surveying about 700,000 plan members a year. We've had various other consumer information products over the years. For example, we have our CarBargains service, where consumers pay us to get at least five competitive bids for a specific make and model of car. There was nothing like that 25 years ago when we started it, and I talked about it on *The Today Show*, 20/20, etc.

We had a publication called *Bargains*, where we got local retailers to compete to get listed as the cheapest store for a product by quoting the best price for any of thousands of models of TVs, washing machines, tennis rackets, and other products. No cost to stores and great prices for consumers. But we killed that pub in the late 1990s because we decided our prices were not good enough after the advent of various Internet pricing sites. We have our *Guide to Health Plans* for the eight million employees and retirees in the Federal Employees Health Benefits Program, first published 37 years ago and online now for about 20 years to help consumers choose the best plan for them. Many individuals subscribe and many agencies like HHS, SSA, and the postal service subscribe for their employees.

That was the first real plan comparison tool for an exchange, and we have testified and written papers about it. We hoped to actually do the comparison tool for Obamacare exchanges but, after totally screwing up for the first

two years, the Feds got some of their IT contractors to do a lot of what we were recommending. We are providing plan comparison tools under contract with a few exchanges—in DC, Vermont, Minnesota, Pennsylvania, and Massachusetts—and we hope to do more depending on what happens on the health reform front.

People need help. For example, people can't figure out if a plan with a \$200 deductible and \$10,000 out-of-pocket is limit better for them than one with a \$2,000 deductible and \$3,000 out-of-pocket limit. Our tools include for each available plan a single dollar-amount estimate of the average total cost, premium plus out-of-pocket, for someone like the user—same ages of family members, health statuses, any planned procedures, etc.; an estimate of risk showing cost in a high health care year and probability of having such a year. We also include measures of care and service quality and which of the consumer's preferred doctors are in each plan.

Linda asked me to tell how law school has been relevant to all this. A little knowledge of the law was useful. For example:

For protecting ourselves from defamation suits from the service providers we evaluated. In the early days, providers couldn't believe we would dare publish comparative information. I remember when a hospital association in San Francisco threatened to sue us if we published each hospital's basic charge for an emergency department visit. The Internet has had a very good effect on getting companies used to being evaluated. We have had pro bono representation all these years by Williams and Connolly.

For getting data via FOIA. Eleven years ago we sued HHS for release of physician-identified Medicare claims data so we could compare surgeons and other doctors. Wilmer Hale represented us pro bono. We won in federal district court but lost when the government and the AMA appealed saying release of such data would compromise physicians' privacy. So for 10 years we pushed for data release, writing op-ed pieces with former Secretary of HHS Michael Leavitt and former secretary of everything

George Shultz; we proposed legislative language and drafted regs. Finally the physician-identified claims data were released three years ago, and are now being used by many organizations monitoring health care cost and quality.

For getting information on each plan's benefits rules to use in modeling out-of-pocket costs for our plan comparison tools for exchanges. The government has been ridiculously resistant. Covington and Burling has been suing for us for three years.

And there've been other ways that having a little law background has been helpful, like when serving on committees and boards. For example, an Institute of Medicine committee had to decide how much doctors should have to disclose about money they receive from drug companies and it was helpful to have a little insight when suggesting legislative language.

Prof. **John Schlegel** had this to say: Won't have anything as I am far too busy finishing up the book manuscript from Tucson.

**Chris Jacobs** intoned: In response to this 1,500-word limitation per class in Class Notes, you might inform the staff of the Class Notes that the class of '67 is considering a measure to limit its annual donations to the Law School to \$1,500 for the entire class multiplied by the number of Class Notes submissions in that year. Of course this is facetious but it makes the serious point that is that the Law School is needlessly irritating potential donors with its arbitrary and picayune rules and limitations on what can be submitted.

The Honorable **Don Alexander** observes: Continuing thanks for your efforts to keep us in touch and deal with the 1,500-word limit—remember college history papers.

I attended the June 2017 Maine State Bar Association meeting, where our classmate **Bruce Johnson** received lifetime membership recognition for having been practicing law for 50 years. First time I had seen Bruce since law school. He has been maintaining an estate planning practice in Maine for about 25 years.

I did not qualify for 50 years in practice this year, because I passed the 1967 DC Bar, but the exam grading and admission



process was so slow I was not actually admitted until early 1968. At the Bar Association meeting, I did receive the Ballou Distinguished Service Award in recognition of my support for continuing legal education programs and for efforts to promote practice by newer attorneys in smaller and rural communities.

Loved **Jack Schlegel's** contribution to the Spring 2017 Class Notes, particularly the comments on retirement and *Law Review*.

Best wishes to all our classmates.

**Bruce Johnson** appreciated the good publicity: My newly appointed press agent, **Don Alexander**, has "spoken" for me, and I'll let it go at that.

Sir **Geoffrey Palmer** tells us: I was sorry to miss the reunion, but it was inevitable because I was teaching an Advanced Public Law class at Victoria University

on the new proposed constitution for New Zealand that I am promoting.

That is finished, so Margaret and I are cruising the Society Islands starting at Tahiti. Today in Bora Bora, where we had a drink at Bloody Mary's. Cheers!

From **Gene Dye**: We retain so many good memories of the 50th reunion events and of being together with the class of 1967. I think that with the passing of time such reunions are easier and more satisfying, in part because the class is freer to be whoever they are and have become less inclined to feature what they do and have achieved, and in part because there is an increasing source of satisfaction in simply still being around. Joy and I would like again to thank everyone who helped make the reunion so agreeable.

So many of the class were interested in the political situation in France, both because of the questions raised about the situation of extreme and

fear-based politics in Europe and by way of counterpoint to situations elsewhere, and we are truly relieved by the (in our view) very positive outcome with the strong victory of Macron and corresponding rejection of extreme candidates from both right and left, followed by the election of a large majority of Macron followers in the legislature. It remains to be seen, of course, whether the government, legislature, and French society more generally will be able finally to deal with some of the basic problem issues, such as social security costs with an aging population and outdated and counterproductive ideological labor laws, to say nothing of the immediate challenges of immigration, terrorism, and the evolution of the European Union faced with those challenges and Brexit.

We plan to leave all these troublesome issues on the sidelines for a while, go off for a couple of weeks along the Seine in our little old Norwegian motorboat, and then retreat to the mountains for the classical music festival in the baroque churches in the rather obscure part of the Savoie, the Val d'Arly, where we have been spending an increasing part of each year for almost 40 years. We wish you all a very good summer.

**Chuck Gordon** relates: Gee and I greatly enjoyed the 50th reunion, especially the high ratio of drinking to speechifying. Our grandson managed to graduate high school despite spending most of his time writing rap songs, which he seems to be having some success at. Our daughter won a national award for running the best low-income mortgage program in the country. We will spend most of this summer going to weddings, far preferable to funerals. Our next cruise is from Venice to Rome in November.



*Law School faculty and staff present at a Law School Colloquy with Dean Miles at Reunion Weekend.*



**Hans Petter Lundgaard** reports: I really wanted to attend the 50th anniversary. However, my wife's health condition has deteriorated in such a way lately that all plans had to be cancelled. Since I retired from my service as a judge at Borgarting lagmannsrett (Court of Appeal for Eastern Norway), we have had some good years with more family and less law. My three children, who came along with us for the year in Chicago, have blessed me with nine grandchildren and three great-grandchildren and more in the coming! Enjoy the celebrations!

**Howard Landa** advises: I continue to enjoy nearly full retirement from the practice of law. Thus, I maintain a small home-based office and from time to time take on a limited number of clients on a very selective basis. Employment law and commercial transactions continue to be the areas in which I focus.

Also, as I previously reported in Class Notes, several years ago I founded a photo imaging business. However, I recently decided to limit my involvement in that enterprise in order to devote the bulk of my time to enjoying my wife, children, grandchildren, assorted other relatives, friends, travel (I'm looking forward to an upcoming four-week driving vacation through England, Scotland, and Wales), reading, golf, and whatever else interests me at the moment.

I regret that I was unable to attend our 50th Class Reunion. However, I am very much looking forward to being present at our 55th Reunion.

A word from your correspondent:

The 50th reunion was excellent and it was great to see everyone. **Gene Dye** noted that the latter-day reunions are much better than the earlier ones, and was, as usual, nuanced and sensitive in explaining why. To me, it's really simple. At this stage, there can be no pretense. We all know exactly who we are. There is little or no chest thumping, because all of us are fully aware of our flaws and our peccadilloes, and we know how much of our success is due to nothing more than sheer luck. So we're all laid-back in a way we couldn't be in earlier years. And when we see each other, it's as though we are transported back in time and we are immersed in the warm memories of learning together in a place where learning was celebrated for its own sake.

Colleen and I are having an unusual summer. In April, we put our house on the market, intending to sell it and move to Cape Cod. Part of the drill is to "declutter"—to remove from the premises the things that have personalized it, in order to present rooms that prospective buyers can "imagine" in whatever way they wish. So we decluttered, and about 40 percent of our belongings are now in storage. But the house has not sold yet, and we are living with the remaining 60 percent. Our broker says that houses in our price bracket sometimes take as much a year or more to sell. **Steven Boyers** suggested that we should



*Barbara Smithers, '77, Robert Robb help identify their classmates in the*

double the asking price and tell the broker that the price will reduce steadily as the months go by. I had figured that incoming Trumpians would drive the market up, but he hasn't nominated many and Shumer (Minority Leader Senator Charles E., D-NY) has blocked many that he did nominate.

Nevertheless, we are persevering. Colleen went off to visit Croatia with a group of high school girlfriends in May, and in June I went on a road trip into Wisconsin. We will be spending part of August in Marstons Mills, on the Upper Cape, and then maybe a long weekend in Manhattan in September. But other than that and similar short ventures, we'll be right here, smiling at the "For Sale" sign in front of the house.

Very best regards to all, and keep those cards and letters coming!



Members of the Class of 1967 fill the room for a lively 50th Reunion panel discussion during Reunion Weekend.