

The University of Virginia School of Law

UVA *Lawyer*

Spring 2001



Inside: A Tribute to Dean Scott
When Law and Technology Intersect
175 Years of Law at Virginia



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EDITOR Cathy L. Eberly

CONTRIBUTING WRITERS Charlotte Crystal, Denise M. Forster,
Lauren E. Greenwood, Caroline Keough (Col. '01),
Linda A. Skove

DESIGN Helleberg + Roseberry

PHOTOGRAPHY Ian Bradshaw, Tom Cogill,
Law School Archives

ILLUSTRATION Charles Peale

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Cover: Dean Robert E. Scott in front of Clay Hall.

We welcome your letters about *UVA Lawyer* or other matters related to the Law School. Please send them to Cathy L. Eberly, editor, at 580 Massie Road, Charlottesville, VA 22903, or by e-mail to lawalum@virginia.edu.

Dear Ms. Eberly:

I assume that *UVA Lawyer* chose to present a feature article on Virginia Governor Jim Gilmore in response to Republican criticism of the magazine's story on former Attorney General Janet Reno. Unfortunately, here comes the inevitable Democratic complaint.

Mr. Gilmore, as you note, is a rising Virginia political star. He is currently chair of the Republican National Committee, and many expect him to run for national office in the near future. Because of the highly political position he holds, I would have expected the magazine to adopt a more neutral tone in reporting on him. Instead, the article seemed to wholly adopt his viewpoint without reservation.

Specifically, you report Mr. Gilmore's assertions about cutting Virginia's unpopular car tax, but you fail to tell the story of how he has continued in a devious and misleading way in implementing this tax cut.

First, during the campaign of 1997, a Virginia Senate committee investigated then-candidate Gilmore's proposal, and determined that it would cost twice what the Republican candidate claimed. Gilmore denounced the report as blatantly partisan, but then, during his first State of the State Speech in January 1998, admitted that he had underestimated the cost of cutting the car tax by 50 percent.

Now, as economic growth begins to slow in the Old Dominion, the funds to finish paying for Gilmore's tax cut are not coming in. Republican and Democratic legislators in the General Assembly are calling on the governor to do the fiscally prudent thing and scale back his tax-cut plans. But to date, he has refused, instead opting to eviscerate essential human services provided by the Commonwealth.

Just to be clear, I am not criticizing you for profiling Mr. Gilmore. Rather, my criticism is

aimed at the one-sided nature of your profile. The article should have reflected the fact that while our governor is hardworking, he is also stubborn and often unwilling to negotiate with other political leaders. A full feature on Governor Gilmore would have recognized the fact that the car tax issue, once Mr. Gilmore's proudest success story, could turn into his Waterloo.

Caleb Jaffee '01

Dear Ms. Eberly:

What a fine graduation picture in the Fall 2000 issue! The parents in the background, perhaps a bit sobered by a pass of time, the happy graduates in front, the young woman in the center. Joyously eager, she wears her robe of achievement—but it does not quite hide the red dress beneath. The future beckons and she is ready to rock and roll. (And could we have a credit for the photographer?)

Sincerely,

Richard Chew '52

The photographer is Charlottesville-based Tom Cogill, who has been shooting Law School events for many years.

Looking Back, Looking Ahead

■ Robert E. Scott

AS WE CONCLUDE ANOTHER ACADEMIC year and I move into my last months as dean, it seems appropriate to look back for a few moments on where the Law School has been, where it is today, and where I believe it is headed. The past decade has been a time of enormous growth and change both for me and for this institution, and I am pleased to have this opportunity to reflect on our accomplishments and on what lies ahead.

When I became dean in 1991 we faced a watershed period in the life of the Law School, occasioned by three straight years of substantial cuts in state funding, faculty salaries that after years of stagnation were as much as 30 percent below the market among peer institutions, and eroding morale among students and faculty. This scenario reinforced a sense that the Law School was adrift, having lost its moorings when we were exiled from Clark Hall more than fifteen years earlier and still not fully comfortable with our space on North Grounds and our place among the nation's leading law schools in a changing and much more competitive environment.

It was in that context that I asked our alumni to make a choice. We could choose to pursue a modest but achievable goal—to build a high quality regional law school—or a much more ambitious and perhaps unattainable goal—to compete with our private peers to become the preeminent law school in the country. Not surprisingly, you voted to pursue excellence. The rest, as they say, is history.

We have come a long way in the past decade, making three major investments in the Law School during that time. Those investments have helped to create an institution that



The past decade has been a time of enormous growth and change both for me and for this institution, and I am pleased to have this opportunity to reflect on our accomplishments and on what lies ahead.

may be, in some ways, barely recognizable to those of you who graduated many years ago. We made a huge investment in physical capital. As a result, the Law Grounds have increased in size from 133,000 square feet to 277,000 square feet and are widely recognized as the most beautiful facilities for the study of law in the world. We made a major investment in human

capital, increasing the number of teaching faculty by between 20 and 25 percent and reducing our student-faculty ratio from 24:1 to 14:1. An increase in the number of faculty and a decrease in the number of students mean that we are now more responsive to the needs of our students and the demands of the legal profession. In the last decade the Law School has introduced an array of new courses, seminars, and specialty instruction such as Principles & Practice courses and Mary Morton Parsons Ethical Values seminars. We also have internationalized our curriculum, drawing an increasing number of faculty from around the globe who return to Virginia regularly from Japan, France, Germany, Austria, and Australia. This investment has resulted in a substantial increase in the quality of the educational product offered to our students.

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But quality does not come without a price at the Law School or anywhere else. The marginal cost of educating each student has increased from \$15,000 to \$35,000 annually. That is why one of our three major investments in the Law School was an investment in financial capital. In the past ten years we have evolved from a publicly financed school—with approximately 15 percent of our funding coming from the state—to what is essentially a privately funded institution where state support topped out at just 4 percent this year. This

spring, we are in the process of negotiating an agreement providing for a fundamental restructuring of our financial relationship with the University. Upon final implementation the Law School will gain full self-sufficiency, with incremental tuition revenues replacing remaining state funding in exchange for greater autonomy in the management of our affairs. A big part of this agreement's success hinges on our ability to bring in the funds to enable us to do what we want to do. Once again, you have risen to the challenge. During the past ten years, annual giving to the Law School has increased from \$3.3 million to \$8.1 million and the size of our endowment has tripled from \$46 million to \$155 million. Private support now funds 38 percent of the Law School's significantly larger operating budget.

Any discussion of finances would be incomplete without a recap of our highly successful capital campaign, which ended on December 31. As you know, we started raising money in 1992 with a modest goal of \$50 million, which we later increased to \$75 million and finally to \$100 million. After we passed the \$100 million mark, we stopped chasing goals and began chasing peer schools. Columbia finished its campaign at \$140 million; Harvard raised \$183 million; Yale raised \$183 million; and NYU finished its campaign at \$185 million. The competition was stiff, but I am delighted to announce that we beat them all. Our campaign, which finished at just under \$203 million, is the most successful campaign in the history of American legal education. We could not have accomplished that incredible feat without the support of each and every one of you.

In spite of the splendid success we have enjoyed in recent years, the Law School still faces challenges unique to legal education. In the marketplace, competition usually holds costs down. These days with the easy availabili-

ty of federal loans for law students and ever-increasing starting salaries for associates in law firms, law schools compete for top students more on the basis of their perceived quality than on their tuition costs. This phenomenon is called the “Chivas Regal” effect. In such a market, Virginia has certain advantages. For one thing, the success of our capital campaign has enabled us to keep tuition costs at a below-market level. We can afford to increase our tuition as needed and remain appealing to students seeking a quality educational experience instead of a bargain. In addition, our graduates, without a doubt the most loyal of any major law school, are regarded by leading law firms as having the best combination of skills. They are competent technicians, but they are also grounded, well-rounded, compassionate people. That combination will continue to serve us well in the years to come.

The challenges law schools face can also work against us. Our Charlottesville setting, attractive to those of us who have chosen to live here, may prove less attractive to faculty and students seeking high-paying professional opportunities for the partners who accompany them and those enticed by the buzz of fame and fortune in newly safe urban centers. It remains our challenge to attract and retain top scholars and students in what is essentially a small college town.

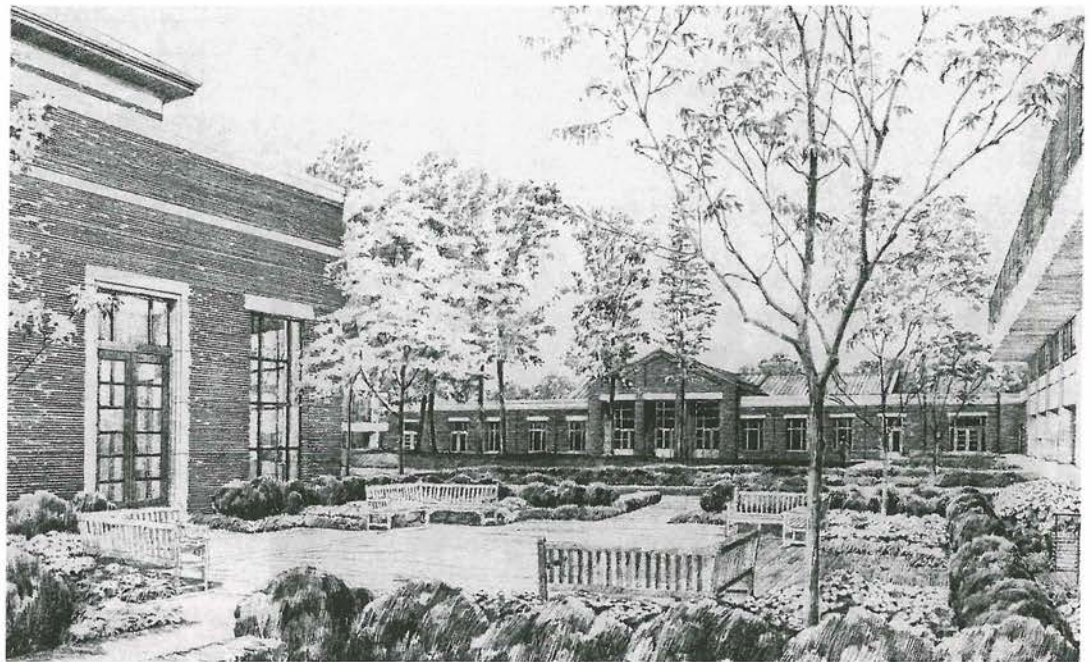
In spite of our successes of the past decade, the race for quality will go on. Moreover, the end is not yet in sight. The results of the capital campaign have enabled Virginia to separate from the pack, but the competition will continue in the years ahead among the top five or six law schools with the financial resources to compete to be the best.

As you read this, busy with and a bit weary from life's demands, you may be wondering if all this competition is really worth it. Should

we, must we, keep striving to remain among the nation's preeminent law schools? My advice on the matter is simple. If I thought that we were not producing the very best graduates of any law school in America, or if our faculty was not performing at the very highest levels in their teaching and research, or if the special qualities that make Virginia what it is were all just hype, then I would say that we should just sit back and give up the fight. But you know and I know that out of the special experience of attending law school here comes a body of graduates who have been transformed by this place, whether they like it or not, and who want that experience to be preserved for future generations.

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Therefore, I believe that it is important for us to press on. In doing so, however, it is time for me to pass the baton to the next generation of leadership. I am confident that this generation will carry the Law School to new and even greater heights. Thank you for affording me the honor of acting as dean. I return to the faculty, eager to continue the Law School's 175th anniversary celebration this year and anticipating with great excitement just what Virginia can accomplish next. 🏠



An architect's rendering of the Student-Faculty Center entrance through Hunton & Williams Hall.

Student-Faculty Center Construction On Schedule


ALUMNI WHO RETURN FOR LAW ALUMNI Weekend in May should be able to catch a glimpse of the facade of the newest addition to the Harrison Law Grounds, the Student-Faculty Center, which is currently under construction.

"The project is on schedule and proceeding smoothly," said Bill Bergen, assistant dean for administrative services.

The \$5 million construction project includes a new building that will connect to Hunton & Williams Hall near the northern edge of the Harrison Law Grounds, adjustments to the interior of Slaughter Hall, an expanded outdoor dining terrace, and improved landscaping.

Building the center is the final step in the Law School's plans to create a physical environment that reinforces Virginia's unique academic community and enhances what is already the most beautiful and effective facility for the study of law in the nation, according to Dean Robert E. Scott. "Our current facilities lack a commons area where students and faculty alike can gather around food," Scott said. "By creating informal lounge and study space in the

Student-Faculty Center, together with faculty and student dining facilities, we hope that a 'Grand Central Station effect' will occur. I envision students and faculty passing through the area much as they did in the Mural Hall space in Clark Hall," he added, referring to the Law School's home from 1930 to 1974.

To be funded entirely from private sources, the new center will feature a spacious, informal dining room and a smaller, more formal dining room for faculty and alumni who recruit at the Law School, and, by reservation, for students and others. Students and faculty will pass on their way to and from the dining rooms through the central commons area, where they will be able to take advantage of additional reading and study space modeled after the highly successful Purcell and Caplin reading rooms. Construction of the Student-Faculty Center began last fall, and is scheduled to be completed early in 2002. 

John C. Jeffries, Jr., '73 Named Law School's Tenth Dean

ONE OF THE LAW SCHOOL'S BEST-KNOWN scholars will become its tenth dean. Constitutional law expert John C. Jeffries, Jr., '73, will assume the post on July 1.

Jeffries, who joined the Virginia law faculty in 1975, is the Emerson Spies Professor and the William L. Matheson and Robert M. Morgenthau Distinguished Professor. He served as academic associate dean from 1994 to 1999 and as acting dean in the fall of 1999.

Jeffries will take the reins from Robert E. Scott, dean since 1991. Regarded as a superb dean, Scott presided over the most successful fund-raising campaign in the history of American law schools, attracting nearly \$203 million in a seven-year effort that leaves the school poised for even greater prestige. He plans to return to teaching after a year's sabbatical.

"John Jeffries brings one of the keenest minds in American legal scholarship, a proven hand at administration, and long devotion to the University to the task of guiding the Law School to preeminence among its peers," University President John T. Casteen III said in announcing the appointment. "Judged against a national field of candidates, John exemplifies the excellence in scholarship and service that are the hallmarks of leadership at U.Va."

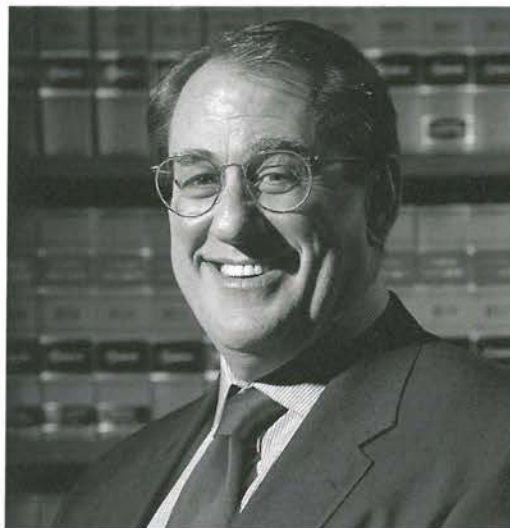
"The prospect of following Bob Scott as dean is at once humbling and exciting," Jeffries said. "Bob leaves an institution that is physically attractive, academically vigorous, and financially sound. I look forward to working with U.Va. students, faculty, administrators, and graduates in the effort to build on this success."

With a national reputation in civil rights, federal courts, and criminal law, Jeffries is the author or coauthor of several leading case-books, numerous articles, and a study of the insanity defense offered by John Hinckley, who attempted to assassinate President Ronald Reagan in 1981. Jeffries's 1994 biography of U.S. Supreme Court Justice Lewis F. Powell, Jr.,

for whom he clerked after earning his J.D., was highly praised.


He has visited at Yale, Stanford, and the University of Southern California and has served on the faculty of the FBI Academy since 1976. In 1995 he received the U.Va. Alumni Association Distinguished Professor Award.

Jeffries graduated *summa cum laude* from Yale in 1970, majoring in history. While attending the Law School, he was editor-in-chief of the *Virginia Law Review*, earned the Z Award for the highest academic average in his class, and was awarded the Woods Prize as the year's outstanding graduate.



John C. Jeffries, Jr.

He was selected as dean after a national search by a committee representing faculty members, students, and alumni. Roughly ninety candidates were considered and fifteen selected for interviews before the committee unanimously recommended Jeffries.

"John Jeffries is a brilliant scholar, a charismatic teacher, and has been a dedicated and influential member of this faculty for twenty-five years," said Dean Robert E. Scott. "I can't think of anyone who is better qualified to serve as dean." 

Mortimer Caplin Receives Thomas Jefferson Medal in Law



MORTIMER CAPLIN '40, FORMER commissioner of the Internal Revenue Service, preeminent tax attorney, and generous benefactor of the Law School, is the recipient of the twenty-fifth annual Thomas Jefferson Medal in Law.



The medal is the highest honor conferred by the University—which, in compliance with Thomas Jefferson's wishes, does not award honorary degrees—and is sponsored jointly by the University and the Thomas Jefferson Foundation, which operates Jefferson's home, Monticello.

Caplin's many-faceted career reflects the astonishing breadth of his service and accomplishments as academic lawyer, public servant, and distinguished practitioner.

"Mortimer Caplin has done it all," said Dean Robert E. Scott. "His many-faceted career reflects the astonishing breadth of his service and accomplishments as academic lawyer, public servant, and distinguished practitioner. From his tenure as a prominent law professor at the University of Virginia, to public servant as President Kennedy's commissioner of internal revenue, to his role as the founding partner of the leading tax law firm in the country, he exemplifies the Jeffersonian ideal of the lawyer as public citizen."

Born in 1916 in New York, Caplin graduated from the University's College of Arts & Sciences in 1937 and the Law School in 1940.

"He earned every honor as a law school student that it is possible to win," Scott said, including editor-in-chief of the *Virginia Law Review*.

In 1940, he clerked for Armistead M. Dobie in the U.S. Fourth Circuit Court in Richmond. The next year he joined the New York law firm, Paul, Weiss, Rifkind, Wharton & Garrison as an associate, but World War II interrupted his career. Caplin joined the U.S. Navy and was at D-Day, the Allied invasion of France.

After the war, Caplin taught tax law at U.Va. from 1950 to 1961. President John F. Kennedy then called him to be commissioner of the Internal Revenue Service. In 1964, Caplin resigned from the IRS and co-founded Caplin & Drysdale, the Washington, D.C.-based law firm where he still is a senior partner and practices as a tax law authority. He was a visiting professor in tax law at U.Va. for twenty-two years, retiring as a professor *emeritus* in 1988.

Strongly public spirited, Caplin has been chairman of the board of the National Civic Service League and the American Council on International Sports; trustee of the Peace Through Law Foundation in Washington; and past president of the Atlantic Coast Conference.

His honors include the Tax Executives Institute's Distinguished Service Award, the U.S. Treasury Department's Alexander Hamilton Award, and the American Jewish Committee's Judge Learned Hand Human Relations Award.

Caplin has been a generous benefactor to the University of Virginia, especially to the Law School. His devotion to his alma mater has included service as a former member of the U.Va. Board of Visitors, trustee of the Law School Foundation, and chair of the University's Council for the Arts since its inception in 1990.

His visionary gifts have funded the Law School's Caplin Auditorium, the Daniel Caplin Professorship, the Mortimer Caplin Public Service Scholarship, the Mortimer Caplin Public Service Award, and the Mortimer Caplin Public Service Center as well as several major improvements to the school's facilities.

Virginia Law Review Plans E-Publishing Ventures


THE VIRGINIA LAW REVIEW IS GOING electronic, according to members of the managing board who have signed contracts launching two e-publishing ventures for the journal.

The first venture links the *Law Review* with the Social Science Research Network (SSRN), which currently posts to its site working papers scheduled for exchange and comment by academics. Law School faculty, for example, use SSRN to keep up with current scholarship. Under the new agreement, the *Law Review* will post individual published articles on SSRN. Subscribers and others will receive a monthly e-mail notifying them of new papers available for their review. They can access each article for a small fee by going to the SSRN Web site at ssrn.com or the *Law Review* Web site at www.virginialawreview.org.

The second venture authorizes long-time *Law Review* reprint publisher William S. Hein and Company to publish all current and back

issues of the journal electronically in a PDF format (includes all tables, graphs, and footnotes) that is also completely searchable. Subscribers can access the journal with a password through the *Law Review* Web site.

According to Dave Pinto '01 J.D./M.B.A., the *Law Review*'s advisor for technology and strategy, subscribers interested in convenience will find the electronic journal an attractive and unique option. "We are not aware of another leading law review that offers electronic subscriptions," he said. "We believe these ventures will enable us to increase subscriptions and save significantly on printing costs."

While arrangements with the electronic publishers are still being finalized, Pinto anticipates the new options to be available in the fall. Current subscribers will be notified by e-mail or letter; prospective subscribers interested in information on the new options can go to the *Law Review* Web site at www.virginialawreview.org. 




Law School Installs Security System

THE LAW SCHOOL'S NEW ELECTRONIC CARD-SWIPE SECURITY SYSTEM MADE A SUCCESSFUL DEBUT ON FEBRUARY 5.

The system restricts access to the facility between the hours of 9:00 p.m. and 6:00 a.m. After-hours access to the building can be gained through three major entrances only by individuals holding specially coded University ID cards.

According to Bill Bergen, assistant dean for administrative services, the security system was designed to provide round-the-clock access to those with a legitimate reason to use Law School facilities. "Law students study at all hours, and we want to be sure that the Law Grounds are fully available to them," he said.

The move toward increasing security came last year after a group of students voiced concerns about their safety while studying late in the Law School, whose more than sixty exterior doors were open twenty-four hours daily. There were also several significant thefts of property from the building last year.

In addition to installing the electronic system, the Law School plans to hire a security guard who will patrol the building throughout the night. Administrators have worked with the University over the past eighteen months to improve outdoor lighting, trim vegetation, and install additional emergency call stations around the Law Grounds. 

Student-Faculty Workshop Examines Presidential Election Law in *Bush v. Gore*



A PANEL OF CONSTITUTIONAL LAW scholars gathered at the Law School in February to discuss the legitimacy of the recent hotly contested presidential election and the role of the Supreme Court of the United States in the Bush victory. Entitled "*Bush v. Gore: Rule of Law or Rule of Judges*," the discussion featured two members of the Virginia law faculty, Mike Klarman and John Harrison, and Alan Meese from the Marshall-Wythe School of Law at the College of William and Mary.

The discussion featured two members of the Virginia law faculty, Mike Klarman and John Harrison, and Alan Meese from the Marshall-Wythe School of Law at the College of William and Mary.

Klarman, James Monroe Professor of Law, opened with a discussion of the majority's equal protection argument in *Bush v. Gore*. Theorizing that the justices decided the case based on political preferences rather than political ideologies, Klarman told the crowd of more than 100 students and faculty that he believes the outcome of the case would have been different had the Republicans been seeking recounts. This, he said, was a situation in which the majority created bad law for one specific case. The Court decided that the manual recount was unconstitutional because it would result in identically marked ballots being counted differently in different counties. When extended beyond this case, the decision could invalidate almost every election.

Klarman then addressed the issue of whether the Supreme Court's legitimacy had suffered because of its involvement in *Bush v.*

Gore. Concluding that it had not, Klarman argued that the legitimacy of the Supreme Court rests not on sound legal reasoning but on the acceptability of Court decisions to the majority of U.S. citizens. In any case, he reminded his audience that the issue will be moot in four years when the nation either elects another president or reelects Bush.

Alan Meese, who will be a visiting professor at the Law School during the 2001–02 academic year, defended the decision in *Bush v. Gore* on equal protection and Article II grounds. Echoing the majority's opinion, Meese argued that since the justices of the Florida Supreme Court ordered selective recounts and allowed different standards to be applied in different counties without finding a legitimate state interest to do so, their decision violated the equal protection clause. When responding to questions following his presentation, Meese conceded a basic weakness in the majority's equal protection argument. Under the majority's reasoning, military absentee ballots, which should have been subject to the same "uniformity-or-nothing" standard that applied to the recounted votes, should not have been counted.


Meese also found the Florida Supreme Court's decision unconstitutionally broad under Article II because it ordered recounts in all of Florida's sixty-seven counties, not just in the single county in which results were contested. Since Article II only permits recounts of results that have been contested, the Florida court decision to order a statewide recount was a violation of Article II of the U.S. Constitution.

Professor John Harrison, Class of 1966 Research Professor of Law, followed Meese with a critique of the majority's Article II argument. According to Harrison, the Supreme Court usually interprets state law only to the extent necessary to answer a federal question. In the case of *Bush v. Gore*, however, the Court decid-

ed that the Florida Supreme Court had so grossly misinterpreted the state's election standards that the decision of the Florida justices was legislative rather than judicial and therefore justified federal intervention.

Harrison found a number of problems with the Supreme Court's reasoning. In the first place, he thought it presumptuous of the Court to accuse the lower court of doing its own legislating—resorting to “judicial legislation”—when all courts, especially this Court, engage in some variation of the practice. In addition, the majority's decision in *Bush v. Gore* undermined a state court's ability to interpret state law. If every state question can be federalized so that it is open to *de novo* review, he argued, states can

never act as final dispute resolvers. Finally, according to Harrison, the Supreme Court confused Florida's permissible interpretation of state election standards with the constitutional requirements of a legal vote.

This panel discussion was presented as part of the student-faculty workshop series. Held regularly throughout the academic year, these workshops provide students an opportunity to read faculty members' works-in-progress, then join the authors for lunch and a discussion of their papers. Similar to the legal studies workshops in which resident and visiting faculty present papers to their colleagues, the student-faculty workshops have proven popular with students and faculty alike. 





Visiting Scholars Teach at the Law School

EIGHT VISITING SCHOLARS FROM THE United States and abroad visited the Law School during the spring semester to teach short or semester-long courses.

Christian Hausmaninger, an associate professor at the University of Salzburg School of Law and a partner in the law firm Hausmaninger, Herbst & Wietrzyk in Vienna, returned this spring with his spouse, **Franziska Hausmaninger-Tschofen**, a lecturer at the University of Vienna School of Law and legal counsel for Coca-Cola Company's East Central European Division in Vienna, to teach European Union Business Law. The couple earned Mag. iur. and Dr. iur. degrees from the University of Vienna School of Law and LL.M. degrees from Harvard.

Marie Goré, a professor of law at the University of Panthéon-Assas (Paris II) in Paris, returned to Virginia once again to teach Introduction to French Public and Private Law. A specialist in comparative and private international law, she earned her Ph.D. in the administration of international estates in private international law from Agrégée des Facultés des Droit in Paris.


Don Herzog, Edson R. Sunderland Professor of Law at the University of Michigan, came to the Law School to teach a two-week course, Liberalism and its Critics. His teaching interests include political, legal, and social theory; constitutional interpretation; and the First Amendment. A graduate of Cornell University, he earned A.M. and Ph.D. degrees from Harvard University, where he studied government.

Jason Johnston, professor of law and director of the Program on Law and the Environment at the University of Pennsylvania, taught a short course, Contracts, Markets & Regulatory Reform, early in the semester. A specialist in law and economics, contracts, environmental law, and torts, he received his J.D. and Ph.D. from the University of Michigan.

Tim McEvoy, a senior associate at Freehill Hollingdale & Page in Melbourne, Australia, taught a short course, Conflict of Laws. A graduate of the University of Melbourne, where he received B.A., LL.B., and LL.M. degrees, he earned his S.J.D. from Virginia in 1999. McEvoy specializes in administrative law, anti-trust law, and commercial litigation.

Don Regan, the William W. Bishop, Jr. Collegiate Professor of Law and a professor of philosophy at the University of Michigan, taught a seminar, What Makes a Good Life? And What Should the Government Do About It? He also joined Law School Professor Vincent Blasi to teach Constitutional Law II: Church and State. A graduate of Harvard University and the Law School, Regan was a Rhodes scholar who, after earning his economics degree from Oxford, returned to the U.S. to earn a Ph.D. in philosophy from Michigan.

Alan Ryan, warden (head) of New College, Oxford University, came to Virginia to teach Rights and Bills of Rights during the spring semester. He earned B.A., M.A. and D.Littl. degrees from Oxford.

Ann Woolhandler, a professor of law at Tulane University, returned to the Law School this semester to teach Civil Procedure II. A specialist in civil procedure, federal courts, and administrative law, she visited the Law School during the 1994–95 academic year, and has also visited at Boston University and Harvard. Woolhandler received a B.A. from Yale and a J.D. from Harvard. 

Faculty Briefs



Lillian BeVier participated in a symposium on campaign finance regulation on February 16 at Arizona State University Law School, where she served on a panel whose members discussed the

meaning and consequences of *Buckley v. Valeo*. She also participated in a symposium March 9 sponsored by the D.C. Circuit Historical Society, where she discussed equality decisions of the D.C. circuit courts.



Richard Bonnie continued his involvement in three major studies for the National Academy of Sciences during the spring semester.

He served on a National Research Council committee which completed a study in March on the research needed to inform national policy on illegal drugs. Noting that U.S. expenditures on the enforcement of drug laws and international efforts to reduce the supply of drugs and disrupt drug transport exceeded \$30 billion in 1999, Bonnie and his colleagues determined there is very little research being done to assess the effectiveness of current enforcement efforts. The report, "Informing America's Policy on Illegal Drugs: What We Don't Know Keeps Hurting Us," recommends a major effort to develop better data on prices and consumption of illegal drugs and to improve our understanding of how interdiction

and domestic enforcement activities affect drug production, transport, distribution and, ultimately, consumption. Calling the failure to assess present enforcement policies "unconscionable," the report also urges intensified research on prevention and treatment programs, including the effects of urine testing in schools and in employment. This study was commissioned by the White House Office of National Drug Control Policy.

Bonnie also served on an Institute of Medicine committee convened by the Food and Drug Administration to lay out scientific methods and standards for assessing products purporting to reduce the risks of smoking and their effect on public health. In the committee report, "Clearing the Smoke: The Science Base for Tobacco Harm Reduction," which was released in February, Bonnie and his colleagues determined there are sufficient data to suggest that reducing the risk of disease caused by exposure to tobacco toxicants is biologically and clinically feasible, but that products that may reduce the risks of smoking and their effects have not been adequately tested. Believing that regulation of all tobacco products is necessary to assure a scientific basis for judging the effectiveness of reduced-exposure products and for assuring that the health of the public is protected, the committee recommends a set of principles to guide regulation of these products. The report sets forth a comprehensive research agenda on tobacco harm reduction and recommends a national surveillance system to assess the impact of these products to the health of the American public.

Finally, Bonnie is serving on a new Institute of Medicine committee which is





conducting a two-year study funded by the National Institutes of Health to assess the adequacy of the current system for protecting subjects of human research. After releasing a report this spring on the accreditation of institutional review boards responsible for ethical review of research proposals, the committee will begin a comprehensive study of the entire system.

A 1969 graduate of the Law School, Bonnie is John S. Battle Professor of Law, Roy L. and Rosamond Woodruff Morgan Research Professor, and director of the University's Institute of Law, Psychiatry, and Public Policy.



George Cohen presented a paper, "Whose Word is Law?", several times this semester: to his Law School colleagues at a faculty retreat on January 11, to Law School students at a luncheon sponsored by

the Olin Foundation, and at Boston University on February 1. The paper, which is coauthored by Susan Koniak from Boston University Law School and Thomas Ross '74 from the University of Pittsburgh, analyzes whether nonofficial interpretations of law given by government agents, lawyers, or others should result in reducing or eliminating liability for those who rely on these interpretations should they turn out to be incorrect. For example, a client discovers after he did something that the advice he received from his lawyer about the legality of that action was incorrect. Or a civil rights protester was told incorrectly by a police officer that her group could protest in front of a courthouse, and she was arrested when she did so. Should either of these individuals be held completely liable for the actions they took after

receiving what they believed to be expert advice?

Cohen traveled to a corporate law symposium on March 9 at the University of Cincinnati, where he commented on a paper, "Governance Issues in the Multidisciplinary Corporate Practice Firm," by John Matheson from the University of Minnesota Law School.

A professor of law, Cohen also directs the Law School's John M. Olin Program in Law and Economics.



Kimberly Carpenter Emery is the first recipient of the Charlottesville-Albemarle Legal Aid Society's Volunteer of the Year Award. She received the award for the significant amount of volunteer time

she has given to the organization. An active member of the board of directors for the past five years, she has been instrumental in collaborating with Legal Aid to develop grant requests to the Jessie Ball DuPont Fund on behalf of the Law School. The grants have helped to establish clinical programs at the Law School—for housing, child advocacy, and mental health—that both help deserving clients and attract Law School students to volunteer at Legal Aid. Emery has also been involved in fund raising for Legal Aid's capital campaign and assisting the organization in a planning process mandated by the federal government.

A 1991 graduate of the Law School, Emery is assistant dean for public service and director of the Mortimer Caplin Public Service Center.



Mike Klarman traveled in February to the law school at Florida State University, where he delivered the Mason Ladd Lecture and presented a paper at a faculty workshop.

In the Mason Ladd Lecture, entitled “*Brown v. Board of Education: Law and Politics*,” Klarman used a number of internal documents from the Supreme Court of the United States to illustrate how the justices deciding *Brown v. Board of Education* faced a conflict between their political beliefs and their current perception of the law. The documents supported his view that while the justices were mostly opposed to racially segregated schools, they believed the Constitution probably permitted such segregation.

At the faculty workshop, Klarman presented his paper, “Is the Supreme Court Sometimes Irrelevant?: Race and Southern Criminal Justice in the 1940s,” which discussed some famous Supreme Court criminal procedure decisions from the 1930s and 1940s and examined whether they actually changed the way in which southern criminal trials of black defendants were conducted. Klarman claimed that Court rulings had almost no impact on practices in southern courtrooms, at least when blacks were charged with serious interracial crimes.

Closer to home, Klarman participated in a conference at Marshall-Wythe School of Law at the College of William & Mary commemorating the 200th anniversary of John Marshall’s appointment as chief justice. He presented a paper, “How Important Were the ‘Great’ Marshall Court Decisions?,” which raised questions about whether the landmark decisions of the Marshall Court were as world-changing as they generally are assumed to be.

Finally, Klarman acted as a commentator at the Law School in April on a panel convened to discuss the book, *Cold War Civil Rights*, written by Mary Dudziak from the USC Law Center.

Klarman is the James Monroe Professor of Law.



Jennifer Mnookin presented two papers during the spring semester. The first, “Admissibility, Expert Evidence and the Problems of Reliability,” was delivered as part of

the annual Olin conference at the Law School, which this year was called *New Perspectives on Evidence: Experts, Empirical Study, and Economics*, and held February 23–24. In her paper, Mnookin argues that the strong, post-*Daubert* emphasis on judicial determination or reliability as a prerequisite for the admissibility of expert evidence, while intuitively appealing, is deeply flawed. Reliability screening creates problems of overexclusion and encourages judges to recast sufficiency judgments in the language of admissibility. Moreover, the current emphasis on reliability screening has led to a failure to recognize the existence of feedback effects between admissibility determinations in court and conceptions of reliability as they exist outside of the law.

Mnookin presented her second paper at a conference, *DNA: Lessons From the Past, Problems for the Future*, held on March 9 at the Brooklyn Law School. This paper is an examination of fingerprint identification evidence in the American courtroom. Mnookin argues that the rapid judicial acceptance of fingerprinting as a legitimate form of evidence was not based on careful investigation of the new techniques and their limits, but rather, stemmed from the visually powerful nature of the evidence and its inherent cultural plausibility. The paper also contrasts the story of fingerprinting with the judicial response to today’s powerful identification technology, DNA profiling.

Mnookin is an associate professor of law.



Seminar Examines Community-Based Mental Treatment



JOHN MONAHAN AND HIS LAW SCHOOL colleague **Richard Bonnie** offered a new seminar, *Community Mental Health Law and Ethics*, this spring. The seminar, which examined the legal and ethical issues presented in interactions between social services systems and individuals with chronic mental illnesses, "brings together lawyers, mental health professionals, and family

members from all over Virginia to help us thrash through the many ethical and legal issues raised by mandated community-based treatment for people with mental disorder," according to Monahan.

The issues that were explored during the seminar include mandatory outpatient treatment, advance treatment directives, relationships between services and housing, roles of representative payees, confidentiality, and violence prevention.

The impetus for the seminar was a new project funded by the MacArthur Foundation and chaired by Monahan. "Mandated adherence to mental health treatment in the community through outpatient commitment is among the most contested issues in mental health law today," Monahan said. "Contemporary legal analyses treat outpatient commitment with the same old concepts used to understand inpatient commitment. The open community is a very different setting than the closed setting of a hospital, and different legal concepts are necessary to understand outpatient commitment." The MacArthur initiative will attempt to address this need by developing a new and broader conceptual framework for understanding the various forms of mandated community treatment.

Monahan is excited about the seminar he and Bonnie co-taught in collaboration with area community service providers. "Our work on mandated community treatment involves venturing into uncharted waters," he said. "This seminar provided us an opportunity to run tentative ideas by our students for critique and to involve them in researching very novel legal issues, such as whether a representative payee can make the disbursement of disability benefits contingent on accepting treatment."

Monahan is Henry L. & Grace Doherty Charitable Foundation Professor of Law, Horace W. Goldsmith Research Professor, and Professor of Psychology and Legal Medicine. Bonnie is John S. Battle Professor of Law, Roy L. and Rosamond Woodruff Morgan Research Professor, and director of the Institute of Law, Psychiatry and Public Policy. 



Robert M. O'Neil participated in the American Health Lawyers Association conference on legal issues affecting academic medical centers in Washington, D.C., on January 26. He spoke on

the fiscal realities of the new health care environment and the need to balance pressures from HMOs on medical faculties for compliance with the need to preserve basic values and principles of academic freedom and tenure for medical scholars as members of university communities.

A professor of law and University professor, O'Neil also directs the Thomas Jefferson Center for the Protection of Free Expression.



Mildred Robinson has been elected to the executive committee of the Association of American Law Schools (AALS) for a three-year term. A nonprofit association of 164 law schools, the AALS

serves as the learned society for law teachers and as legal education's principal representative to the federal government and to other national higher education organizations and learned societies. The executive committee conducts AALS affairs between annual meetings of its plenary legislative body.

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A member of the Law School faculty since 1985, Robinson is a professor of law.



James Ryan participated in the Rebellious Lawyer Conference at Yale Law School February 16–18. He served on a panel, “Educational Equity and Adequacy,” in which he discussed the possibilities

and limits of school finance litigation.

In another education-related activity, he serves on the Century Foundation’s Task Force on the Common School. The group is charged with exploring new ways to promote racial and socioeconomic integration through school choice.

Ryan also presented a paper at Villanova Law School in March. The paper, entitled “A Political History of the Establishment Clause,” was coauthored with his Law School colleague **John C. Jeffries, Jr.**

An associate professor of law and 1992 graduate of the Law School, Ryan has been a member of the faculty since 1997.



Elizabeth Scott presented the Sidney and Walter Siben Distinguished Professorship Lecture last October at Hofstra University Law School. The lecture was entitled

“The Legal Construction of Adolescence.” She presented a paper on the proposed reform of child custody law as part of a symposium on the American Law Institute (ALI) symposium, Principles of Family Dissolutions, held February 1–3 at Brigham Young University Law School.

Together with N. D. Reppucci, a professor in the U.Va. Department of Psychology, Scott has received a grant from the Research Network on Adolescent Development and Juvenile Justice of the John D. and Catherine T. MacArthur Foundation to study public attitudes

toward the culpability of young offenders.

A 1977 graduate of the Law School and a member of the faculty since 1988, Scott is a University Professor and the Robert C. Taylor Research Professor.



Using his new paper as a springboard for discussion, **Paul B. Stephan III** participated in a number of conferences and symposia during the spring semester. In the paper, entitled “Redistributive

Litigation,” he examines ways in which litigation can function as a government wealth-redistribution program. Asking whether existing legal doctrine needs to be modified to limit some of litigation’s costs, he argues that expropriation law, developed to protect foreign investors against actions by developing countries, provides a useful model for limiting the regulatory choices of first-world nations.

Stephan’s paper served as the basis for remarks he made in Texas on February 18, where he addressed a conference, International Economic Conflict and Resolution, at South Texas College of Law. The event was organized by the International Economic Law Interest Group of the American Society of International Law. He next addressed a conference, Holding Multinational Corporations Responsible Under International Law, held at Hastings Law School on February 22. He also spoke at a symposium, Intellectual Property, World Trade, and the Global Elites, at Cardozo Law School on March 7. Stephan presented his paper at the University of California at the University of California at Berkeley’s Boalt Hall Law School on March 15 and again at the University of Texas Law School on March 30.

Stephan is the Percy Brown, Jr. Professor of Law and the E. James Kelly, Jr.-Class of 1965 Research Professor.





G. Edward White traveled to Boston on February 2 to deliver the inaugural John Marshall Lecture, which commemorated the 200th anniversary of John Marshall's appointment as chief justice of the

Supreme Court of the United States. In his lecture entitled "Looking at Holmes, Looking at Marshall," White analyzed remarks made on February 4, 1901, by Oliver Wendell Holmes, Jr., who was then chief justice of the Supreme Judicial Court of Massachusetts as Holmes marked the 100th anniversary of Marshall's appointment. The Marshall Lecture, which was held in Boston's new federal courthouse, was sponsored by the Boston Bar Foundation's Federal Court Public Education Project, the Boston Bar Association, the Massachusetts Historical Society, and the Supreme Judicial Court of Massachusetts Historical Society.

White is University Professor, John Barbee Minor Professor of Law and History, and Class of 1963 Research Professor. He also directs the Law School's Program on Legal and Constitutional History.



George Yin was recognized for his expertise in tax law by two professional organizations early this year. He was named chair of the Association of American Law Schools tax section during the group's annual

meeting in January. While at the meeting he participated in a panel whose members discussed his work as a reporter—with University

of Pennsylvania Law School colleague David Shakow—to the American Law Institute's federal income tax project. The reporters' study provides a blueprint for the future taxation of private businesses, whether organized as partnerships, corporations, limited liability companies, or in some other form.

Yin was elected to the board of regents for the American College of Tax Counsel in January. The college is a group of lawyers in private practice, law school teaching, and government service who have been recognized for excellence in the field of taxation and for their substantial contributions and commitments to the profession. The governing body of the college, the board of regents comprises one member from each federal court circuit and two at-large members.

Yin participated in three other programs during January. During a meeting of the American Bar Association's tax section, he discussed his use of PowerPoint in the classroom as part of a panel, Teaching Tax in Cyberland. He also participated in a panel sponsored by the American Tax Policy Institute in Washington, D.C., where he commented on a paper, "The Relationship Between Financial and Tax Reporting Measures of Income," written by Gil Manzon and George Plesko, two economists teaching at Boston College and MIT, respectively. Finally, he attended a session of the academic advisors to the tax simplification project of the Congressional Joint Committee on Taxation in Washington, D.C.

Yin is the Howard W. Smith Professor of Law and the Barron F. Black Research Professor.



Kathryn Sipe Perdue



Luis Alvarez, Jr.



Linda A. Skove



Law School Foundation Announces Staff Changes

AS THE LAW SCHOOL CONCLUDED ITS SUCCESSFUL CAPITAL CAMPAIGN, THE LAW SCHOOL

Foundation announced three staffing changes.


Kathryn Sipe Perdue will become director of major gifts for the Law School Foundation on July 1. She has been director of alumni affairs and assistant director of annual giving since joining the foundation staff in 1996. In her new position, she will be responsible for securing major gifts from alumni and friends of the Law School.

A graduate of the University of Virginia, Perdue was previously employed as a management analyst by the FDIC/Resolution Trust Corporation in Washington, D.C. She also worked as a governmental relations assistant for AT&T and as a staff assistant for U.S. Senator Strom Thurmond.

Luis Alvarez, Jr., has been named director of development. He joined the foundation staff in 1999 as director of major gifts and planned giving.

A Phi Beta Kappa graduate of the University of Virginia and a 1988 graduate of the Law School, Alvarez was notes editor for the *Virginia Tax Review*. After graduation, he spent a year in Japan with the Institute for International Studies and Training before joining the Tampa office of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, PA, where he was an equity partner.

Linda A. Skove will become director of alumni affairs and assistant director of annual giving on July 1. She has been a senior writer on the foundation's communications staff since 1997.

Skove earned a J.D. and a Master of Studies in Law in environmental law *magna cum laude* from Vermont Law School, where she received the Vermont Law School Award for Academic Excellence in Intellectual Property. She was previously a program associate at the Epilepsy Association of Virginia, where she coordinated the association's campership program and planned and implemented fund-raising activities. She also worked as assistant controller at Select Temporary Services and audit supervisor at Old Dominion Resource Management Company, both in Richmond. 

Center for Oceans Law and Policy Celebrates 25th Anniversary

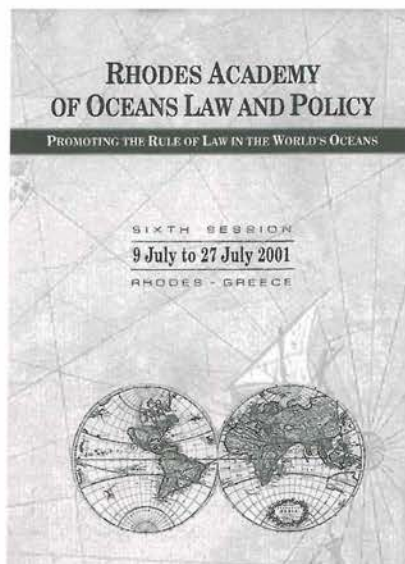


TWENTY-FIVE YEARS AGO, CITIZENS OF THE United States were busy celebrating the 200th anniversary of the Declaration of Independence, and Apple had just introduced the first home computer. Here at the Law School, history was

also being made: Professor John Norton Moore founded the Center for Oceans Law and Policy to promote the rule of law for the world's oceans.

Since then the center has sponsored conferences, workshops, and lectures around the globe, fostering an international dialogue among scholars, policy makers, government officials, business leaders, and nongovernmental organizations concerned with oceans affairs. The center has also published scholarly works

that have received international recognition as authoritative legal sources. This effort has been made possible through an endowment funded by the Henry L. and Grace Doherty Charitable Foundation.



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“I am very proud of what the center has accomplished,” said Moore, the Walter L. Brown Professor of Law and director of the center. “But there is certainly more to do. The world’s oceans and seas cover over 70 percent of the earth’s surface, yet 95 percent remains unexplored and unknown. Rapid advances in technology now allow the discovery of new resources, unknown life forms, and how the living earth works. The center contributes to an understanding and awareness of this shared natural resource and promotes adherence to a rule of law for the oceans.”


To accomplish this goal, the center has established a variety of international educational programs. Each July the center co-hosts three weeks of classes at the Rhodes Academy of Oceans Law and Policy in Rhodes, Greece. The Rhodes Academy was founded in 1996 as an international collegial institution to provide an educational forum on contemporary oceans law and policy. The faculty, comprising the world’s foremost experts on oceans law and policy, has been drawn from seventeen countries. To date, students from fifty-five countries have attended. The students are typically young professionals with either an academic interest in or a governmental or private sector position related to oceans law and policy.

“Students who attend the Rhodes Academy have access to top experts from around the world with varying perspectives,” explained Myron H. Nordquist, who directs the program and is associate director of the Center for Oceans Law and Policy. “Last summer, the head of the International Law Department at the Russian Naval Academy was a member of the faculty at the

same time as an active duty U.S. Navy judge advocate general officer.”

Each year the center also hosts a conference in which leading scholars and policy makers meet to exchange ideas on oceans policy and discuss current concerns. Participants have included Rüdiger Wolfrum, vice-president and judge of the International Tribunal for the Law of the Sea; Frank Loy, undersecretary of state for global affairs, U.S. Department of State; and H.E. Satya Nandan, secretary-general of the International Seabed Authority. The 2001 conference, Current Marine Environmental Issues and the International Tribunal for the Law of the Sea, was co-hosted by the International Tribunal and held at its headquarters in Hamburg, Germany, in March. His Excellency Satya Nandan was the keynote speaker.

In addition to its other activities, the center also keeps an active publishing schedule. Its best-known project is the seven-volume series, *The United Nations Convention on the Law of the Sea 1982: A Commentary*. The *Commentary* provides an objective analysis of the individual articles of the UN Convention. Each year, the center publishes the proceedings of the annual conference as well as shorter papers that are distributed to major law libraries around the world.

But the center’s core mission is education. “Educating future lawyers and policy makers about oceans law is an essential part of what we do,” said Moore, who each year teaches a course, Oceans Law and Policy, and involves Law School students in center activities. “A presidential panel recently recommended a bold new strategy for American leadership in the oceans, so there is a greater need than ever for the center’s work.” 

Two Alumni Join Verkerke to Teach Employment Law Class

THE COURSE DESCRIPTION

for this spring’s advanced employment law class states that the dominant source of legal rights for employees today is “a disorderly body of federal and state statutes and common law doctrines.” Making sense of that disorderly body is a team of three: a Law School professor and two alumni.




J.H. “Rip” Verkerke

Joining J. H. “Rip” Verkerke to teach Employment Law: Principles & Practice are Bruce Steen ’88 and Verkerke’s former student, John Davidson ’96. “Both John and Bruce bring a sophisticated awareness of how employment law practitioners are handling cutting-edge issues in the field,” said Verkerke. Davidson worked until recently for Steen at McGuireWoods in Charlottesville, VA. Steen is now practicing in the firm’s Charlotte, NC, office, and Davidson started a small firm as a plaintiff’s employment lawyer in Charlottesville.

“Most employment lawyers are management-side lawyers. In spite of that, I think our students benefit from seeing how a plaintiff’s employment lawyer thinks,” said Davidson. “My own perspective certainly would be different from perspectives to which they might be exposed as summer clerks in large law firms.” Steen added, “Our point of view is not necessarily better than that of an academic; it simply allows us to put into perspective how clients evaluate legal obligations and risks together with other factors—such as the realities of the workplace and business exigencies.”

Both practitioners worked with Verkerke to select topics for discussion that students are likely to encounter in practice. “In the classroom we have a plan, often involving simulation exercises and role playing,” said Verkerke. But the three also improvise, each providing a different perspective on the issues lawyers and their clients should consider. Course materials run the gamut from federal statutes to cases. Students are graded on periodic written and oral assignments and class participation.

“I’ve found the students incredibly bright,” Davidson said. “I learn as much as I teach when I’m in the classroom with them.” 

Douglas Leslie Introduces New Method for Teaching Law Classes



Douglas Leslie

NO MATTER WHEN YOU ATTENDED THE Law School, some of your classes—at least during the first semester of your first year—were taught by the Socratic method. You may still recall a time when your professor's gaze swept

the classroom and stopped at your seat. You probably remember the series of questions that followed, or at least you remember how you felt when you could no longer answer the questions and were forced to sit there until the professor finally called on somebody else.

The Socratic method has been in use in American law schools for nearly 140 years. Developed by

Christopher Columbus Langdell, dean of the Harvard Law School in the 1870s, and first used at Harvard, the Socratic method is a question-and-answer instructional technique named for its similarity to a teaching method supposedly used by the Greek philosopher and teacher Socrates. Langdell believed that law students could best learn the law by studying actual legal cases, and that law professors should ask their students a series of questions designed to isolate the common law principles—the doctrine—embedded within the cases.

Douglas Leslie is far from the first law teacher who has criticized the Socratic method over the years, but at Virginia, he is the method's most vocal critic. The Charles O. Gregory Professor of Law and a twenty-seven-year teaching veteran, he is dissatisfied with the

current state of law teaching in America and, for the past three years, has been doing something about it.

Leslie thinks that law schools should shift their focus from teaching students doctrine—which he says they forget shortly after the final exam—to teaching them how to analyze precedents and statutes and devise policy arguments on behalf of clients. And he has developed a new teaching method to do just that. Called the CaseFile method, it is loosely modeled on the method of instruction used in major M.B.A. programs nationwide. The case method used in U.Va.'s Darden Graduate School of Business Administration and elsewhere leads students—grouped in small teams with classmates who have different work backgrounds and experiences—through the study of a new case each day. A typical case presents a “fact pattern” and requires students to plan a course of action. For example, a case might include the history of a successful retailer and ask the students whether the retailer should expand by opening new company-owned locations or by franchising. With help from the professor, M.B.A. students use past experience and commonly agreed upon courses of action to address the case in class, often with lively results.

According to Leslie, CaseFiles are different from M.B.A. cases. “CaseFiles are not drawn from actual controversies, although I try to make them realistic as well as interesting,” he commented. “A CaseFile contains the materials from which to ‘solve’ the CaseFile, solve in the sense of discovering and analyzing relevant doctrine and devising arguments.”

Leslie believes that law professors must be more hands-on in the classroom than business professors when teaching with their respective case methods. This is because M.B.A. students generally have more business experience than law students have legal experience when they

enter their respective schools. “First-year students taking Contracts have no experience analyzing precedents and devising arguments. Even in upper-class courses, these skills can be considerably refined. The result is that the law school professor using CaseFiles will give more reactions to good and bad arguments than the M.B.A. professor,” he said.

In spite of the additional effort required by the law professor who uses CaseFiles, Leslie believes that the results achieved in the CaseFiles classroom make the extra work worth it. “The CaseFile method, while using simple fact patterns, previews to the students what lawyers do,” he explained. “There is a heightened sense of realism and relevance.”

Students are expected to participate in the CaseFiles classroom. In fact, in Leslie’s classes, class participation accounts for 50 percent of the grade. He believes that participating in class is easier for most of his students than it would be in traditional Socratic classes. “The CaseFile method encourages participation by rewarding it. Students can choose their own time to participate and, with some constraints, their own topic,” he explained.

By contrast, Leslie believes that classes taught by the Socratic method rely on punishment to ensure student participation in class. “The unprepared student risks public humiliation,” he commented.

Leslie does not believe that students should be required to memorize legal doctrine. “Lawyers don’t memorize doctrine; when they need it, they look it up. If they know doctrine, it’s because they acquire the knowledge over years of practice,” he said. Instead, students need to learn how to analyze and argue. Leslie believes they can best do this when they participate in the learning, not when they must listen to a lecture, typing notes frantically with their laptops the whole time, or staring at a series of


slides in a darkened room while the professor’s voice drones on.

His students seem to agree. A student who took Health Care Law from Leslie last year commented on the CaseFile method: “I really liked it. I thought that on a daily basis the readings were more interesting because there was an actual problem that you were focused on rather than just trying to absorb and extract doctrine from cases.” Leslie noted that the two most common positive remarks he reads in his evaluations include: “This will really help me this summer (when working for a firm)” and “the class goes by so quickly.”

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Teachers nationwide are interested in Leslie’s CaseFile method and about a dozen have purchased his CaseFiles for courses in Contracts, Property, Employment Law, and Labor Law. “I provide the professor a CD containing the CaseFiles, a copyright permission, and I ask for a royalty of twenty dollars per student,” he said.

Will the CaseFile method ever replace the Socratic method in law school classrooms? Leslie admits that the method isn’t effective in very large classes of 150 students or more, or in classes where historical information must be transmitted, but it works in most other settings.

The biggest challenge, he believes, is to persuade faculty to try CaseFiles. “If I could get professors to try the CaseFiles, I think student reaction alone would sell the method. But law professors are extremely reluctant to change books, let alone teaching methods.” 



Law Student's Documentary Wins Award

INTERESTS IN INTERNATIONAL HUMAN rights and filmmaking have led a Law School student to make an award-winning documentary about Bosnian war crimes.

The film, "Mirror to History: Confronting War Crimes in Bosnia," by third-year law student Cristian DeFrancia, was named Best Political Documentary by the New York International Independent Film and Video Festival last July.

DeFrancia's interest in film runs in the family. Two of his older siblings attended film school and now work in the industry. His brother, Tomas, helped with production of the video.

A native of Great Falls, VA, DeFrancia majored in English at Reed College in Portland, OR, as an undergraduate, but stimulated by his siblings' interest in the field, took film classes at night. Interested in international

law, he moved to the East Coast in 1996 to work as a paralegal in Washington, D.C.


There he volunteered to work on the American Bar Association's Task Force on War Crimes. In 1998, he attended a diplomatic conference in Rome called to discuss the establishment of a Permanent International Criminal Court that would handle war crimes on a permanent basis, rather than depending on *ad hoc* tribunals. His attendance as a freelance journalist for ComCast Cablevision allowed him to tape the proceedings and fueled his interest in creating a video report on humanitarian law.

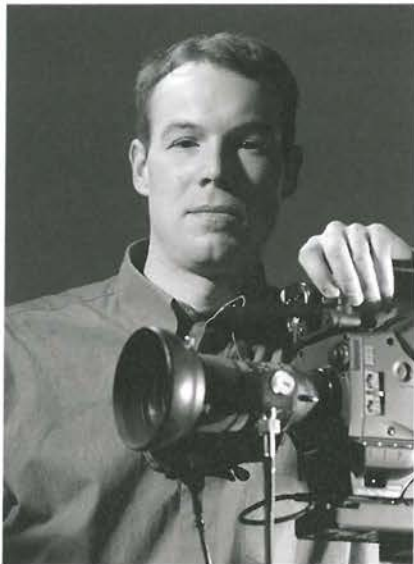
After his first year at Virginia, DeFrancia obtained a public service fellowship from the Law School, along with the sponsorship of the

Lawyers' Committee for Human Rights and the American Bar Association. He took a semester off from law school to pursue his dream. "The Law School was very supportive of my interest in this project, and the fellowship provided seed money to get me started," he said. During the summer of 1999 he headed to The Hague, Netherlands, to videotape interviews at the Yugoslav War Crimes Tribunal while NATO bombed Kosovo. After the bombing stopped in June, he traveled with a friend to Bosnia to see the landscape and to tape interviews with political officials and ordinary people who had witnessed atrocities during the war.

DeFrancia's videotape, which attempts to present fairly the three sides of the conflict—Serbian, Bosnian, and Croatian—continues to garner attention. It has been shown widely in Washington, D.C., most recently to seventy government officials from the Immigration and Naturalization Service, to rave reviews. "I think folks who work in the international arena like the film because it puts a human face on the issues they deal with every day," he said. "It takes them right to the heart of the matter."

Producing the film allowed DeFrancia to learn some of the nuts and bolts of media law as well. "I found very interesting the process of filmmaking, putting together the copyright agreements, negotiating distribution arrangements, even learning about the broadcast industry," he said. "I believe the business and public service components of the film will help me realize my interest in practicing law and maintaining a commitment to public service."

Filmmaking has taught him a great deal, DeFrancia acknowledges. "Making a documentary film about how international law affects people in what may seem remote parts of the world has greatly enhanced my legal education. I am certain that this experience will help me to be a better lawyer." 



Filmmaker Cristian DeFrancia





A Tribute

Robert E. Scott

“Applause waits on success.”

BENJAMIN FRANKLIN



There is good reason for the applause heard in and around the Law School these days. It comes at the end of a very successful decade of service from Robert E. Scott, who since 1991 has been the ninth dean of the Law School. Under Scott's leadership, Virginia has been literally transformed to become one of the nation's top-rated law schools. Much of the credit for this transformation goes to Scott, who, as dean, set the intellectual tone and agenda for the Law School, urging it to aspire to preeminence both in its teaching mission and in scholarly research. Under his leadership, the Law School embarked upon a highly successful capital campaign, raising more money than any other law school in history, completed a \$30 million renovation of the Law Grounds, began construction of a \$5 million Student-Faculty Center, and instituted a number of innovative curricular enhancements, including the Mary Morton Parsons Seminars in Ethical Values and the Principles & Practice Program.

The son of Methodist missionaries, Scott lived the first eleven years of his life in India, attending a boarding school in the mountains. He earned a B.A. from Oberlin College, a J.D. from the Marshall-Wythe School of Law at the College of William & Mary, where he was editor-in-chief of the *Law Review*, and an S.J.D.

from the University of Michigan. In 1974 he left a professorship at William & Mary to join Virginia's law faculty, where he was selected the first occupant of the Lewis F. Powell, Jr. Professorship in 1982. When he was named dean, he became the Arnold H. Leon Professor of Law.

“We are all proud of you, proud of what you have accomplished and proud of your living testament to the values we all share.”

—DAN O. CALLAGHAN '62

Scott is widely recognized for setting the standard for the economic analysis of the law of contracts. His teaching and research interests include contracts, commercial law, and bankruptcy, and he is the author of a number of books and dozens of scholarly articles on these subjects.

“It's fair to say that Bob has in some way touched the professional lives of every member of this faculty,” said Lillian BeVier, Henry L. & Grace Doherty Charitable Foundation Professor of Law, when Scott was selected as

dean. "He exemplifies a standard of excellence in his own scholarship, and has unstintingly encouraged and celebrated the work of others."

His reputation extends well beyond the Old Dominion. "He combines a commitment to demanding standards of performance in teaching and writing with a real concern for people as human beings," said Columbia scholar Vincent Blasi upon learning of Scott's appointment as dean. Since then, Blasi has joined the Virginia faculty as David Lurton Masee, Jr. Professor of Law and the Hunton & Williams Research Professor.

Although well-respected as a scholar, Scott is perhaps best known as a gifted teacher. "The classroom is the laboratory for exploring the ideas that we have about how law might be improved," he said. "Since our students are the first test of insights that help us to understand law, if we can't persuade them then we should probably move on to other ideas."

Affectionately known as "Boomer" because of his thundering voice, Scott is a master of the Socratic method of instruction. He works hard to keep the material alive and understandable, as many of the thousands of students who have taken courses from him over the years will attest.

It is to the classroom that Scott will return in 2002, where his faculty colleagues and Law School students can continue to benefit from his considerable talents in the years ahead.

But now it is time for the applause. The pages that follow contain representative tributes to Bob Scott—from a current student, a faculty colleague, and several alumni—that tell what he means to each of them as scholar, teacher, and dean. 🏠

"I thank you for your many contributions which have benefitted all of us and will benefit students for years to come."

—HON. DOROTHY TOTH BEASLEY LL.M. '84

The Ultimate Statesman

■ Walter J. Wadlington

Virginia long has valued deans who are also outstanding teachers and scholars. Certainly Bob Scott fits this model. As dean he has taught Contracts, coauthored several books, and published more than a dozen articles. Two articles coauthored with his wife, Buffie, imaginatively combine the fields of contract and family law. Since 1991, Bob has occupied the decanal Arnold H. Leon Professorship.

Bob's contributions have been recognized within and beyond the walls of the Law School. He recently served as president of the American Law Deans Association and is a fellow of the American Academy of Arts and Sciences, the American Bar Foundation, and the Virginia Bar Foundation. Faculty colleagues, alumni, and friends have expressed special appreciation for his accomplishments by donating funds to establish the Robert E. Scott Distinguished Professorship in Law in April 2000.


There have been six other deans during my thirty-nine years at the law school. While they all did an excellent job, each differed in style and what he was able to accomplish. Each dean's accomplishments differed based on his personality (we realize that Hardy Dillard was an original) and the special challenges he faced. The challenges that each dean faced successfully helped to prepare his successor to take on the job. Under earlier deans we initiated the Law School Foundation, expanded our faculty of teacher-scholars, and erected the core of a new Law School facility on a very tight budget.

Bob, too, has faced many new challenges during his decade as dean, and he has respond-



Walter J. Wadlington is James Madison Professor of Law and Professor of Legal Medicine

ed to them in statesmanlike fashion. As with his predecessors, he continued to nurture the long-standing special relationships between individual faculty members, and between faculty and students. This unique part of Virginia's culture makes the Law School a desirable and stimulating place in which to study and to teach. Bob also has successfully continued to encourage top scholarship and teaching among members of the faculty. These are important achievements in and of themselves, but at the same time he has overseen the transformation of the Law School complex into one of the finest such facilities in the country. Despite little previous fund-raising experience, Bob has become a master. He and David Ibbeken are a formidable team. Bob realized long ago that it was our devoted alumni who would play key roles as donors and in soliciting the generosity of others. He logged a great deal of travel time to meet with and inspire them.

As Bob leaves the deanship, the Law School's condition is robust academically and financially. His success in leading the handsome and functional expansion of the Law Grounds and the increase in our endowment that we have enjoyed as a result of his leadership are special legacies which faculty and students will long appreciate. 

“You have taken the Law School to a level of excellence and prominence that would have been difficult to imagine ten years ago.”

—EDWARD J. KELLY III '81

The Ultimate Leader

■ C. Hayward Majors '01

Dean Scott has been the ultimate example of a leader for our ever-changing law school. There are numerous responsibilities in being a leader. A leader must be a teacher and this has been Dean Scott's passion first and foremost. It was not until the spring of my second year that I



C. Hayward Majors will graduate from the Law School in May.


had the privilege of taking his class, Colloquium on Commercial and Contract Law. It was in this class that Dean Scott, treating us as his intellectual equals, taught us how to critique intelligently and to challenge the leading academic minds. He not only encouraged us to do so among our peers but forced us to formulate our own opinions and pose challenging questions to these academics as they presented their papers to us.

In addition to being a teacher, Dean Scott is a listener and communicator. It was under his guidance that the weekly breakfast with the dean began. During this hour-long meeting, various student leaders of the Law School are invited to discuss issues, concerns and positive aspects involving the school. While the students change each week, Dean Scott's interest and enthusiasm over the opportunity to discuss important issues remain constant. While it is a great opportunity for students to get to know the dean on a more personal level, it is obvious that Dean Scott takes away more from those meetings than anyone else.

The dean is not only required to work with students but he must be able to work with faculty and alumni. Dean Scott is known for being politically astute without actually being political. He never ceases to amaze me by his ability

to talk with and even entertain everyone. He can go from talking about the UCC and the Internet, and their effects on the bargaining process of contracts, with the best and the brightest the legal profession has to offer, and then impress everyone with his knowledge about baseball and the Cleveland Indians. There are very few subjects on which he cannot speak.

Finally, two of Dean Scott's greatest qualities as a leader are his humor and humility. It takes a great man to be able to laugh at himself, but this is what "Boomer Scott" does every year. He not only attends the annual student-produced Libel Show but he also sits in the very front row, center stage, laughing louder and harder than anyone else in the audience. He knows that, as the leader of the Law School, he is going to be the main focus of many of the skits. This only makes him more interested and excited about the show and his role in it.

In each of these examples, Dean Scott has shown his great ability to interact. No matter what one's background, specialty, or interests, he knows how to be both entertaining and informative. It is these qualities of his leadership that will help Dean Scott be remembered as one of the greatest deans ever. 

"I have always been proud to have graduated from the University of Virginia School of Law. However, at no time have I been more proud than when you have served as dean."

—WILLIAM W. EIGNER '86

The Ultimate Teacher

■ David L. Mulliken '75

I first encountered Bob Scott in the fall of 1972 when we were both newcomers at the Law School, he a visiting professor, I a slightly bewildered first-year law student. In the old days of the Law School at Clark Hall, professors still were responsible for teaching the first-year small section Legal Writing and Advocacy course and it was my incredible good fortune to be one of the eight students assigned to the young professor.


If many professors seemed indifferent or worse to teaching first-year Writing and Advocacy, this never affected Bob's approach to what became one of the most enriching learning exercises we were ever to experience in our time at the Law School. What countless classes of students have come to expect as a matter of course from any class taught by Bob Scott, the eight of us were exposed to for the very first time, up close and personal. His intensity, energy, and extraordinary devotion to the art of teaching and his determination that our learning experience be a complete one filled the room then as it does today. He pushed us all to sharpen our analytical tools, to communicate efficiently but effectively, and to approach problem solving in a disciplined but expansive manner. Yet even as he challenged us, he did so in ways that nurtured our self-esteem as we fed off his seemingly inexhaustible energy and boundless enthusiasm for teaching the law.

One class with Bob would be more than enough to leave an indelible mark on any student's outlook toward the law. It was, however,



David L. Mulliken is a trustee of the Law School Foundation and a partner and chair of the environmental department at Latham & Watkins, San Diego, CA.

my great good fortune when, after his return to William & Mary in the 1973–74 school year, Bob called me during my summer clerkship in Los Angeles to inform me of his impending return to U.Va. for good. During my third year I was his student research assistant and a student in his Uniform Commercial Code course, taught to an overflow group of 150 third-year students, in itself a remarkable commentary on the energy he could impart to a classroom, even one filled with otherwise largely indifferent second semester, third-year, soon-to-be Law School graduates. While Bob may have seemed larger than life in the classroom, he was a genuine friend and mentor to me and to the countless students that he touched in so many different ways.

Not surprisingly, the same qualities that made Bob such an extraordinary professor have made him an extraordinary dean. The same attributes that he has used to energize his classroom for the past twenty-eight years have energized the entire Law School during his tenure as dean. The audience has changed and the stage is bigger, but Bob has endured as a larger-than-life advocate for the Law School and everyone associated with it as he pushes Virginia to the forefront of American legal education. If I am witness to this remarkable energy and devotion less often as a trustee than I was as a student, it cannot be disputed that Bob's intensity, passion, and devotion to the Law School are undiminished, as is a special friendship between the professor and his ex-student. 

“I have discovered that, without real leadership and clear vision, ideas cannot be transported and inspiration cannot be transfused. My admiration—almost amazement—for what you have accomplished in ten years is built on my observation of others who have tried. I know that you know how to run a law school.”

—J. WILLIAM LEWIS '68



“Your tenure as dean of the Law School has been truly distinguished. As one of your former students, I know you as a distinguished teacher, so I am delighted to hear that you will return to a calling for which you are truly gifted.”

—BEAT U. STEINER '80

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When Law and Technology Intersect

■ Cathy L. Eberly

JUST AS TECHNOLOGY TOUCHES MOST every part of our lives, it also has a major impact on the law. When the words *law* and *technology* are typed into an Internet search engine that identifies information from legal and non-legal sources, well over 1.5 million hits turn up. Some link to Web sites that discuss intellectual property and privacy issues. Others link to sites that discuss cutting-edge technology such as stem-cell research and DNA testing. Still others link to on-line legal journals that make the latest scholarship available to practicing lawyers hungry for the most current information on what happens when law and technology intersect.

Students considering law school have their own questions about how the law is responding to technology's impact. "We are experiencing a dramatic increase in the number of inquiries related to the Law School's intellectual property courses, which have long been part of law school curricula and today are closely tied with discussions of technology issues," said Al Turnbull '62, professor of law and associate dean for admissions and career services. "I believe that these inquiries are being driven in some substantial measure by our society's technology explosion."

In response to strong interest among law



students and alumni who want to be certain Virginia is well-positioned to prepare future generations for the challenges and demands of a digital economy, the Law School has been taking a careful look at its curriculum. Faculty members have created new courses such as The Emerging Law of Advanced Technologies and Free Expression in Cyberspace, and updated standard courses—such as Communications Law, Patent Law, and others—to include a focus on technology issues.

The goal is a curriculum-focused academic program involving scholars from across the

University as well as visiting scholars, practitioners, and business leaders who educate students on the roles of technology in society and complement the expertise of the Law School's resident faculty.

Our primary focus will be on the Internet and its attendant technologies, and the secondary focus will be on biological technology.

"We're focusing on the two technologies that we believe are having the most visible impact on law and public policy," said Glen Robinson, the David A. Harrison III Professor of Law, Horace W. Goldsmith Research Professor, and associate dean for research and information services. "Our primary focus will be on the Internet and its attendant technologies, and the secondary focus will be on biological technology, including the human genome, cloning, and regulation of food and drugs, to name a few. Taking a look at these technologies, we will examine their impact on various areas of the law."

A course that explores the Internet's influence on the law will be offered for the first time in the fall. Taught by veteran teachers Glen Robinson and Dan Ortiz as well as Clarisa Long, who joined the faculty in 1999 to teach courses in patent law and scientific research, Cyberlaw will touch on areas of the law ranging from antitrust to criminal and international law.

"We'll be modeling a new type of legal instruction with this course," noted Ortiz, the John Allan Love Professor of Law and Joseph C. Carter, Jr., Research Professor. "The tone in class will be more conversational; there will be less lecturing. That's because we'll be dealing with a lot of cutting-edge issues, and every student will come to class with a different level of experience. We need to make sure the structure is open enough to allow for lots of give and take."

According to Ortiz, new technology courses demand new teaching methods, and the Law School's innovative Principles & Practice model of instruction may be well suited for many new offerings as they are developed. First introduced at Virginia in 1995, Principles & Practice courses bring together resident faculty and practitioners in the classroom for semester-long collaborations. But scholars and practitioners who are available for shorter periods of time can also contribute. For the last several years, the Law

School has been offering two-week short courses that provide upper-class law students one credit and a chance to learn from individuals who are on the front line of current legal issues. "Some of our alumni in leadership positions in high-tech firms in Northern Virginia and the Silicon Valley are beginning to come in and teach technology-related short courses," Ortiz said.

One of these alumni is Brad Handler '95, associate general counsel and director of law and public policy for eBay, who is currently working with the faculty to develop the law and technology program. A

Virginia Journal of Law & Technology

The Virginia Journal of Law and Technology (VJoLT) is the first journal to be published exclusively on-line at a top ten law school. It provides a forum for students, professors, and practitioners to discuss emerging issues at the intersection of law and technology. Introduced in January 1997, *VJoLT* has published nine issues containing a total of forty-seven articles. In addition to focusing on intellectual property issues, the journal has published articles on constitutional law, tax law, social policy, and the use of technology in legal education. The journal is available exclusively on-line and free of charge at *VJoLT*'s Web site: <http://www.vjolt.net>.

leadership donor to the new initiative, he is planning to teach a short course on the Internet and privacy issues next spring. “The Law School has long been recognized for its strength in law and economics. I believe that Virginia faculty understand the value of property, including intellectual property, and recognize that it must be protected. I’d like my alma mater to be recognized as a thought leader in establishing frameworks useful for creating, using, and protecting all types of property.”

With support from Handler and other alumni working in high-tech fields, the Law School plans to expand the law and technology program in the years ahead. “I am pleased that Virginia is open to new ideas, and I believe there will be many more opportunities for alumni to offer the Law School their expertise,” Handler noted. Meanwhile, Dan Ortiz is talking with faculty members from the Darden Graduate School of Business Administration about developing a technology course to be team-taught by Law and Darden experts. Also on the drawing board are collaborations with other schools on Grounds, colloquia, and a lecture series.

Dean Robert E. Scott believes that the Law School’s unique environment facilitates collaboration among the law faculty and with the business world. “What I find exciting about the law and technology program, and others like it that have developed here in recent years, is that they evolve out of an environment where this type of interaction occurs naturally. I don’t think there are many other law schools where new programs are developed from the ground up—rather than from the top down—as they are here at Virginia.”

As the Law School’s law and technology program takes root, Ortiz believes that continued flexibility will be the key to its success. “We’ll continue to evaluate what we’re offering and adjust it as needed so we remain current and our curriculum relevant. With technology constantly changing, we must stay abreast of new innovations. Our students deserve no less.”



Law and Technology Course Offerings

Antitrust and Intellectual Property

Communications Law

Copyright Law

Copyright Law & Contemporary Technological Change

Cyberlaw

Development and Regulation of Medical Technology

The Emerging Law of Advanced Technologies

Environmental Law

Environmental Risk

Food & Drug Law

Free Expression in Cyberspace

High Technology Start-Ups and Their Venture Capital Financing: Principles & Practice

Law & Innovation

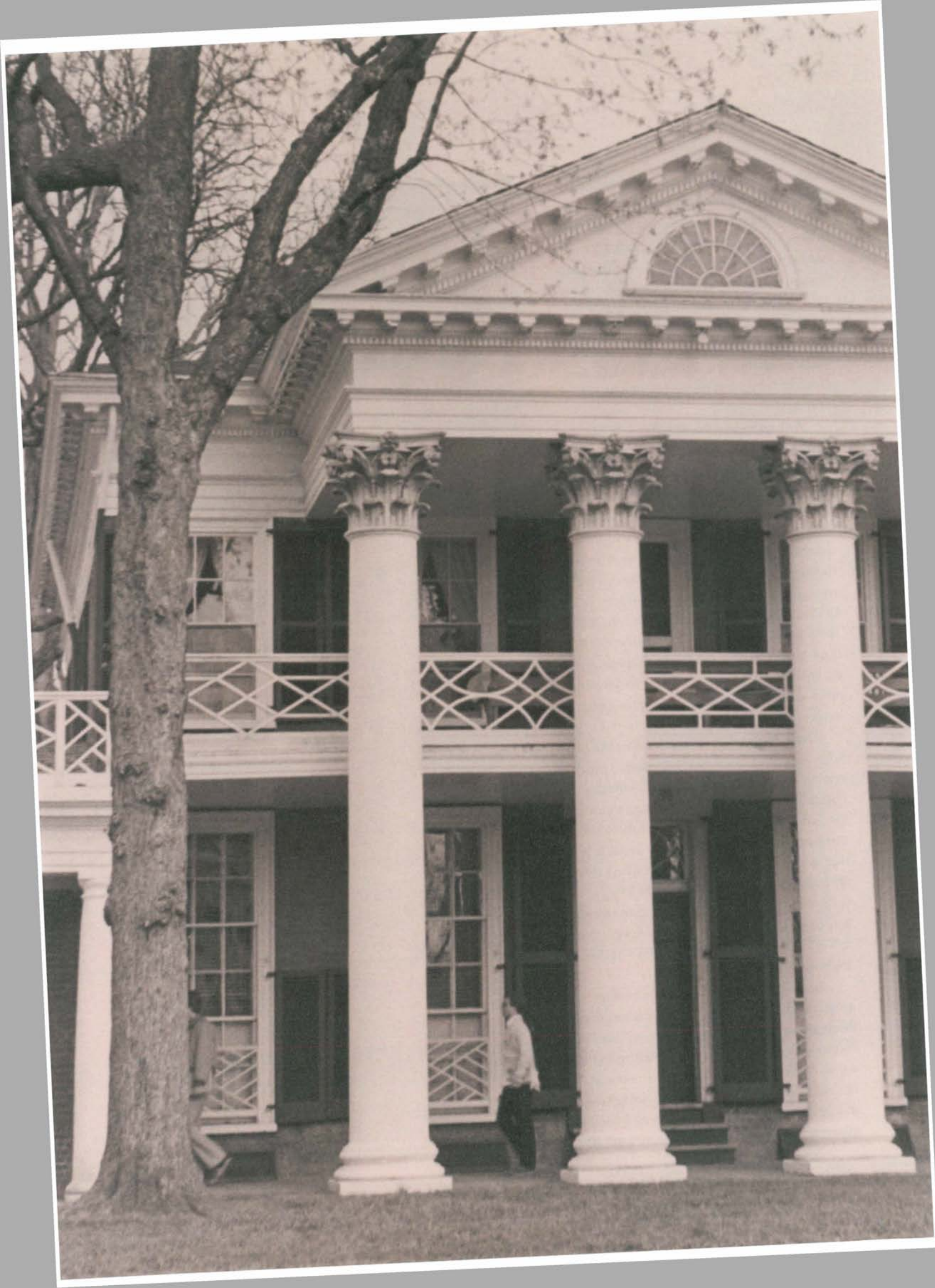
Law and Scientific Research


Patent Law

SEC & the Future of Securities Markets

Scientific Evidence

Unfair Competition

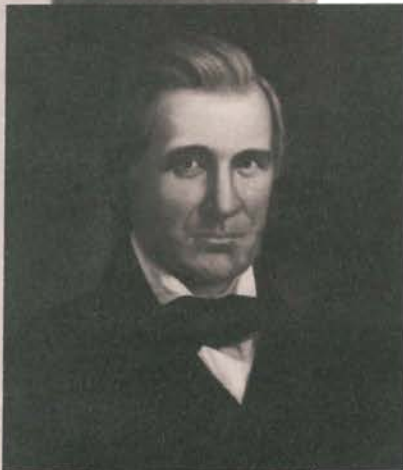




*175 Years of
Law at Virginia:
A Pictorial History*

■ Marsha Trimble

As the Law School community reflects on its 175-year history, we present this anniversary photo essay. Through the years scholars with tremendous dedication nurtured the school, secured its national reputation, and insured its continued vitality, quite often passing the baton of leadership to younger protégés. As the size of the faculty and student body grew, the Law School moved to several homes across the University Grounds, each larger than the one before. These are images of some of the people and places crucial to the Law School's development. We hope you enjoy them.



Opposite: Pavilion III, where Professor Lomax lived and taught law classes.

Insets, from left to right: John Tayloe Lomax, law professor, 1826-30; John A. G. Davis, law professor, 1830-40; Pavilion X, where Professor Davis lived and taught law classes.



Law School Time Line

1826
John Tayloe Lomax teaches the University's first law classes in Pavilion III

1830
Lomax resigns; John A.G. Davis is hired, and he lives and teaches in Pavilion X

1840
Davis is fatally wounded trying to quell rioting students on the Lawn

1840-1845
Judge Henry St. George Tucker replaces Davis

1845
Ill health forces Tucker to retire, and John B. Minor (Class of 1834) is hired



1. The Lawn, ca. 1868. 2. Henry St. George Tucker, law professor, 1840-45. 3. Rotunda Annex, where law classes were held from 1853, when it was completed, to 1895, when it burned down. 4. Minor Hall, home to the Law School, 1911-32. 5. John B. Minor (law professor, 1845-95), holding books, and Stephen O. Southall (law professor, 1866-84), holding cane, with law students, 1883 or 1884. 6. Unidentified group of law students with faculty, including front row, beginning second from left, Professors F. Ribble and A. Dobie; Dean W. Lile; fourth and fifth from right, Professors C. Graves and G. Eager. Student Hardy C. Dillard behind Professor Eager, 1925 or 1926.

1853

After student enrollment rises, law classes are moved to the newly built Rotunda Annex

1861-1865

Minor teaches a handful of students during the Civil War; his vigilance ensures that the University is not harmed as federal troops march through Charlottesville late in the war

1893

William Minor Lile (Class of 1882) joins the law faculty

1895

John B. Minor dies; Rotunda Annex burns to the ground, and fire spreads to the Rotunda

ca. 1900

Rotunda restoration is complete; law classes return to cramped basement classrooms



1. Professors C. Paul, F. Ribble, W. Lile (dean, 1904-32), C. Graves, A. Dobie, G. Eager with the Class of 1923, including the Law School's first woman graduate, Elizabeth Tompkins. 2. Law faculty in 1968: front row, l. to r.: E. Folk, E. Cohen, C. Davison, C. McFarland, M. Boyd, H. Dillard (dean, 1963-68), E. Spies, M. Kellogg, C. Woltz, K. Redden; middle row, l. to r.: J. Moore, P. Manson, P. Low, N. Alford, F. Farmer, M. Willrich, R. Speidel, A. Scalia, T. White; back row, l. to r.: A. Turnbull, A. Howard, C. Woodard, J. Wesner, T. Currier, W. Wadlington, T. Bergin, R. Schotland, W. Velton. 3. Clark Hall, home to the Law School, 1932-74. 4. Emerson G. Spies (dean, 1975-80) 5. Thomas H. Jackson (dean, 1988-91). 6. Richard A. Merrill (dean, 1980-88). 7. Law faculty in 1947: front row, l. to r.: H. Dillard, J. Ritchie, L. Buckler, G. Glenn, F. Ribble (dean, 1939-63), M. Boyd, W. White; back row, l. to r.: C. Woltz, K. Redden, E. Spies, C. Nash, O. Underwood. 8. L. to r.: Associate Dean Emerson G. Spies, Julia Spies, Monrad G. Paulsen (dean, 1968-76).



Law School Time Line

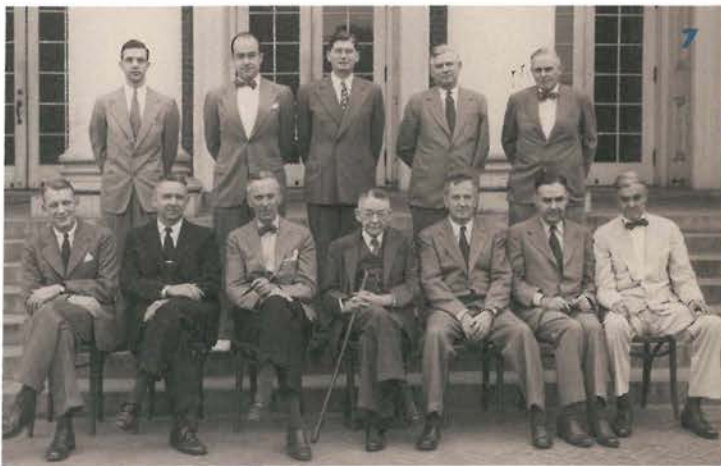
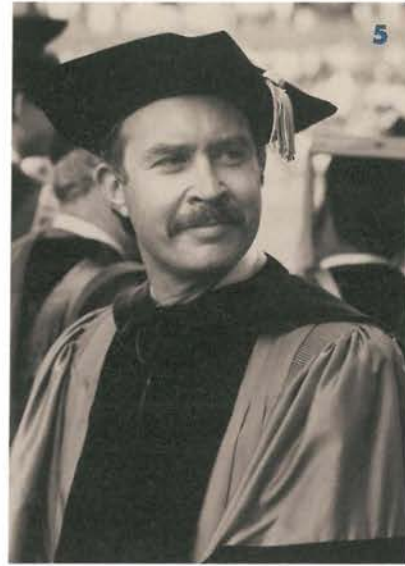
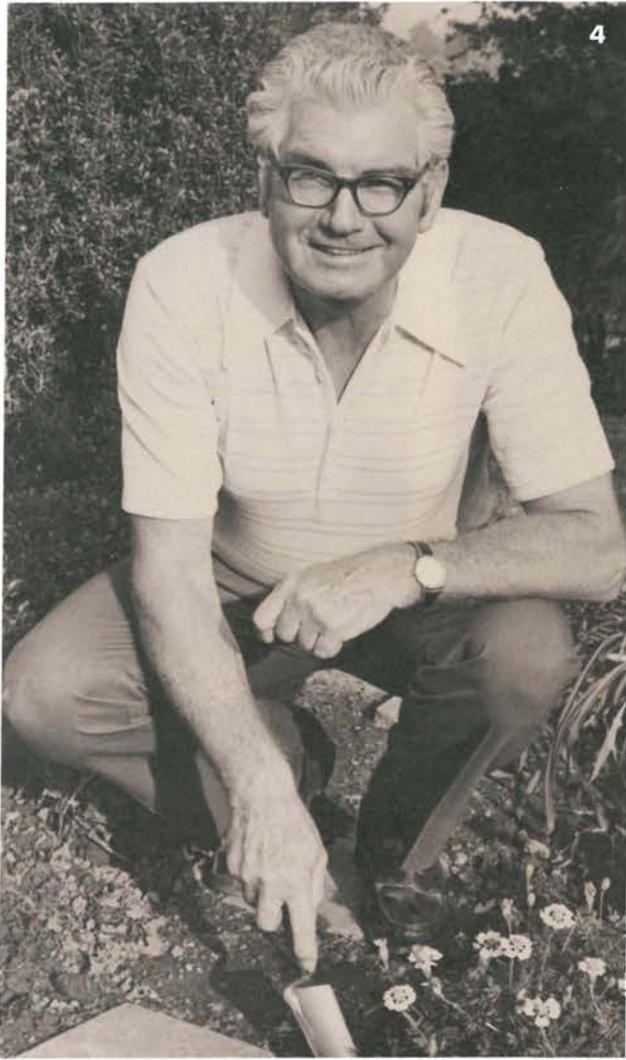
1904
Edwin A. Alderman is appointed first president of the University, and William Minor Lile becomes the law department's first dean

1911
Law department moves to Minor Hall

1921
University professional schools allow admission of women

1923
Elizabeth N. Tompkins is the first woman to graduate from the Law School

1932
Law School moves into Clark Hall, and Armistead M. Dobie (Class of 1904) becomes dean when Lile retires



1939
F.D.G. Ribble (Class of 1921) is appointed third dean when Dobie accepts federal judgeship

1949–1950
New west wing adds office and library space to Clark Hall; Gregory Swanson, who enrolls for graduate work in law, is the first African-American admitted to the University

1952
East wing of Clark Hall is completed

1958
John F. Merchant is the first African-American to graduate from the Law School

1961
Third-floor addition to Clark Hall provides a faculty lounge, more classrooms and offices



Law School Time Line

1963

Hardy C. Dillard (Class of 1927) becomes dean when Ribble retires

1968

Dillard resigns deanship, and Monrad G. Paulsen is appointed to replace him

1974

Law School moves to new building (later named Henry Malcolm Withers Hall) on the North Grounds

1976

Paulsen resigns deanship, and Emerson Spies is appointed to replace him

1978

A building addition, later named Walter L. Brown Hall, is completed

1980

Spies retires, and Richard A. Merrill becomes dean



1. The Law School's first North Grounds home, original building later named Withers-Brown Hall, 1974-present. 2. Robert E. Scott (dean, 1991-01). 3. Law faculty in 1988: front row, l. to r.: A. Johnson, D. Ibbeken, J. Jeffries, T. Bergin, E. Cohen, M. Robinson, A. Turnbull, K. Abraham, Dean Thomas H. Jackson, J. Roin, R. Buck, J. Monahan, E. Folk; middle row, l. to r.: R. Bonnie, J. Moore, E. Kitch, P. Low, N. Alford, G. Lilly, J. McCoid, L. Wenger, T. White, P. Manson, W. Stuntz, K. Sinclair, D. Ortiz, B. Seng, C. Slobogin, L. Walker, F. Kirgis, Jr., S. Levmore; back row, l. to r.: D. Leslie, R. Scott, D. Martin, G. Robinson, W. Wadlington, G. White, M. Klarman. 4. Clay Hall, the main entrance to the Law Grounds. 5. John C. Jeffries, Jr., '73, tenth Law School dean, 2001.

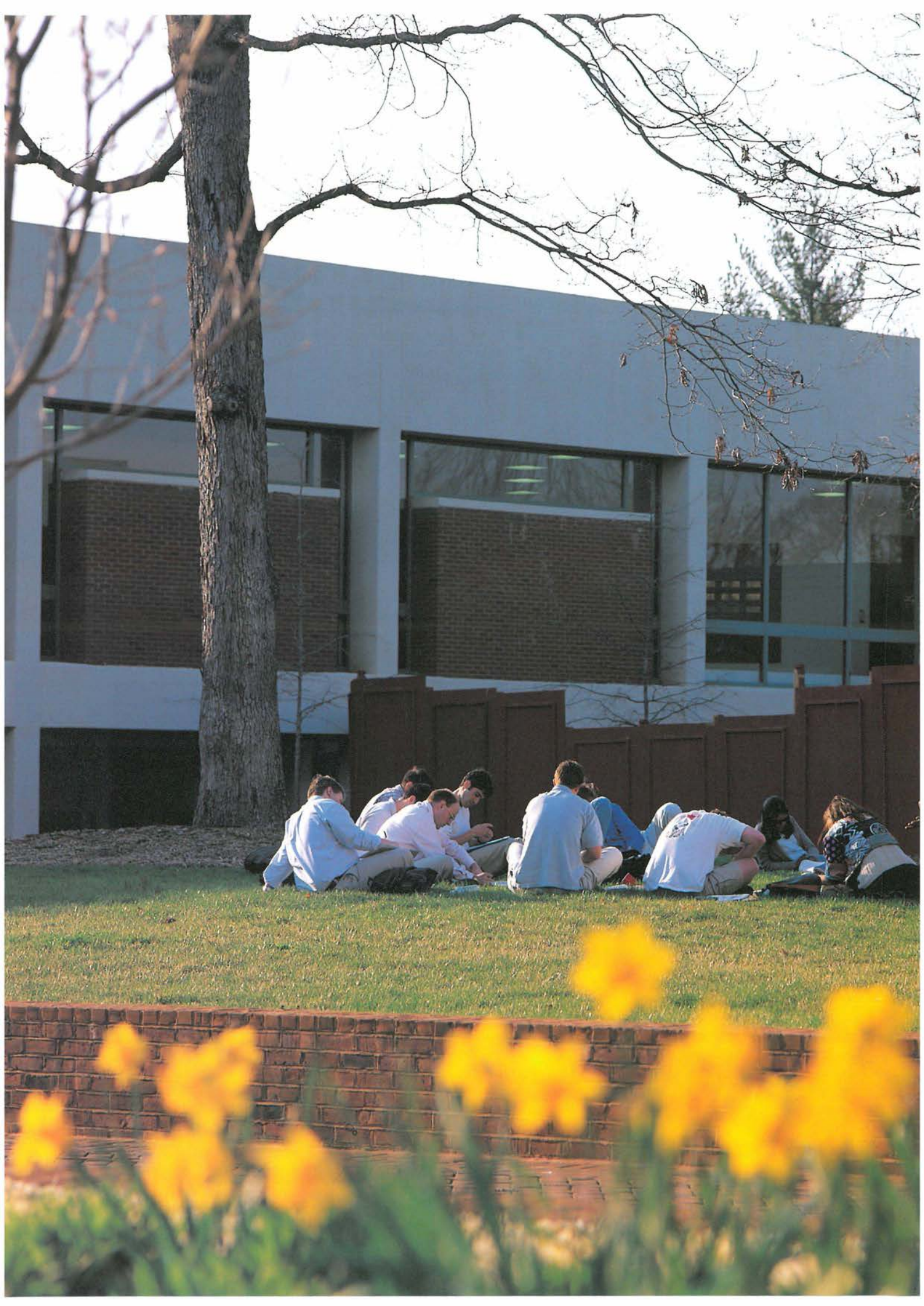
1988
Merrill resigns deanship, and Thomas H. Jackson replaces him

1991
Jackson becomes University provost, and Robert E. Scott becomes ninth dean

1995-1997
Major renovation and building project is undertaken; David A. Harrison III Law Grounds are completed and dedicated in fall 1997

2000
Construction begins, new Student-Faculty Center

2001
Scott resigns deanship, and John C. Jeffries, Jr., (Class of 1973) is appointed; Law School celebrates its 175th anniversary



Class Notes

J.D.

1940

The Seven Society honored **Mortimer Caplin** as a member of the University of Virginia's "Halls of Fame." He was selected for his prominence as a student, his outstanding professional career, and his generous support of the University. A Phi Beta Kappa graduate of the University, he won the Raven Award, was editor-in-chief of *Virginia Law Review*, and was a NCAA boxing semi-finalist. He served on the Law School faculty for many years. A former commissioner of the Internal Revenue Service, he is a founding partner of the Washington, D.C., firm, Caplin & Drysdale. As an alumnus, he has chaired the finance committee of the University's Board of Visitors and the executive committee of the Law School's capital campaign. He is an honorary trustee of the Law School Foundation.

The Antitrust and Unfair Competition Law Section of the California state bar recently honored **Julian O. von Kalinowski** as the Antitrust Lawyer of the Year 2000. Kalinowski is chairman *emeritus* of Dispute Dynamics Inc., a trial consulting firm in Los Angeles. He previously served as chairman of the American Bar Association's Antitrust Section.

1947

Michael P. Crocker and his wife, Rosa, recently moved out of their family home and into Fairhaven, an Episcopal retirement community close to Baltimore, MD. Crocker reports that the move went smoothly with the help of his children Forest, Berthenia, and Rosa.

Send Us Your News

It's never been easier to tell us the important things that happen in your life! We welcome e-mail submissions for inclusion in *Class*

Notes. **E-mail** them to lawalum@virginia.edu, **mail** them to *UVA*

Lawyer, University of Virginia School of Law, 580 Massie Road,

Charlottesville, VA 22903, or **fax** them to 804/296-4838. Please send your submissions by September 15 for inclusion in the fall issue.

1956

In October of 2000, **William L. Standish** received the A. Sherman Christensen Award for exemplifying the qualities of leadership and commitment to the American Inns of Court. Standish currently sits on the U.S. District Court for the Western District of Pennsylvania and is active in mentoring young lawyers. Outside the courtroom, Standish enjoys spending time with his wife, Peggy, his four children, and his five grandchildren.

1957

Richard Cocke was recently featured in the senior lawyers section of the *Virginia Lawyer* magazine with an article, "Reminiscence from the Past." He continues to practice law in Richmond, VA.

William (Pete) Johnston was awarded the 2000 Meritorious Service Award by the Virginia Hospital and Healthcare Association. He continues to practice with Harrison & Johnston in Winchester, VA.

Jerry McCamic reports that he has agreed to merge his bank holding company, America

Opposite: An unusually warm early-April day moves a law class outdoors.

Bancorporation, into West Virginia banking group, WesBanco, Inc. The transaction is valued at \$77 million. He continues to be senior partner of McCamic & McCamic in Wheeling. McCamic met **Bill Moore** on Sanibel Island, FL, in January. Moore has retired from practice and has invested in a Tru-Value Hardware venture with his brother.

D.C. Merriwether e-mailed a message from the cruise ship "Silver Wind" sailing from Darwin to Bali saying that he and J. M. Burry were in the ship's bar for two nights before they recognized each other. For the remainder of the cruise they reminisced about their Law School experiences and toasted all the classmates they could recall.

Leigh Middleditch is president of the Virginia Alumni Association board of managers. He recently joined **Syd Settle** and **Arnold Leon** at an alumni function in Palm Beach.

Frank Stewart will return to Charlottesville, VA, in the fall to teach a seminar on mediation and arbitration for a second time. He recently had a series of letters published in *The Wall Street Journal* about his uncle who started the first steel mill in Mexico.

Al Teich continues to serve as clerk of the circuit court of the city of Norfolk, VA.

George Vlassis recently sent word from Phoenix that he is still "totally immersed in Indian law."

1960

Phillip T. Backer and his wife, Patricia, spent several weeks in the past year traveling throughout Europe. They visited Spain, Portugal, Germany, Austria, Slovenia, France, and Italy. Backer reports that they simply love driving in Europe.

1961

Donald J. Danilek is currently the senior trust officer at Virginia National Bank in Charlottesville, VA. He previously served as senior vice-president and general counsel of the Bank of Bermuda, Ltd., in New York.

1962

This past November, **Joseph Bartlett, Jr.**, married **Barbara Ramsay**. Classmates **Ammon Dunton** and **Richard (Dick) Johnson** attended the wedding. Bartlett and his wife are currently living in South Deerfield, MA.

1964

Robert W. Nuckles was awarded the Master of Laws in taxation from the University of Baltimore in May 2000.

1965

Joseph Z. Fleming was selected for inclusion in the 2001-02 edition of *The Best Lawyers in America* in the labor and employment and environmental law categories. Fleming is a partner at Ford & Harrison LLP in Miami, FL.

1966

Glenn R. Adams is delighted to report that his daughter, **Lise**, is currently a first-year law student at Virginia.

Chandler L. van Orman married **Betsy Clark** last October in Washington, D.C. He is currently the director of outreach & external affairs for the Nuclear Energy Institute in Washington, D.C.

1967

A. Stephens (Steve) Clay co-taught Litigation Ethics with his classmate, **Earl Dudley**, at the Law School during the spring 2000 semester.

Ira Kornbluth has recently been elected chairman of the board of trustees of the Southampton Cultural Center in New York. He reports that classmate David Gillespie has become a member of the board.

1968

Andrew M. Egeland, Jr., retired from active duty as a major general in the U.S. Air Force in March 2000, after more than thirty-one years of service as a judge advocate. He served as the deputy judge advocate general of the Air Force for seven years. In honor of his service, the Air Force dedicated the Andrew M. Egeland, Jr., Litigation Center on February 1, 2000, in Washington, D.C.

Claude T. Sullivan, Jr., was recently selected for inclusion in the 2001–02 edition of *The Best Lawyers in America* in the labor and employment category. He is a partner in the Atlanta office of Ford & Harrison LLP.

1969

Joseph Hodges Alves III was recently elected treasurer of the Southeastern Admiralty Law Institute (SEALI). SEALI is an organization of leading admiralty lawyers from Maryland to Texas that provides a forum for continuing education in admiralty and maritime law. Alves is a member of the law firm, Hand Arendall LLC, in Mobile, AL, where his practice specializes in general litigation and dispute resolution.

Gordon Schreck was selected for inclusion in the 2001–02 edition of *The Best Lawyers in America*. He is a partner at Buist, Moore, Smythe & McGee in Charleston, SC, where he practices admiralty law and civil litigation.

1971

Thomas M. Boyd became a partner at Alston & Bird LLP in Washington, D.C., in January 2001. Boyd coordinates a team of lawyers involved in representing a variety of clients before the

Congress, the regulatory agencies, and the executive branch.

Thomas (Tad) Decker was recently named managing partner at the Philadelphia-based firm Cozen & O'Connor. He concentrates his practice in multinational mergers and acquisitions, corporate governance and compliance, and securities matters including corporate reporting and public disclosures. Decker enjoys spending time with his wife, Candace, and their two children.

David M. Kirstein was recently elected to the partnership of Baker & Hostetler LLP in Washington, D.C., where he focuses his practice in the areas of business, international transportation, and aviation law.

Anita M. Steele retired in 1999 after twenty-eight years as director of the law library and professor at the Seattle University School of Law. Steele reports that she is excited to be back in Roanoke, VA, and closer to her four children and six grandchildren.

1973

Benson Legg is currently in his tenth year on the Federal District Court in Maryland. He reports that serving on the bench has been a pleasure and that the work continues to be interesting.

1975

W. Dale Houff was elected by the 2000 Virginia General Assembly as a general district court judge for the twenty-sixth judicial district, serving Page, Warren, and Shenandoah counties.

Daniel Lindley recently left Reed Smith LLP, where he was a partner, and accepted a position as senior vice-president and trust counsel of the U.S. Trust Company of Delaware. He reports that "after twenty-five years in private practice, it will certainly seem odd not keeping time sheets." In December 2000, Lindley married Margaret Sears in Santa Fe, NM.

Graduates Convene for Alumni Events

VIRGINIA LAW GRADUATES ENJOYED A variety of alumni events during the past several months. The fall semester concluded with three such events in November. On November 9, Atlanta and Birmingham alumni cheered on the U.Va. football team as the Cavaliers challenged Georgia Tech. The Law School's Graduate Judges Program celebrated the program's twentieth anniversary in Charlottesville November 10 and 11. More than forty judges returned for a weekend of social and academic sessions. On November 15, more than seventy-five Washington, D.C.-area alumni met in the U.S.



David deWilde '67 (center) welcomes Dean Robert E. Scott and Law School Foundation Executive Director David H. Ibbeken '71 to his home, where a group of San Francisco alumni convened for a reception on October 13, 2000.




Jackson, MS alumni join Dean Robert E. Scott for lunch on January 26, 2001.

Capitol for the annual alumni reception, which this year was sponsored by U.S. Senator Evan Bayh '81.

Dean Robert Scott began his last semester as dean by hosting a reception on January 4 for San Francisco-area alumni and alumni in law teaching who were in town for the annual Association of American Law Schools conference. On January 25, Dean Scott spoke to more than eighty Atlanta-area alumni who attended the group's annual luncheon. He traveled to Birmingham later in the day for cocktails and dinner with alumni and guests. The next day, an enthusiastic alumni group from Mississippi greeted the dean for lunch in Jackson at the first gathering of Mississippi law alumni in more than five years.

Dean Scott's travels continued in February and March as he met over lunch in Denver with more than twenty-five local alumni on February 15 and joined San Diego-area alumni the next day for cocktails at the Horton Grand Hotel. During the Law School's Spring Break week, the dean traveled to Florida for an alumni luncheon in Palm Beach on March 13. He met with Miami-area alumni March 14 at the Miami City Club at an event sponsored by Chuck Throckmorton '79. The dean ended the week with a cocktail reception for Northern Virginia alumni in Tysons Corner on March 15. He gathered with New Jersey alumni in Short Hills on March 27 for a luncheon before traveling to meet with Philadelphia-area alumni that evening. On March 28, the dean concluded his two-day Mid-Atlantic trip by enjoying lunch with Wilmington, DE, alumni at the Wilmington Club. The gathering was sponsored by Blaine Phillips '55.

On April 3rd, the Kennedy, Covington, Lobdell & Hickman law firm hosted Charlotte, NC-area alumni for a cocktail reception with Dean Scott. The next day, Charleston, WV, alumni gathered at Edgewood Country Club for an event sponsored by David and Jennie Ferretti '81. 

Ralph Taylor joined the Washington, D.C., office of Dorsey & Whitney LLP in August 2000, as a partner in the firm's technology group.

Thomas A. Woodall won a statewide election in November 2000, to become an associate justice on the Alabama Supreme Court. For the past five years, Woodall has been a circuit judge in Jefferson County, AL.

1976

Jane E. Genster became vice-president and general counsel for Georgetown University in July 2000.

Alan S. Gold was recently appointed to the Montgomery County Mental Health/Mental Retardation Commission. He represents hospitals, healthcare providers, and other entities in employment-related litigation and insurance coverage matters. Gold is also involved in commercial and civil rights litigation.

Clyde H. (Rocky) Sorrell recently retired as a general partner at Hogan & Hartson LLP in Washington, D.C., and is now general counsel for Montgomery College in Rockville, MD.

Philip Steptoe is now vice-president, general counsel, and secretary of Navigant Consulting, Inc., in Chicago. Navigant Consulting is a provider of litigation support, financial claims processing, and management consulting services.

1977

Craig Meurlin recently joined the Grand Rapids, MI, firm, Warner Norcross & Judd LLP as a partner. Meurlin concentrates his practice in securities and corporate law. Additionally, he maintains an office at Amway Corp., where he serves as special counsel to the office of the chief executive.

1978

Joseph W. Ryan, Jr., was recently named editor-in-chief of the American Bar Association's publication, *Litigation News*. Ryan is proud to announce that his daughter, Caitlin, is living on the Lawn this year and will graduate from the University with distinction in May.

1979

Charles A. (Chuck) Spitulnik has joined McLeod, Watkinson & Miller in Washington, D.C., after thirteen years with Hopkins & Sutter. He continues to focus on rail transportation law, with an emphasis on issues affecting commuter rail authorities. Spitulnik reports that he still lives in D.C. and is enjoying watching his three kids, Jennifer, Brian, and Max "grow, thrive, and turn into truly terrific human beings."

1980

Sam Felker was recently appointed chair of the litigation section of the Tennessee Bar Association, where he is in charge of coordinating the section's professional activities. He continues to practice law at Bass Berry & Sims PLC in Nashville, TN, where he heads the firm's product liability group.

Geoffrey Glass is currently serving as a superior court judge in Orange County, CA.

Edward Koch was elected treasurer of USA Track and Field, which is the national governing body of the sport, in November 2000.

William Nusbaum reports that he and his wife, Sharon, are one of the two husband-and-wife delegate couples who attended the Democratic National Convention last August in Los Angeles. Sharon was the Virginia delegation whip and William volunteered as chauffeur for a wheelchair-bound deputy whip from Northern Virginia. The couple writes that they had an exciting and educational experience and met several senators, cabinet secretaries, and celebrities.

Bringing Poetry to the People ... Daily

"The American poetry establishment is locked into a series of exhausted conventions—outmoded ways of presenting, discussing, editing, and teaching poetry. Educational institutions have codified them into a stifling bureaucratic etiquette that enervates the art. These conventions may once have made sense, but today they imprison poetry in an intellectual ghetto."

Dana Gioia, writer and poet

IT DOES NOT MATTER TO DONALD SELBY, JR., '77 that he wrote his last poem during seventh grade, nor that it was not good enough to hang on the family refrigerator. After a twenty-year career in the law publishing industry, where he was vice-president of a \$20-million division of LEXIS Law Publishing before leaving in 1997, he and two lawyer colleagues and poetry lovers decided to do their part to break poetry out of its prison and deliver it to readers—daily and electronically.

As one of the founders of Poetry Daily (www.poems.com), Selby has fulfilled his original goal of exposing more people to poetry. The site is visited daily by people seeking a poetry fix. On



At www.poems.com, Poetry Daily gives people who enjoy poetry their daily verse fix.

the Internet for four years, Poetry Daily is "an anthology of contemporary poetry which each day brings you a new poem," according to the site's home page.

Why poetry? A self-described last-minute English major at Swarthmore College in the early 1970s, Selby knew and liked what he describes as "the long-gone greats" but was less comfortable with contemporary work. He decided to change that. "I loved the old poets, the masters, but I wanted to know who was writing poetry now," he said.

After graduating, Selby was faced with trying to break into the New York trade publishing industry at entry level or heading to law school at Virginia. "I wasn't an aspiring writer, but I was drawn to a life in literature. I came to the Law School because I saw how varied my father's law career was. It seemed to me that a good legal education could open the door to many different careers," he said. His father, Donald Selby '51, had a long and colorful career as both a civilian and a military lawyer. As a second-year law student, the younger Selby started working part time at what was then the Michie Company (now LEXIS Law Publishing). Soon he was hooked by the legal publishing industry and the terrific growth of the Charlottesville company, which was led by David W. Parrish '51.


In spite of his career success, Selby was looking for more. He and his colleagues Diane Boller and Rob Anderson believed the dearth of venues and outlets for serious verse hurt the literary world. They noted that, although much poetry is being written, it is just not easy enough to find outside academic journals and the occasional small-run, published collection. It seemed to the three friends that the Internet could bring the world of poetry to new readers. "We wanted to overcome the intimidation factor of poetry, to get people off their knees at the temple of art," Selby said. Each day a new poem is pulled from journals and publishers large and



Donald Selby, Jr. '77

small and posted to the site. "I think the fact that we're not writers helps," Selby noted. "We're not looking to define the pantheon of poetry. That's for others to do. We just want to bring a rich variety of work to people and show them where to find more like it."

Thousands of people seek out Poetry Daily every day. "Clearly people are looking for poetry. When they want it, we are there," said Selby, who is the site's only full-time employee. Anderson has since moved on to other projects, and Boller still helps maintain the Web site while continuing full time in law publishing as an editorial director of National Law Library. A not-for-profit undertaking, Poetry Daily is funded with private donations, advertising banners, newsletter sponsors, a few grants, and by patrons linking from the site to purchase some of the poems in book form.

These days, riding the site's success into the future consumes Selby. He's happy to provide a meeting place on the Web for people seeking a bit more poetry in their lives. The poem that is released from its intellectual ghetto to hook a new devotee might just be one click away. 

Dana Platt has established a financial consulting firm, Executive Business Solutions, LLC in New York City. Her firm assists regulated financial institutions reduce financial risk, decrease costs, and increase revenue through innovative technology systems and improved business processes.

1981

Bob and Nell Hoffman Bonaparte are part owners of Schramsberg Vineyards, a champagne-producing winery in Napa Valley, CA. The vineyard has the most extensive underground caves of any winery outside of France. Schramsberg champagne has been served at White House state dinners since Richard Nixon was president in 1972.

After eighteen years of practicing real estate law in Florida and California, Kevin Jewell has become the western division attorney for The Nature Conservancy, the largest private conservation organization in the United States. Jewell currently resides in San Francisco, CA.

Stanley K. Joynes III was awarded the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety by Janet Reno in August 2000. He is a partner in the firm LeClair Ryan in Richmond, VA.

Ken Lehman recently received the Maine Bar Foundation's Pro Bono Publico Award for his outstanding work on pro bono cases. He was also selected for inclusion in the 2001-02 edition of *The Best Lawyers in America*. Lehman is currently chair of the health law practice group at Bernstein, Shur, Sawyer & Nelson in Portland, ME. He reports that he spent most of the fall trying medical license cases and coaching his two younger sons' soccer teams. Lehman and Bob Bonaparte coached the inaugural season (1980) of the U.Va. Law women's soccer team, which posted an undefeated season.

Jay Silver recently left Moore & Van Allen PLLC and joined Kilpatrick Stockton LLP as a partner in the firm's Raleigh, NC, litigation practice. He focuses his practice on intellectual property litigation, primarily trademark and trade secrets, and ERISA fiduciary litigation.

1982

Jay Tannon has been named to the executive committee of Frost Brown Todd PLLC. He previously served on the merger committee that created the firm, merging the Ohio-based firm Frost & Jacobs, and the Kentucky-based firm, Brown, Todd & Heyburn.

1984

William (Bill) Lundeen and his wife, Allison, celebrated the arrival of their second child, Virginia Cavanaugh, in October 2000.

1985

Steve M. Pharr recently left Kilpatrick Stockton LLP to join Pharr & Boyton PLLC in Winston-Salem, NC. He continues to practice in the areas of litigation, products and professional liability, and risk management.

James J. Wheaton was recently appointed to the board of directors of Virginia FREE, an independent business association committed to protecting and strengthening the business environment through the political process. Wheaton is also a member of the corporate section of Willcox & Savage, PC in Norfolk, VA.

1986

Mary Koelbel Engle was recently named assistant director of the Advertising Practices Division of the Federal Trade Commission's Bureau of Consumer Protection. Since June 1999, she has been leading a project studying the marketing of violent entertainment to children. Engle

Pro Bono Case Brings Recognition to Alumnus, Law Firm



Steven P. Hollman '83

A SMALL AFRICAN AMERICAN community in Maryland is benefiting today from the pro bono services of Steven P. Hollman '83, a partner in the Washington, D.C., office of Hogan & Hartson LLP. Hollman joined with the American Civil Liberties Union (ACLU) and the Public Justice Center to argue a case last spring believed to result in the first settlement ever reached in Maryland in an environmental justice case between the state and minority residents. His work earned the law firm a 2000 Maryland Pro Bono Service Award.

"When I started practicing law, I pledged always to be involved in pro bono work," Hollman explained. "I found this case particularly gratifying."

Hollman is aware he would not be able to maintain his commitment to pro bono work at every law firm. At Hogan &

Hartson, which has a three-lawyer department charged with taking on pro bono cases and finding the right lawyers in the firm to handle them, he is able to remain involved in pro bono work. "Working in the community service department is a coveted assignment," he said.

Hollman was assigned to the department in 1991 when it was recognized by the American Bar Association as the outstanding law firm pro bono program in the country. When the ACLU approached the firm in 1994 for help with an important case, Hollman, who by then had returned to his intellectual property litigation practice, was asked by the department to assist. Maryland Governor Parris N. Glendening had pledged more than \$26 million to fund a road to bypass Route 50, the major highway to Eastern Shore beaches. For years, the intercity route had caused traffic gridlock for vacationers and local residents alike. As proposed, the four-lane, divided highway would bypass downtown Salisbury, dissecting the northern edge of Jersey Heights, a neighborhood that is 99 percent African American.


When they first learned of the location of the new bypass in 1993, members of the Jersey Heights Neighborhood Association charged that the site had been chosen without notifying local residents, thereby guaranteeing acceptance of the plan. With assistance from the ACLU and Hogan & Hartson, the group filed a Title VI complaint with the U.S. Department of Transportation, asking the agency to withhold federal funds from the project. The complaint charged that the state had a history of locating highways where they would disrupt African American neighborhoods. The federal government found no evidence of intentional racial discrimination on the part of the state of Maryland and declined to withhold funds from the project.

After Hollman joined Deborah A. Jeon of the ACLU and Sherilynn Ifill of the Public Justice Center on the case, the lawyers filed a federal lawsuit under the National Environmental Policy Act, which obligates highway officials to act affirmatively to encourage and facilitate public involvement on a nondiscriminatory basis in

decisions which affect the quality of the human environment. The judge threw out the case, charging the plaintiffs had waited too long to file suit. But parts of the decision were overturned by the U.S. Court of Appeals for the Fourth Circuit. Hollman argued the case before a Fourth Circuit panel, including Judge J. Harvie Wilkinson III '72, one of his Law School professors. "I knew that Judge Wilkinson and the rest of the panel would ask some tough questions, and they did," Hollman said of the experience. "We asked the court simply to acknowledge the residents of Jersey Heights, to recognize that they exist, and to ensure that their community would not be rendered invisible by this highway project."

Jersey Heights received more than \$1 million in community improvements designed to mitigate adverse effects of the highway.

Once the Fourth Circuit issued its ruling, settlement negotiations began between the state of Maryland and the Jersey Heights Neighborhood Association. In the end, Jersey Heights received more than \$1 million in community improvements designed to mitigate adverse effects of the highway, and Maryland officials received a green light to build the Salisbury bypass. In addition to improving roads, curbs, gutters, and street lights in the Jersey Heights community, the state agreed to offer to purchase four homes near the proposed route of the bypass and to pay for improvements to other nearby homes, such as soundproofing, to lessen the highway's impact.

"What my clients really wanted was an opportunity to participate on an equal footing in planning major public works projects that affect the quality of their environment," Hollman said. "State and federal highway planners have convinced us that Jersey Heights residents now will have that opportunity." 

continues to live in Alexandria, VA, with her husband, Tom, and their daughter, Hannah.

Jennifer Weiss was elected to the North Carolina House of Representatives in November 2000. Her husband, **Bruce Hamilton**, is a partner at Teague, Campbell, Dennis & Gorham LLP. The couple have two children, Max and Anna.

1987

Kim M. Boyle was recently elected first vice-president of the New Orleans Bar Association and appointed chair of the lawyer referral service. He has been a U.S. bankruptcy judge for the Eastern District of Louisiana since 1992.

David L. Dallas, Jr. has returned to Charlottesville, VA, to serve as managing partner of the newest office of Williams, Mullen, Clark & Dobbins, a Professional Corporation. He is focusing his practice on serving the community's burgeoning technology business. He and his wife, Susan, live near Birdwood with their children, Lee and Rebecca.

Keith D. Munson is a partner in Womble Carlyle Sandridge & Rice PLLC, where he concentrates his practice in product liability litigation, complex commercial fraud, railroad law, and environmental law.

Pamela Passman and her husband, Frederick Guinee '88, continue to live in Tokyo with their daughters, Sarah and Emily. Passman is the Microsoft regional counsel for the Far East.

1988

Frederick Guinee and his wife, Pamela Passman '87, continue to live in Tokyo with their daughters, Sarah and Emily. Guinee practices law with Nishimura & Partners.

Marcus A. Manos and his wife, Rose, welcomed their first child, Nicholas Angelo, in November

2000. Manos continues to work with Nexsen Pruet Jacobs & Pollard LLP in Columbia, SC.

Lynda Rozell currently works part time as an attorney advisor to the commissioner of the Federal Trade Commission, focusing on advertising and privacy issues. She enjoys spending time with her husband, Mark, an associate professor of politics at the Catholic University of America, and their two children, Nadine and Renée.

1990

James J. Benjamin, Jr., has joined the New York firm, Akin, Gump, Strauss, Hauer & Feld LLP, as a partner. He focuses his practice on white-collar criminal defense and civil litigation. Benjamin was previously an assistant U.S. attorney and deputy chief appellate attorney.

Timothy Davis and **Lisa Singer** announce the birth of their second child, William Harrison, in October 2000.

Tom DeVita and his wife, Maggie, welcomed their fifth child, Nicholas Joseph, in November 2000. Nick joins brother Tommy, 9, and three sisters Sarah, 7, Amelia, 5, and Elizabeth, 3, in a very busy household. Tom continues to work at the Law School Foundation in Charlottesville, VA, and recently completed his term as chair of the Association of American Law Schools' Section on Institutional Advancement.

Sean Gertner was appointed borough attorney in Lakehurst, NJ, where he advises the mayor and borough council on issues including employment litigation, zoning, and the renewal of mercantile licenses. He is also completing his third year as chair of the Lakewood Economic Action Program, a nonprofit corporation involved with the Head Start organization.

Lee Goodman has served as deputy counsel for Virginia Governor Jim Gilmore III '77 and as deputy director of policy in the governor's office

since 1999. He previously was special counsel to the governor and the policy director and speech writer during Gilmore's 1997 gubernatorial campaign. Goodman lives in Charlottesville, VA, with his wife, Paige Pippin, and daughter, Piper Elizabeth.

Joseph M. Pankowski, Jr., and his wife, Annie, were blessed with their second son, Thomas Cade, in July 2000. Besides being slightly sleep-deprived, he relates that the entire family is doing very well. Pankowski recently left solo practice to head the trusts and estates department at Wofsey, Rosen, Kveskin & Kuriansky in Stamford, CT. He and his wife recently celebrated their tenth wedding anniversary and agreed that "even if we could, we'd change very little of our journey together since we first met on Brown's Mountain."

1991

Michael Egge and his wife, April, are excited to announce that they recently became the parents of twins, Olivia Francesca and Luke Michael. Egge is currently a competition counsel for the Coca-Cola Company in Atlanta, GA.

Sara Gropen reports that she has moved to Greenwood, VA, from London, and has bought a historic home which she and her family are renovating.

1992

Catherine Yates Carlson and her husband, Paul, announce the birth of a son, Turner, in September 2000. Turner joins big sister, Barrett, in the Carlson household in Saint Louis, MO.

James Czaban recently was elected a partner at Venable, Baetjer, Howard & Civiletti LLP in Washington, D.C.

Allison Ritter and her husband, Michael Gould '94, recently celebrated the birth of their second child, Henry Randolph, who joins sister, Emma.

Jonathan Morton and his wife, Karen Morton '94, became parents to Stephanie and Eliza, in June 2000. The twins join older sister, Rachel.

Theodore W. Small, Jr., recently relocated from the Tampa branch of Holland & Knight LLP to the firm's Orlando office. He continues to practice employment law and commercial litigation.

Susan Stahlfeld advanced to partner in the Seattle office of Miller Nash LLP in January. She concentrates her practice in labor and employment law.


John S. West was recently elected a partner at Troutman Sanders Mays & Valentine LLP in Richmond, VA, where he specializes in administrative, government, and white-collar criminal litigation.

1993

Christina K. Braisted was named a partner in the Atlanta office of Alston & Bird LLP in January. She concentrates her practice on commercial real estate transactions, particularly representing institutional real estate investors, pension fund advisors, and permanent and construction lenders.

G. Lee Cory, Jr., was recently elected into the partnership of Kennedy Covington Lobdell &

Calling All Softball Players!

IF YOU THINK THE SIGHT OF A CLEAN BASE HIT, THE smell of hot dogs, the resounding thwack of bat against ball, and the taste of a cold beer are what make life worth living, then take note: the Eighth Annual Law Alumni Invitational Softball Tournament is coming! This year's tournament will be held September 15-16, 2001, in Charlottesville. For information, contact Ed Sharkey '93 at 202-955-6686 (e-mail: sharkey@dsmo.com) or Pete Loughlin '93 at 703-998-8532 (e-mail: loughlip@agc.org). All alumni are invited to play. 



Alumna is Powerlifting Powerhouse

BETTINA ALTIZER'S CLIENTS REALIZE THAT their lawyer is tough in the courtroom. But most have no idea that the petite, articulate, high-energy attorney is just as tough after hours. At 5 feet 2 inches and 131 pounds, Altizer is a world-class powerlifter who can bench press more than 260 pounds.

The 1988 Law School graduate has been lifting weights since her undergraduate days at the University, where she first tried the sport while accompanying to the gym a roommate who was lifting for the volleyball team. There she caught the eye of a trainer who encouraged her to talk with former U.Va. strength coach John Gamble. Seeing potential, Gamble agreed to serve as her coach. Six months later, Altizer entered her first meet and won, breaking two state records in the process.

"That win inspired me," Altizer recalled. "I weighed only 114 pounds, but I could bench press 120 and squat 260. I knew that with practice and training I could do even better."

Powerlifting competitions usually require contestants to perform three different lifts: a squat, in which they support the barbell on their upper back near the shoulders, bend at the knees into a squatting position, and then stand back up; a bench press, requiring competitors to lie faceup on a bench, bring the bar to their chests,

pause the weight on the chest, and push it back up; and a deadlift, which requires competitors to lift the weight from the floor until their backs are straight. The person with the highest total weight wins the meet.

Altizer competed in powerlifting competitions throughout her undergraduate career. Representing U.Va. at the 1984 National Collegiate Meet at Villanova University, she broke three national all-collegiate records and was named an All-American.

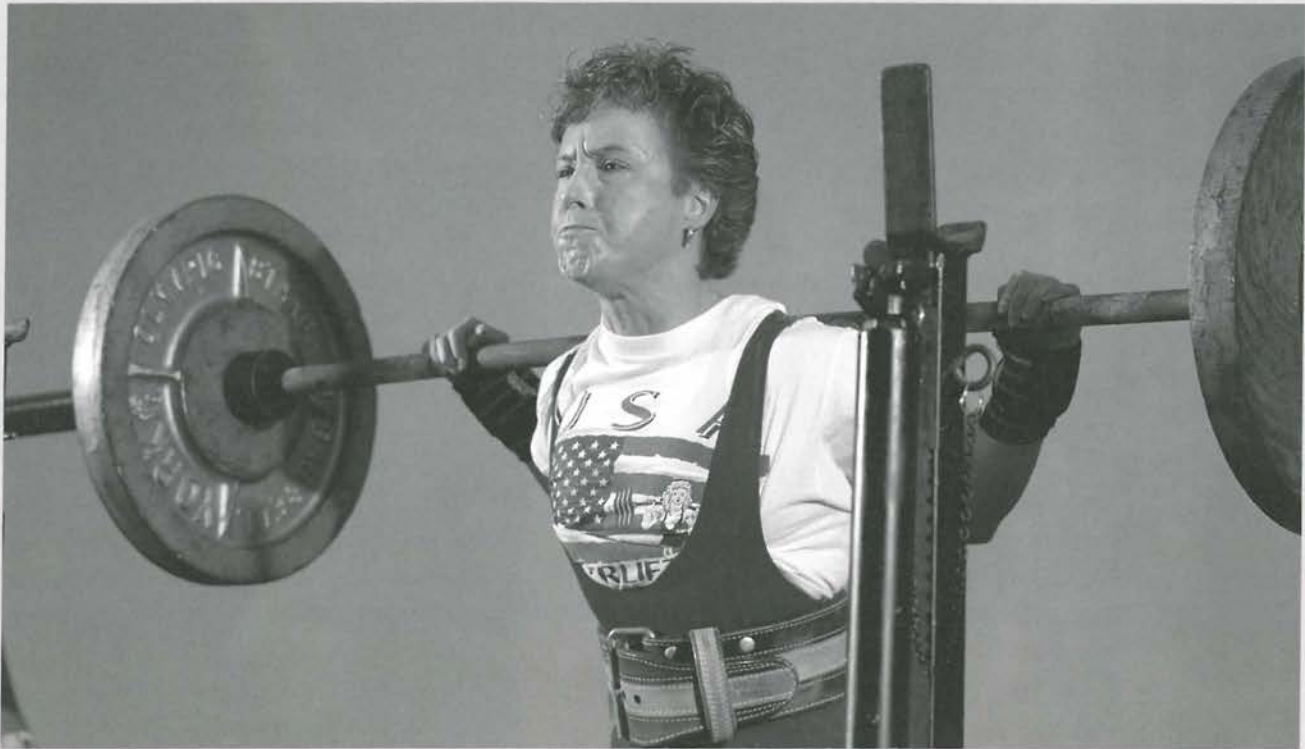
When she entered the Law School, Altizer put powerlifting competitions on hold. "I guess you could say I was semi-retired, but I still continued to train," she said. She came out of retirement during her third year in law school and won the very first meet she entered.

Altizer has been training ever since. She continued to train while working as an associate in an Ohio law firm. She has continued since returning ten years ago to Roanoke, VA, where she joined her father in the personal injury and medical malpractice firm, Altizer & Altizer. A five-time world champion and American and world record holder, she at one time was considered the strongest drug-free woman powerlifter in the world, pound for pound.

These days Altizer trains for ninety minutes, five or six days a week. She has transformed her

*The same traits that help me
as an attorney—
determination, willpower, and
a competitive nature—help
me as a powerlifter.*





garage into an elaborate gym where she often works out with her longtime lifting partner, Bill Lindsey.

According to Lindsey, Altizer has an inner strength that helps her overcome anything that stands in her way. “It’s hard to describe,” he said. “It’s like this aura that comes over her when she’s ready to lift. She transforms herself into this outer-body experience. It’s eerie. She blocks out everything and focuses on that one thing, nothing else but moving that weight.”

During a recent meet in Charlottesville, Altizer sat in a corner before each appearance on the platform. Her eyes were closed and her head lowered as she concentrated deeply on the upcoming challenge. When it was her turn, she leaped up as if projected from a catapult and paced back and forth behind the platform, jabbing her arms and talking to herself with a fierce scowl on her face. Suddenly she leaped to the platform and, with a loud cry, took the weight from the rack for the lift.

Altizer is proud of being a drug-free powerlifter. “Testing the limits of the body is what it’s about,” she said. “Using performance-

enhancing chemicals is not only illegal, it’s cheating.”

She also believes that powerlifting and practicing law go hand in hand. “The same traits that help me as an attorney—determination, willpower, and a competitive nature—help me as a powerlifter. To get ready for a meet, I talk to myself in the mirror and get pumped up. It’s sort of the same thing when I’m in a trial. They are both performances based on the concentrated direction of energy and on the strength of mind and body.”

When asked what the future holds, Altizer said that she hopes to expand her law practice to new offices in new markets and continue her lifelong study of advocacy. But powerlifting also figures prominently in her plans. Rattling off a number of personal weight goals she would like to attain, she noted that at age forty she will be able to compete at the master’s level.

Why continue after age forty in such an all-consuming sport? Altizer looked surprised at the question, and her response was short and simple. “Because I keep getting stronger,” she said. 🏠

Hickman LLP in Charlotte, NC. His practice focuses on real estate development, office leasing, retail leasing, industrial leasing, and commercial lending. Cory has been with the firm since his Law School graduation.

Brian D. Edwards was named partner in the Charlotte, NC, office of Alston & Bird LLP in January. His practice focuses on labor and employment law. Prior to joining the firm, Edwards was a staff consultant with Arthur Andersen & Co. in Washington, D.C.

John Faust and **Cate Stetson '94** are delighted to announce the birth of their daughter, Lucy. Faust is currently a litigator with Vinson & Elkins LLP. The family lives in Bethesda, MD.

Lorrie Lizak Hargrove and her husband, David, welcomed their first child, Paul Michael, in September 2000. Hargrove was elected partner at Maynard, Cooper & Gale in Birmingham, AL, in December.

Robert F. Kennedy was recently elected partner in the New York office of Latham & Watkins, where he practices in the firm's corporate department.

John Kromer recently joined Goodwin, Procter & Hoar LLP as a partner in the firm's Washington, D.C., office, where one of his colleagues is classmate **David Permut**. Kromer and his wife, Malicia, recently celebrated the birth of their second daughter, Lucy, in September 2000.

Darius C. Ogloza has been elected partner in the San Francisco office of Latham & Watkins. He currently practices in the firm's litigation department.

J. Nelson Thomas reports that he is fulfilling a long-time goal in forming his own law firm, Dolin, Thomas & Solomon. The firm specializes in employment law and litigates issues for employers and individuals. Thomas resides in Rochester, NY.

Louis W. Utsch has left his position with PricewaterhouseCoopers and returned to Ernst & Young in Pittsburgh, PA. He is currently a senior manager in the retail, distribution, and manufacturing tax group specializing in federal tax issues. Utsch is also an adjunct professor at Robert Morris College, where he teaches in the college's Masters in Taxation program. He also enjoys spending time with his wife, Shelly, and their three children. Shelly competed in several triathlons last summer.

1994

Michael Gould and his wife, Allison Ritter '92, celebrated the birth of their son, Henry Randolph, in June 2000.

Karen Morton and her husband, Jonathan Morton '92, recently welcomed Stephanie and Eliza into the world. The twins join older sister, Rachel.

Cate Stetson and **John Faust '93** celebrated the birth of their daughter, Lucy, in October 2000. Stetson currently practices in the appellate litigation group of Hogan & Hartson LLP. The family resides in Bethesda, MD.

1995

Carol Wooten Exum and her husband, Jay, recently celebrated the birth of their son, Troy. The family currently lives in Raleigh, NC.

John E. Grupp married **Kathleen M. Wynne** in June 2000. Classmates **Gordon Bailey** and his wife, **Lynn Palmer Bailey '96**, **Richard (Rick) Mitchell**, **David Brosgol**, **Paul Hourihan**, and **Andrew Becnel** all attended the ceremony. Grupp continues his work in the firm, Parker, Poe, Adams & Berstein LLP in Charlotte, NC.

Peter S. Vincent recently joined Bechtel Corporation's legal department in San Francisco, CA. Bechtel is the world's largest engineering and construction firm. Previously Vincent was an

associate with the litigation group in the San Francisco office of Chicago-based Seyfarth Shaw.

1996

Blanding Holman IV recently joined the Southern Environmental Law Center as a staff attorney in Chapel Hill, NC.

Tracy Welch and **Stephen Adams** were married in Boston, MA, in May 2000. **Marcia McGratty Douglas** and **Brad van Horn** were members of the wedding party.

1997

Mark M. Cho has left White & Case and joined the New York office of Latham & Watkins, where his practice continues to focus on mergers and acquisitions and securities transactions.

Gregory S. Feder has joined the Washington, D.C., office of Mayer Brown & Platt, where he focuses on e-commerce, regulatory, and general corporate law.

Michael Gill recently left Strasburger & Price LLP and joined the U.S. attorney's office in Dallas, TX, as a special assistant U.S. attorney in the criminal prosecution division.

Deborah Owen Pell and her husband, Nick, welcomed a son, Nicholas Xavier, in July 2000. The family resides in Baltimore, MD.

Daniel Smith and **Linda Way-Smith** recently relocated from Washington, D.C., to Charlottesville, VA, where Linda accepted a position as director of employee benefits for the University. Daniel continues to work for Wiley, Rein & Fielding in Washington, D.C.

1998

Brian Flagler recently left Troutman Sanders LLP in Atlanta, GA, and joined the Portland, OR, office of Davis Wright Tremaine LLP. His practice

focuses on intellectual property, including copyright, trademark, trade secrets, e-commerce, and technology licensing.

1999

Nicholas M. Billings joined the litigation department in the Denver, CO, office of Holland & Hart LLP.

James P. Whitmire joined the business, tax, and estate law departments of Holland & Hart LLP in Denver, CO.

2000

Wade M. Chumney became an associate with Buist, Moore, Smythe & McGee PA in Charleston, SC. His areas of practice include general litigation, insurance defense, and construction.

Khaled John Klele has recently joined the Morristown, NJ, firm Riker, Danzig, Scherer, Hyland & Perretti LLP, where he practices in the litigation group. In 1998, Klele participated in the Palestine Peace Project. He lived in the West Bank, conducting research and providing legal assistance on the peace process and the political, economic, and religious situations faced by Americans, Palestinians, and Israelis.

Jennifer L. Mohrman joined the Portland, OR, office of Miller Nash LLP, where she focuses her practice on business and corporate law.

Philip Neiswender and **Lareen Mikeal Neiswender** were married in May 2000. They traveled to Kenya, Turkey, Czech Republic, and Russia on their honeymoon. Philip joined the Seattle, WA-based firm Riddell Williams PS, where he practices corporate law. Lareen practices corporate law at Wilson, Sonsini, Goodrich and Rosati in Kirkland, WA.

Jason S. Wood and his wife, Julie, have moved to Raleigh, NC, where he has joined the firm Wyrick

TV Shows Make Crime Pay for Michael Steger

SOMETIMES WHEN MICHAEL STEGER ARRIVES at work on Monday morning, he learns that an accused murderer who had been on the lam was apprehended over the weekend. He then has the satisfaction of knowing that the arrest came as a direct result of information he helped make available to the public on Saturday night.

A 1993 graduate of the Law School, Steger is not a prosecutor. Instead, he works as counsel for two popular crime programs—"America's Most Wanted" and "Final Justice"—produced by STF Productions, Inc., a division of Fox Television Stations, Inc. The fifth-longest-running prime time TV program, "America's Most Wanted" airs Saturday evenings. Each program includes a news story about a crime that has been committed; a feature on a criminal justice topic; and a crime re-enactment. "Final Justice" is a syndicated program that features apprehended fugitives.

I've been very interested in freedom of speech issues since my days at the Law School. As a civil litigator, I didn't have much opportunity to deal with the First Amendment, but in this job my love of that area of the law is being fulfilled.

As a law student, Steger never dreamed that he would work for a television production company. "Back then, I didn't even know such jobs existed," he commented with a laugh. His legal career started rather traditionally. He joined a Los Angeles law firm and worked in civil litigation and practiced business, employment, and entertainment law until his firm was dissolved last year. He was moved to apply for the job at STF Productions when he learned that the company is based on the East Coast, where he wished to return. He took the new position last June.

"Unlike most TV shows, which are produced in L.A., "America's Most Wanted" and "Final Justice" are based in Washington, D.C., because of the important relationship the shows' producers have with federal law enforcement," Steger said. "Most of the segments we air on "America's Most Wanted" are about fugitives wanted by the FBI or U.S. marshals because of the nature of their crimes or because they fled across state lines either during or after their crimes. We work closely with both federal and state law enforcement in producing those segments."

The collaboration between the shows' producers and law enforcement has been highly successful. According to Steger, an average of one fugitive is apprehended each week as a result of his or her appearance on "America's Most Wanted."

As counsel, Steger has a variety of responsibilities to help guarantee the programs' continued success. He reviews scripts and the programs' segments as they are being shot for the accuracy of the charges filed against the accused individuals and to ensure that they are accurately portrayed. He makes sure that the programs have secured permission to use news footage, still photographs, and music so that no copyright, trademark laws, or licensing agreements are being violated. He also is involved in the programs' employment and labor issues.


"Although much of my work is transactional, my litigation background does come in handy," Steger explained, acknowledging that he is subpoenaed almost daily by lawyers prosecuting and defending cases profiled in the two programs who want access to information the shows' producers have gathered.

According to Steger, members of the creative team behind "America's Most Wanted" and "Final Justice" believe that they are performing an important public service. "They see themselves as reporters committed to educating the public about crimes and related issues and to bringing



Mike Steger '93 stands with John Walsh, host of "America's Most Wanted," in front of a silhouette target on the FBI firing range at FBI Headquarters, Washington, D.C.

fugitives to justice. As a result, there's some natural tension between them and me, the lawyer, who must ensure that the appropriate clearances are in place before the story can air."

Steger, however, shares their strong commitment to the First Amendment. "I've been very interested in freedom of speech issues since my days at the Law School," he commented. "As a civil litigator, I didn't have much opportunity to deal with the First Amendment, but in this job my love of that area of the law is being fulfilled." 

Robbins Yates & Ponton LLP as an associate in the corporate and securities practice. Wood will specialize in the representation of technology-based clients in the fields of biotechnology, pharmaceuticals, and the Internet.

LL.M.

1982

Richard Mills celebrated the completion of his term as chair of the National Conference of Federal Trial Judges by attending the festivities of the American Bar Association in London last year. He and his wife, Rachel, enjoyed attending receptions at the Inns of Court, Tower of London, and House of Lords, and a formal banquet and dance at Blenheim Palace, the seat and home of the Duke of Marlborough and the birthplace of Sir Winston Churchill.

1992

Joseph F. Baca was recently elected to the board of directors of the American Judicature Society. He also received the Outstanding Hispanic Attorney Award 2000 from the New Mexico Hispanic Bar Association. Baca was also presented the Hispanic National Bar Association's highest honor, the Lincoln-Juarez Freedom Award. He is a senior justice on the New Mexico Supreme Court.

Joseph A. Del Sole was elected president judge for the Pennsylvania Superior Court. He and his wife, Karen, live in Pittsburgh, PA.

Marco Masotti became a partner in the corporate investment funds group of Paul, Weiss, Rifkind, Wharton & Garrison in New York. His practice focuses on the organization and operation of a variety of domestic and international private investment funds, including leveraged buyout funds, venture capital funds, mezzanine funds, restructuring/distressed securities funds, hedge funds, and collateralized debt obligations.

In Memoriam

Herbert H. Butler, Sr. '30
Mullica Hill, New Jersey
December 28, 2000

Hugh L. Holland, Jr. '42
Suffolk, Virginia
May 6, 2000

Colin M. Campbell '50
Alexandria, Virginia
November 13, 2000

William L. Clay, Jr. '30
San Diego, California
March 27, 2000

Charles L. Reed '42
Richmond, Virginia
September 26, 2000

Virgil H. Jordan '50
Richmond, Virginia
January 19, 2000

William D. Cabell '32
Goochland, Virginia
November 14, 2000

William Bew White, Jr. '42
Birmingham, Alabama
January 17, 2000

Walter L. Lewis '50
Arlington, Virginia
November 19, 2000

Robert Randolph Jones '32
Richmond, Virginia
November 7, 2000

Albert J. Stiffler '47
Wilmington, Delaware
September 9, 2000

Lincoln G. Dulaney '52
Charlottesville, Virginia
August 20, 2000

Robert T. Gladstone, Jr. '35
Naples, Florida
October 14, 2000

William H. Woods '47
Nashville, Tennessee
November 2, 2000

J. Blake Lowe, Jr. '56
Los Angeles, California
November 16, 2000

William Garth Symmers '35
East Norwich, New York
August 16, 2000

Francis T. Carr '48
Greenwich, Connecticut
January 17, 2001

John B. Bernhardt '57
Suffolk, Virginia
October 31, 2000

Frederick J. Cramer '40
El Paso, Texas
February 18, 2000

Irwin M. Lewis '48
Virginia Beach, Virginia
July 29, 2000

Garret Schenck '58
Boston, Massachusetts
November 13, 2000

W. L. Fagg '41
Leesburg, Virginia
April 16, 2000

Thomas H. Willcox, Jr. '48
Virginia Beach, Virginia
December 17, 2000

Carroll Kem Shackelford '64
Orange, Virginia
December 22, 2000

Charles S. McVeigh, Jr. '41
Syosset, New York
September 27, 2000

William F. Davis '49
Suffolk, Virginia
September 13, 2000

Charles F. Barnett, Jr. '69
Roanoke, Virginia
December 7, 2000

Robertson C. Hesse '42
Severna Park, Maryland
August 2, 2000

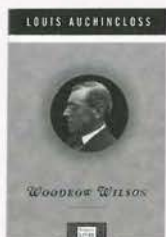
John B. Spiers, Jr. '49
Radford, Virginia
November 7, 2000

Ronald D. Secrest '77
Houston, Texas
December 2, 2000



In Print

AS USUAL, LAW SCHOOL ALUMNI HAVE WRITTEN AND PUBLISHED books on a wide variety of topics in recent months. If you have written a new book and want to tell us about it, please **mail** all pertinent information to 580 Massie Road, Charlottesville, VA 22903; **fax** it to 804-296-4838; or **e-mail** it to lawalum@virginia.edu.



Woodrow Wilson

Louis Auchincloss '41, Penguin

The latest book by highly acclaimed and prolific novelist, literary critic, and historian Auchincloss is a primer on Woodrow Wilson's life from his

Princeton days through his presidency. The book sheds new light on Wilson's upbringing and career, from the grim determination that enabled him to overcome dyslexia to the skillful dance of isolationism and intervention in World War I to the intransigence that caused the U.S. Senate's rejection of the League of Nations. According to *Kirkus Reviews*, the book is a "taut, fair presentation [that] leaves the reader entertained by an informed storyteller, and informed by an entertaining historian."

Wish You Well

David Baldacci '86, Little, Brown & Co.

This novel is a departure for Baldacci, who has published a string of best-selling legal thrillers in recent years. Set in the mountains of Virginia in 1940, it is the tale of two young children who move from New York City to their great grandmother's hardscrabble farm with their invalid mother after their father's death in an automobile accident. The children struggle to adjust to their rural surroundings, but when the local coal and gas company threatens to take over the farm, they fight to protect it. "Baldacci

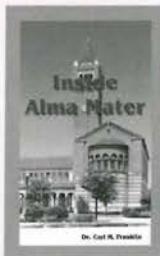
triumphs with his best novel yet, an utterly captivating drama...[that] offers ...bone-deep emotional truth," says *Publishers Weekly*.

John Davis Lodge: A Life in Three Acts

Thomas A. DeLong '60,

Sacred Heart University Press

This biography, the latest written by Thomas DeLong, a director of the publishing firm Tameme, Inc., is about John Davis Lodge, one of the most versatile public figures of 20th-century America. Wall Street lawyer, Hollywood actor, international linguist, and cross-country lecturer, Lodge also served his nation as a Connecticut congressman and governor and a U.S. ambassador for more than thirty-five years.



Inside Alma Mater

Carl M. Franklin '48,

Winlock Publishing Company

The latest book by Franklin, professor of law and vice president *emeritus* of the University of Southern California, is a fictional

account of a small college in rustic middle America. An earthy, Will Rogers-like saunter through the halls of academe, it is the story of a distinguished president and his faculty as they struggle to deal with real-life problems.

Durable Powers of Attorney

Andrew H. Hook '75, Tax Management, Inc.

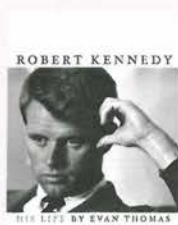
This portfolio of analysis and worksheets on durable powers of attorney, which Hook calls "significant and powerful" legal instruments commonly used in estate and elder law planning, discusses legal and potential liability issues that face lawyers who draft them. It also includes flowcharts describing the drafting process, drafting checklists, model powers of attorney, and related instruments. Hook is a partner in the firm Oast & Hook PC, of Portsmouth, VA.

Origins of the Navy Judge Advocate General's Corps: A History of Legal Administration in the United States Navy, 1775 to 1967

Jay M. Siegel '62,

U.S. Government Printing Office

This book examines the events which shaped legal administration in the U.S. Navy from colonial times and led to the establishment of the Navy Judge Advocate General's Corps in 1967. A retired Navy captain and judge advocate, author Siegel conducted extensive research, including interviewing officials involved in the establishment of the Navy JAG Corps, to create this tool for lawyers in uniform.



Robert Kennedy: His Life

Evan Thomas '77,

Simon & Schuster

This biography, the latest book by Thomas, assistant managing editor of *Newsweek*, portrays Robert F.

Kennedy as an extraordinarily complex man who was at once kind and cruel, devious and honest, fearful and brave. Thomas is the first biographer since Arthur Schlesinger, Jr., to see Kennedy's private papers, and he interviewed all of Kennedy's closest aides and advisors, many of whom were forthcoming in ways that they had not been before. *Booklist* describes the book as a "solid, judicious life of a politician whose tragic death inspired a generation of what-if history."

Justice James Iredell

Willis P. Whichard '84 LL.M.,

Carolina Academic Press

This is a biography of Iredell, a North Carolina lawyer, judge, and statesman who was active in support of American rights prior to 1776. Appointed in 1790 to the Supreme Court of the United States, Iredell upheld the concept of "judicial review," in which judges could enforce the Constitution against violations by other branches of government. Whichard is a retired associate justice of the North Carolina Supreme Court.

Millions for Defense:

The Subscription Warships of 1798

Frederick C. Leiner '85, Naval Institute Press

This is the first in-depth exploration of the time when U.S. citizens raised money to build a navy. Leiner, a lawyer in the U.S. Department of Justice, explains how the idea of a subscription navy materialized, who subscribed and built the ships, how the ships were built, and what contributions the ships made to early American defense. David McCullough, author of the Pulitzer Prize-winning biography, *Truman*, describes the book as "well researched, well written, and very welcome, as both a fascinating chapter in American naval history and a fresh way of looking at the nation's crucial first decade."

Contract Law in Virginia

Eric Perkins '96, Virginia CLE Law Foundation

This handbook on contract law for Virginia lawyers is the first CLE publication coauthored by Perkins, who also writes a monthly article on a legal topic for the *Henrico County Leader*. He practices corporate law in the firm Hirschler Fleischer Weinberg Cox & Allen in Richmond, VA.

Mediation: One Lawyer's Decision

■ Philip M. Mulford '82

MEDIATION. I DON'T RECALL EVER HEARING the word when I studied law at U.Va. in the early 1980s.

After graduating from the Law School in 1982, I practiced law in Dallas, TX: first, with a big, corporate firm; next, with a small spin-off of the corporate firm; and finally, as general counsel to an international air freight forwarding company. Not once did I ever hear mediation mentioned. But now mediation is what I do. In 1989, I stopped practicing law and started a mediation business which I called Legal Alternatives, Inc., because mediation was not yet a term recognized in the marketplace.

A Traditional Practice

I did not become a mediator overnight. From 1982 to 1984, the focus of my law practice was commercial real estate lending. My firm represented financial institutions, primarily savings and loans. No longer limited to residential lending due to deregulation, savings and loans had recently entered the commercial real estate lending field. At the same time, real estate speculation was driving prices skyward. Loans were made and paid off at a rapid but short-lived pace.

In 1984, the bottom fell out of the commercial real estate market in Texas and throughout the Southwest. Land prices

Philip M. Mulford left the practice of law in 1989 to open a private mediation business. Certified by the Virginia Supreme Court, he mediates family, business, and government disputes. He is approved by the National Association of Securities Dealers (NASD) to mediate disputes within the securities industry. Through his Virginia State Bar-approved CLE programs, he teaches lawyers how to represent clients effectively in mediation. In addition, he speaks to business, trade, government, and community organizations about the benefits of resolving problems through mediation. Mulford Mediation has offices in Fairfax and Warrenton, VA.

tumbled. Suddenly there were too many offices and apartments available. Savings and loans found themselves holding the proverbial "hot potato." Nobody was buying the raw land they had financed. Nobody was occupying the buildings they had financed. Overextended borrowers couldn't repay their loans.

My job changed from negotiating lenders' loan documents to proceeding with traditional loan default remedies, including foreclosure. My clients either had to be paid or they had the contractual right to foreclose. And that's what they did—for awhile. It soon became clear, however, that foreclosing on all the land was not a viable long-term solution. Upon foreclosure, the lender had to reduce the savings and loan's net worth by the difference between the original loan amount and the



Instead of listening to their lawyers argue seemingly irreconcilable positions, our clients began to speak.

They discussed the underlying reasons for their positions.

They talked about their needs, their limitations, and their areas of flexibility.

much lower foreclosure sale price. Due to the magnitude of the problem, that meant potential regulatory insolvency.

Faced with that outcome, lenders tried a different approach. If a borrower could somehow bring the loan payments up-to-date and potentially repay the loan if the terms were adjusted, then the lender—my client—would engage me to work out a loan modification acceptable to both borrower and lender.

Typically during loan modification negotiations, a borrower's attorney would explain and justify his client's position and make accusations against my client. I would, in turn, defend my client against the borrower's accusations and make plenty of my own against

the borrower. I also would pursue formal legal actions, including demand letters, notices of default, and notices of foreclosure. These actions only served to further sour the relationship between my client and the borrower. The lawyers controlled the process. Our clients would sit quietly. Negotiations would proceed in this very adversarial, argumentative manner.

After several such negotiations, a loan officer with whom I often worked asked a simple question: "Why do we do it this way?" He wasn't an attorney, so of course he didn't understand. His question gave me, not long graduated from law school and in practice for only a couple of years, the perfect opportunity to show off my legal knowledge. I explained to him how things worked. Surprisingly, my explanation didn't seem to answer his question. He was still dissatisfied with our approach, which just didn't make any sense to him. Finally he persuaded me to try something different.

One day, weary of the constant adversarial head banging, I interrupted the opposing counsel in the middle of his accusations and said, "We aren't here to posture for litigation. My client is here in good faith to create a solution, not to place blame. We're here to work something out. To do so will require us to work together. If you want to, fine. If not, we're done." The borrower's attorney rose to leave. His client sat quietly for a moment. Then he said to his attorney, "Sit down. I want to work something out."

A New Approach

That moment was a turning point not only for that particular negotiation but also for me. From then on, negotiations took on a whole new feel. Instead of listening to their lawyers argue seemingly irreconcilable positions, our clients began to speak. They discussed the underlying reasons for their positions. They talked about their needs, their limitations, and their areas of flexibility. My role changed. I wasn't talking. I was no longer in control of the

process. There didn't seem to be much for me or the opposing counsel to do.

I began to wonder how to justify my presence. I listened intently to my client, ready to redirect the conversation or to pull him aside to talk in confidence. My colleague was doing the same thing. We would jump in at various times to caution our clients, and in doing so, effectively return the control to ourselves. Our clients began to show irritation with our interruptions.

Rebuffed in our efforts to "protect our clients from themselves," we both likely entertained thoughts of asking to be excused, formally withdrawing representation, or terminating the discussion one way or another. But I also found myself thinking of solutions to the problems being discussed that might serve the purposes of both the savings and loan and the borrower.

I hesitated. Should I offer a suggestion that addressed mutually expressed goals, but that might benefit the other side at some cost to my client? Would that be consistent with my ethical responsibility to represent my client zealously? If my suggestions might compromise my client's position in any way, should I remain silent, or speak up and allow my client to decide how to incorporate the suggestion into a satisfactory arrangement? Should I first discuss my ideas with him, or would that be unnecessarily disruptive? Eventually, I interrupted. Client exasperation was evident on both sides. But when I offered my idea, it was as if the whole room responded positively, saying "Hmmm?" The reaction was most likely not due to the merit of my idea, but because as a lawyer, I had offered a constructive comment in the spirit of the clients' discussions. I had just taken another step in my transformation from lawyer to mediator.

Not Acting Like an Attorney

We successfully negotiated that loan modification, and I adjusted my "pay or we'll foreclose" mentality to one of seeking a mutually agreeable solution to a seemingly

impossible situation. My client was happy. The borrower was happy. In fact, he was *too* happy. He thanked me at the conclusion of our discussions by saying, "You didn't act like an attorney." As much as I appreciated his "compliment," I wondered what my client and my boss would think. As successful as our four-way negotiations had been, I felt something was wrong. I felt like I was playing multiple, conflicting roles: the role of attorney and the role of someone who "didn't act like an attorney." I remained uncomfortable and wondered if there existed an effective, non-litigious way to resolve disputes that I could use without having to question my role. Was there an out-of-court process that included a person whose role involved "not acting like an attorney?"

It wasn't arbitration. I found arbitration to be simply informal litigation, the arbiter an informal judge. But my exploration of arbitration introduced me to mediation. In 1989, I came across this definition in the 1987 Texas Alternative Dispute Resolution Act: "Mediation is a forum in which an impartial person, the mediator, facilitates communication between parties to promote reconciliation, settlement or understanding among them. A mediator may not impose his or her own judgment on the issues for that of the parties." After reading this, I knew mediation was what I was looking for.

Mediation: A Primer

Although often lumped together with arbitration as an "alternative dispute resolution" (ADR) process, mediation actually has little in common with arbitration. Mediation does not include a third-party decision maker but a third-party facilitator. Mediation encourages the positive application of the very concepts the savings and loan officer and I had been using in our negotiations but with one significant addition: the mediator is the person who "doesn't act like an attorney." As a mediator, my job is to listen to both sides and help them to communicate in a clear and

understandable fashion. I help parties explain to each other and often discover for themselves what's behind their stated positions. I help them focus on solutions for the future, rather than belabor the past. I sometimes act as a referee, but never as a judge or arbiter, and never as an attorney.

In commercial or domestic relations disputes, disputes between parties who get along well and those who don't, and disputes that have found their way into court or have never set foot on the courthouse steps, mediation helps parties create customized solutions to problems.


A common misunderstanding about mediation, besides the fact that it's not arbitration, is that it eliminates the need for lawyers. It does not. More often than not, attorneys refer clients to me and seem to think that their job is over. It is not. Mediation is not a substitute for legal advice. In no way does the mediator replace the lawyer. The mediator does not give legal advice. Mediation is an alternative to an adversarial, court-oriented process. (Instead of Legal Alternatives, Inc., I probably should have first called my mediation business Litigation Alternatives, Inc.)

Granted, most lawyers practicing today aren't trained to represent clients in mediation. Mediation does not require lawyers to argue the law and persuade a third-party decision maker as I, and other lawyers, were trained to do.

Mediation requires lawyers to play a different role. Mediation asks attorneys to help clients create forward-looking, customized solutions to their problems in a nonadversarial environment; support clients' decision-making ability by explaining the legal consequences of various alternatives; help clients explore their needs and assure that those needs are satisfied in any agreement; and assure that agreements comply with the law.

Mediation Works

I never know what solution parties might create when we first sit down to mediate. But I do know that mediation works. In commercial or domestic relations disputes, disputes between parties who get along well and those who don't, and disputes that have found their way into court or have never set foot on the courthouse steps, mediation helps parties create customized solutions to problems. It does so in a timely and cost-effective manner through direct communication and with fair accountability, privacy, and confidentiality—all while giving the parties control of the outcome and eliminating risk.

Public awareness of and demand for mediation are growing rapidly. The federal government, state legislatures, private businesses, and bar associations have incorporated mediation into their laws, contracts, and routines in a variety of ways. Ten years ago, most people looking for an alternative to litigation weren't familiar with mediation. This year, in recognition of a more educated and informed public specifically demanding mediation services, I changed the name of my mediation business to Mulford Mediation. 

Upcoming Alumni Events

For updated information on the following events and on additional events as they are added to the schedule, please check our Web site: www.law.virginia.edu.

Law Alumni Weekend

Charlottesville, VA

May 4–6, 2001

Alumni Luncheon for New York-area Alumni

U.Va.-Yale Club

Remarks by Dean Robert E. Scott
and John Warden '65

May 17, 2001

Law School Foundation Reception for Graduates and Families

May 19, 2001

Law School Graduation

May 20, 2001

Alumni Luncheon for Washington, D.C.-area Alumni

Metropolitan Club

Remarks by Hugh Sides, senior contributing
editor of *Time* and presidential historian

June 7, 2001

Alumni Breakfast, Virginia State Bar Meeting

Virginia Beach, VA

June 16, 2001

Alumni Reception, Florida State Bar Meeting

Orlando, FL

June 21, 2001

Alumni Event, National Bar Association Meeting

Dallas, TX

August 2001

Alumni Reception, American Bar Association Meeting

Chicago, IL

August 3, 2001

European Alumni Reunion

Charlottesville, VA

August 11–16, 2001

Alumni Reception for Kansas City-area Alumni with Professor Ken Abraham

Kansas City, MO

September 20, 2001

Board of Trustees, Alumni Council, and Business Advisory Council Meeting

Charlottesville, VA

October 25–26, 2001





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