Energy Policy?
“The earth is given as a common stock for man to labour and live on.” — THOMAS JEFFERSON

UPCOMING ALUMNI EVENTS

November 11  Washington, D.C. Reception  Offices of King & Spalding

December 1  Charleston, S. C., Reception  Charleston Place Hotel

February 10  Raleigh/Durham/Chapel Hill Reception  Sheraton Imperial Hotel

February 17  Atlanta Luncheon  The Four Seasons

February 17  Birmingham Reception  The Summit Club

March 3  New York City Luncheon  Yale Club

March 15  San Francisco Luncheon  Olympic Club

March 24  Chicago Reception  Hyatt Regency on the River Walk

March 31  Northern Virginia Reception  Home of Sharon ’75 and Chuck Owlett, Oakton, VA

April 29 – May 1  Law Alumni Weekend

FOR LATEST ON ALUMNI EVENTS: www.law.virginia.edu/alumni
Risk Tolerance

VIRGINIA LAW GRADUATES have been deeply involved in the central public policy issues of recent years, including the response to the financial crisis and the task of securing U.S. infrastructure, transportation networks, and borders. Past issues of the UVA Lawyer have addressed these critical challenges and the role that Virginia graduates play in answering them. In this issue, we highlight energy policy.

Energy policy is hardly a new public concern. It burst dramatically onto the scene in the 1970s as the 1973 Arab-Israeli War and subsequent oil embargo triggered an oil crisis. Many of us are old enough to remember gas lines and rationing during the worst of the crisis. The subsequent calm was short-lived: oil prices spiked again in the wake of the 1979 Iranian revolution. After a long period of stability, oil prices rose again in the latter part of the current decade.

Today, concerns about the reliability of oil supplies continue but share center stage with public concern about the environmental consequences of burning fossil fuels. We are in the middle of a national debate about the scale and composition of our energy use in future decades and the role of government in determining both through taxation, subsidies, and regulatory policy.

Once again, Virginia lawyers are in the thick of things. We highlight a group of graduates who work in or advise the energy sector and provide their insights into the choices we face.

We hear from Tom Farrell ’79, CEO of Dominion Resources, Euclid Irving ’77 of Jones Day, and Brad Keithley ’76 of Perkins Coie about the future prospects of the three fuels that generate the bulk of electrical power—coal, natural gas, and uranium. These energy sources are not going away in the near term, so the focus of policy will be to reduce
carbon emissions from coal, reduce the environmental impact of extracting natural gas, and improve the safety of nuclear plants and nuclear waste disposal.

There are enormous amounts of stored energy in other sources—sunlight, wind, water, hydrogen, and the earth's interior, among others. A cleaner energy future depends on finding ways to extract that energy economically and with a minimum of unintended side effects. We also spoke to graduates working in and advising the alternative energy sector, including Michael Alvarez ’80 of First Wind, Ed Baranowski ’71 of Porter Wright, and Hank Habicht ’78 of SAIL Venture Partners. I think you will enjoy hearing their views about the future of alternative energy.

One fundamental problem that bedevils the choice of energy sources is the difficulty of determining and internalizing the true costs of each source, including environmental costs that cannot be measured today but that subsequent generations will have to bear. The possibility that carbon emissions will cause harm through global warming is just the latest of these concerns. What to do depends on our tolerance for risk, our assessment of how much our own actions can raise and reduce those risks, and how much we are willing to spend in a quest to reduce future impacts that could range from modest to catastrophic. Professor Jonathan Cannon articulates the precautionary view that in light of the uncertainty of future global temperatures and their consequences, we should err on the side of reducing emissions whenever it is not economically ruinous to do so.

One of the most important things we can do to address future challenges is to train the next generation of leaders, a task at the heart of the Law School’s mission. Our current Capital Campaign focuses on our students first and foremost by targeting financial aid and faculty support. The magazine concludes with a piece by our Capital Campaign co-chairs, David Mulliken ’75 and Ned Kelly ’81. They make an eloquent case for the importance of the Capital Campaign to the Law School’s future. I hope you will take the time to read it.
ENERGY POLICY?

Energy is so geographically focused and differentiated that there are a lot of political reasons why a comprehensive energy policy has been difficult.

On the cover: Dark clouds of smoke and fire emerge as oil burns during a controlled fire in the Gulf of Mexico May 6, 2010. The U.S. Coast Guard working in partnership with BP PLC, local residents, and other federal agencies conducted the “in situ burn” to aid in preventing the spread of oil following the April 20 explosion on Mobile Offshore Drilling Unit Deepwater Horizon. (AP Photo/US Navy Justin Stumberg)
SKEPTICS AND ADVOCATES | Tim Arnold

Professors Debate Climate Change Science, Policy

THE ONGOING DEBATE over man-made global warming came to Caplin Pavilion on October 11, as skeptics and advocates discussed the science and policy implications of climate change.

Climate scientists Andrew Dessler from Texas A&M and Richard Lindzen from the Massachusetts Institute of Technology debated the scientific evidence, and Law School professors Jonathan Cannon and Jason Johnston discussed public policy implications.

Dessler began the debate by showing a line graph documenting rising global surface temperatures over the past 150 years. He said other independent evidence corroborates that data.

"Why are scientists so confident that the earth is warming?" Dessler asked. "It's because we have lots of data." He cited findings from surface thermometers, satellites, glacier and ice melt, ocean temperatures and rising sea levels.

He said the Intergovernmental Panel on Climate Change calls that evidence unequivocal, and that there is irrefutable evidence that carbon dioxide warms the earth. "It's a question of magnitude," he said.

The combination of CO² with other warming factors such as humidity and the resulting cloud formation provide a recipe for global warming, according to Dessler. He also dismissed the idea that evidence for anthropogenic climate change is based on hypothetical models rather than existing data.

Finally, Dessler criticized the "doubt agenda," likening efforts to discredit global warming to those employed by groups that denied the correlation between smoking and cancer. Climate change deniers, like defense attorneys, need only create doubt, he said.

Lindzen began by claiming that scientists and policymakers misrepresent the debate.

"The debate is not about whether it is warming or not, or even about whether man is contributing some portion of whatever is happening," Lindzen said. "Here we agree. The issue is how much. Is it a matter, or should it be a matter, of concern?"

The problem among scientists, Lindzen said, is one of amplification of the findings. He characterized the findings of global warming advocates as "alarming."

"One has to distinguish between small and large changes ... that it's settled science should be offensive to any sentient individual," he said. The models used by scientists are "exaggerating [global] warming," according to Lindzen.

"The claim of incontrovertibility is far more suspicious than the claim of doubt," he said. "Arguing from authority is commonplace in this field, and obviously you should look at the scientific data and reasoning and even elementary logic."

He criticized the use of phenomena such as ice depletion and melting glaciers as proof of climate change. "[They] are complex phenomena having many causes. The conflation of the existence of climate change—which after all is unquestionable, it's always occurred—with anthropogenic climate change is, of course, misleading," he said.

Finally, Lindzen condemned the scientific culture that has sprung up around the arguments for anthropogenic climate change. "By definition, nothing in science is incontrovertible and especially in a primitive and complex field like climate. Incontrovertibility belongs in religion where it is referred to as dogma," he said.
Cannon said that from a public policy perspective, it's prudent to begin measures to combat man-made climate change, such as a cap-and-trade program or a carbon tax, with the idea that they can be altered as the science dictates. “We do our best to assess the risks, taking into account the uncertainties as we are able to understand them. We make a judgment about what risks we are willing to accept, and we work within that judgment to try to establish a policy that will limit risks to that level,” Cannon said.

Johnston took an economist’s view, and said there are too many unknowns to justify potentially harmful policy changes. “By determining that potential harm we can strategize to reduce or eliminate that harm. Economists have come to think that with climate change we can’t really do that,” he said. “We don’t know the probabilities that different things might happen and we really don’t know the magnitudes.” The state of the art for predicting the economic effects of catastrophic climate change is very bad, Johnston said.

The event was sponsored by the Virginia Environmental Law Journal and the Virginia Environmental Law Forum.

PRIOR TO ROE V. WADE | Rob Seal

Greenhouse Discusses Abortion Debate

The public debate on abortion was more nuanced in the years preceding Roe v. Wade than it is today, a journalist and legal scholar said at the Law School in September.

Linda Greenhouse, the longtime U.S. Supreme Court correspondent for the New York Times and current Knight Distinguished Journalist in Residence at Yale Law School, spoke in about a new book she coauthored with Reva B. Siegel, Before Roe V. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court’s Ruling.

While researching the book, Greenhouse reviewed source documents to reconstruct public discussion of abortion between 1960 and the Roe decision in 1973. “The quote ‘debate’ didn’t begin as a debate, or at least not as a two-sided debate, pro and anti,” she said. “People were beginning to examine the regime of criminal abortion laws that dated to the 19th century and to question their continued utility or sensibility. But it wasn’t necessarily framed as an either-or thing.”

A variety of different organizations, including many religious groups, began to stake out official positions as the issue started to move through legislatures and the public sphere, but those positions were often multifaceted, Greenhouse said. “What’s interesting is that some of the more conservative religious groups didn’t take the categorical opposition position that they take today,” she said. “They were open to at least some modest reforms, some modest ability for women to obtain legal abortions at least under some circumstances.”

The idea of abortion reform originated as a public health debate, rather than over women’s rights, she found. Feminists came “surprisingly late” to the abortion debate, Greenhouse said, as they were largely occupied at the time with economic issues such as equal pay.

“What we have [in the book] is a reconstruction of a discussion that began first within the medical community and in medical journals,” then spread elsewhere, Greenhouse said. The idea of abortion rights as a constitutional issue wasn’t something that just popped up, but was rather an extension of the public discussion. “People weren’t at all thinking, ‘let’s go to court and make a constitutional claim,’” in the early 1960s, Greenhouse said. “That came gradually and it came late in this conversation.”

The evolution of the topic into a legal question may also underscore something about the American legal system, she said. “I think the story of Roe is an example of how constitutional discourse in our system grows naturally out of other kinds of conversations, and is anchored in other kinds of conversations,” Greenhouse said.

The event was sponsored by the Feminist Legal Forum and moderated by Professor Risa Goluboff.
In your forthcoming article, you conclude that preserving tradition can legally justify bans on same-sex marriage. Why?

I conclude that tradition can serve as a legally sufficient justification for a law challenged on equal protection grounds if a court applies the most deferential standard of rational basis scrutiny. Under that standard, a court asks only whether there is any conceivable basis supporting the challenged law. The long-standing nature of a tradition, including that of opposite-sex marriage, does provide some reason to assume the tradition has been useful to society. The tradition-based assumption is not utterly implausible and, accordingly, a court requiring only some conceivable rationale could uphold same-sex marriage bans.

Your article argues, however, that courts should treat tradition as a “suspicious” justification. What do you mean?

Courts should treat tradition-based justifications as suspicious, that is, as likely concealing ulterior, invalid motivations, such as animosity or unfounded fear. Although preserving tradition is not invalid per se, it is a less persuasive justification than demonstrating a law’s benefits or other valid moral foundation. Emphasizing the traditional status of a law thus suggests that the law lacks a persuasive moral basis and does not produce demonstrable benefits. Consider, for example, laws against incest. While such laws are traditional, we do not rely on that fact to justify them. Instead, we justify bans on incest because our society morally disapproves of it and because incest carries an unacceptable risk of exploitation, abuse, and genetic defect. With bans on same-sex marriage, in contrast, the harms that might follow

How do supporters of same-sex marriage respond to the tradition argument?

Same-sex marriage supporters contend that preserving tradition is an invalid justification for discriminatory laws, including laws that limit marriage to opposite-sex couples. Pointing to now-repudiated traditions, such as race and sex discrimination, they argue that progress on civil rights has been achieved by breaking with outmoded traditions of a less enlightened time. In the case of marriage, they contend, excluding same-sex couples from the institution unnecessarily burdens those couples and their families.
from allowing same-sex marriage are highly speculative. Moreover, justifying bans on same-sex marriage on grounds of moral disapproval risks constitutional invalidation in light of recent Supreme Court cases striking down laws that discriminate based on sexual orientation. Consequently, opponents of same-sex marriage likely resort to tradition as a seemingly benign justification in lieu of expressing the concerns that actually motivate their opposition.

Does it necessarily follow from your analysis that courts should invalidate bans on same-sex marriage?

No. The point is that if courts uphold bans on same-sex marriage, it should not be on the ground of tradition. Instead, courts should require that states defending such laws demonstrate that permitting same-sex marriage would have harmful consequences or would otherwise violate constitutionally acceptable moral standards. Perhaps states could meet this burden. But they should have to put forward and prove their real concerns rather than hiding behind the argument of tradition.

You recently concluded a seven-year tenure as the director of the Center for the Study of Race and Law. Can you reflect on the center’s accomplishments during your leadership?

I am proud of the center’s accomplishments during its first seven years. We organized numerous events for the Law School and university communities, including long and short courses; lectures by Law School, university, and external speakers; panel discussions and debates; faculty workshops; student paper competitions; student research awards; and three major conferences, two of which produced articles published in UVA law journals. Additionally, we honored, through public events and awards, the life’s work of three civil rights pioneers: Oliver W. Hill, Sr., Julian Bond, and Charles Sherrod. The center also published a school integration manual; facilitated an affirmative action survey of law students for an outside research project; and co-authored a winning brief to the Supreme Court in Kimbrough v. U.S. (2007) (holding that trial judges have discretion to depart from crack/powder sentencing guidelines). The center also organized a race and law concentration for students interested in focusing their studies on race-related courses.

How were you able to accomplish so much?

I could not have done so without the help of others, including my assistant director, Tim Lovelace ’06, the Law School’s administration and staff and, most importantly, the dozens of students who served on the center’s executive board. It was, in fact, students who proposed the idea of the center to Dean John Jeffries in 2003. Their active participation over the years in planning and organizing center programs has been invaluable.

Why are you stepping down?

Despite the generous support I received from others in running the center, it still consumed enormous amounts of my time, preventing me from spending as much time as I would like on my own scholarship and on Law School governance. Accordingly, a year and a half ago, I asked Dean Paul Mahoney if I could step down by the summer of 2010. My “swan song” was the two-and-a-half day conference at the Law School in late-January, “Fifty Years After the Sit-Ins: Reflecting on the Role of Protest in Social Movements and Law Reform.” The conference was a stunning success, drawing participation by interdisciplinary faculty from across the country.

What’s next for you and the center?

I plan to devote more time to scholarship, including a casebook on race and law, and to Law School governance, i.e., service on important committees through which faculty help to run the school. As for the center, I could not be more pleased for its future than to have Professor Alex Johnson take over the reins. He has extensive administrative experience, including as dean of the University of Minnesota Law School and, before that, as vice provost at UVA. I anticipate that he will build on the center’s strengths and take it in new and exciting directions.

DEATH PENALTY DEFENSE | Rob Seal

Engle Joins Innocence Project Clinic

MATTHEW ENGLE, an experienced death penalty defense attorney, has joined the faculty as the new legal director of the Law School’s Innocence Project Clinic.

Engle joins the Law School from the Office of the Capital Defender, a public defender office that specializes in death penalty cases at the trial level. He joins Deirdre Enright ’92, the investigative director of the Innocence Project Clinic, in what he considers meaningful and important work.

“The focus of the clinic is to identify cases of wrongful convictions and to look for
available legal remedies,” he said. “There are many potential cases, and many people who reach out to the clinic looking for help.”

Launched in 2008, the clinic is part of the Innocence Network, an international affiliation of organizations dedicated to overturning wrongful convictions. Twelve students participate in the clinic each year, and dozens more participate in the Virginia Innocence Project Student Group.

“A big focus of my job will be to figure out, once we’ve identified cases where there’s a chance to be successful, what the best avenues are to pursue, and then to work with students to pursue them,” Engle said.

In addition to assisting students in the representation of the wrongfully convicted, Engle said he is excited to work with the clinic on looking for ways to improve the criminal justice system.

“The clinic will address problems such as false confessions, access to DNA testing, ineffective representation, and other issues. I think we have a real opportunity to pursue wrongdoing convictions from happening in the first place,” he said.

COMMENCEMENT 2010 | Rob Seal

Whitehouse ’82 Urges Graduates to Embrace Opportunities

UNFORESEEN AND unimaginable opportunities await newly minted lawyers, Sen. Sheldon Whitehouse ’82 told the Class of 2010 during the Law School commencement ceremony in May.

“Every day of your life in this profession is a potential turning point. Luck and hazard are ever-present, and your training can take you a great variety of places,” Whitehouse said. “Your life’s trajectory is never settled—never, never—unless you choose to stop seeing the choices around you and deliberately deliver yourself to the daily drudge. Don’t do that.”

The junior Democratic senator from Rhode Island gave his keynote speech to a class of 371 J.D. graduates, 38 graduates receiving their master’s in law and one recipient of the Doctor of Juridical Science.

Whitehouse also stressed the importance of graduates holding themselves to the highest standards of decency. “Challenge yourselves against the highest standards of our profession’s history,” he said.

Whitehouse told graduates that their work upholding the rule of law is central to the security and integrity of the country. “You and I learned here that much of what is good in America is found in our rule of law and our insistence on due process,” he said.

“All my experience has been only to confirm and reinforce what I first learned here: the central importance of the rule of law in our American system of government.”

Whitehouse pointed out that at the time he joined the Senate, Virginia Law had more graduates in the legislative body than any other law school. He also praised the school’s spirit of collegiality, which he said is unmatched at other schools of Virginia’s academic qualifications.

MULTIMEDIA NEWS OFFERINGS @ www.law.virginia.edu/news

RYAN ARGUES CLINIC CASE BEFORE SUPREME COURT
Professor James Ryan appeared in front of the U.S. Supreme Court on behalf of a client of the Law School’s Supreme Court Litigation Clinic.

PANEL EXAMINES EARTHQUAKE’S EFFECT ON SAFETY OF HAITIAN WOMEN
Haitian women are particularly vulnerable to violence and attack in the wake of January’s devastating earthquake, according to a panel of experts who spoke at the Law School.

“HEALTH CARE REFORM: WHAT IT MEANS FOR THE MARKET, THE CONSTITUTION AND YOU”
Professor Julia Mahoney moderated a panel discussion on the constitutionality of the recent health care reform legislation featuring professors Elizabeth Magill and Frederick Schauer, as well as Ilya Shapiro, a senior fellow of the Cato Institute.
LAW SCHOOL NEWS

2010 Graduation Award Recipients

MARGARET G. HYDE AWARD
Crystal Sue Shin

JAMES C. SLAUGHTER HONOR AWARD
John Savage Moran

THOMAS MARSHALL MILLER PRIZE
Brett M. Merfish

Z SOCIETY SHANNON AWARD
John Savage Moran

LAW SCHOOL ALUMNI ASSOCIATION BEST NOTE AWARD
Brian David Schmalzbach

ROGER AND MADELEINE TRAYNOR PRIZES
David Eric Rhinesmith
David Kendall Roberts

HERBERT KRAMER/HERBERT BANGEL COMMUNITY SERVICE AWARD
Erin Patricia Crowgey

MORTIMER CAPLIN PUBLIC SERVICE AWARD
Thomas J. Krepp

EDWIN S. COHEN TAX PRIZE
Brian David Schmalzbach

EARLE K. SHAW LABOR RELATIONS AWARD
Stephanie Anne Accousti

JOHN M. OLIN PRIZE IN LAW AND ECONOMICS
Jonathan Adam Wolfson

EPPA HUNTON IV MEMORIAL BOOK AWARD
Alexander Ibrahim

VIRGINIA TRIAL LAWYERS TRIAL ADVOCACY AWARD
Robert Carroll Boutwell

VIRGINIA STATE BAR FAMILY LAW BOOK AWARD
Dawn Kelly Miller

DANIEL ROSENBOOM AWARD
Grace K. Huang
John Savage Moran

STEPHEN PIERRE TRAYNOR AWARD FOR EXCELLENCE IN TRIAL ADVOCACY
Nicholas B. Nelson

HARDY CROSS DILLARD AWARD
Kenneth Christopher Shevlin

CLERKS FOR THE 2010–11 TERM*

Marie Acosta
Alexandria (VA) Circuit Court

Michael Akavan ’09
The Honorable William Walls
U.S. District Court, District of New Jersey

Sarah Ahmadia
The Honorable Robert Rigsby
D. C. Superior Court

Alex Berrang
The Honorable Stuart Nash
D. C. Superior Court

Jeremy Bloor
The Honorable George Kendall Sharp ’63
U.S. District Court, Middle District of Florida

Ellen Bognar
The Honorable Angel Cortinas
Florida Third District Court of Appeals

Adrienne Boone
The Honorable Carol Ann Conboy
New Hampshire Supreme Court

Christopher Brown
The Honorable Karen LeCraft Henderson
U.S. Court of Appeals for the D.C. Circuit

Emily Buckley ’09
The Honorable Edith Brown Clement
U.S. Court of Appeals for the Fifth Circuit

William Bushman ’08
The Honorable Rhesa Barksdale
U.S. Court of Appeals for the Fifth Circuit

Jessica Childress
The Honorable Alexander Williams
U.S. District Court, District of Maryland

Katie Cole ’07
The Honorable Richard D. Bennett
U.S. District Court, District of Maryland

Erin Crowgey
The Honorable William P. Lynch
U.S. District Court, District of New Mexico

Susan Deelley ’93
The Hon. Linda Ludgate
Burke County (PA) Court of Common Pleas

Elizabeth De Felice
The Honorable William Carpenter
Delaware Superior Court

Liz Diehm
The Honorable Yvette Kane
U.S. District Court, Western District of Pennsylvania

Kathleen Doherty
The Honorable William Morse
Alaska Superior Court

Samuel Doran
The Honorable Curtis Gomez
U.S. District Court, Virgin Islands

Dane Dunson
The Honorable Thomas D. Sawaya
Florida Court of Appeals

Kenneth Duvall
The Honorable Alok Ahuja
Missouri Court of Appeals

Pat Fagan
The Honorable W. Keith Watkins
U.S. District Court, Middle District of Alabama

Casey Fitzmaurice
The Honorable John Anderson
U.S. District Court, Eastern District of Virginia

Carlton C. Gammons
The Honorable Charlene Honeywell
U.S. District Court, Middle District of Florida

Nicholas Gard
The Honorable C. Christopher Hagy
U.S. District Court, Northern District of Georgia

Andrew George ’08
The Honorable James Cacheris
U.S. District Court, Eastern District of Virginia

Dave Gettings
The Honorable Marc Davis
U.S. District Court, Eastern District of Virginia

Alexis Gregorian
The Honorable Frederick Motz ’67
U.S. District Court, District of Maryland

*All are members of the Class of 2010 unless otherwise noted.
Joshua Hess ’09
  The Honorable Amul Thapar
  U.S. District Court, Eastern District of Kentucky

Grace Huang
  The Honorable Kenneth Ripple ’68
  U.S. Court of Appeals for the Seventh Circuit

Alexander Ibrahim
  The Honorable Leo Glasser
  U.S. District Court, Eastern District of New York

Bradley Justus
  The Honorable Eugene Siler ’63, LL.M. ’95
  U.S. Court of Appeals for the Sixth Circuit

Dallas Kaplan
  The Honorable Frank Whitney
  U.S. District Court, Western District of North Carolina

Deena Kessler ’09
  The Honorable Arthur Briskman
  The Honorable Karen Jennemann
  U.S. Bankruptcy Court, Middle District of Florida

Megan Lacy
  The Honorable Sidney Fitzwater
  U.S. District Court, Northern District of Texas

Elizabeth Anne Laningham
  The Honorable Lynn Hughes LL.M. ’92
  U.S. District Court, Southern District of Texas

Casey Lee
  The Honorable Debra Ann Livingston
  U.S. Court of Appeals for the Second Circuit

Jamie Lisagor ’06
  The Honorable Debra Freeman
  U.S. District Court, Southern District of New York

Jon Lucier ’08
  The Honorable James Cacheris
  U.S. District Court, Eastern District of Virginia

Mario Lorello
  Chesterfield (VA) Circuit Court

Ben Mann
  Rockingham (VA) Circuit Court

Serge Martyn
  The Honorable Carlos Bea
  U.S. Court of Appeals for the Ninth Circuit

Chris McParland ’04
  The Honorable Marcus Lopez
  U.S. District Court, District of Puerto Rico

John Moran
  The Honorable Jeffrey Sutton
  U.S. Court of Appeals for the Sixth Circuit

Mary Niemann
  The Honorable Diane Henson
  Texas Court of Appeals

Rogan Nunn
  The Honorable Benson Legg ’73
  U.S. District Court, District of Maryland

Aaron Pacini
  The Honorable Clark Waddoups
  U.S. District Court, District of Utah

Eric Pardue
  The Honorable Donald Walter
  U.S. District Court, Western District of Louisiana
LAW SCHOOL NEWS

Ben Sachs ’09
The Honorable Thomas Selby Ellis
U.S. District Court, Eastern District of Virginia

Brian Schmitt ’07
The Honorable Timothy Corrigan
U.S. District Court, Middle District of Florida

Colleen Schoch ’08
The Honorable Edith Brown Clement
U.S. Court of Appeals for the Fifth Circuit

Jamie Schoen
The Honorable David Norton
U.S. District Court, District of South Carolina

Chris Schoen
The Honorable C. Weston Houck
U.S. District Court, District of South Carolina

Nitin Shah ’09
The Honorable Judith Rogers
U.S. Court of Appeals for the Third Circuit

Renu Shah
The Honorable Eugene Wedoff
U.S. Bankruptcy Court, Northern District of Illinois

Daniel Shean ’08
The Honorable Barry Silverman
U.S. Court of Appeals for the Ninth Circuit

Kenneth Shevlin
The Honorable Norman K. Moon ’62, LL.M. ’88
U.S. District Court, Western District of Virginia

Reed Smith ’08
The Honorable Catharina Haynes
U.S. Court of Appeals for the Fifth Circuit

Tristan Snell ’03
The Honorable Eric Vitaliano
U.S. District Court, Eastern District of New York

Mike Sorrell
The Honorable Robert Payne
U.S. District Court, Eastern District of Virginia

Chelsea Stine
The Honorable Felipe Restrepo
U.S. District Court, Eastern District of Pennsylvania

Jon Tannen ’09
The Honorable Jon E. DeGuilio
U.S. District Court, Northern District of Indiana

Kevin Walsh ’08
The Honorable D. Michael Fisher
U.S. Court of Appeals for the Third Circuit

Joseph Warden ’09
The Honorable Kent Jordan
U.S. Court of Appeals for the Third Circuit

Brian Wells
The Honorable Stuart M. Bernstein
U.S. Bankruptcy Court, Southern District of New York

Cledan Welton ’09
The Honorable D. Brook Smith
U.S. Court of Appeals for the Third Circuit

Zachary Williams
The Honorable James Spencer
U.S. District Court, Eastern District of Virginia

Katie Worden
The Honorable Will Garwood
U.S. Court of Appeals for the Fifth Circuit

Fiona Worrall
The Honorable Dale Wainwright
Texas Supreme Court

SUPREME COURT CLERKS

Paul Crane ’07
The Honorable John Roberts

Matt Fitzgerald ’08
The Honorable Clarence Thomas

James Stern ’09
The Honorable Anthony Kennedy
Class of 2013 Most Competitive, Diverse in School History

It was more difficult to gain admission to the Law School's incoming class this year than ever before, and the Class of 2013 is the most diverse on record, according to Admissions Office data.

Due in part to record application volume, the school offered admission to the lowest percentage of applicants in its history. In addition, about 29 percent of the Class of 2013 self-identified as ethnic minorities, up from a then-record 27 percent the previous year.

“The most selective admission process in the history of the Law School produced the most diverse class in this history of the Law School,” said Jason Wu Trujillo ’01, the senior assistant dean for admissions. “That represents a lot of hard work by the admissions and financial aid team and reflects our increased emphasis on admissions and recruiting rather than just admissions.”

The class members also meet the lofty academic standards set by their predecessors in the Class of 2012: Incoming first-year students have a median undergraduate GPA of 3.85 and a median LSAT score of 170.

About 65 percent of the class obtained work experience prior to law school, in jobs ranging from paralegal work to investigative journalism, and those students averaged about two years in the work force before entering law school.

The Class of 2013 is also well-traveled. Incoming students speak a variety of languages and have worked in countries ranging from the United Kingdom to Uganda.

Trujillo credited alumni outreach as a major factor in attracting exceptional applicants to the Law School.

“The success in recruiting this class is due in no small part to the willingness of our alumni to not just talk to, but really engage with, our admitted students,” Trujillo said. “Jennifer Sulzberger ’87 with the Law School Foundation did a tremendous job in matching admitted students with alumni via the Alumni Contact Program. I can’t tell you how many admitted students say that their decision to come to Virginia was sealed after speaking to an alumnus or alumna.”

Members of the Class of 2013 come from 42 states and the District of Columbia, as well as seven foreign countries.

“I have always wanted to become a lawyer and give back to my government and my community through public service. UVA has such a great reputation for providing law students with the tools necessary to do that. Plus, the faculty and students are friendly, and the Grounds are beautiful. I knew I wanted to come here after the first time I visited.” — Benita Williams graduated from the U.S. Naval Academy and was most recently stationed in Norfolk, Va.

“I chose UVA Law because I felt that it had the greatest balance of serious academic rigor, tradition, quality of life, and employment prospects of any top school I was considering. I know that I’m getting my legal education in a place I’ll enjoy remembering and visiting the rest of my life.” — Jonathan Guynn has lived in Canada, England, and France, and graduated from Brigham Young University.

Students Enrolled

| MEN | 56% |
| WOMEN | 44% |
| IDENTIFY THEMSELVES AS MINORITY STUDENTS | 29% |
| WORK EXPERIENCE | 65% |
| GRADUATE DEGREES | 11% |

From among 8,560 applicants
FOR A TENSE PERIOD LAST SUMMER, the BP Deepwater Horizon oil disaster forced a debate about offshore drilling and the direction of U.S. energy policy. The Obama administration imposed a moratorium on further drilling as the world watched the uncapped well expel millions of gallons of oil into the Gulf of Mexico. But soon after BP engineers slowed and then stopped the leak, the nation moved on to other news. It is hard to imagine a worse event, or better opportunity, to hold public attention. Political inertia, however, seems to have outlived the urgency of the moment.

Any attempt to steer domestic energy policy risks offending someone. Energy is a deeply complex subject that confounds the best policy minds and resists easy summary. It involves issues of cost, feasibility, safety, national security, and, most importantly, environmental integrity. “It’s amazing that, with all the problems with the oil spill in the Gulf and a number of other significant issues, there isn’t some movement on energy legislation and climate,” says Hank Habicht ’78, managing partner of SAIL Venture Partners, a pioneer in the clean-tech investment sector. “It’s definitely needed.”

In 2004 the bipartisan National Commission on Energy Policy (NCEP) released a comprehensive blueprint for an energy policy that, among other things, began the serious discussion of a cap-and-trade approach to carbon emissions.

Habicht, who served on the commission, says the report, Ending the Energy Stalemate, “was designed to be very non-partisan, very factual ... We all bemoan the fact that the country doesn’t focus on energy policy for a long enough time, and that we have so many different actors and different parts of the energy system: transportation, hydrocarbon fuels, power sector, and so forth. Energy is so geographically focused and differentiated that there are a lot of political reasons why a comprehensive energy policy has been difficult.”
According to the report’s executive summary, the commission “found common ground in rejecting certain persistent myths—on the left and on the right—that have often served to polarize and paralyze the national energy debate…. Some of these include the notion that energy independence can be readily achieved through conservation measures and renewable energy sources alone, or that limiting greenhouse gas emission is either costless or so costly as to wreck the economy if it were tried at all. Most of all, commissioners rejected the proposition that uncertainty justifies inaction in the face of significant risks.”

Three years later, in 2007, the NCEP released an updated report with similar detailed recommendations, noting that “the politics of polarization and paralysis continue to exert a potent influence. They must not prevail.” Yet another three years has passed and the country has done little to alter its sources and use of energy. The commission’s recommendations, meanwhile, barely draw mention in the press.

We have asked Virginia Law alumni with wide experience in energy, from regulation to development, to frame the dialogue that keeps breaking down between industry and Washington. They identify the major collision points that must be resolved for a new energy strategy to emerge.

THE ENERGY MIX

The Lawrence Livermore National Laboratory, in association with the Department of Energy, releases a yearly “Energy Flow Chart” that estimates total annual U.S. energy use (see chart, opposite page). The chart shows at a glance each source of energy, where it flows, and its ultimate destination.

In 2009 the U.S. used approximately 94.6 quads of energy (approximately 25% of total world energy usage). One quad is equivalent to over eight billion gallons of gasoline.

The column on the left lists each source used in the nation’s energy portfolio. These energy sources feed four broad categories: residential, commercial, industrial, and transportation. To varying degrees, every energy source generates electric power for each of the categories.

For example, the green band at the bottom shows the amount of petroleum used in a year, 35.27 quads. Tracking right shows its destination. A thin green line (.39 quads) leads to “electricity generation,” joining other types of energy devoted to that sector (total 38.19 quads). Continuing right, part of the band again moves into residential use (1.16 quads out of a total 11.26), commercial (.60 of 8.49), industrial (7.77 of 21.78), and finally, transportation (25.34).

The total of renewable energy (solar, hydro, wind, geothermal, and biomass) is just 7.74 quads, about 8% of the total energy mix. Nuclear energy yields 8.35 quads, or about 9% of the total mix, all of which is used for electricity generation. Petroleum (oil) contributes 37%, coal 21%, and natural gas 25% to the rest of the mix.

The federal government’s Energy Information Agency (EIA) predicts that by 2035 population growth will increase annual energy usage by about 20 quads, but because of higher efficiency standards mandated for vehicles and lighting, the actual average BTU use per person will decline, as will the average energy use per dollar of real GDP. The EIA also predicts that renewable and nuclear energy will grow their share to about 22% of the total.

One fact leaps out from this chart. Of the total 94.6 quads generated in 2009, fully 58% of it is “rejected energy” (the sum of the gray bands in the upper right corner of the chart), which is a function of energy efficiency. “Rejected energy” represents the amount of energy that leaks out of the system during energy generation, storage, and transmission (e.g., waste heat from power plants, power line loss, motor inefficiencies, etc.). The least efficient categories are transportation (75% rejected) and electricity (68%). The most efficient are residential, commercial, and industrial, rejecting 20% on average.

Can we recoup some of that lost energy? “Two key questions are what is scientifically and physically possible, and what is institutionally and practically possible,” says Habicht. “They’re two very different things we have gleaned from watching energy crises come and go over the decades, but basically it’s possible to perform much better, maybe even 70% or 80% better from a technical standpoint.”

Of the 12.08 usable quads of electricity generation, about a third each powers the residential (4.65), commercial (4.51), and industrial (3.01) sectors. The transportation sector uses just a tiny amount (0.03). If electric vehicles (EV) grow in popularity, that number could rise rapidly, changing the relationship between the automotive, oil, and electric industries in unpredictable ways. Tom Farrell ’79, CEO and chairman of Dominion Resources, sees both challenge and opportunity with EVs.

“EVs present the industry with a unique opportunity to help transform the nation’s transportation sector in a way that benefits both the environment and our national security,” he says. “First, when compared with conventional gasoline-powered vehicles, EVs will significantly reduce greenhouse gases and other air emissions. That will lead to cleaner air and a healthier environment. Second, since our primary sources of electric power—coal, nuclear, natural gas and renewable energy sources—are produced domestically, we will reduce our dependence on foreign oil by powering our vehicles with electricity. Almost no electricity today is produced by burning oil so the more electric cars we have, the lower our use of foreign oil.”
Estimated U.S. Energy Use in 2009 ~94.6 Quads

- Solar: 0.11
- Nuclear: 8.35
- Hydro: 2.68
- Wind: 0.70
- Geothermal: 0.37
- Biomass: 3.88
- Natural Gas: 23.37
- Coal: 19.76
- Petroleum: 35.27
- Electricity Generation: 38.19

~94.6 Quads
Data is based on DOE/EIA-0384(2009), August 2010. Work performed by the Lawrence Livermore National Laboratory and the Department of Energy. Distributed electricity represents only retail electricity sales and does not include self-generation. EIA reports flows for non-thermal resources (i.e., hydro, wind, and solar) in BTU-equivalent values by assuming a typical fossil fuel plant "heat rate." The efficiency of electricity production is calculated as the total retail electricity delivered divided by the primary energy input into electricity generation. End use efficiency is estimated as 80% for the residential, commercial, and industrial sectors, and as 25% for the transportation sector. Totals may not equal sum of components due to independent rounding.
Michael Alvarez ’80 is president and chief financial officer of First Wind. Alvarez has also served as the vice president of strategic planning of Edison International; executive vice president, chief financial officer, and general counsel of Nexant, Inc.; and managed the development of the $2.3 billion 1,700-kilometer TransCaspian natural gas pipeline for PSG International in London. Before PSG, Alvarez was president of Kenetech Energy Systems, a developer of environmentally friendly preferred electric power plants, principally wind, biomass, and natural gas. Alvarez serves on the board of managers of Deepwater Wind Holdings, LLC.

Ed Baranowski ’71, an intellectual property attorney with Porter Wright, also holds a BA in Physics. He practices exclusively in intellectual property law, particularly in patents, with an industry emphasis in life sciences, electronic networks, infrastructure technologies, and hydrogen and compressed natural gas as alternative fuel sources for motor vehicles.

Tom Farrell ’79 is CEO and chairman of Dominion Resources. He is a leading expert on national energy issues and an advocate of a cohesive national energy policy. In 2011 he will become chairman of the Edison Electric Institute, the industry’s national trade association. Dominion is one of America’s largest energy companies with a market capitalization of approximately $24 billion and operations in 14 states.

Hank Habicht ’78 is managing partner of SAIL Venture Partners in Costa Mesa, California, founded in 2002 as a pioneer in the clean-tech investment sector. Habicht is a former assistant attorney general in charge of the Environment and Natural Resources Division at the Department of Justice, and COO (deputy administrator) of the Environmental Protection Agency. During his time with the EPA he oversaw the development of the Energy Star Program and implementation of market based trading programs under the 1990 Clean Air Act amendments. He has also started ventures and held positions in the for-profit environmental arena, including VP of William D. Ruckelshaus Associates, which co-managed the Environmental Venture Fund, one of the first successful green funds in the 1980s.

Euclid Irving ’77, of counsel to Jones Day in New York, has extensive experience advising electric utilities and providers of capital to utilities in financings at all levels of the utility capital structure, SEC reporting, and power supply issues. His transaction experience includes utility mergers and acquisitions, mortgage bond financings, and energy trading. He regularly represents leading international infrastructure and engineering firms in the turnkey supply of power generating facilities in the developing world. Irving is also a member of the board of directors of Green Mountain Power Corporation, where he chairs the audit committee of the board. Through his practice and board affiliation, he has acquired a deep knowledge of power industry issues.

Brad Keithley ’76 is partner and co-head of the oil and gas practice at Perkins Coie in the Anchorage and Washington, D.C. offices. Prior to joining Perkins Coie, Keithley was a partner for 18 years with Jones Day, based primarily in the firm’s Dallas and Houston offices, and before that was senior vice president and general counsel of Arkla, Inc., at the time the third largest gas company in the United States (and now part of CenterPoint Energy Inc.). Throughout his career, Keithley has concentrated his practice in the areas of oil & gas regulation, commercial transactions, and litigation. His clients have included major oil & gas companies, oil & gas pipelines, large and medium independents, as well as major consumers of natural gas.
The first thing to know about solar and wind energy is that they are intermittent resources. Unlike base load energy sources (the name the industry gives to the most reliable forms of generation designed to run continuously, such as oil, coal, and nuclear), solar and wind can be captured only when nature cooperates.

Moreover, because the energy flow in the broader transmission grid must stay constant, utilities supplying the power must scale up and down on a micro-second basis to keep pace with demand. Essentially, solar and wind energy must transform their intermittent source supply into a steady one. Efficient and inexpensive fuel cell development and a “smarter” electric grid are critical to their success as next-generation energy sources.

Further, each requires enormous amounts of land to be effective. The largest wind farm in the country is in Texas, considered the “Saudi Arabia of wind.” The Roscoe wind farm, one of several dozen in Texas, has 627 turbines on 100,000 acres. Large solar arrays in California and Texas cover several hundred acres each.

“There has been a lot of advancement in battery technology,” says Michael Alvarez ’80, president and CFO of First Wind, an independent North American wind energy company focused exclusively on the development, ownership, and operation of wind farms. “We are now deploying a very innovative battery energy storage system on the island of Oahu, the first...
wind energy project to gain a U.S. Department of Energy loan guarantee for innovative technologies.” The project, a 30-megawatt wind farm in Hawaii, will include a 10-megawatt battery designed to help maintain grid stability. “The technology itself is not new,” he says, “but it is the first time that anyone has taken it up to a larger scale. The Hawaiian Electric Company is excited because the state has a very ambitious goal to reduce its dependence on oil.” Hawaii has a very good reason. It uses a far higher percentage of oil in electricity generation than other states, somewhere between 75–90 percent depending on the island.

Then there is the need for patent protection of these innovations to keep investment dollars flowing. “The Patent Office is of crucial importance. If proprietary protection is not available, research dollars will not flow into the technology,” says Ed Baranowski ’71, a partner with Porter Wright in Columbus, Ohio, who specializes in patent law. “We’ve encountered three to five year wait times for examination in many early cases, an extraordinary delay, principally caused by insufficient staffing in the Patent Office—and an increase in the number of applications filed.”

According to Baranowski, technology development is limited by the number of qualified people available to enter the field. These numbers are now increasing because of market demand. “When I began,” he says, “I was a rare bird with degrees in physics and law, and I was not that easy to find. Researchers in fuel cells are now routinely expected to have at least a doctoral degree. My expectation is that technology development will increase faster now that a foundation is established. Whether investment funds will be available, and from where that money will come, are separate issues.”

Finally, wind farms and solar arrays are located remotely. Transmitting that power to users in distant cities without significant line loss is a challenge. Each needs to find the closest connection point to which it can build a transmission line. For example, in order to serve Los Angeles, First Wind secured a site to build a wind farm 88 miles away from the Intermountain Power Plant (IPP), a coal-fired power plant in Utah owned in part by the Los Angeles Department of Water & Power (LADWP). First Wind built a generation lead line to connect the wind farm to the IPP, which itself delivers power into Los Angeles on a line owned by the LADWP, effectively connecting the Utah wind farm to downtown Los Angeles.

Remote siting also raises fairness issues in the host community. Why, residents ask, must we have a wind farm here to serve others who live far away?

NUCLEAR

Nuclear power is a compelling energy source. Its fuel is dense, abundant, and leaves no carbon footprint. Just six ounces of enriched uranium could power the entire city of San Francisco for one year. According to the International Atomic Energy Agency (IAEA) and the Organization for Economic Cooperation and Development (OECD), there is enough uranium in the world to meet present energy consumption for the next 100 years. Developing more efficient fast reactors can extend that period to more than 2,500 years. The United States has the fourth largest uranium reserves in the world, behind Australia, Canada, and Kazakhstan.

Anyone old enough to remember Three Mile Island (TMI) will easily understand why not a single nuclear reactor has been built in the United States since that unnerving March day in 1979. The
catastrophe was at the same time terrifying (especially if one was within 100 miles and downwind) and revealing. While it caused panic for those within a five-mile radius of the plant (140,000 people were evacuated), the crisis did show that a meltdown in a pressurized light water reactor would not cause a “China Syndrome,” the theory that molten reactor core products could burn down clear through the floor of the containment building. It didn’t help public confidence that the hit movie, The China Syndrome, had opened in theaters nationwide just 12 days before the accident.

Reviewing the accident in an August 2009 report, Backgrounder on the Three Mile Island Accident, the Nuclear Regulatory Commission says that TMI “permanently changed the nuclear industry and the NRC. Public fear and distrust increased, NRC’s regulations and oversight became broader and more robust, and management of the plants was scrutinized more carefully. The problems identified from careful analysis of the events during those days have led to permanent and sweeping changes in how NRC regulates its licensees—which, in turn, has reduced the risk to public health and safety.”

Some of those changes involved retrofitting into the existing reactor fleet simpler, better, and standard designs, which help build an information library that all operators can use to improve plant safety. The results speak for themselves. An OECD summary of severe accidents causing five or more deaths that occurred in fossil, hydro, and nuclear energy chains from 1969 to 2000—which would include TMI (but not Chernobyl, a non-OECD country)—shows that nuclear is by far the safest energy source. Even with Chernobyl, which used other, older technologies operated under a loose management regime, nuclear accidents had one accident with 31 fatalities. By comparison, coal had 75 accidents with 2,259 fatalities, and oil had 165 accidents with 3,713 fatalities.

“A number of new reactor model designs have simplified their plant systems, including operations, maintenance, inspections, and quality assurance,” says Farrell. “They have greatly reduced the number of valves, pumps, piping, HVAC ducting, and other complex components. The safety systems are predominantly passive and rely on the natural forces of gravity, circulation, convection, evaporation, and condensation, instead of AC power supplies and motor-driven components.” According to Farrell, Dominion produces about two-fifths of its power at its nuclear facilities, twice the national average, and he says the company aims to “have at least 50% of our power sourced from nuclear.”

The industry has emerged from the dark days following TMI to become a necessary player in the overall energy mix. It has not suffered a single significant accident since 1979, and the workforce and technology used are sophisticated to a degree unheard of 30 years ago. It is simply inaccurate to appraise the present viability of nuclear energy using a TMI mindset, although continued caution is certainly appropriate. The American public agrees. Gallup polls now show a growing number of Americans favor the use of nuclear power, 62% in the latest poll (March 2010).

A fleet of 104 commercial power plants currently operate in the United States, about 80% of which sit east of the Mississippi River. They have generated some 60,000 tons of nuclear waste stored at 121 facilities around the country within impermeable concrete bunkers that can resist the direct impact of a fully loaded commercial airliner (the same as the nuclear reactor containment vessel itself). Each year, these power plants add some 2,000 more metric tons to the pile. If you were to put all of the existing accumulated waste in one place, it would fit into UVAs Scott Stadium rising to the height of the goal posts.

What do we do about this waste? And how dangerous is it? Decades ago, experts believed that there was a limited uranium supply to fuel nuclear power, prompting a drive for reprocessing and recycling spent nuclear fuel (SNF) into plutonium to use in fast breeder
reactors. It is a complicated, expensive, and controversial process. While it can provide new fuel and reduce waste, the United States halted it during the Carter administration out of concerns that the weapons-grade plutonium might escape into the wrong hands.

Nonetheless, about a dozen countries around the world are reprocessing SNF safely and securely, obviating the concern. Moreover, any residual concerns may be moot because new reprocessing technologies under development would not yield any plutonium. Even if we wanted to reprocess SNF, renewing the program here would be very expensive. According to some estimates, it would cost $20 billion to build a plant capable of reprocessing annually 2,000 tons of nuclear waste, the same amount the U.S. currently generates every year.

A study released this September by the Massachusetts Institute of Technology adds a new wrinkle. It argues that the industry misjudged the size of domestic uranium supplies from the beginning. Knowing now that the U.S. has plentiful uranium reserves changes the calculus that created the drive for reprocessing in the first place. SNF is not weapons grade and poses little danger to the general public as it is presently situated. The report “strongly recommends that interim storage of spent nuclear fuel for a century or so, preferably in regional consolidated sites, is the best option.” According to the report, this would allow the fuel to cool, and most importantly, preserve our options for future SNF management.

“There are only three technologies for base load power: coal-fired generation, natural gas-fired generation, and nuclear power,” says Euclid Irving ’77, a Jones Day lawyer in New York with extensive experience in electric utility mergers and financing. “Of the three options, nuclear power is the only carbon-free technology. Today’s fleet of U.S. commercial reactors provides over 70% of the nation’s carbon-free energy. I have yet to find any serious proposal for mitigating greenhouse gas emissions that does not include a large and growing role for nuclear power in the energy mix.”

**NATURAL GAS**

Natural gas has the lowest carbon footprint of all the fossil fuels, about half the amount of coal and a third less than oil. It can be easily transported via pipeline and tanker, and is relatively abundant. New horizontal drilling and hydraulic fracturing technologies (or “fracking”) have opened up for commercial development significant shale gas reserves, the most recent being the estimated 500 trillion cubic feet in the Marcellus Shale formation in the Appalachian basin. By comparison, New York alone uses about 1.1 trillion cubic feet per year. According to the EIA, the U.S. produces about 3% of the world total.

The fracking used in shale drilling has caused a number of serious environmental concerns. The process calls for injecting large amounts of a pressurized water-based chemical solution deep into the shale to crack the rock and release the gas. That solution can seep into the ground water, potentially polluting it. But it doesn’t remain there. After fracking the well, the drillers pump most of the solution back out and dispose of it in another deep well drilled below the water table. The risk of some contamination remains.

A recent HBO documentary, *Gasland*, widely publicized the potential impact of this procedure, including a dramatic demonstration of a homeowner’s water faucet bursting into flame. The Appalachian basin borders the watersheds of major metropolitan areas such as New York City and Philadelphia, and many millions of people could be affected. Complicating the matter is the so-called “Halliburton Loophole,” a provision inserted into the Energy Policy Act of 2005 that stripped the EPA of its authority to regulate the process. Instead, regulatory authority is retained by the states in which the production occurs.

“The successful development of the Barnett Shale in Texas, the first shale resource developed and which underlies Ft. Worth and other cities in North Texas, demonstrates that the industry is able to”
respond to those challenges as they arise, even in urban areas,” says Brad Keithley ’76, partner and co-head of the oil and gas practice at Perkins Coie in Anchorage and Washington. “The Marcellus may present some different issues that require additional focus, but producers are diligently responding to those under the direction of state regulators.”

Moreover, natural gas is mostly methane, a greenhouse gas itself that is about 80 times stronger than carbon dioxide. Care must be taken that un-combusted natural gas does not leak into the atmosphere during storage or transmission (this is why the methane released during oil drilling is burned off on-site). The recent San Bruno explosion in California also reveals the danger of gas leaks in an aging infrastructure.

**PETROLEUM**

Since the 1950s, oil has become the world’s most important energy source due to its high energy density, transportability, and relative abundance. Estimates vary, but known world-wide reserves amount to 3.74 trillion barrels. The U.S. imports 12.9 million barrels each day, or about 69% of the 18.7 million barrels it uses daily. Worldwide consumption is about 84 million barrels per day.

Oil is the product of prehistoric biomass, zooplankton and algae, heated and compressed over geologic time. An oil field arises from rock rich in hydrocarbons and deep enough to be cooked into oil, a surrounding permeable rock in which the oil gathers, and a rock seal that prevents it from rising to the surface (oil is lighter than both rock and water). Once drilled, enough natural pressure exists to force it up to the surface. Eventually, that pressure dissipates, requiring increasingly expensive drilling methods to extract it, such as waterflooding, steam injection, carbon dioxide and other gases or chemicals.

Geologist M. King Hubbert introduced in 1956 the concept of “peak oil,” or the point at which we reach the maximum rate of global oil extraction. Hubbert predicted accurately that peak oil would be reached in the U.S. between 1965 and 1970. Expanding his model to global production has been more problematic and controversial. There is a wide variety of opinion among experts whether the world has reached peak oil. Keithley is one who thinks we haven’t.

“I can recall at least three times during my career that there have been predictions we have reached peak oil or gas,” he says. “What happened then was that the higher price resulting from the anticipation of decreasing supply spurred technology gains which resulted, again, in increased supplies.”

Keithley cites as good example current developments with shale gas in the U.S. Ten years ago, analysts expected that, by now, the U.S. would have to import a significant amount of its natural gas supplies due to anticipated significant declines in domestic production. Instead, higher U.S. natural gas prices spurred investment in technology that could reach shale gas. Now, some estimate that the U.S. has a 100-year supply of recoverable domestic gas reserves. The same sort of thing is occurring with the development of deepwater drilling technology and the recovery of oil from the Canadian tar sands.

“Price has a way of generating solutions to challenges,” Keithley says. “While it may be at a higher price, I don’t believe we have run out of ideas of how—or areas—to explore and develop oil and gas. Until we do, I strongly doubt that we have hit peak oil.”

Whether or not we have reached peak oil, and even though the debate has quieted, the BP Gulf disaster certainly had an effect on the oil industry. No company or industry, no matter how big, can absorb that kind of environmental, financial, and public relations debacle without reassessing risks and rewards. Much like the events leading to TMI, the industry and the government had perhaps grown complacent after enjoying a long and fairly remarkable safety record (recall the government opening up further deep sea oil development only weeks before the Deepwater Horizon accident). We now know that problems did exist and that closer oversight and management may well have prevented the explosion.

“One of the developments that will occur in the wake of the Gulf spill is a change in the way that the industry manages the risks of offshore drilling,” says Keithley. “Indeed, that has already started with the recent formation of a joint venture among ExxonMobil, Chevron, Shell and ConocoPhillips to develop a company focused on responding to and containing any blowouts or other events that threaten to cause spills in the Gulf of Mexico.”
That will be a big challenge. The Gulf now has about 3,500 platforms, yielding about a third of total U.S. production. They are linked together by thousands of miles of underwater pipeline clustered along the Texas, Louisiana, and Mississippi coastline. When the first underwater well was drilled in 1938, it was in less than 15 feet of water. Since then, wells have gone ever deeper to find the oil, the deepest now being the Tiber well which reaches nearly six miles below the Gulf seafloor.

**COAL**

Like oil, coal comes from compressed prehistoric biomass, but from the remains of terrestrial plants instead of zooplankton and algae. According to the EIA, the U.S. holds about 23% of the world’s reserves. At current extraction rates, there is enough coal in the world to last up to 132 years.

Cheap and plentiful, coal is the world’s largest energy source for electricity, and the biggest emitter of carbon dioxide. Coal-fired power plants release into the atmosphere huge amounts of coal ash and heavy metals such as mercury, selenium, and arsenic harmful to human health and the environment. Strip mines cause significant environmental damage to surrounding communities.

A growing consensus in the industry and the general public see carbon emissions as a problem. The industry is promoting technology to alleviate it. Coal is a key component of the energy mix, and likely will be so for a very long time. Fifty percent of the electricity produced in the U.S. comes from coal-fired power plants. “It is not feasible for that share to be drastically reduced anytime soon,” says Irving.

The industry is developing carbon capture and sequestration (CCS) technology, a technique that captures the carbon dioxide at the stack and stores it underground. Commercially proven technology to gasify the coal for a cleaner, more efficient combustion, already exists, but CCS is still in the early stages of development.

“The time frame I have seen for large scale commercial deployment of CCS begins in the early to mid-2020s,” says Irving. “This means the economics are still uncertain, but if the technology is commercially available it will be in demand, if for no other reason than the abundance of coal.”

In the meantime, the demand for electricity continues to grow. “The industry faces enormous challenges in trying to balance responsible environmental protection with society’s need for reliable and affordable power supplies that fuel our economy and our way of life,” says Farrell. “We simply need more power plants to meet the country’s demand for electricity.”
The possibility of soon developing a coherent national energy policy given the current political environment seems vanishingly small. To succeed, such a policy would have to navigate through and around special interests, the “NIMBYs,” and the hardened silos of partisan ideologies. Yet, as far as energy policy goes, this has been the case for decades. Every president since Richard Nixon has vowed to reduce the nation’s dependence on foreign oil. When Nixon promised it, we imported 36% of our oil. With every new administration, that number has gone up. Currently, we import 69%.

In their paper, “Cultural Cognition and Public Policy,” Professors Dan Kahan and Donald Braman of Yale Law School argue that empirical facts are often irrelevant in a policy debate. According to their research, we create factual beliefs based on our cultural orientations—the degree to which we identify ourselves as hierarchic or egalitarian, individualistic or communitarian—and not on empirical evidence. This theory may help explain why agreement about otherwise unrelated issues such as gun control or global warming tends to be found among people with similar orientations. The authors claim that “group polarization” generates homogenous views within the groups, and these cognitive constructs filter out any evidence that contradicts them.

This intriguing theory begs the question: how can we create sound public policy if we can’t agree on the underlying facts? The recent cap-and-trade bill that passed the House but stalled in the Senate shows what can happen. “Facts” were quickly subsumed within a larger political argument that almost guaranteed failure. Irving sums up the problem. “One of my criteria for energy policy is that it has to be science-based. I like to stick with the science. In theory, that helps us resolve these issues, but in practice, I’m not so sure.”

Further, regional economic realities tend to skew perspectives, for better or for worse, about the benefits of any given policy. “It’s very complicated to be able to apply a national policy and make it coherent when the natural resources and demand profiles are distributed unevenly across the country,” says Alvarez.
CLIMATE CHANGE

If policy planners must rely on the weight of science for information, then for their purposes global warming is a fact. A 2010 study conducted by the National Academy of Sciences shows that 97% of the 1,372 climate scientists polled agree with the Intergovernmental Panel on Climate Change position that, “[A]n increasing body of observations gives a collective picture of a warming world and other changes in the climate system.... There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.” Though some scientists dispute the data, no accredited national or international scientific organization does.

The American public is largely unaware of this consensus. Forty-nine percent of Americans believe “many scientists have serious doubts” about the evidence of global warming (VCU Life Sciences Survey, May 2010). Little wonder, then, that climate scientists do not trust the media (only 1% thinks that broadcast or cable television news is “very reliable”). Interestingly, the same survey showed that 64% of Americans believed global warming is a fact (75% of whom believed it was caused by humans).

Even so, the few climate scientists dissenting from the IPCC position could very well be right. Global warming might not be caused chiefly by human activity. It is not impossible that it represents only temperature fluctuations over a very long period of time, or natural variations in climate. Moreover, there are real differences of opinion, even among those who agree on global warming, about its intensity and urgency. Some believe we have reached a tipping point. Others aren’t so sure.

“Even if you accept that the earth is warming, that it’s predominantly due to human activity, and that warming is likely to continue, there is still a lot of uncertainty about how rapidly that will continue and how serious the harms will be,” says professor Jon Cannon, the Blaine T. Phillips Distinguished Professor of Environmental Law and director of the Law School’s Environmental and Land Use Law Program. “In a way, you’re managing risks for a future that’s not known. I think the appropriate response to that is to begin to shift away from fossil fuel in a way that doesn’t cause serious dislocations in the economy, say in the next 20–50 years, while adopting greener technologies. Making it a long-term proposition reduces some of the cost that you would otherwise incur by retiring existing facilities prematurely.”

It’s never a bad idea to plan for the worst case scenario. Improving efficiencies and developing new technologies can reduce demand, dependence on politically unstable sources of foreign oil, and greenhouse gas (GHG) emissions. At the same time, it could strengthen national security, open up new investment opportunities, and clean up the environment.

“I understand that the people who don’t believe that climate change is a problem are citing some of the panels and email traffic from England as a reason why climate change is allegedly a hoax and we don’t need to worry about it,” says Habicht. “But I think the evidence is pretty overwhelming that carbon is a problem, and there are a number of very cost-effective ways technology can reduce carbon. One of my mentors, Bill Ruckelshaus [the first Administrator of the EPA in 1970], made a comment about people saying there’s too much scientific uncertainty about global warming. He said, ‘That’s funny, the more expensive the solutions are, the more scientific uncertainty there is.’ I think the perception that the solutions are going to be costly and painful is just a recipe for more delay. There are steps that can be taken which are not ‘bet the economy’ gambles and which will accelerate deployment of valuable alternatives.”

“Once you get into the debate about whether there is or there isn’t [climate change], you can argue about that for a good long time,” adds Alvarez. “It turns into an argument that just seems endless. But I think we’re largely past that. Then the question is, how do you deal with it, not only nationally but globally? Let’s start first with our own backyard.”

It appears that the American public generally agrees. Polls show that 71% believe the federal government should “regulate the release of greenhouse gases … in an effort to reduce global warming.” (ABC/Washington Post, June 2010). Given the choice, more Americans give priority to environmental concerns over economic growth (USA Today/Gallup, May 2010). Sixty-six percent believe global warming will have a “serious impact” either now or in the future (CBS/New York Times, May 2010).

“In the most extreme possibilities, we run the risk of cascading harms that would be very difficult to absorb and manage,” says Cannon. “That’s enough for me to say, well, we ought to be doing something.”
GOING FORWARD

Carbon emissions from fossil fuels cause real damage to the environment and public health, but as a nation we have yet to put a price on those damages. How do we do that? A federal law would mandate a price per ton on carbon emissions from every fossil-fuel powered utility. The utility either pays the price for the emissions, or avoids it by reducing them. The immediate upside is cleaner energy. The downside is higher electricity rates, which over time should return to normal as competition with other sources increases.

If we don’t set a carbon price, there is virtually no chance to move forward on a comprehensive national energy policy. Setting a price would both acknowledge that carbon emissions are a problem and level the playing field for cleaner sources to compete. It is the linchpin of the issue, and where you will find the most disagreement.

There is also a question about our willingness to incur costs now for benefits that we can only realize decades later. “How capable are we as human beings of making present sacrifices to address uncertain future risks?” asks Cannon. “Looked at on a global scale, people feel a disjunction not only between present sacrifice and future gains, but also between what each of us can do as individuals and what would be required to make a real difference. Nation states might say the same thing.”

As it is now, the coal, oil, and natural gas industries enjoy another enormous price advantage not commonly known: U.S. government subsidies. From 2002–2008, they received $70.2 billion in direct subsidies and tax breaks. Subsidies to encourage development in the carbon-free renewable industry totaled just $12.2 billion. “The subsidies for fossil fuel production represent a kind of a reverse price incentive built into the system,” says Cannon.

On the other hand, individual states impose additional, significant taxes on the oil and gas industry that they don’t on other energy resources. For example, in Alaska, the oil industry pays a production tax that, along with other forms of oil payments to the state, fund 90% of state government general revenue. “Renewables, such as hydro and tidal, pay nothing in state taxes,” says Keithley. “A fair comparison between the resources should look at the tax treatment at all levels, not just at one, and should take into account that at least some of the federal tax treatment is driven by a desire to stimulate investment in the development of US oil and gas resources.”

“But for the uncertainty about the future course of carbon regulation, in the absence of a carbon price today, a new coal unit would be more economical than new nuclear,” says Irving. “However, one does not have to make aggressive assumptions about carbon pricing before the economics favor nuclear over coal.”
If past is prologue, we may never get to a national consensus on energy policy. The asymmetry of geographical, political, and economic factors may well fracture any attempt to do so. But that doesn't mean the situation is hopeless. On the contrary, those in the front lines, the utilities and the wind farm builders and the fuel cell researchers, see a growing market demand for clean and abundant energy. According to Habicht, “billions of dollars of investment money around the world are going into improving the performance of renewable energy and into issues like the smart grid and large-scale energy storage.”

For example, Habicht's company looks to invest in “enabling technologies” that are key building blocks of the new energy market: energy storage, energy efficiency technologies, and production technologies. They also invest in dramatically more efficient motors, for example those used in large buildings to move air in HVAC systems. Remember all the “rejected energy” shown in the Livermore chart? “You can save a lot of energy and a lot of money by using more efficient motors, as well as more intelligent building and electrical load management systems,” says Habicht. “In fact, I think the best source of clean energy is using less energy. That means reducing rejected energy, while getting the same benefit out of your lights or motors or appliances.”

A “smart grid” could use readily available technologies, which include metering and sensing technologies, telecommunications and computing technologies, so that utilities can more precisely manage their distribution systems. It could also accommodate more renewable energy sources—especially in a more complicated demand side with the growing popularity of EVs—by using highly sophisticated computers, servers, and telecommunications technologies. Managing the power more effectively and monitoring our use on a minute-by-minute basis will increase efficiencies.

Further, in an interesting case of federalism at work, the states, seeing no leadership from the federal government, are taking the lead themselves in setting mandatory “renewable portfolio standards (RPS).” These standards require utilities to either produce a certain percentage of renewable energy themselves or buy it from those who can. This forces a market for clean energy and attracts businesses to the state to provide it. So far, 29 states plus the District of Columbia have set these standards.

For example, when considering a wind farm project, Alvarez says his company looks first at the states with the strongest support for RPS. “Massachusetts, for example, requires load-serving entities to take some portion of their load in the form of renewable energy. If they don’t, they would become obligated to make an alternative compliance payment—in effect a penalty. That’s why, in addition to every megawatt hour of electricity that we generate in New England, we also create a renewable energy credit that has a market value tradable separately from the electricity. We can sell that credit to load-serving entities that need to fulfill their own RPS obligations, which would allow them to avoid a penalty payment.”

In other words, in spite of the national gridlock on energy policy, the market is moving where politicians fear to tread. The public sees the need. The states see the potential. The market sees the future.

Hydrogen cars are an excellent example of the market taking the long view. Right now, there are substantial barriers to commercial development of hydrogen cars. There is no distribution network for hydrogen fuel, no safe filling stations, gas meters, or fuel receptacles. It is a difficult gas to handle. Refill time is unacceptable to consumers. It can’t compete with electric or CNG. Nonetheless, Honda started developing the technology a decade ago. It now has a functioning (and quite attractive) hydrogen car, the FCX Clarity. It will be a long time, if ever, before the company realizes any profits from the venture. So why do it?

Baranowski recalls a deal he did several years ago representing a Columbus, Ohio franchisor and distributor of ice cream confections, Drumstick Company, that was being acquired by Nestlé SA, the international food conglomerate. The executives of the companies met in Geneva. Nestlé’s chairman explained that it might take 50 years for the wisdom of the Drumstick acquisition to become apparent. Baranowski looks at hydrogen the same way. “Fifty years from now,” he says, “our fossil fuels may be depleted and solar and wind may not provide sufficient capacity to meet requirements. Developing hydrogen now insures that we have a foothold in the uncertain future.”

The same entrepreneurial spirit is driving the market to develop better renewables, more efficient motors and grids, and environmentally sensitive production and consumption. Certainly, it is imperative that the nation find a way out of its political stalemate over energy policy. But in the meantime, the market is moving forward.
Lillian BeVier Ends Career at Head of the Class

When Lillian BeVier entered law school in California in 1961 she was one of five females in her class. By the time she finished teaching her last lecture at the Law School last semester, women made up nearly half of the first-year class.

BeVier—UVA’s first tenured female law professor—retired this year as one of the school’s best-known scholars and most-beloved teachers. She began teaching at Virginia in 1973, and spent 37 years building a career as a constitutional law and First Amendment scholar, and as an expert in property, intellectual property, and torts.

“Things have worked out very well for me,” BeVier said. “I’ve had a really good time. I’ve loved my years at Virginia.”

BeVier graduated from Smith College with a government degree, where she took and enjoyed a constitutional law course. When she graduated, “I knew I didn’t want to be an elementary school teacher, which is what a lot of us—we called ourselves ‘girls,’ then—did,” she said. “Law school was more of an experiment for me than a serious career move.”

One of five women in a class of 160 students at Stanford Law School, BeVier graded onto law review, as did three of her female classmates. (The fifth was next in line.)

“As an intellectual or academic exercise, law school was very, very different then than it is now. It was much more straight doctrine. There was no law and economics, there was no critical legal theory, there was no public choice theory—there was just no theory,” she said. “Moreover, there wasn’t nearly as much law then.”

While she was in law school the Civil Rights Act of 1964 was passed. Students spent hours trying to understand the meaning of Griswold v. Connecticut, a Supreme Court case striking down bans on contraceptives for married couples. Little did they realize it would be overtaken by Roe v. Wade eight years later.

“In the ’60s, the war on poverty and all of its associated government programs were just beginning to get underway. The idea was beginning to take hold that law could be the instrument of social change,” BeVier said. “There was a kind of awakening about the potential of law to transform society.”

But once she began looking for a job she found that parity for women was still far from many employers’ thoughts.

“When I was trying to get a job after law school, I had one law firm partner say to me, ‘We had a woman once, but she didn’t work out.’ Another said, ‘You should go to central California and hang out your shingle because they’re so desperate for lawyers that won’t care whether you’re a woman or not,’ BeVier remembered. “Somebody else said, ‘Well, we’d like to hire you to be our office manager.’”

Instead she found a job as an attorney for Stanford’s development office, where she helped the general secretary of the university manage the school’s first capital campaign. In that office, “I was always treated not just fairly but really generously.”
She then spent two years as a research assistant for Stanford law professor William Baxter, who eventually became head of President Ronald Reagan’s antitrust division at the Department of Justice, where he brought the antitrust suit that resulted in the dismantling of AT&T. They worked on a joint study between the American Bar Association and the Federal Aviation Administration on airport noise and the sonic boom, which was later published in the *Stanford Law Review*.

BeVier then worked for a small law firm for two years. She learned a lot and loved the people, but not the work. She took a break and asked her mentors at Stanford Law School for advice. They suggested that she consider teaching, and in fact, they told her, there was an opening at Santa Clara University Law School.

“I had never thought about teaching,” she said. “I applied for the job at Santa Clara and got it. So I entered teaching just because somebody suggested something to me that I had never thought about.”

In the few years since BeVier had graduated, female enrollment in law schools had grown considerably. Law schools suddenly were looking for female students, and an interest in female professors followed.

“It took a while for the number of women in law to reach a critical mass, so that when you were a woman in the law school you wouldn’t hear, ‘What’s a nice girl like you doing in a place like this?’”

BeVier said that Santa Clara was “a wonderful place to start my teaching career. The students and my faculty colleagues were just very good people,” she said. She realized she had found her calling in teaching law. “It’s a great job. It’s so much fun, and constantly challenging and interesting.”

Soon after she started at Santa Clara, the University of Virginia faculty asked her to visit for a year, and though she was new to the all-male ranks, she found a welcoming atmosphere.

“I must have seemed like a very strange person to the people in Charlottesville—I was a woman, I wanted to be a law professor, I was divorced, I had two kids, I drove a ’68 Chevy Camaro convertible. But they were so nice to me,” she said. “I must have been invited to dinner at every single faculty member’s home—and to play tennis, and go to football games, and do things with the kids. Everyone was just spectacularly gracious to me.”

It wasn’t until a male colleague visited her classes as part of the review process for her post becoming permanent that she realized her teaching experience was shaped somewhat by her gender. He said, “I don’t know how you stand it.” He said, “They’re just gunning for you all the time.” BeVier had thought the atmosphere was due simply to the adversarial nature of law classes.

BeVier said that many things have changed at the Law School over her years of teaching, including the way many professors taught their courses. Legal theory exploded during this time period. “The theories kind of gave you a new way of organizing and understanding and framing the doctrine that you were teaching. It just made it more fun, more interesting, more challenging,” she said.

And while the Law School has grown in the number of students, faculty and staff since 1973, BeVier has been pleased to see other changes as well. “We now have a much more diverse, enriched curriculum,” she said. “The student body has many more women, and there is more racial, ethnic, and philosophical diversity in both the student body and the faculty.”

BeVier was the only full-time female faculty member at the Law School for nine years, and during that time she felt some pressure to be a role model for all women. “One woman and the choices she makes and how she lives her life just can’t be a role model for all women,” she said. “If you look at the women faculty members now, there are all kinds of lifestyles and choices represented, and students can see that there are all kinds of possibilities open to them.”

BeVier said she was pleased at the progress female professors have made in proving their value. “I remember that there were people when I was hired who just basically thought—it was their firm conviction—that women could not do this job. They truly thought women were just intellectually, emotionally, physically and in every way incapable of doing it. I think we’ve proved them wrong.”

BeVier has published two books, numerous book chapters and more than 40 articles, including one forthcoming piece in the *Virginia Law Review*, co-written with Professor John Harrison, about the state action principle in American constitutional law.

She has also racked up a number of scholarly honors, including serving as a visiting scholar at the National Constitutional Center in Philadelphia, receiving the UVA Alumni Association’s Distinguished Professor Award, and receiving the faculty Raven Award from the Raven Society.

“That was the most wonderful thing that’s ever happened to me,” she said of the Raven Society award, because the nominations came from both former and current students and from faculty colleagues.
Professor Elizabeth Magill ’95 took two of BeVier’s courses when she was a student. As a scholar, “I think she’s best known for arguing long before other people thought it was so, that campaign finance regulation had First Amendment implications and that it could be, and should be, seen as relevant to people’s exercise of basic political rights,” Magill said. “The Supreme Court has come closer to that view lately.”

BeVier almost had the opportunity to take her role as a legal scholar to the next level in 1991, when she was nominated by President George H.W. Bush to be a judge on the U.S. Court of Appeals for the Fourth Circuit. Her nomination, along with several others—including now-Supreme Court Chief Justice John Roberts, who was nominated at the time for the D.C. Circuit—stalled when Bush’s popularity began to decline. Neither she nor Roberts ever got a Senate Judiciary Committee hearing, and their nominations lapsed when Bill Clinton took office in 1993.

“That’s more than OK,” BeVier said. “I have loved my time [at the Law School] since then even more than I loved it before.”

Around that time, with her children grown, BeVier began a new venture in public service. She volunteered with the local Martha Jefferson Hospital, and has since served on the hospital board and the Martha Jefferson Health Services Board.

“I’ve loved working with Martha Jefferson Hospital. I’ve become very engaged with the hospital, and have gotten to see and to learn about many different facets to a truly daunting and challenging business,” she said.

She also served on the boards of St. Anne’s-Belfield School, and of Piedmont CASA (Court-Appointed Special Advocates). Over the years she served as a faculty advisor for the Federalist Society, and is now on the national board of visitors of the organization.

“I think the Federalist Society is a great organization that’s made a real contribution in terms of bringing a whole set of ideas into law school that were not part of debate before,” she said.

She was nominated by President George W. Bush to serve on the board of the Legal Services Corporation, where she served as vice-chair until 2009.

“LSC administers federal funding to legal services programs throughout the nation. BeVier’s spirit of community service also permeated her role at the Law School, from participating in workshops to welcoming new faculty by inviting them to lunch or dinner, Magill said. BeVier has hosted thousands of students in her home, and hundreds of faculty members.

“She’s the standard-bearer for what we think of as the best part of our community,” Magill said. “I don’t think there’s anybody who holds a candle to her.”

Professor Leslie Kendrick ’06 took Property Theory from BeVier during her final year in law school. “I think by the time I graduated I had been to her house no less than five times with different student organizations because she’s just the kind of person who’s involved with the students and is nice enough to throw her home open on a regular basis,” said Kendrick, who called BeVier a valued mentor. “Institutionally, she’s at the hub of both student life and faculty life.”

Kendrick said BeVier stands out as a teacher as well. “Nothing ever seems old or stale or boring when Lillian is talking about it because you get the feeling it’s not old or stale or boring to her. And people just come alive in response to it,” said Kendrick, who has co-taught two classes with BeVier.

In recent years, several of BeVier’s students have gone on to clerk for the Supreme Court, including Jamie McDonald ’07, who is now clerking for Chief Justice Roberts. Few can match the level of enthusiasm BeVier brings to her classrooms, McDonald said. “What I will always remember about her is the intellectual seriousness she brings to every session—whether it’s a formal class meeting or an informal conversation. That means that Professor BeVier asks a lot of her students. She expects them to work through difficult issues, to question conclusions—sometimes even firmly held convictions—and to settle on final answers only after careful, exacting and thorough legal analysis.”

BeVier said she is going to miss the students the most.

“In addition to being smart and talented, they just have this kind of sense of community and collegiality and liking one another that’s a lot of fun to be a part of,” she said. “Even just walking into a classroom you’re about to teach, they’re just bubbling all over and laughing together and having such a good time. It’s a wonderful atmosphere to teach in.”

BeVier was surprised on her last day of teaching class to find a crowd of faculty and students applauding outside her door as she exited the room. “I’ve had a great send-off,” she said. “That’s the kind of thing that makes this school so wonderful. And of course I’m going to miss my colleagues—I’m going to miss my life—how could I not? I’m not going to miss grading exams and, you know, it’s time to try something else. I’ve never been just a person before.”
MUTUAL FUND REGULATION | Rob Seal

Business Law Scholar Joins Faculty

John Morley, a business law scholar with a focus on mutual fund regulation, joined the Law School faculty in July.

Morley was previously an associate research scholar at Yale Law School and John R. Raben/Sullivan & Cromwell Executive Director of the school’s Center for the Study of Corporate Law. At the Law School he is teaching Trusts and Estates, and Securities Regulation, as well as a course on business associations. “I’m particularly excited about working with UVA students,” Morley said. “UVA students have a reputation for being incredibly bright and intellectually engaged, but also for being personable and friendly.”

Morley majored in economics at the University of Utah and graduated from Yale Law School in 2006. Afterward, he spent a year practicing corporate and securities law at Covington and Burling in New York. He spent much of the past two years researching the regulation of mutual funds, and has completed two papers on the topic, with a third in the works. The first, which was co-authored with Quinn Curtis and will be published in the Yale Law Journal, argues that mutual funds are unlike conventional companies and are not well served by the current regulation system, which requires shareholder governance.

The mutual fund industry holds about $12 trillion in assets, which makes it comparable in size to the commercial banking industry, but regulations have remained largely unchanged since around 1940 and often ignore the realities of the modern mutual fund industry, Morley said. Current mutual fund regulations are similar to those governing conventional companies, which require a degree of shareholder governance. Though shareholders in traditional companies can sell their shares, the underlying value remains invested in the company.

As a result, shareholders in conventional companies have an interest in making sure the companies are governed properly; poor company operation results in declining stock value, Morley said. In contrast, shareholders in open-end mutual funds can redeem their shares directly for cash, and therefore don’t vote or become active in fund governance.

“The reason is that if you don’t like what’s going on in a mutual fund you can just take your ball and go home,” Morley said. “You take your money out and that’s that.” This causes mutual funds to resemble consumer products more than ordinary companies, he said. “Just as I can sever my relationship with a manufacturer of auto tires or breakfast cereal by refusing to buy its products, I can sever my relationship with the managers of a mutual fund by pulling my money out.”

This means that mutual funds should be regulated like products rather than like companies, Morley said, as it does no good to give shareholders voting rights or other rights to participate in fund governance. There’s never been a vote contested by shareholders in an open-end mutual fund, he said.

“The more sensible way of regulating mutual funds is to impose regulations that apply automatically rather than requiring shareholder involvement to trigger them,” he said.

Morley also wrote an article on the historical origins of the current mutual fund regulatory and tax regime. The prevailing wisdom for a long time was that the regulations that now differentiate mutual funds from hedge funds—such as limits on mutual funds’ ability to borrow and to exercise influence over the companies in which they invest—originated with populist forces in the Roosevelt administration that were opposed to Wall Street.

“But it turns out that these regulations were mostly sought by the mutual fund industry itself,” Morley said. Many of the current regulations’ key features—which originated between 1935 and 1940—were created at the behest of a handful of large Boston funds, he said.

“Many of the choices made in 1940 have deeply affected the way the world works today,” he said. “For example, an arbitrary decision was made by a handful of funds in Boston to ask for sharp limits on mutual funds’ ability to borrow money. But nobody anticipated the emergence of hedge funds that would become super-leveraged, like we see today. And the limits on borrowing in mutual funds helped to produce the strange capital structure that made money market funds unstable during the financial crisis of 2008.”

Morley is also working on an empirical study of excessive fee litigation in mutual funds, and said he has scholarly interests in household finances, trusts and estates, securities regulation and financial institutions.
Law and Economics Expert Joins Faculty

Law and economics expert Jason Johnston, whose scholarship has examined subjects ranging from natural resources law to torts and contracts, joined the faculty this summer.

Johnston was Robert G. Fuller, Jr. Professor of Law at the University of Pennsylvania Law School and director of the school’s Program on Law, Environment and Economy. He holds a J.D. and a Ph.D. in economics from the University of Michigan.

“Virginia has a great and continuing law and economics tradition, and a superb faculty in general. I’m really excited about helping to contribute to that tradition and build upon it,” Johnston said.

Johnston will continue to teach courses in contracts, law and economics, and natural resource law and economics, and hopes to add a course in global warming law and policy. He is currently in the midst of a series of articles and a book on global warming policy. That project has in turn generated a series of forthcoming articles that apply economics to analyze the incentives for regulatory science created by alternative regulatory institutions.

“One thing made perfectly clear by the recent Climategate scandal and the loss of credibility it has caused for the Intergovernmental Panel on Climate Change is that careful institutional design is the key to credible, unbiased assessment of regulatory science—meaning science that is produced to inform and guide regulatory policy,” Johnston said.

In addition to these public law and regulatory topics, Johnston is at work on a series of articles on design and enforceability of standard form consumer contracts.

“One of the reasons I’m excited about the move to Virginia is that it will give me the chance to once again do more general work in law and economics, and one of the most important areas of such general work is that dealing with the behavioral impact of different sorts of consumer contract terms,” he said. “Current policy proposals from Washington are animated by the belief that the recession of 2008 occurred in large part because consumers signed mortgage contracts that they didn’t understand. A rough look at the data suggests otherwise—that it was macroeconomic policy, in particular the unprecedentedly easy monetary policy pursued from 2002 until 2005—that caused an adaptive change in consumer borrowing behavior. But this question—bad contracts or bad monetary policy?—needs to be subjected to much more sustained and rigorous theoretical and empirical inquiry.”

After earning his degrees at Michigan, Johnston clerked for Judge Gilbert S. Merritt of the Sixth U.S. Circuit Court of Appeals. He taught at Vanderbilt Law School before joining Penn’s faculty.

Johnston has served on the board of directors of the American Law and Economics Association and on the National Science Foundation’s law and social science grant review panel. He won Penn Law’s Robert A. Gorman Award for Teaching Excellence in 2003.

“This is a really important time in the United States for natural resource law,” Johnston said, as dozens of new water infrastructure projects are in the works in the western United States.

“We haven’t had major new water projects in the U.S. since the late 1960s,” Johnston said, adding that such large-scale government building projects helped fuel the environmental movement at the time. “People thought they were gone, but they’re back.”

And ironically, developers have justified such projects as needed to cope with more frequent drought predicted as a future consequence of global warming. “If these new water projects happen out West, they will have enormous environmental consequences, and yet they seem to have been overlooked by many traditional environmental groups because of a sometimes hysterical concern about global warming,” he said.

Johnston said applying economic principles to areas like environmental law helps make better public policy. “If the law doesn’t create the right incentives, then it won’t improve our decisions about natural resources management, it won’t decrease pollution in a way that the laws are intended to do,” he said. “There’s a very big gap oftentimes between what the law says people should do and what they are going to do, and I think that gap exists because there hasn’t been rigorous attention paid to the incentives created by the law.”

And the same principle applies to consumer protection law. “There you need a model and some evidence—and much more than just experimental evidence—about what consumers actually do and how they respond to different contract terms before you start redesigning contracts used by credit card companies and banks.”

Johnston said he is excited to bring these topics to classes at Virginia.

“Having taught at UVA Law when I visited some years ago, I know that UVA students are talented, enthusiastic, and really love the Law School. This is really important to me, because it is talented and committed students who make teaching so rewarding.”
Legal discussion has focused on the local policing. While most of the recent Arizona immigration law, which discusses the effect of the entitled “Immigration Policing, “BARBARA ARMACOST ’89


has completed work on an article entitled “Immigration Policing,” which discusses the effect of the recent Arizona immigration law, and others like it, on state and local policing. While most of the legal discussion has focused on the question of whether state immigration enforcement is preempted by federal law, she asks a different question: What is the effect of immigration policing on the nature of state and local law enforcement?

Armocost argues that state immigration laws (and 287(g) agreements that deputize state and local officials to enforce federal immigration law) have changed the face of policing in destructive ways. Unlike federal enforcement, which targets criminal aliens, state and local immigration policing targets illegal immigrants who are otherwise law abiding, for example, by using traffic stops to check immigration status. Armocost argues that this kind of enforcement not only contravenes federal immigration priorities, it also threatens the widespread success of community policing, undermines public safety, and foments racial tension.

Armocost has also been invited to write a chapter for a forthcoming book entitled, The Bible and the Law, to be co-edited by Professor Robert Cochran, the Louis D. Brandeis Professor of Law and Director of the Nootbaar Institute on Law, Religion and Ethics at Pepperdine University School, and theologian Dr. David VanDrunen, Professor of Systematic Theology and Christian Ethics at Westminster Seminary California. The book is a collaboration between legal academics and theologians that will explore the intersection between biblical theology and law.

In April Armocost delivered the Kamm Memorial Lecture on Law and Society at Wheaton College. Her lecture, entitled, “The Lawyer as Kingdom Citizen in an Age of Terror,” explored the justifications for torture from the perspective of Christian theology.

In his role as chair of Virginia’s Commission on Mental Health Law Reform, RICHARD BONNIE ’69 appeared before the General Assembly’s Joint Commission on Health Care on September 7 to describe the commission’s progress over the past year and to highlight its legislative agenda for 2011. On the same day, in his role as chair of the Virginia College Mental Health Study, Bonnie presented key findings from a survey of Virginia’s colleges and universities regarding their students’ access to campus mental health services and their policies and practices for responding to students’ mental health crises. A week later, the Virginia Supreme Court recognized Bonnie for his “outstanding service” to the Commonwealth.

In June Bonnie was appointed to serve on a committee of the National Research Council conducting a two-year study of juvenile justice. He presented remarks on gun control at the University’s Batten School of Leadership and Public Policy in August. In October he spoke on tobacco policy at the Fourth Triennial Conference on Tobacco Control convened in Memphis by the National Association of Attorneys General under the 1997 Master Settlement Agreement. Bonnie will speak on the death penalty at a criminal justice conference at Vanderbilt Law School in December.

His recent publications include the third edition of his Criminal Law casebook (with professors Ann Coughlin, John Jeffries ’73, and Peter Low ’63) and articles on the effects of access to community mental health services on hospitalization rates in psychiatric services and on whether a personality disorder should qualify as a mental disease in insanity adjudications in the Journal of Law, Medicine and Ethics.

In May MARCO BAGLEY presented “Informal Innovation” at the International Association for the Advancement of Teaching and Research in Intellectual Property Congress in Stockholm, Sweden. She was visiting professor teaching an intensive course in international patent law & policy at Singapore Management University in June. In September Bagley was a panelist on “Patent Scope Revisited: Merges & Nelson’s ‘On the Complex Economics of Patent Scope,’ 20 Years After” at the Maurer School of Law, Indiana University, in Bloomington. In November she will present “The International Patent System” to officials from the State Intellectual Property Office of China at an intensive training program at Cardozo Law School, Yeshiva University, in New York. Finally, Bagley will present “The International Patent System” at the Developing IP Strategies for Crystalline Forms Conference in London in December.

Whitley Broome has been selected by his peers as a “Super CPA” in the educators category in Virginia Business magazine. In cooperation with the Virginia Society of CPAs, the magazine polled thousands of Virginia CPAs for nominations of fellow professionals they consider the very best in 12 practice categories.

In September, Darryl Brown ’90 presented “Criminal Law Theory and Criminal Justice Practice” at a University of Alabama School of Law workshop. In October he spoke on the topic of indigent defense and criminal justice at a symposium entitled “The Constitution in 2020: The Future of Criminal Justice,” sponsored by Florida State University College of Law and the American Constitution Society and held in Tallahassee. In January he will present a paper at a symposium on “Criminal Law and Immigration Law” at UCLA Law School sponsored by the UCLA Law Review.


Garrett presented draft chapters from that book in a summer workshop at UVA, and also at a workshop at George Washington Law School in October. He gave a presentation on the role of lawyers in wrongful convictions at a National Institute...
GEORGE GEIS wrote a paper entitled “An Appraisal Puzzle,” that will appear in the *Northwestern University Law Review*. This paper focuses on recent developments in appraisal voting under Delaware law and explores some implications for corporate mergers and acquisitions. Geis has also written a chapter on organizational contracting for a book on law and economics to be published in South Asia. He has given talks recently at the Southeastern Association of Law Schools in Palm Beach, Fla., and at a conference on entrepreneurship at the University of Florida. Geis continues to direct the Law School’s Law & Business Program and will be teaching a short course on corporate finance next spring at the University of Auckland in New Zealand.

MICHAEL GILBERT wrote “Direct Democracy, Courts, and Majority Will,” which appeared in the *Election Law Journal*. He also coauthored, with Robert D. Cooter of University of California-Berkeley, “A Theory of Direct Democracy and the Single Subject Rule” and a “Reply to Hasen and Matsusaka,” both of which were featured in the *Columbia Law Review*. He is presently working on a paper on judicial selection methods with an emphasis on the question of whether and when electing judges improves social welfare.

A. E. DICK HOWARD ’61 shared the platform with Supreme Court Justice Stephen Breyer at the plenary session opening Oxford University’s North American Reunion in New York. Their subject was “Magna Carta at 800,” anticipating the anniversary that will occur in 2015. Howard has written extensively on the Magna Carta and its legacy in American constitutionalism.

In May RISA GOLUBOFF presented “People out of Place: The Sixties, the Supreme Court, and Vagrancy Law” at the Public Law Workshop at the University of Chicago Law School.

She was an instructor, with Aviam Soifer, dean of Hawaii Law School, at a summer seminar at the Institute for Constitutional History teaching The Economic Constitution: Coercion or Necessity? She also published “Dispatch from the Supreme Court Archives: Vagrancy, Abortion, and What the Links Between Them Reveal About the History of Fundamental Rights,” in the *Stanford Law Review*.

This fall Goluboff presented “From the Soapbox to the Courthouse: Vagrancy Law and the Repression of Free Speech” at a Harvard Law School Legal History Workshop. At the American Society for Legal History Annual Meeting she commented on “Before Roe v. Wade” by Linda Greenhouse and Reva Siegel.

In December she will present a talk on the history of vagrancy law at the Michigan Law School Constitutional Law Workshop.

DOUGLAS LAYCOCK spoke on the First Amendment Religion Clauses at the University’s Constitution Day celebration, in the Harrison Small Auditorium; and “RLUIPA 10 Years Later” at a program of the American Constitution Society, in Washington, D.C. (RLUIPA is the Religious Land Use and Institutionalized Persons Act, enacted in 2000.) Laycock was also elected a trustee of the Michigan State University College of Law. The MSU Law School is a private institution with its own board, closely integrated with the public university but still separate from it.

In October Laycock spoke on “Persuasion in Religious Freedom Cases” at a conference on Persuasion and Ideology.
Politically Divisive Cases in Appellate Courts at the Michigan State University College of Law; and "Rights, Remedies, Privileges, and the Defense of Undue Hardship" at a conference on property, tort, and private law theory at the University of Southern California. In November he spoke on “The Cross in the Desert” at a conference on government speech at Case Western Reserve University.

This summer DAN MEADOR participated in a panel discussing proposals for restructuring the Supreme Court at the annual meeting of the Southeastern Association of Law Schools in Palm Beach, Fla.

Last October the National Academies Committee on Science, Technology and Law celebrated its first decade with a celebratory dinner for departing co-chairs RICHARD A. MERRILL and Donald Kennedy (former FDA Commissioner and President of Stanford). As CSTL founding co-chairs, Merrill and Kennedy took what began as an ambition to establish a dialogue between scientists, engineers, and members of the legal community and transformed it into a vibrant committee that has issued reports of national importance and convened workshops and other discussions that have influenced government policy. Over a decade they oversaw a program of published reports, symposia, public debate, and recommendations to Congress, the executive branch, and the courts on issues that involve science, law, and public policy.

In January Merrill submitted an essay titled “FDA Rulemaking” to the annual meeting of the food drug and cosmetic law section of the New York State Bar Association. In April he delivered the Harvey Wiley Lecture at the annual meeting of the Food and Drug Law Institute, the leading organization in the field. The lecture discussed government regulation of food, drugs, and related health products. The lecture is in recognition of the instrumental role that Dr. Wiley played in the creation of FDA nearly a century ago.

This fall GREG MITCHELL discussed expert opinions on unconscious bias in employment class actions at the Littler Mendelson Class Action Summit in Rancho Palos Verdes, Calif. He contributed to Vanderbilt Law Review’s online discussion of the significance of Dukes vs. Wal-Mart and the need for Supreme Court review of the case. He discussed proactive approaches to reduce the risk of employment discrimination liability at the American Employment Law Council annual meeting in Naples, Fla., and discussed the role of the states in marriage decision-making at the Michigan State University Law School’s symposium on reforms to marital law.


JOHN NORTON MOORE continues to undertake a variety of scholarly pursuits in addition to his full teaching schedule. As director of the Center for National Security Law, he is especially pleased to announce the release of an important new book, Legal Issues in the Struggle Against Terror (Carolina Academic Press, 2010) which was produced by the center. This collection of essays on key legal issues facing America post 9/11 is co-edited by Moore and Robert F. Turner ‘81, S.J.D. ’96 and features a foreword by James Woolsey, the former director of Central Intelligence. It also includes a chapter by Moore on civil litigation against terrorism. In May 2010 the center hosted a day-long book event announcing its release at the National Press Club in Washington, D.C., and several of the contributors presented versions of their papers, with Woolsey delivering the luncheon address.
In October Moore traveled to Mexico City to provide the opening keynote address at the First International Seminar on National Security Law sponsored by CISEN (Center for Research and National Security/ Centro de Investigación y Seguridad Nacional - México). He spoke on “Intelligence Law.”

The Center for National Security Law is one of the co-sponsors of the ABA’s Annual Review of the Field of National Security Law. The 20th Annual Review took place in Washington, D.C., November 4–5. Moore gave the opening remarks and moderated a panel on targeted killing and the use of unmanned aerial systems.

The Center for Oceans Law and Policy (COLP), which Moore also directs, is in the early planning stages for the center’s 35th annual conference, scheduled for Bali, Indonesia, in June. The featured topic is “Maritime Border Diplomacy.”

Moore is also pleased to announce the publication of Changes in the Arctic Environment and the Law of the Sea (Martinus Nijhoff, 2010) which is a collection of papers from the 34th COLP conference held in Alaska in 2009. The proceedings volume is co-edited by Myron H. Nordquist ’77, Moore, and Tomas H. Heidar, and was produced under the auspices of the Center for Oceans Law and Policy.

Moore is the chair of the 2011 Sokol Colloquium Committee and planning is underway for this April event at the Law School.

In April, Margaret Foster Riley presented “A View from Academia: To SCRO or not to SCRO” Stem Cell Ethics and Justice Issues, The Role of Institutional Oversight” at a panel on cell-based therapies during the Food and Drug Law Institute annual meeting in Washington, D.C.; and in May, “Ethics in Biotechnology: Genetically Engineered Animals” at the BIO annual meeting in Chicago.

In September Riley presented “Sharing Results with Participants in Large-Scale Genomic Studies: Pitfalls, Perils and Possibilities” at the GARNET Working Group, National Institutes of Health, in Rockville, Md.


In March Mike Ross ’77 taught the practical mergers & acquisitions seminar that he taught from 2000-08 at the Law School at Peking University’s School of Transnational Law in Shenzhen, China. The school is the only one that offers Chinese students in China a U.S. J.D. Kevin Kordana taught a seminar on non-profits there in June.

In April, John Morley’s article, “Taking Exit Rights Seriously: Why Governance and Fee Litigation Don’t Work in Mutual Funds” appeared in volume 120 of the Yale Law Journal in October.

In October Schauer taught a short, intensive course on theories of legal reasoning at the Faculty of Law, University of Western Ontario, London, Ontario, Canada.

In November he delivered the David C. Baum Memorial Lecture on Civil Rights and Civil Liberties at the University of Illinois College of Law on the topic of transparency. The written version will appear in the University of Illinois Law Review. He gave the keynote address, “McAuliffe Revisited,” at a conference on government speech at Case Western Reserve University School of Law.

In December Schauer will teach an intensive course on the theory and practice of legal reasoning at the Radzyner School of Law, Interdisciplinary Center Herzliya in Herzliya, Israel.

In January his review essay entitled “The Best Laid Plans” will be published in the Yale Law Journal, and The Theory of Rules by Karl Llewellyn, edited and with an introduction by Schauer, will be published in spring by the University of Chicago Press.

In February he will deliver the John Randolph Tucker Lecture at the Washington and Lee School of Law on the topic of “The Unnoticed World of Appellate Fact-Finding.” The written version
will be published in the *Washington and Lee Law Review*. He will also present a paper on "The Authority of Judicial Decisions in the Obama Administration" at the Conference on Constitutional Transformations at the Marshall-Wythe School of Law at the College of William and Mary.

Next March he will present a paper, "Comparative Constitutional Compliance," at the George Washington University Colloquium on Comparative Constitutional Law.

**GIL SIEGAL** (with Neomi Siegal) published "Leadership and the Road to Personal Responsibility to Healthy Behavior—Between Autonomy and Paternalistic Interventions" in *Personal Responsibility* (ed. Bruce Rosen et al. 2010). In March 2011, Siegal will be the director of an international seminar on "Genetics, Ethics & the Law" at the European Genetic Foundation in Bologna, Italy.

**CHRIS SPRIGMAN** has an article coming out in the December issue of *Cornell Law Review*, titled "Valuing Intellectual Property: An Experiment." He has a follow-up article coming out shortly thereafter in the *University of Chicago Law Review*, titled "The Creativity Effect." He is now working on a book on intellectual property law, slated to be published by Oxford University Press in 2011.


White delivered the Hendricks Legal History Lecture, “Recovering the Legal History of the Civil War” at Washington and Lee Law School in October. In April he will deliver the opening address at a conference at Pepperdine Law School, “Supreme Mistakes,” reviewing notorious decisions by the Supreme Court of the United States.

**PAUL STEPHAN ’77** is spending the semester as the Justin D’Atri Visiting Professor of Law, Business and Society at Columbia Law School. During the fall, he will present a paper on the political economy of extraterritoriality at Duke Law School, and at Columbia he will deliver a paper on privatizing international law.

**GIL SIEGAL** (with Neomi Siegal) published "Leadership and the Road to Personal Responsibility to Healthy Behavior—Between Autonomy and Paternalistic Interventions" in *Personal Responsibility* (ed. Bruce Rosen et al. 2010). In March 2011, Siegal will be the director of an international seminar on "Genetics, Ethics & the Law" at the European Genetic Foundation in Bologna, Italy.
JOHN LOESEL and his then three-and-a-half month old daughter, Hollyn, Law School Class of 2035, at graduation.
1936
GEORGE SEWARD turned 100 on August 4. He continues to follow a regular schedule of work, commuting from his home in Scarsdale, N.Y., to the Seward & Kissel office in Manhattan. Seward’s career was highlighted in the New York Times’ City Room Blog in a July 30 post, “Hitting the Century Mark, and Still Behind His Desk.”

1948
WALTER HERBERT MORSE passed away at home on June 7 in Amherst, Va., at the age of 90. He was the husband of Elvira Whitehead Morse. Born in New York City on February 4, 1920, he attended Hackley Preparatory School and Princeton University. He received law degrees from the University of Virginia and George Washington University and was a member of the bars of Connecticut, D.C., and Virginia.

Morse served in Naval aviation in WW II from 1942–46, and in the Naval Air Reserve from 1951–68. He retired with the rank of Captain. He was general counsel of the Defense Communications Agency. In this position he received the Department of Defense Exceptional Citizen Service Award. Later, he was general counsel of the Selective Service System for which he received their Distinguished Service Award. He retired in 1980 as Washington counsel for RCA Global Communications. He was a member of the committee responsible for establishing the law school at George Mason University. Morse served on a number of boards involved in community and local affairs as well.

1949
STANLEY SCHENBAUM received the Partnership for Philanthropic Planning’s Professional Advisor Award in May in recognition of his advising clients with respect to achieving Exceptional Citizen Service Award. Later, he was general counsel of the Selective Service System for which he received their Distinguished Service Award. He retired in 1980 as Washington counsel for RCA Global Communications. He was a member of the committee responsible for establishing the law school at George Mason University. Morse served on a number of boards involved in community and local affairs as well.

1950
NANCY SMITH SELLERS, a noted expert in tax and probate law, passed away at her home in Murfreesboro, Tenn., on June 1 at the age of 82. She was the first woman to practice law in Murfreesboro, and until 1977 she was the only one. Her distinguished law career spanned 57 years.

When Nancy Smith attended the University of Tennessee in the 1940s, students could take classes in law at the same time they took undergraduate-level classes. By the time she graduated with a B.A. she had one year of law school to her credit. Her father, who was a lawyer, told her that if she wanted to practice law in the South she should attend the University of Virginia.

Nancy Smith graduated from the University of Virginia Law School on June 12, 1950, and was married the same day to William T. Sellers ’50 in the chapel on campus. She and her husband joined her father in practice and established the Smith & Sellers law firm in Murfreesboro, Tennessee, and were later joined by two of their sons, Ted and Ewing Sellers. Their daughter, Cindy Sellers, practices law in Nashville with Bass, Berry & Sims.

In 2001 Nancy Smith was honored at an event to celebrate Fifty Years of Pioneers: Early Women in the Law, co-sponsored by the Lawyers Association for Women and the Tennessee Bar Association. The dinner marked the end of a research project to discover what it was like for women who practiced law in Tennessee in the first half of the last century. According to the study, women entered law for many different reasons, and though few noted outright discrimination from professors, classmates, or colleagues, a number of stories revealed that women were sometimes seen as taking up slots in law school that could be put to better use by men. Women who studied law were sometimes seen as something other than “ladies,” and even if they proved themselves they might not be taken as seriously as men.

The first time Nancy Smith Sellers appeared in court for a divorce case, the judge intended to hear her case first, which would have been out of order, but she said she didn’t want preferential treatment, and waited her turn. “I have never felt like I should receive preferential treatment,” she once said, “but only equal treatment from my fellow lawyers and judges, and I think that I have.” At the same time, looking back, she mused that as a young lawyer she might have been a bit too naïve to detect discrimination in her profession. — REBECCA BARNES
their goals in charitable giving. He has practiced law in the tax and estate fields in San Antonio, Tex., for 52 years, after five years with the office of chief counsel for the Internal Revenue Service in Atlanta and Washington, D.C. He founded Schoenbaum, Curphy & Scanlan in 1974, whose name partners are all still active.

1957

BERTRAM SHAPERO is a tax practitioner representing people before tax agencies in several states. He lives in Palm Beach County, Fla. His older brother, the Honorable Walter Shapero, is a member of the class of ’54.

JOHN MERCHANT was inducted into the National Black Golf Hall of Fame on March 27 in Tampa, Fla. In 1992 he became the first black member of the executive committee of the United States Golf Association and served for three years.

Merchant was the first black graduate of the Law School. When his daughter, Susan B., Merchant received her J.D. in 1994, she became the first black legacy at the Law School. Susan’s classmates invited John to deliver the commencement address to her class, an honor he was happy to accept.

In 1987 Merchant helped establish the Walter N. Ridley Scholarship Fund to encourage black alumni from throughout the University, and others, to provide financial help to black students entering the University. After more than 40 years as a general practitioner, Merchant enjoys retirement in Connecticut, where he is writing his autobiography.

1959

There’s something about the sound of metal taps hitting a floorboard that tends to make people smile. Most of us can’t help but wonder how tap dancers can be so coordinated. But ROBERT BOHANNON has mastered the art of making it look easy. He didn’t mean to get so good at it—at first, anyway. He was minding his own business, taking piano lessons at an arts center near his home in Virginia Beach, when his teacher said to him in no uncertain terms, “We need a man in the tap dancing group. You can learn here.”

He was game, at least to try it, since they really did need someone. It wasn’t something he took to right away, but he persisted in a good-natured way. Thirteen years later, he has it down. “Some of the steps are pretty difficult,” he says. “It’s like the law—you have to practice!” And practice he does. Constantly.

His calendar is filled with volunteer performances with his group, the Lakewood Dance and Music Tap Club of Norfolk. They go to retirement communities, convalescent centers, and churches, as well as larger venues, including Norfolk’s Harrison Opera House. Bohannon dances every week with about 30 women. He credits his choreographer, Chris Petteway, for much of his success. He has a Charlie Chaplin and Gene Kelly routine and performs a smooth Fred Astaire number, “Top Hat,” but it’s his Elvis routine that really rocks the crowd. To get into the role he dons a body suit and a wig. “The costume makes me look 20 years younger,” he says. “I’m the age Elvis would be if he were alive today.” He taps “Blue Suede Shoes” while strumming a guitar and lip-synching the words. Now that’s coordination. — REBECCA BARNES

1961

PAUL H. HARDY, 73, of Clearwater, Fla., passed away May 29. He was born in New York and moved to Florida in 1973. A graduate of the University of Pennsylvania and the Law School, Hardy devoted nearly 50 years to the practice of law with an emphasis on maritime and admiralty matters, in Philadelphia, Washington D.C., Tampa and Orlando.

Six months after the death of his wife, Jacqueline Carter, from breast cancer in 2000, Hardy retired from the active practice of law while remaining of counsel to Akerman Senterfitt.

In addition to the Pennsylvania, Florida and American Bar Associations, he was a member of Delta Kappa Epsilon fraternity, the Maritime Law Association of the United States, the Miami Maritime Arbitration Council, and an advisory editor of the Tulane Maritime Law Journal.

1963

CHRISTOPHERS “KIT” BOND

U.S. Senator for Missouri, received the Henry Shaw Medal from the Missouri Botanical Garden in August. The medal honors those who have made a significant contribution to the objectives of the garden, including its work in sustainability, botanical research, horticulture, and education.

Bond is a leader in promoting plant research, and he was the first U.S. Senator to support investment in plant biotechnology research at the National Science Foundation. Through his efforts the garden has received federal funding for science and conservation initiatives, including construction of a world-class herbarium, botanical library, and research facility for scientists. He lives in Mexico, Mo., where he tends several groves of trees he planted himself.

WILLIAM R. RAKES

was awarded the 2010 Frank W. “Bo” Rogers Jr. Lifetime Achievement Award by the Roanoke Bar Association at a gala celebration held May 21. Rakes is a partner with Gentry Locke Rakes & Moore, where he focuses his practice on business law, banking and finance, and commercial litigation. He has been selected for inclusion in Best Lawyers in...
Henry W. McLaughlin has been the inspiration behind legal aid in Richmond,” reads a tribute to him, noting how he worked “tenaciously and tirelessly” to organize the expert legal help for low-income people who have nowhere else to turn.

1967

J. Rudy Austin has been selected for Virginia Super Lawyers 2010 in the area of construction litigation and is also included in Best Lawyers in America 2011 in the area of personal injury litigation. He is a partner in the Roanoke office of Gentry Locke Rakes & Moore.

1968

Edward Lev has been included in Washington D.C. Super Lawyers in the areas of labor and employment law. He is a partner with Saul Ewing in Washington, D.C.

1969

Robert Ashmore has been included in Best Lawyers in America 2011 in the areas of labor and employment law. He is a partner in the Atlanta office of Fisher & Phillips.

1971

Deming Cowles retired from the practice of international and commercial fisheries law in Washington, D.C., in 2000, and relocated to central Florida where he helped set up a charter school system and runs the Family Literacy Academy at Lake Wales and the Lake Wales Family Literacy Coalition. Cowles also teaches current events, international relations, and American government at Webber International University, and serves on the local housing authority and a number of other local and countywide public interest boards. “No plans anytime soon to retire!”

James Fantaci has been included in Best Lawyers in America 2010. He is a member with Chehardy, Sherman, Ellis, Murray, Recile, Griffith, Stakelum & Hayes in the Metairie, La., office, where he focuses his practice on business representation and corporate law.
with Michie Hamlett Lowry Rasmussen & Tweel in Charlottesville.

Retired circuit court Judge WILLIAM H. SHAW administered the oath of office to his son, Jeffrey W. Shaw ’92, who was recently elected by the Virginia General Assembly to a six-year term as a judge of the Ninth Judicial District. The formal investiture took place in April.

RONALD TWEEL has been selected for inclusion in Best Lawyers in America 2011 in the area of family law. He is a partner with Michie Hamlett Lowry Rasmussen & Tweel in Charlottesville.

DOMINICK J. THOMAS, JR., received the 2010 Charles H. Flynn Humanitarian award for a lifetime of community involvement and achievement at United Way’s annual meeting and awards dinner in Seymour, Conn., in April. Thomas is a partner with Cohen & Thomas in Derby.

1972

THOMAS E. ALBRO was elected chair of the Virginia State Committee of the American College of Trial Lawyers at the annual meeting in Washington, D.C., in September. Albro is a partner with Tremblay & Smith in Charlottesville. He is past president of the Virginia Trial Lawyers Association, a former member of the Charlottesville City Council, and was a lecturer in trial advocacy at the Law School from 1985–2000.

1973

GERALD E. CONNOLLY has been included in Best Lawyers in America 2011 in corporate/real estate law. He is a partner in the Milwaukee office of Quarles & Brady, where he focuses his practice in the area of mergers and acquisitions, commercial real estate, and family business.

For the seventh consecutive year, LINDA FAIRSTEIN was host and “driving force” behind the ceremonies of the Authors in Kind Literary Luncheon at the New York Palace Hotel on April 22. The luncheon was a benefit for God’s Love We Deliver, a charitable organization that provides thousands of daily meals and nutritional counseling to people living with HIV/AIDS, cancer, and other life-threatening illnesses throughout all five boroughs of New York City and Newark and Hudson County, N.J. Fairstein serves on the organization’s board.

Fairstein emceed and had the pleasure of welcoming three fantastic authors: Frank Bruni, Malaak Compton-Rock, and David Baldacci ’86. Baldacci gave a sneak preview of the latest title in his Camel Club series, Hell’s Corner, to be published this fall. More than 300 people attended the event, which raised much-needed funds for one of New York City’s most beloved charities.

HOWARD E. GORDON has been named a fellow of the American Bar Foundation, an honorary organization of lawyers, judges, and legal scholars who have demonstrated the highest principles of the legal profession. Gordon is a partner with Williams Mullen in the Norfolk, Va., office, where he focuses his practice on energy and multi-family real estate, commercial leases, ground leases, land use planning, and permits.

LEE F. FEINBERG has been included in Best Lawyers in America 2011 in the area of energy law. He is a member with Spilman Thomas & Battle in the Charleston, W. Va., office, where he focuses his practice on energy and public utility matters.

G FRANKLIN FLIPPIN has been named in Virginia Super Lawyers 2010 in the area of business/corporate law and selected for inclusion in Best Lawyers in America 2011 in banking law, corporate law, mergers and acquisition law. He is a partner in the Roanoke office of Gentry Locke Rakes & Moore.

JOANTHANKAN has been appointed co-chair of the Pro Bono Work Committee of the American Bar Association’s section of...
labor and employment law. He is a partner in the Berwyn and Philadelphia, Penn. offices of Pepper Hamilton and is chairman of the firm’s labor and employment group.

FREDRICK R. TULLEY has been included in Best Lawyers in America 2011 in the area of commercial litigation. He is a partner with Taylor Porter in the Baton Rouge, La., office, where his primary practice areas include commercial and securities litigation, professional malpractice, construction, antitrust, RICO, commercial bankruptcy, and insurance insolvency.

1974

THOMAS G. JACKSON edited and contributed to a chapter entitled, “A Framework for Managing Legal and Compliance Issues” in The Financial Impact of Cyber Risk: An Implementation Framework for CFOs, a publication released in March as part of the American National Standards Institute’s Homeland Security Standards Panel and Internet Security Alliance joint initiative on the financial impact of cyber risk. The publication highlights the tools needed to assess the financial risks associated with cyber security and to make decisions based on their business needs.

Jackson is a litigation partner and chair of the technology practice group at Phillips Nizer in the New York City office, where his practice concentrates on the areas of technology law, antitrust, class action defense, privacy and information law, and complex commercial litigation.

PETER KYLELL, M. received the Rotary Foundation’s 2009–10 Global Alumni Service to Humanity Award at the Rotary International Convention in Montreal, Canada. Kyle has worked on over 100 development projects for the World Bank in more than 80 countries. Though now retired, he still serves as a consultant.

Kyle joined the World Bank in 1992, not long after the Socialist system in the former Soviet Union and other East European countries collapsed. He advised Russia, Ukraine, Kazakhstan, and Poland on the legal reforms that would be necessary to transition from a socialist system to an economy based on market principles.

JOHN S. MORRIS, III, has again been selected for inclusion in Best Lawyers in America 2011 in eminent domain and condemnation law. He is a partner with and president of Beale, Davidson, Etherington & Morris in Richmond, Va.

V.R. “SHACK” SHACKELFORD III was presented with the Virginia State Bar general practice section’s Tradition of Excellence Award at the 72nd annual VSB meeting in Virginia Beach in June. Gail S. Marshall ’68 was there for the presentation.

BRUCE M. STANLEY, SR., has been included in Florida Super Lawyers 2010 in the areas of personal injury defense and medical malpractice. He is a stockholder with Henderson Franklin in the Fort Myers office, where he practices civil litigation of all types, with emphasis on aviation, product liability defense, eminent domain, and medical malpractice.

JAY WALDRON was recently named vice chair of the Oregon Health & Science University board of directors. He is a shareholder in the Portland office of Schwabe, Williamson & Wyatt, where his practice focuses on environmental and energy law.

1975

PHILIP HEAD, LL.M reports that one of the happiest events of recent years was the arrival in the UK of Larry Macnamara’s ’76 son, Will, working for the Financial Times and living in London. Through him and his family and through other reunions, particularly most recently with Chris Brewster and his family and Mark Lester ’74 and his family, Head has “been able to relive an extraordinarily happy time in my life—1974–75 in Charlottesville.” Meanwhile, Head enjoys work as a trial judge in the criminal courts in the Midlands of England.

ANDREW H. HOOK’s article on the Uniform Power of Attorney Act was recently published in the University of Richmond Law Review. He was selected for inclusion in Virginia Super Lawyers 2010 and is a partner with Oast & Hook in Virginia Beach.

DON P. MARTIN has been recognized in Southwest Super Lawyers 2010 in the area of business litigation, included in Chambers USA 2010 in litigation, and selected for inclusion in Best Lawyers in America 2011 in commercial litigation/legal malpractice law. He is a partner in the Phoenix, Ariz., office of Quarles & Brady.

CHARLES PINKEY has been appointed to the dean’s executive committee of Louisiana State University’s College of Basic Sciences, which includes six departments and the Museum of Natural Science. He received his Bachelor of Science in Mathematics from LSU in 1972. Pinckney is a partner in the Birmingham, Ala., office of Adams and Reese, where he advises banking and other business clients on securities, mergers and acquisitions, and business transactions. He is listed in Best Lawyers in America 2011 in the areas of banking and securities law and Chambers USA as a leader in the field of banking and finance.

JACK QUINN has been unanimously elected to the board of directors of the Sheldon Arts Foundation,
where he will oversee all aspects, including fundraising. He also serves on the Sheldon Friends Board. The Sheldon Arts Foundation offers a range of educational programs for the St. Louis, Mo., area. Quinn is a partner with Armstrong Teasdale in the St. Louis office.

**W. Joseph Owen III** has been listed in *Virginia Super Lawyers 2010*. He is a partner with Owen & Owens in the Midlothian office, where he focuses his practice on civil and commercial litigation, criminal defense, personal injury, real estate, estate planning, and corporate and construction law.

**W. Va., office of Spilman Thomas & Battle,** where he focuses his practice in the areas of corporate law, business law, mergers and acquisitions, and securities law.

**John A. Vering III** has been included in *Chambers USA 2010* in the area of employment and labor law. He leads the employment and labor practice group in the Kansas City, Kans. office of Armstrong Teasdale.

**John V. Little** has been included in *Best Lawyers in America 2011* in the areas of labor and employment law. She is a partner with Fisher & Phillips in Atlanta, Ga.

**Ann Margaret Pointer** has been included in *Best Lawyers in America 2011* in the areas of labor and employment law. She is a partner with Fisher & Phillips in Atlanta, Ga.

**Stephen Clifford** has been elected president of the Washington Association of Criminal Defense Lawyers, a statewide association of more than 1,200 criminal defense attorneys in Washington. He is a sole practitioner in Olympia, specializing in the defense of serious felonies at both the trial and appellate levels in state courts.

**David B. Shapiro** has been included in *Best Lawyers in America 2011* in the area of corporate law. He is a member in the Charleston, W. Va., office of Spilman Thomas & Battle, where he focuses his practice in the areas of corporate law, business law, mergers and acquisitions, and securities law.

**Barrington Kaylor** is the new chair of the environmental law section of the New York State Bar Association. He is a partner at Bond, Schoeneck & King, where he focuses his practice on environmental law, including federal and state regulatory compliance and enforcement matters in the Syracuse office. He was selected for inclusion in *Best Lawyers in America 2010* in the area of environmental law.

**Mikel Ross** joined Latham & Watkins after graduation and became a corporate partner specializing in mergers & acquisitions. In 1993 he joined Safeway Inc. as senior vice president, general counsel, and secretary. Since his retirement as an executive officer in 2000, he has been teaching practical M&A and ethics seminars at the University of Virginia and University of California Berkeley law schools. In March 2010 he taught an M&A seminar at the Peking University School of Transnational Law in Shenzhen, China. Ross is currently on the advisory boards of the UVA Institute for Practical Ethics and Public Life and the Berkeley Center for Law Business and the Economy, and he is a member of the board of trustees of the California Shakespeare Theater.

**Evansahl Nilsen** returned to Charlottesville in spring with her 2L daughter, Clair Blumenson. Nilsen continues to teach at Boston University Law School and is still involved as a critic of the criminal justice system.

**Donald W. Lemons** was elected president of the American Inns of Court at the board of trustees meeting in May. He has been on the Supreme Court of Virginia since 2000 and has served at every level of the court system in the state. At the Law School, he was assistant dean and assistant professor. In 2008 he was awarded the honor of being named an Honorary Master of the Bench by the Middle Temple in London.

**1976 Reunion Year**

Justice **Donald W. Lemons** was elected president of the American Inns of Court at the board of trustees meeting in May. He has been on the Supreme Court of Virginia since 2000 and has served at every level of the court system in the state. At the Law School, he was assistant dean and assistant professor. In 2008 he was awarded the honor of being named an Honorary Master of the Bench by the Middle Temple in London.

**1976 Reunion Year**

Justice **Donald W. Lemons** was elected president of the American Inns of Court at the board of trustees meeting in May. He has been on the Supreme Court of Virginia since 2000 and has served at every level of the court system in the state. At the Law School, he was assistant dean and assistant professor. In 2008 he was awarded the honor of being named an Honorary Master of the Bench by the Middle Temple in London.

**1977**

**J. Herb Ed Fonzo** has been named senior associate dean for academic affairs at Hofstra University Law School on Long Island. He considers this administrative position as a change of pace from teaching and hopes to jump back into the classroom in a couple of years.

**1978**

**Irvin Cantor** has been included in *Virginia Super Lawyers 2010* and *Best Lawyers in America 2010* in the areas of personal injury and medical malpractice. He was honored with the 2010 Weinstock Award, presented to him by the Brain Injury Association of Virginia for dedication and contributions to that organization. Cantor is a partner in
the Richmond office of Cantor Stoneburner Ford Grana Buckner.

**Christopher Scott D'Angelo** was moderator for “The Latest Trends in Europe and Their Implications in the U.S.,” a program presented at the International Association of Defense Counsel’s annual meeting in Barcelona in July. The program covered recent trends in the law, including proposals for class actions or collective redress and privacy issues and reforms and how these affect the U.S. and other countries. The program also presented aspects of the new treaty, the new Parliament, and examined the implications of new trends for business, liability, and litigation in the European Union and the United States.

D’Angelo is a partner in the litigation department in the Philadelphia, Pa. office of Montgomery, McCracken, Walker & Rhoads and is chairman of its products liability & mass torts section and vice chairman of its sports, entertainment & amusements law practice.

**Michael P. Haggerty** was elected chairman of the YMCA of Metropolitan Dallas at the organization’s 125th anniversary celebration and annual meeting. He also serves on the board of the YMCA Foundation. Haggerty is partner and head of the finance practice group in the Dallas office of Jackson Walker. He was selected for inclusion in Best Lawyers in America 2011 in the area of real estate law.

**Nancy E. Hudson** is a San Francisco-based mediator, was a visiting professor at Southwest University Neofit Rilsky Law School in Blagoevgrad, Bulgaria, during the 2010 spring semester. She taught negotiation and mediation to Bulgarian law and international relations students. Her professorship was co-sponsored by the Center for International Legal Studies in Salzburg, Austria.

**Blake D. Morant**, dean of the Wake Forest University School of Law, was the commencement speaker during spring 2010 graduation exercises at Pepperdine University School of Law in Malibu, Calif. Morant addressed approximately 250 Juris Doctor candidates and received an honorary doctor of laws degree.


Morant recently completed a two-year term as vice president of the North Carolina Bar Association.

**Jonna L. Saltzer** has returned to the practice of law, joining the Washington, D.C., office of O’Melveny & Myers.

**1979**

**F.B. Webster Day** has been included in Best Lawyers in America 2011 and Chambers USA 2010 in the areas of labor and employment law. He is a partner in the Milwaukee, Wisc., office of Quarles & Brady.

**1980**

**Michael P. Haggerty** was elected chairman of the YMCA of Metropolitan Dallas at the organization’s 125th anniversary celebration and annual meeting. He also serves on the board of the YMCA Foundation. Haggerty is partner and head of the finance practice group in the Dallas office of Jackson Walker. He was selected for inclusion in Best Lawyers in America 2011 in the area of real estate law.

**1979**

F.B. Webster Day has been selected for inclusion in Best Lawyers in America 2011 in corporate and public finance law. He is a member in charge of the Roanoke, Va., office of Spilman Thomas & Battle.

**Elya Lichtenberg** has recently completed his first year as a special education teacher with the Virginia Randolph Education Center in Henrico County (Virginia) Public Schools. He is a self-described community advocate and death penalty opponent, so he is never quite at peace with the world. But, he writes, “We are all going to get there—together.”

**1980**

**T. Spence Chubb** recently joined Wilmer Hale as special counsel in the litigation department and intellectual property litigation group in the Washington, D.C., office. Prior to the move, Chubb had been with the U.S. International Trade Commission for over two decades, most recently as supervisory attorney in the Office of Unfair Import Investigations. He and his wife have two sons (17 and 21).

**William Nusbaum** has practiced commercial real estate and municipal bond law with many of the same colleagues for 30 years. Only the firm name has changed, with Hofheimer Nusbaum’s merger into Williams Mullen in 2004.
professional services groups in the public sector services and business services groups in the Pittsburgh office of Babst, Calland, Clements and Zomnir.

DAVETIILLAMASON has been recognized by Virginia Lawyers Weekly as one of Virginia's “Leaders in the Law” and honored by the Virginia State Bar for exceptional bar leadership by a special resolution. She was appointed by the Supreme Court of Virginia to the Virginia State Bar Council, and was appointed by the Virginia General Assembly to the board of the Virginia Office for Protection and Advocacy. She continues to focus her practice on representing children with special needs. Her office is in Manakin Sabot.

MARKD. PLEWM has relocated from Crowell & Moring's Washington, D.C., office to its new office in San Francisco, where he will continue his litigation, bankruptcy, and insurance coverage practice.

ANDYSHOTT has joined Bricker & Eckler as partner in the real estate practice group in the West Chester, Ohio, office, where he focuses on real estate development and finance, housing development, land use planning, equity syndication, and commercial law. He was formerly with Strauss & Troy in Cincinnati.

WILLIAM. HINES has been named to the New York State Bar Foundation board of trustees.

jonathan J. Rusch has received the Honorary Freedom of the City of London, the highest honor the City can bestow. An expert in the fields of cybercrime and mass-marketing fraud, Rusch was named for this award as a result of his work in developing close working relationships between the United States and the United Kingdom on fraud investigations and prosecutions. The award ceremony took place on March 12 at the Chamberlain’s Court in the Guildhall before a select group of invited guests.

"I'm deeply honored to receive the Honorary Freedom," says Rusch. "Joining a company of past recipients such as Theodore Roosevelt, Winston Churchill, and Nelson Mandela is genuinely humbling. I just hope that someday I get to exercise some of the purely traditional rights of Honorary Freedom—such as carrying a naked sword in public and driving sheep over London Bridge."

Rusch is Deputy Chief for Strategy and Policy, Fraud Section, Criminal Division, U.S. Department of Justice. He is an adjunct professor of law at Georgetown University Law Center and lecturer at the Law School. — REBECCA BARNES

Since his last Law School reunion (probably 15 years ago), he has headed at various times (and sometimes at the same time) the Norfolk Democratic Committee, the Foodbank of Southeastern Virginia, the Harvard Schools Committee of Southeastern Virginia, Ohel Sholom Temple, and the Virginia College Building Authority. His most meaningful experiences were his Temple presidency, adult bar mitzvah (not having had one as a teen) and being part of one of two husband-and-wife delegate couples at the 2000 Democratic National Convention in Los Angeles.

Professionally, Nusbaum writes he enjoyed serving as bond counsel for, and helping to craft, the first financing in the country to use tax-exempt bonds to leverage new markets tax credits, in November 2006.

William M. Herlihy has been selected for inclusion in Chambers USA 2010 in the area of natural resources law, Best Lawyers in America 2010 and Virginia Super Lawyers 2010 in labor and employment law in employment and labor law. He is a partner in the Roanoke office of Gentry Locke Rakes & Moore.

William M. Herlihy has been selected for inclusion in Chambers USA 2010 in the area of natural resources law, Best Lawyers in America 2010 and Virginia Super Lawyers 2010 in labor and employment law in employment and labor law. He is a partner in the Roanoke office of Gentry Locke Rakes & Moore.

WILLIAM H. HINES has been named to the New York State Bar Foundation board of trustees.

DAMDPAXTON has been selected for inclusion in Best Lawyers in America 2011 and Virginia Super Lawyers 2010 in labor and employment law in employment and labor law. He is a partner in the Roanoke office of Gentry Locke Rakes & Moore.

Blanea Lu, has been selected for inclusion in Pennsylvania Super Lawyers 2010 in the area of insurance law. She was appointed by the Virginia State Bar for this award as a result of her work in the Virginia College of Law, the Harvard School of Public Health, the Foodbank of Southeastern Virginia, the Harvard Schools Committee of Southeastern Virginia, Ohel Sholom Temple, and the Virginia College Building Authority. His most meaningful experiences were his Temple presidency, adult bar mitzvah (not having had one as a teen) and being part of one of two husband-and-wife delegate couples at the 2000 Democratic National Convention in Los Angeles.

Professionally, Nusbaum writes he enjoyed serving as bond counsel for, and helping to craft, the first financing in the country to use tax-exempt bonds to leverage new markets tax credits, in November 2006.
JEFFREY LEVINGER was recently named among the top appellate lawyers in Texas in Chambers USA 2010. In May he was profiled in a special section of the Dallas Business Journal called “The Defenders,” which lists North Texas’ top business defense attorneys. He is chairman of the State Bar of Texas Committee on Pattern Jury Charges and is an officer of the State Bar of Texas appellate section. He is recognized in Texas Super Lawyers 2010, was recently cited in D Magazine’s “Best Lawyers in Dallas” listing, and has been included in Best Lawyers in America 2010 in the areas of appeals and commercial litigation. He is a partner with Hankinson Leveringer.

GEORGE P. (“PAT”) MANSON JR, retired several years ago as vice-president, general counsel and secretary of Albemarle Corporation, a NYSE chemical company headquartered in Richmond and Baton Rouge with operations around the world. He left the workplace early due to a rare genetic disease that left him legally blind. Since retirement, he has been active in the research/support group for those with the same condition, providing counseling and writing for the group’s newsletter and website. He reports that he is otherwise healthy and happy. He and his wife, Gerlinde Edwards, live in Richmond and have two sons, 28 and 24.

DON HAYCRAFT received the Louisiana State Bar Association's 2010 Pro Bono Publico “Access to Justice Pro Bono Hero” Award in May. Presented to Haycraft at the Louisiana Supreme Court, the award recognizes attorneys who have provided pro bono legal services in excess of 50 hours to indigent Louisiana residents, as well as leadership to others. Haycraft is a shareholder with Liskow & Lewis, where he is the pro bono case coordinator and a board member of the New Orleans Pro Bono Project. He provides legal assistance to the homeless and assists law student volunteers who travel to New Orleans to volunteer their time in the aftermath of Hurricane Katrina.

JAMES L. KEELER received an honorary doctor of laws degree from Bridgewater College on April 6 at the Founder’s Day ceremony. He is a retired president and CEO of WLR Foods Inc.

1983

On June 12 in the Queen’s Birthday Honours List, the Queen of England appointed AMELIACHELCHLOTTFAWCETT a Dame Commander of the British Empire (D.B.E.). The honor, equal to a knighthood, cited Fawcett’s service in the financial industry. The formal “investiture” ceremony will take place at Buckingham Palace in the fall.

“I am overwhelmed by the generosity of this honor, and enormously privileged to receive it,” said Fawcett, who holds dual citizenship in the U.S. and Great Britain. The prestigious award from the Queen is not her first; in 2002 she was made a Commander of the British Empire (C.B.E.).

Fawcett is chair of the Guardian Media Group in London, which publishes the Guardian, Observer, and MediaGuardian.co.uk and is also on the board of State Street Corporation in Boston. Until recently, she was chair of the financial services firm Pension First, a financial services and systems solutions business focused on risk management for pensions.

Always on the lookout for ways to make a difference in the world, Fawcett has been known to sail beyond what she dubs the “murky waters” of financial services. In 2006, while vice chairman of Morgan Stanley, she crossed the Atlantic with a crew of four aboard her 47-foot sailboat, Pendragon. The challenging 17-day voyage raised more than 300,000 pounds ($475,000) for the UK’s leading breast cancer charity. She funded all of the expenses of the trip herself so that every penny of the money raised could go to research. — REBECCA BARNES
1985 DESTINATION LAW SCHOOL REUNION, BY BICYCLE

While most alumni were booking plane tickets or planning car trips to Charlottesville for their Law School reunions, TERRY BENNETT was preparing for a different sort of ride to get there—a bicycle ride.

Bennett was already familiar with long bicycle rides before his journey from his home in Manhattan to Charlottesville in late April. He enjoys 50 to 100 mile one-day rides as occasional changes from his gym and running routines.

Last fall, however, Bennett decided to go bigger. With his 25th Law School Reunion on the horizon, he saw Charlottesville as the perfect destination for his first big bike trip. While some might think that the Internet would be useful in mapping a route for such an undertaking, Bennett says that, because bicycle trips are on secondary and tertiary roads, planning his trip turned out to be "a very old fashioned process. You use paper maps, spread them out, and see what roads you can take." Research over the winter led him to choose Adventure Cycling Association’s Southbound Atlantic Coast Route for most of his trip.

Bennett started his journey on Friday, April 23. Along the way he tracked weather, terrain, accommodations, mileage, and scenery in his trip journal. His entry for Monday, April 26th reads:

“Weather cool, rain. Cycled in intermittent heavy rain from Delta, PA, to and through Baltimore and on to Ellicott City, MD. Terrain becoming easier—rolling hills. Difficult getting into Baltimore as route took me into the middle of a multi-lane highway. In Ellicott City environs got caught out after dark in heavy downpour on four-lane highway. Very hard time finding hotel. 73 miles.”

After braving tough weather conditions at the outset, Bennett enjoyed progressively sunnier weather. He also met some cyclists in Maryland and rode with them for a morning. As he was travelling solo, Bennett appreciated having some fellow riders to chat with. He arrived in Charlottesville late in the afternoon on Friday, April 30. His total mileage amounted to 516 miles—an average of 65 miles per day.

“When I pulled into Charlottesville, it was definitely a good feeling,” he confessed. “It was nice to get there and say, ‘I don’t have to get back on this bicycle tomorrow and ride all day again!’”

Despite Bennett’s relief at reaching Charlottesville, this won’t be his last big cycling trip. “I really did enjoy it;” he said, "I want to spend the winter months planning another trip for the spring—maybe Montreal.”

Bennett squeezes in his training in the early morning before starting work at Levi, Lubarsky & Feigenbaum LLP in Manhattan, where he practices corporate and commercial real estate law.

What about his next Law School reunion in five years? Bennett will be there, but says he will probably travel by more traditional means. —RACHEL COUCH
Secretary of State Hillary Clinton, and President Barack Obama have also keynoted.

FRED A. KELLY has been named chair of Nixon Peabody’s firm-wide litigation department. He is a partner in the Boston office, where his practice areas include biotech, class actions and aggregate litigation, FDA regulations, life sciences, and international arbitration.

1985

CHIP GRAYSON is the head of investment banking at Morgan Keegan, based in Memphis, Tenn. He has been happily married to Lisa Grayson since 1983 and they have two daughters in college and a 16-year-old son. Grayson travels constantly on business and has had fun visits this year with classmates Sheffield Hale, Steve Raber, J. Kelley, and Dan Boeglin.

MICHAELE ALLEN has “despite all of his efforts to eschew conventional standards, become a partner in the D.C. civil rights law firm, Relman & Dane.” He has spent the last 25 years working on poverty and civil rights issues, and in 2009 settled the largest cases ever involving false civil rights certification and accessibility for people with disabilities under the Fair Housing Act. He and Janice Kaplan have been married since 1985 and have three children: Satchel (18), Halle (16), and Hudson (14).

FRED A. KELLY has been named chair of Nixon Peabody’s firm-wide litigation department. He is a partner in the Boston office, where his practice areas include biotech, class actions and aggregate litigation, FDA regulations, life sciences, and international arbitration.

1986

CATHRINEW J. JOHNSON has joined Hanson Bridgett as partner in the San Francisco office, where she will focus her practice on environmental law. She was previously with Wendel Rosen Black & Dean.

MICHEL ALLEN has “despite all of his efforts to eschew conventional standards, become a partner in the D.C. civil rights law firm, Relman & Dane.” He has spent the last 25 years working on poverty and civil rights issues, and in 2009 settled the largest cases ever involving false civil rights certification and accessibility for people with disabilities under the Fair Housing Act. He and Janice Kaplan have been married since 1985 and have three children: Satchel (18), Halle (16), and Hudson (14).

GREG FERENBACH formerly general counsel at Strayer Education, Inc. in Arlington, VA, has returned to private practice as a partner in the higher education practice group at Dow Lohnes in Washington, D.C.

WILLIAM B. EIGNER has been selected by his peers as a Top Attorney in San Diego County, Calif., for 2010 in the area of corporate transactions, a recognition he has achieved for the third year in a row. He was recently featured in the San Diego Daily Transcript. Eigner is a partner in Procopio, Cory, Hargreaves & Savitch.

CHRISTINE THOMSON has been selected for inclusion in Best Lawyers in America 2011 in the areas of medical malpractice and personal injury litigation. She is with Michie Hamlett Lowry Rasmussen & Tweel in Charlottesville.

DAWN BALDACCI was a featured speaker at the seventh annual Authors in Kind literary luncheon at the New York Palace Hotel on April 22. The luncheon was a benefit for God’s Love We Deliver (GLWD), a charitable organization that provides meals and nutritional counseling to people living with HIV/AIDS, cancer, and other life-threatening illnesses throughout all five boroughs of New York City, and Newark and Hudson County, N.J. He was invited to speak by Linda Fairstein ’72, who serves on the board for GLWD and was master of ceremonies for the event. Baldacci gave a sneak preview of his latest book, Hell’s Corner, the fifth installment of the Camel Club series, which is to be published in November.

JOCELYN GEORGE has moved from Akron, Ohio, to Flagler Beach, Fla. in June. Following retirement from Ohio’s Ninth District Court of Appeals, George became U.S. Attorney for the Northern District of Ohio and continued her professional pursuits as a visiting judge, arbitrator, mediator, and private judge. On June 30, 2009, George retired from the bench. She continues to provide dispute resolution services and legal education for arbitrators, mediators, judges, and advocates. Visit her Web site at www.joycejgeorge.com.

ANNE PELDO-CARLIGLE is a partner in the Nashville, Tenn., office of Bradley Arant Boult Cummings, has been elected to the Anglo-American Real Property Institute. AARPI is a not-for-profit organization with a limited number of elected members who are closely involved with real property in the United States and the United Kingdom. It is organized for the purposes of bringing together a membership of the most knowledgeable and best qualified real estate professionals from the two countries to promote discussion and analysis of the causes of and potential answers to identified problems involving ownership, use and development of land, and land transactions, with a view to finding and advancing practical solutions.

JANET SATTERTHWAITE is a partner at Venable, where she has been since 1996. She specializes in trademark law, domain names, and cyberspace intellectual property issues. She lives in Washington, D.C., is married, and has a daughter (12) and a son (8).

After 24 years at the Southern Environmental...
JUNE SUMMERS HAAS spoke at the ABA Institute for Professionals in Taxation (IPT) advanced tax seminar in New Orleans in March. Haas is co-chair of the IPT’s Advanced Income Tax Seminar Committee. She was the moderator for two sessions in the seminar: “Fair Apportionment: (Part I) What is It?” and “Fair Apportionment: (Part II) Now That We Know What It Is, How Do We Prove It?”

Haas is a partner with Honigman in Lansing, Mich., in the tax appeals department. She was recently named by State Tax Notes magazine to its “All-Decade State Tax Team.” She litigates state tax cases, works on resolutions of tax disputes, advises clients nationwide on multi-state and Michigan tax strategies. Her practice also includes managing state income, value-added, sales, and use tax issues for businesses.

1987

KYLE BEATY has joined Winstead, where he is a member of the finance and banking practice group and finance services industry group in the Dallas office. He was formerly a partner with Spencer Crain.

KEITH COLE has been appointed vice president, government relations for General Motors International Operations, which manages GM’s operations outside Europe and the Americas. Cole and his family have recently relocated to GM’s office in Shanghai, China.

The Girl Scout Council of Greater New York recognized CATHERINE KEATING along with five more honorees, at its 35th Annual Tribute Dinner in April. Honored for her constant dedication to community service, Keating is currently the chief executive officer of the J.P. Morgan’s U.S. Private Bank.

One of Keating’s greatest efforts remains working for impoverished and low-income families worldwide and in New York City.

Judge DAVID DC KEESSLER recently celebrated his sixth anniversary as a United States Magistrate Judge for the Western District of North Carolina. Keesler lives in Charlotte with his wife, Susan, and daughters, Amelia and Caroline (12 and 9). He enjoys participating in state and local bar activities, serving on the board of trustees at Trinity Episcopal School, where his girls attend, and watching a lot of soccer games. Classmates BY WINSTON and BOB LONG are neighbors.

MARK MELLON, a fantasy novella, Escape From Byzantium, has been co-awarded a Silver Medal by the 2010 Independent Publisher Book Awards in the category of Fantasy/Science Fiction. Mark is an attorney for the FDIC and lives in Northern Virginia. Mark originally wrote Byzantium during his second and third years of law school, “to provide himself with a distraction,” he writes. Mark has also had two other novels published, The Pirooters and Napoleon Concerto, both by Treble Heart Books (www.trebleheartbooks.com). A new novel, Roman Hell, was published this summer by Amber Quill Press (www.amberquill.com). See In Print.

JOHN M. MITNICK lives in Northern Virginia and is vice president and general counsel of Raytheon Technical Services Company, one of Raytheon Company’s divisions. He is engaged to Dr. CarolDeane “Dee” Benedict, and a Spring 2011 wedding is planned. In July he published his first book, Team Baseballs: Artifacts of the Game. (See In Print.)

JOHN M. MITNICK remains the minority general counsel for the Senate Armed Services Committee working on a variety of defense matters for the ranking Republican member of the committee, John McCain. He is now enjoying his sixth year with the committee, having been brought onto the staff by former chairman, John Warner ’53.

David and Mary Elizabeth remain busy with their three children, John, Will, and Graham, who are now all teenagers. David recently returned from a trip to Ethiopia, Djibouti, and Kenya reviewing the growing threat of the al Qaeda-affiliated organization al Shabab in Somalia and other East African countries. In addition to his role as general counsel, he also handles all operational, readiness, and procurement matters for the Marine Corps, as well as oversees DOD-wide efforts such as the Joint Improvised Explosive Device Defeat Organization and the Mine Resistant Ambush Protected vehicle program.

DAVID SKEEL has been awarded the Robert A. Gorman Award for Excellence in Teaching at the University of Pennsylvania Law School. He often appears on national news programs and radio shows to give analysis on legal topics and is often quoted in the Wall Street Journal, New York Times, and the Washington Post. He is the author of Icarus in the Boardroom and Debt’s Dominion: A History of Bankruptcy Law in America, as well as numerous articles.
1988

JOHN COOPER has been included in Virginia Super Lawyers 2010 in the area of personal injury law. He is a partner with Shapiro, Cooper, Lewis & Appleton in Virginia Beach.

JAMES F. WILLIAMS and his law firm, Perkins Coie, were honored at the 11th annual Burton Awards for Legal Achievement (BALA), held at the Library of Congress in June. BALA is a nonprofit academic program in association with the Library of Congress, and was established to honor firm and law school authors for their effective legal writing that uses clear, concise language and avoids “legalese.” James was honored for co-authoring “Taking a Case to Trial.” Based in the Seattle, Williams’ practice focuses on complex business litigation and civil trials. He is listed in the 2010 Corporate Counsel edition of Super Lawyers and was included in Washington Super Lawyers 2010.

1989

DAVID COHAN has been named to serve a two-year term on the board of directors of the Roanoke Bar Association. He is a partner in Gentry Locke Rakes & Moore, where he focuses his practice on commercial transactions, including intellectual property, commercial real estate, banking, and corporate formation.

JAMES D. WALL is listed in Best Lawyers in America 2011 in the areas of corporate law and health care. He is a partner with Wall Esleeck Babcock in Winston-Salem, N.C.

1990

Vince Cheverine has been working for the U.S. Department of Education’s Office for Civil Rights for almost four years. He reports that he loves his job, especially his focus on Title IX issues. Carolyn Cheverine is a lawyer for the Lubrizol Corporation, but her primary focus shifted in the past year from securities compliance to corporate finance and mergers & acquisitions.

The couple stays busy with two soccer-playing daughters in high school. Carolyn keeps busy managing the high school girls’ soccer team. Vince continues to coach their younger daughter’s softball team.

CHRIS HERREN was recently promoted to voting section chief in the Civil Rights Division of the U.S. Department of Justice.

JILL LYNCH GRAHAM has joined the board of directors of the non-profit Catholic Leadership Institute, headquartered in Wayne, Pa. She resides in Bryn Mawr with her husband, David, and their three children.

ANDREA E. NEUMAN recently received an “Attorney of the Year” award from California Lawyer in the category of litigation. In 2008 Dole Food hired Neuman’s firm, Gibson, Dunn & Crutcher, to defend two follow-up cases after a Los Angeles jury found the company liable for $5.8 million in damages for exposing workers on its Nicaraguan banana plantations to a harmful pesticide. With a co-lead trial counsel, Neuman traveled to Nicaragua for depositions that raised doubts about the veracity of plantation workers’ accounts regarding their exposure to the pesticide. In April 2009 a Los Angeles County Superior Court judge found “a heinous conspiracy” by plaintiffs’ attorneys, declared a fraud on the court, and dismissed the litigation with prejudice.

Neuman is a partner in the Orange County office of Gibson, Dunn & Crutcher and a member of the firm’s class action, environmental and mass tort and litigation practice groups.

HENRY C. SU was recognized for his pro bono work on Americans with Disabilities Act cases at the joint conference of National Disability Rights Network and Disability Rights California in Los Angeles in June. He also received a California Lawyer’s “Attorney of the Year Award” for 2010 for his work in this area, which is the focus of much of his pro bono work. Last year Su logged more than 800 hours in 15 pro bono cases, and many of these involved disability rights.

One case (American Council of the Blind v. Astrue) resulted in a significant victory for nearly 3 million individuals. The case alleged that the Social Security Administration’s mailing program denied the blind and visually impaired proper access to benefits as required by the Rehabilitation Act. The SSA now communicates with blind beneficiaries using CDs and Braille. Su is a partner in the East Palo Alto office of Howrey.

The couple stays busy with two soccer-playing daughters in high school. Carolyn keeps busy managing the high school girls’ soccer team. Vince continues to coach their younger daughter’s softball team.

CHRIS HERREN was recently promoted to voting section chief in the Civil Rights Division of the U.S. Department of Justice.

JILL LYNCH GRAHAM has joined the board of directors of the non-profit Catholic Leadership Institute, headquartered in Wayne, Pa. She resides in Bryn Mawr with her husband, David, and their three children.

ANDREA E. NEUMAN recently received an “Attorney of the Year” award from California Lawyer in the category of litigation. In 2008 Dole Food hired Neuman’s firm, Gibson, Dunn & Crutcher, to defend two follow-up cases after a Los Angeles jury found the company liable for $5.8 million in damages for exposing workers on its Nicaraguan banana plantations to a harmful pesticide. With a co-lead trial counsel, Neuman traveled to Nicaragua for depositions that raised doubts about the veracity of plantation workers’ accounts regarding their exposure to the pesticide. In April 2009 a Los Angeles County Superior Court judge found “a heinous conspiracy” by plaintiffs’ attorneys, declared a fraud on the court, and dismissed the litigation with prejudice.

Neuman is a partner in the Orange County office of Gibson, Dunn & Crutcher and a member of the firm’s class action, environmental and mass tort and litigation practice groups.

HENRY C. SU was recognized for his pro bono work on Americans with Disabilities Act cases at the joint conference of National Disability Rights Network and Disability Rights California in Los Angeles in June. He also received a California Lawyer’s “Attorney of the Year Award” for 2010 for his work in this area, which is the focus of much of his pro bono work. Last year Su logged more than 800 hours in 15 pro bono cases, and many of these involved disability rights.

One case (American Council of the Blind v. Astrue) resulted in a significant victory for nearly 3 million individuals. The case alleged that the Social Security Administration’s mailing program denied the blind and visually impaired proper access to benefits as required by the Rehabilitation Act. The SSA now communicates with blind beneficiaries using CDs and Braille. Su is a partner in the East Palo Alto office of Howrey.
1991

ROBERT D. VANDERLUGT continues to enjoy parenting Joel (3) with Ruthie and his work as director of export compliance at Northrop Grumman. He is, however, departing for a one-year tour in Iraq as a naval intelligence officer.

SARAH E. DAVIES was recently honored as an “Unsung Hero” by the Legal Intelligencer for her pro bono work with the Support Center for Child Advocates in the Philadelphia area. In the past eight years she has represented 15 children, advocating for their placement in safe and permanent homes. She is with Cozen O’Connor, where she is the administrative partner of the commercial litigation department in the Philadelphia office.

JEFFREY L. STREDLER was appointed by President Barack Obama in May to serve as the United States Attorney for the Eastern District of Pennsylvania. He returns to the same office where he served as an Assistant United States Attorney from 1995 to 2006.

1992

After 17 years at Caplin & Drysdale, NATERNCH has joined the plaintiff’s law firm of MotleyRice as a member in its new Washington, D.C., office. Nate will continue to represent people injured by asbestos exposure, securities and consumer fraud, defective drugs and devices, and other corporate wrongdoing to obtain just compensation from the corporations responsible for harming them. Nate and his wife, Kerry Moore, live in Bethesda, Md., with their daughter, Alexandra (5), and son, William (3). When he is not practicing law or spending time with his family, Nate still occasionally runs in track races.

Ninth Circuit Judge DIARMUID OFOSANAN LLM of Portland, Ore., has been appointed chair of the Committee on International Judicial Relations of the Judicial Conference of the United States. The three-year appointment was made by Chief Justice John G. Roberts, Jr., of the Supreme Court of the United States. The committee helps establish and expand the rule of law throughout the world.

1993

BILL BAILEY and his wife, Erica, have welcomed their fourth child, Finn, into the family. Bill is vice president, government relations for the Walt Disney Company in Washington, D.C.

1994

CLARKE FUTCH is co-founder, managing director, and investment committee member with Cowen Healthcare Royalty Partners in Stamford, Conn. He previously was a partner at Paul Capital Partners, where he led royalty-related investments for the Paul Royalty Funds. He helped pioneer the use of securitization with pharmaceutical royalties as a means of alternative biotech financing.

1995

JENNIFER JACOBSEN is still handling government relations at Sony Music and singing in a local cover band called “The Overcommitments” with bass player Michael Nachmanoff ’95. Ethan and Jen live in Arlington with “two hilarious daughters and a poorly behaved beagle.”

JONATHAN T. BLANK administered the presidential oath of office to his father, Irving M. Blank, at the annual Virginia State Bar meeting in Virginia Beach in June. Jonathan is managing partner of McGuireWoods in Charlottesville.

JEANNE LYONS LIEDTKA recently moved to Berwyn, Pa., with her husband, Steve, and their four children. Jeanne and her husband are both teaching at Villanova University.

ETHAN G. SHENKMAN is enjoying his return to government service, having been appointed deputy assistant attorney general of the Environment and Natural Resources Division, U.S. Department of Justice. Jen and Ethan live in Arlington with “two hilarious daughters and a poorly behaved beagle.”

1996

DANIEL JOHNS has been elected president of Philadelphia’s Community Learning Center, a nonprofit education center that helps adults develop literacy.
Law Alumni Weekend 2010

We asked the Alumni Association for some highlights of May's Law Alumni Weekend. We share them here, along with some photos of reunion weekend 2010.

<table>
<thead>
<tr>
<th>Age of Oldest Alumnus Attending (LAW)</th>
<th>Number of People in Town for L.A.W.</th>
<th>Number of 'Hoos Who Took the 'Hoos in the Know Tour</th>
<th>Number of Partiers at Jazz &amp; Cocktails After Dinner</th>
<th>Number on the Dance Floor at the After Party</th>
<th>Largest Gift for Reunions</th>
<th>Most Participants in Class Gift</th>
<th>Pounds of BBQ Enjoyed at the Picnic</th>
<th>Number of Belgian Waffles Consumed at Sunday's Brunch</th>
</tr>
</thead>
<tbody>
<tr>
<td>99</td>
<td>1,043</td>
<td>130+</td>
<td>250</td>
<td>350</td>
<td>Class of 1975</td>
<td>Class of 1960</td>
<td>183</td>
<td>225</td>
</tr>
</tbody>
</table>

#1 Reason Alumni return to Charlottesville for reunions: to catch up with old friends & classmates  
#2 Reason: Because it was so great 5 years ago.
math, and other life skills. Johns is a partner in the litigation department of Ballard Spahr and a member of the labor and employment, higher education, and health care groups.

BRETT MILLER left the partnership at Morgan Lewis in January 2009 to become general counsel of the Barnes Foundation in Philadelphia. The foundation holds one of the world’s largest collections of Impressionist, Post-Impressionist, and early Modern paintings, as well as Old Master paintings, African sculpture and Native American ceramics, American paintings and decorative arts, and antiquities from the Mediterranean region and Asia. The foundation, which also has an extensive horticulture program, is currently in the process of relocating the collection from Merion, Pa., to a new 93,000-square-foot building on the Benjamin Franklin Parkway in Center City, Philadelphia. Brett’s wife, Amy Carroll, is a partner in the intellectual property practice of Drinker Biddle.

TYLER RANDOLPH joined the Georgia Air National Guard last year, “not having enough to do already between being a lawyer and having a family (not).” He and his wife, Tracey, celebrated their 20th anniversary in August. With only three and five years at home left for his two daughters, Addison and Morgan, before they go to college, Tyler wants to make the most of the remaining time with them and Tracey.

JOEL H. TROTTER has been selected for Law360’s list of the “10 Most Admired Securities Attorneys.” He is the main source on matters related to complex and ever-changing federal securities laws for Latham & Watkins, a task that requires keeping a hawk-eye on any and all developments before the U.S. Securities and Exchange Commission. He makes sure the firm’s 2,000 attorneys are kept up to date as well. In addition, he devotes about half of his time to corporate work. Trotter is deputy chair of the corporate department in the Washington, D.C., office.

HILL WELFORD left the U.S. Department of Justice’s Antitrust Division, where he was most recently chief of staff, in January 2009. He taught antitrust law at Vanderbilt University Law School during the spring semester, then in June 2009 joined Bingham McCutchen as an antitrust partner in Washington, D.C. He lives in Arlington, Va., with his son, “little Hill,” and his wife, Michelle Boardman, a professor at George Mason University Law School.

1997

NOMI (WILKINSON) BEARD is now a co-principal of Lawyers Life Coach, and runs its west coast operations. She is based in Los Angeles, where she lives with her husband and four children.

GREG and EMILY FEDER both have new jobs with the federal government. In May, Greg left private practice at Latham & Watkins to join the bank activities section in the legal division at the FDIC, where he is reviewing proposals from private equity groups seeking to acquire failed bank assets and working on regulations implementing the Dodd-Frank financial reform legislation. Emily’s position at the U.S. Department of Education will have her working on a team monitoring compliance with the Randolph-Sheppard Act, which gives contracting preference to visually impaired vendors.

ROBERT A. KOLE has been named vice provost for institutional equity at Johns Hopkins University. She was formerly associate vice provost, and in that position she worked to bring a higher level of fairness, inclusion, diversity guidelines, programs, and initiatives to Johns Hopkins. In her new position, Laguerre-Brown will be responsible for working with other Johns Hopkins leaders to enhance the university’s diversity and inclusion efforts and to ensure compliance with federal, state, and local laws related to affirmative action, equal opportunity, and disability issues. Her office investigates discrimination and sexual harassment complaints; provides training in sexual harassment, discrimination and disability issues; fosters campus diversity initiatives; and oversees the implementation of policies, procedures, and services relating to federal disability laws.

1996 REUNION YEAR

DAMIAN CAPOZZOLA is practicing commercial litigation with Epstein Becker Green in Los Angeles and is a founding member of the firm’s technology team.

LAURA FLIPPIN is a partner with Paul Hastings, and serves as the chair of the litigation department of the Washington, D.C., office. She was appointed by Virginia Governor Bob McDonnell to serve as a member of the board of visitors for the College of William & Mary.

ROBERTA KOLE has been recognized as one of the “Insurance Law Rising Legal Stars Under 40” by Law360 for his accomplishments in the field of insurance and reinsurance law. He is co-chair of the insurance and reinsurance group with Choate, Hall & Stewart in Boston. He has handled a range of high-profile cases in his field involving aviation, hazardous waste, asbestos, hurricane-related losses, and the World Trade Center.

KEVIN HOLT has achieved the distinction of the AV Preeminent rating, the highest rating given through Martindale-Hubbell Peer Review. He is a partner with Gentry Locke Rakes & Moore in Roanoke, Va., where he focuses his practice on commercial litigation, construction litigation, e-discovery management, alternative dispute resolution, and employment & labor litigation.

CAROLINE LAGUERRE-BROWN has been named vice provost for institutional equity at Johns Hopkins University. She was formerly associate vice provost, and in that position she worked to bring a higher level of fairness, inclusion, diversity guidelines, programs, and initiatives to Johns Hopkins. In her new position, Laguerre-Brown will be responsible for working with other Johns Hopkins leaders to enhance the university’s diversity and inclusion efforts and to ensure compliance with federal, state, and local laws related to affirmative action, equal opportunity, and disability issues. Her office investigates discrimination and sexual harassment complaints; provides training in sexual harassment, discrimination and disability issues; fosters campus diversity initiatives; and oversees the implementation of policies, procedures, and services relating to federal disability laws.

JENNIFER L. MCCLELLAN has been named vice president of the Young Lawyers Conference,
attended the annual Virginia State Bar meeting in Virginia Beach in June.

**SAMANTHA PELOSI** protects consumers as an attorney at the Consumer & Community Affairs Division of the Federal Reserve, which recently issued regulations on credit cards, gift cards, overdraft fees, and mortgages. She married Anthony Tomlinson in May. Several alums attended the wedding, including Sarah and Todd Ratner ’96 and Jennifer Gohlke ’98. Samantha and her husband had a fabulous honeymoon touring Australia.

**JEFF SHERMAN** recently joined Fulbright & Jaworski as senior counsel in the Washington, D.C., office. He advises electric utilities and natural gas companies on a broad array of federal energy regulatory issues relating to transactions, including asset acquisitions, and FERC matters. He was previously with Skadden, Arps, Slate, Meagher & Flom.

**KELLEY TAYLOR HEARNE** and her husband, Steve, welcomed the addition of Kathleen Marie to the family on March 10. Katie joins big brother Nicholas George (2). The family resides in Alexandria, Va. Kelley is a partner at Drinker Biddle & Reath in Washington, D.C., where her practice focuses on health care transactions.

**MARK RANKIN** joined Shuts & Bowen as partner in the Tampa, Fla., office, where he will expand the firm’s litigation practice to include white-collar criminal defense.

**ANTHONY M. RUSSELL** was recently named a 2010 Virginia Super Lawyer Rising Star in the area of personal injury plaintiff/medical malpractice. He was also honored with the highest rating given by Martindale-Hubbell Peer Review, which cited him for the highest ethical standards and professional abilities. Russell is a partner with Gentry Locke Rakes & Moore in Roanoke, where his practice areas include medical malpractice and personal injury.

**RILEY H. ROSS III** was one of 30 Pennsylvania lawyers selected by the Legal Intelligencer and the Pennsylvania Law Weekly as a Lawyer on the Fast Track in 2009 and was named a Rising Star by Pennsylvania Super Lawyers. Riley is with the Tucker Law Group in the Philadelphia, where he concentrates his practice on complex litigation.

**TIM URBING** left life as a partner to “try his hand at being in-house counsel” at Genentech, Inc. He and Erica (Oliver) Engin are enjoying life in California with their son, Joseph (2).

**DANIELLE KAMENSKY** married Bill Higson from Tampa, Fla., on April 17 in New Jersey. The couple will reside in Virginia Beach, Va., where Danielle is currently stationed with the U.S. Navy.

On January 12 **ROHIT KUMAR** and his wife, Hiliary, welcomed into the world their first child, Kiera Chapman. “She’s a happy, healthy baby girl,” writes Rohit, “and is growing like a weed. As if that weren’t life-changing enough, upon returning to work from paternity leave my boss, Senator Mitch McConnell, asked me to step into the role of deputy chief of staff in the Office of the Republican Leader. The first part of the year brought a lot of change to our house, but we’re settling into our new routines and enjoying life as new parents!”
RICHARDS was recently selected as a 2010 Georgia Super Lawyers Rising Star. Anna and Billy Palmer also announce the arrival of Graham Alexander, born November 10, 2009. Graham joins big siblings William (6) and Caroline (3).

DAVE PINTO was unsuccessful in his 2010 run for county attorney (district attorney) in the eastern half of the Twin Cities in Minnesota, where he lives with his wife and two sons. He’s grateful for the support—financial and otherwise—of so many UVA Law friends. He continues to work as a domestic violence prosecutor in the county attorney’s office.


ANDY WRIGHT is the staff director of the Subcommittee on National Security & Foreign Affairs in the U.S. House of Representatives. He and his wife, Caprice Roberts, recently bought a house in the vibrant Bloomingdale neighborhood of Washington, D.C.

MICHAEL FITZPATRICK has been elected a shareholder at Malloy, Ltd., where he practices intellectual property law with an emphasis on patents. He lives in Chicago, with his wife, Helen, and son, Henry.

TOM LANE has been recognized by Virginia Super Lawyers as a Rising Star in 2010 the area of civil litigation—defense. He practices at ThompsonMcmullan in Richmond and lives in Mechanicsville with his wife, Loren, and their three daughters, Caitlyn (7), Megan (5), and Shannon (1).

JENNIFER BOWEN WIELAND and her husband, Jeff, welcomed their second child, Zachary Cyrus, on April 7. Zach joins big brother Ben (6), and big sister Maggie (3).

ERIC MAGNIEL was promoted to lieutenant colonel in May. In July he left for Kuwait, where he will spend a year at Camp Arifjan.

KENDAL SIBLEY has been promoted to counsel in the Richmond, Va., office of Hunton & Williams, where she is a member of the tax and ERISA practice. Kendal focuses her work on the tax aspects of securitization transactions. Prior to joining Hunton & Williams in 2004, Kendal held a two-year judicial clerkship with Judge Karen J. Williams of the U.S. Court of Appeals for the Fourth Circuit.

AARON P. SIMPSON was elected partner at Hunton & Williams in the New York City office, where he focuses his practice on privacy, data security, and information management issues as a member of the firm’s privacy team.

ANGELA CIOFI received a National Child Advocacy Award from the Young Lawyers Division of the American Bar Association at the ABA annual meeting in San Francisco in August. Ciofi was recently named legal director of the Charlottesville Legal Aid Justice Center’s JustChildren Program. Her work for JustChildren as
a law student earned her the Oliver White Hill Award from the Virginia State Bar in 2003 and helped her become a Lewis F. Powell Fellow following a clerkship for U.S. District Judge Reginald C. Lindsay.

JASON PICHÉ and Catherine Obenshain Piché announce the birth of their second daughter Josephine Wrenna born on January 6.

RYAN SHORES received the 2010 Outstanding Young Alumni Award presented by the Huntingdon College National Alumni Association in Montgomery, Ala. He is an associate with Hunton & Williams in the Washington, D.C. office, where he focuses his practice on antitrust, intellectual property, and other complex commercial litigation.

2004

ALLISON ORR LARSEN has joined the faculty at William & Mary Law School. After graduating she clerked for Judge J. Harvie Wilkinson III ’72 on the U.S. Court of Appeals for the Fourth Circuit and Justice David Souter on the Supreme Court of the United States. She was recently with O’Melveny & Myers in Washington, D.C.

Caitlin and NED SACKMAN are proud to announce the birth of their first baby, Thomas Andrew, on June 2. Ned and Caitlin live in Concord, N.H., where Ned is a litigation associate in the Manchester office of Bernstein Shur, P.A.

MICHAEL SIGER recently opened Madison Law & Strategy Group with several colleagues, with an affiliated consulting practice, Madison Strategies. He counsels clients on regulatory strategy and public affairs with an emphasis on energy, national security, and financial regulation, in the Arlington, Va., office.

SEAN SLIDER has accepted the position of chief counsel for land use and planning for the City of Cincinnati. Prior to taking this position, Sean practiced for six years as a real estate and land use lawyer at the Cincinnati law firm Keating Muething & Klekamp. Sean resides in the Cincinnati neighborhood of Hyde Park with his wife, Elisa, and their twin toddlers, Lily Hope and Abbott.

2005

KELLY MCDONALD and his wife, Lynn Maziarz, welcomed the arrival of their son William only a few months after graduation. Their daughter Charlotte came along two years later, and their third, Sophie, was born in July. Lynn worked for several years in marketing and is now at home, even busier than she was at work.

Kelly has worked at Murray Plumb & Murray in Portland, Maine, since graduation. With only 17 lawyers, the firm is tied for seventh largest in the state. He has worked on cases ranging from products liability defense for a national manufacturer to partitioning a boat between joint owners. His practice is focused on commercial and construction litigation.

KAREN POCONOVSKI just celebrated her first year of business at Haskell’s Inn, her bar in northern New York. After three-and-a-half years of practicing civil litigation in Minneapolis, Minn., she purchased a small bar/restaurant in the foothills of the Adirondacks. Her first year in the bar business has been, she reports, “an adventure.” Karen was engaged to Mark Mowers on January 10 and they plan an autumn wedding.

2006

J’LENE MORTIMER has joined Sacks Glazier Franklin & Lodise, a downtown Los Angeles trust and estate litigation firm, as an associate. Previously, she was an associate at Quinn Emanuel Urquhart & Sullivan.

L. READ MORTIMER has joined the Newport Beach office of TA Associates Realty as a member of the acquisitions team. Established in 1982, TA Associates Realty is one of the largest and most experienced privately held real estate advisors in the United States, managing 96 million square feet of commercial real estate and 8,900 residential units located in 35 markets nationwide. Previously, Mortimer was an associate on the originations team with Mesa West Capital.

DAVID A. REED and Sara Pheasant were married on May 29 in Savannah, Ga. Attending the wedding were Jessica
Calagione ’07, Caroline Geiger, John Mark Goodman, Jason Karaffa, J. R. Lederer, Aryn Thomas, Miles Treakle, and Jennifer Wine. The couple lives in Atlanta, where David is a patent attorney with Sutherland Asbill & Brennan.

James Tysse has been selected as the 2010–11 Supreme Court Fellow assigned to the U.S. Sentencing Commission. The Fellows Program was created in 1973 to provide promising individuals first-hand understanding of the federal government, in particular the judicial branch. Fellows are involved in projects that examine the federal judicial process and seek solutions to problems in the administration of justice. As the fellow at the U.S. Sentencing Commission, Tysse will conduct legal research on sentencing guideline issues and legislative directives that are pending before the commission.

Olivier Winants LL.M. started work as a political advisor for the United Left Group in the European Parliament in Brussels after finishing his six-month internship in the European Commission data protection unit. He is mostly active within the Committee for Internal Market and Consumer Protection.

Amy Millard Bradley and her husband, Daniel, welcomed a baby girl, Emmeline Ayla, on February 19, 2009.

J.D. Moss reports that Tyler Colby was born at 1:14 pm on April 12, measuring 19 inches and tipping the scales at 5 pounds, 5 ounces. “He was a little early, but passed all of his hospital tests with his eyes closed. He is doing great and is getting used to his new surroundings,” he writes.

2010

IN MEMORIAM

Charles M. Crump '37
August 9, 2010
Memphis, Tenn.

Walter R. Griffin '48
April 9, 2010
Southbury, Conn.

J. Gilliam Conrad '40
August 13, 2010
Lynchburg, Va.

T.L. Plunkett, Jr. '48
March 30, 2010
Roanoke, Va.

John M. Wilson, Jr. '40
July 13, 2010
Roanoke, Va.

Lewis P. Summers, III '41
March 19, 2010
Fort Pierce, Fla.

John L. Arnold '49
April 9, 2010
Jacksonville, Fla.

Charles Elliot Wheeler '41
April 24, 2010
Easton, Md.

George Little '49
July 15, 2010
Richmond, Va.

S. Bolling Hobbs '42
September 24, 2009
Lynchburg, Va.

E. Douglas McKay '49
June 12, 2010
Wheeling, W.Va.

Russell Lamar Moore '42
April 12, 2010
Moultrie, Ga.

Riccardo Gori-Montanelli '50
November 23, 2009
New York, N.Y.

Richard Wallace Insley '47
April 9, 2010

James C. Paine '50
March 7, 2010
Palm Beach, Fla.

William G. Sanderson '47
February 15, 2010
Philadelphia, Penn.

Nancy S. Sellers '50
June 1, 2010
Murfreesboro, Tenn.

William M. Brinton '48
July 10, 2010
San Francisco, Calif.

Elidon Crowell '51
May 23, 2010
Washington, D.C.

Charles P. Cobb '48
June 1, 2010
Memphis, Tenn.

Walter M. King '51
May 5, 2010
Virginia Beach, Va.

Walter H. Morse '48
June 7, 2010
Amherst, Va.

T.L. Plunkett, Jr. '48
March 30, 2010
Roanoke, Va.

Walter R. Griffin '48
April 9, 2010
Southbury, Conn.

J. Gilliam Conrad '40
August 13, 2010
Lynchburg, Va.

T.L. Plunkett, Jr. '48
March 30, 2010
Roanoke, Va.

John M. Wilson, Jr. '40
July 13, 2010
Roanoke, Va.

Lewis P. Summers, III '41
March 19, 2010
Fort Pierce, Fla.

John L. Arnold '49
April 9, 2010
Jacksonville, Fla.

Charles Elliot Wheeler '41
April 24, 2010
Easton, Md.

George Little '49
July 15, 2010
Richmond, Va.

S. Bolling Hobbs '42
September 24, 2009
Lynchburg, Va.

E. Douglas McKay '49
June 12, 2010
Wheeling, W.Va.

Russell Lamar Moore '42
April 12, 2010
Moultrie, Ga.

Riccardo Gori-Montanelli '50
November 23, 2009
New York, N.Y.

Richard Wallace Insley '47
April 9, 2010

James C. Paine '50
March 7, 2010
Palm Beach, Fla.

William G. Sanderson '47
February 15, 2010
Philadelphia, Penn.

Nancy S. Sellers '50
June 1, 2010
Murfreesboro, Tenn.

William M. Brinton '48
July 10, 2010
San Francisco, Calif.

Elidon Crowell '51
May 23, 2010
Washington, D.C.

Charles P. Cobb '48
June 1, 2010
Memphis, Tenn.

Walter M. King '51
May 5, 2010
Virginia Beach, Va.

J. Desha Lucas '51
May 9, 2010
Chicago, Ill.

Joseph M. Wood, II '54
August 28, 2010
Boynton Beach, Fla.

David A. Gibson '62
August 9, 2010
Charlotte, N.C.

Dennis G. Merrill '73
July 10, 2010
Richmond, Va.

Dwight A. Miller '73
June 15, 2010
Palm Beach, Fla.

Richard E. Henning, Jr. '75
March 31, 2010
Arlington, Va.

Willie E. Robinson '77
April 22, 2010
Atlanta, Ga.

Frances S. Taylor '79
May 17, 2010
Williamsburg, Va.

Harrison Wilson, III '80
June 9, 2010
Richmond, Va.

Michael Mello '82
November 23, 2008
White River Junction, Vt.

Bruce D. Rigelman '84
February 24, 2010
Pickerington, Ohio

Bob Abbott '86
March 23, 2010
Wichita, Kans.

Alexander Karan '00
February 28, 2010
Des Plaines, Ill.
IN PRINT

Non-Fiction

Winning the Silicon Sweepstakes: Can the United States Compete in Global Telecommunications?
ROB FRIEDEN '80
Yale University Press

On the surface, it seems as if the U.S. telecom industry is brimming with both intense competition and entrepreneurial spirit. But as Rob Frieden points out in this timely book, there isn’t nearly enough of either. In fact, Americans get by with equipment and connectivity that lag behind a number of other countries. In the realm of ICE (information, communication, and entertainment) markets, it turns out that we’re actually left out in the cold, on our way toward becoming a third-world country.

How did we get stuck, when other nations are moving ahead? The U.S. Congress hasn’t been paying enough attention, Frieden explains, while impressive profits keep industry leaders happy with the status quo. Regulators tend to favor large companies, making it difficult for newer, more innovative companies to edge into the market. It’s a losing game for consumers, he says, who end up paying more for less.

Frieden aims to make readers become more literate in the digital world. It’s not enough to be able to use a cell phone; it’s important to understand how to use them efficiently and to understand the impacts of their use. Many users barely have a clue; they just try to keep up with the latest gadget and service plan. Frieden has a unique perspective on early adopters of technology, for on a university campus he’s surrounded by students whose abilities at eye-hand coordination and multitasking far outperform their abilities as educated consumers.

“Network access is inferior here,” Frieden writes of the current situation in the United States, “access to network features is locked down, and network operators are preoccupied with extracting maximum possible regulatory accommodations instead of working tirelessly to improve the value of their services.” Winning the Silicon Sweepstakes is a compelling read for most of us who plugged, willy-nilly, into the digital revolution. Readers of this book will become better-educated consumers and in turn, will potentially impact where the U.S. will head in the ever-changing world of information and telecommunications.

Reviewer James Katz of Rutgers University praises Frieden’s keen analysis and calls it “an indispensable roadmap for individual empowerment and national development in the 21st century.” He also calls it a great read.

Rob Frieden is Pioneers Chair and Professor of Telecommunications and Law at Penn State University, where he teaches courses in law, economics, and management, including a class in ICE technologies.

The Organizational Ombudsman: Origins, Roles and Operations—A Legal Guide
CHARLES L. HOWARD ’75
American Bar Association

An ombudsman can act as an effective neutral problem-solver when conflicts or concerns arise within an organization. The Organizational Ombudsman is an important new resource for ombudsmen and a range of other professionals who benefit from conflict resolution, including corporate officials, in-house counsel, university officials, and corporate executives. Howard makes a strong case for the important role ombudsmen can play in today’s complex regulatory environment.

Howard has two decades of experience advising and representing ombuds. He has seen first hand how the role of ombudsman has been affected by technologies, demographics, and globalization. In The Organizational Ombudsman he presents suggestions for how to structure and document an ombudsman program. He traces the development of the role over the past 50 years and includes a number of examples of how ombudsmen can be effective in raising and resolving issues that are difficult for staff...
or administrators to bring up on their own. Also covered are the legal issues involved, including collecting cases that deal with imputed notice and confidentiality.

“An indispensable reference book for the organizational ombudsman,” writes one reviewer. The author, he says, “combines his thorough understanding of legal principles with his first-hand familiarity with the day to day activities and dilemmas of the practicing ombudsman. The book is both scholarly and accessible.”

Charles Howard is a partner with Shipman and Goodwin in Hartford, Conn. He has a national practice representing organizational ombudsmen at universities and multinational corporations. In 2002 he was appointed to a national advisory group to review and recommend revisions to the federal sentencing guidelines.

Understanding Hospitality Law
JACK P. JEFFERIES ’51 AND BANKS BROWN ’77
American Hotel & Lodging Educational Institute

This comprehensive guide to the legal issues involved in hotel and restaurant operations has sold more than 200,000 copies since it was first published. It covers the basic legal principles that apply to the industry, the hotel-guest relationship, the hotel’s responsibilities to guests and others, restaurant, food service, bars, employee management, and laws that affect general operations.

In this fifth edition, the authors revised and updated much of the text to further explain the legal principles involved in the daily workings of the hospitality industry. They explain how the Family Medical Leave Act, immigration laws, the Americans with Disabilities Act, and the Patriot Act affect daily operations. Among new topics covered in the book are: overbooking, admitting minors to hotels, group contracts, tip compliance agreements with the IRS, the power of law enforcement to obtain records of guests, and “drive by” ADA lawsuits. Each of the book’s 40 chapters includes an “Important Points for Management” section that summarizes the legal principles covered in that chapter.

Understanding Hospitality Law is an invaluable guide to help hotel and restaurant operators understand the basic legal principles that apply to the industry and an invaluable tool to help them recognize legal problems in time to avert or contain damaging lawsuits.

Co-authors Jack Jefferies and Banks Brown are among the best-known U.S. experts on how laws and regulations affect the hospitality industry. Jefferies, now retired, was legal counsel to the American Hotel & Lodging Association (AH&LA), the New York State Hospitality & Tourism Association, and the Hotel Association of New York City for 21 years and was special consultant to McDermott, Will & Emery. Banks Brown, a partner with McDermott, Will & Emery, is currently legal counsel to AH&LA, the Hotel Association of New York City, the Travel Business Roundtable, and the International Hotel, Motel & Restaurant Show.

Why Judges Wear Robes
J. SAMUEL JOHNSTON ’72
Warwick House Publishers

The painting on the cover of Why Judges Wear Robes is a portrait of the author’s beloved yellow Labrador retriever, Dixie, dressed in a robe and clutching a gavel. The whimsical picture sets the tone for dozens of humorous anecdotes that focus on the lighter side of the daily drama inside the courtroom. (Sometimes you can, in fact, judge a book by its cover.)

J. Samuel Johnston always knew he wanted to be a lawyer, never thinking that after only four years of practice he’d be appointed judge. He understood the legal demands of the job, but he was somewhat surprised at the parade of humanity that came into the courtroom every day. “I was charged,” he notes, “to employ the patience of Job, the wisdom of Solomon, and the practical common sense of Dear Abby to unravel and solve these problems, of course, always governed by the rule of law.”

With a keen appreciation of the individual characters in the courtroom and a natural knack for storytelling, Johnston begins with a story on himself. On his first day on the bench, Judge J. Samuel Johnston was only 30 years old. He wore a suit, not a robe, but that was not unusual for a Virginia general district judge. He focused on the serious job at hand and mustered a commanding voice. The youngest judge ever selected in Virginia, he was determined to prove he was worthy of the job.

All went well for the first few minutes,
until he was handed a note telling him to check his zipper. That humbling experience inspired the title of this book. Why Judges Wear Robes is a delightful collection of dozens of light-hearted anecdotes, told in a conversational style. They are authentic, earthy, and spiked with profanity—the author notes that they would probably be rated R. “In an attempt to be sensitive to all individuals who came before me,” he writes, “I have changed most of the names to protect the guilty.”

Judge Johnston earned respect, if not affection, from defendants over the years. He tells how he gave a ride to man he had convicted and sentenced many times. The man shrugged, “You’ve been right all those other times, so I decided to give you the benefit of the doubt in this one and just serve my time.”

Johnston asked him why he didn’t appeal, and other all-time greats.

The renowned baseball historian and author of Total Baseball, John Thorn, writes, “Whether you collect teamsigned baseballs, or intend to buy one, or only admire them from afar, this is the book for you. Authors Mitnick and Spence are the experts and will steer you clear of forgeries, facsimile balls, deceptive clubhouse signers, and a severe case of buyer’s remorse.”

Authoritative and entertaining, Team Baseballs evokes the fascinating personalities of the players and the greatest events in baseball history. “This is a game to be savored, not gulped,” wrote Chicago White Sox owner, Bill Veeck. The same might be said of this engaging book.

John Mitnick has collected team baseballs for almost 20 years, and has one of the most notable collections in the U.S. He is a division general counsel with Raytheon.

Informative book for collectors, baseball fans, and historians alike.

Topics covered in Team Baseballs include classification and authentication, forgeries, clubhouse signatures, certificates and letters of authenticity, the ins and outs of grading, valuation, preservation, storage, and collection management. The handsome volume features over 150 full-color illustrations, including a gallery of 45 historic championship and All-Star team balls from 1920 through 2008 inscribed with the signatures of Babe Ruth, Sandy Koufax, Willie Mays, and other all-time greats.

For baseball fans, a ball signed by a favorite team is perhaps the ultimate memento of the game. A perfect fit for the human hand, it’s hard to imagine a neater surface for a player’s signature. These treasured objects are the subjects of this comprehensive and informative book for collectors, baseball fans, and historians alike.

The renowned baseball historian and author of Total Baseball, John Thorn, writes, “This is a game to be savored, not gulped,” wrote Chicago White Sox owner, Bill Veeck. The same might be said of this engaging book.

John Mitnick has collected team baseballs for almost 20 years, and has one of the most notable collections in the U.S. He is a division general counsel with Raytheon.

Few would argue the idea that war is hell, and that wars rarely end the way we mean them to, yet even when the reasons for heading into battle seem sketchy, off we go, again and again. As Evan Thomas finished writing Sea of Thunder, a chronicle of the final naval battle of World War II, he turned his attention to the phenomenon of war fever.

His narrative spans the years 1895–98. Only one generation had passed since the carnage of the Civil War, and America geared up to create an empire, whatever the cost. “I began looking for a narrative that would capture this eternal phenomenon,” says Thomas, “and I found my story in the experiences of three war lovers over a century ago—Theodore Roosevelt, seeking glory with his Rough Riders; his friend and colleague, Senator Henry Cabot Lodge; and William Randolph Hearst, the newspaper publisher who believed he could single-handedly start a war.”

There were those who spoke out against war—Senator Thomas Brackett Reed became a political outcast for speaking out against the mounting enthusiasm for war and empire building. William James, the nation’s leading philosopher and psychologist, raised questions about why nations go to war and questioned their motives for doing so. But with Lodge and Roosevelt so sure about our Manifest Destiny, and Hearst using headlines to get people fired up, the doves were marginalized.

Evan Thomas reported on the war in the Middle East for years for Newsweek, and some of the parallels in the lead-up to war are eerie. “History never repeats itself exactly,” he notes, “but it kind of rhymes.” With his skill in telling great human stories, Thomas delivers a page-turner of a book about American history. He is Editor at Large with Newsweek and the author of Sea of Thunder, John Paul Jones, Robert Kennedy, The Very Best Men, The Man to See, and The Wise Men.
Fiction

Deliver Us From Evil
DAVID BALDACCI ’86
Grand Central Publishing

Meet Evan Waller, whose greed knows no bounds. He commands a fortune by dint of his cunning and total lack of scruples—he’ll buy and sell anything and anyone. He’s excited about his latest diabolical venture, which could involve millions of deaths around the world. Can anyone deliver the world from his terrible plan?

Enter Shaw, a shadowy figure first seen in The Whole Truth. He witnesses a murder and can never let down his guard; underestimating the evil character he’s pursuing could cost him his life and more. Someone else, it turns out, is after Evan Waller—a woman named Reggie Campion who’s an agent for an undercover vigilante group in England.

On the other side of the globe, a photojournalist named Katie James meets with an inside source for background for an important story. After the meeting she’s knocked out and flown to a secret location.

All three are hunting the same monster of a man, each for their own reasons. Even readers used to the pace of Baldacci’s thrillers may find themselves coming up for air while turning the pages of Deliver Us From Evil.

David Baldacci and his wife, Michelle, have founded the Wish You Well Foundation, which works to promote literacy. Visit his Web site at www.DavidBaldacci.com.

Heart of the Matter
EMILY GIFFIN ’97
St. Martin’s Press

In Heart of the Matter, bestselling author Emily Giffin’s fifth novel, she takes on the subject of infidelity and the difficult choices attached to it. Giffin is a master of portraying characters with flaws as well as fine qualities, then letting them live and breathe in intimate relationships.

Tessa and Valerie have successfully carved out the lives they want to have. Tessa is a happily married mother who gave up a professorship at Wellesley to devote herself to her children. Her husband, Nick, is a handsome plastic surgeon who has a great way with kids. Valerie is a single mother who put herself through Harvard Law School while raising a son alone. She steers clear of relationships because they’ve never brought her anything but pain.

In a twist of fate that weaves their lives together, Valerie’s son is badly burned at a birthday party, and Nick treats him at the hospital. In the course of the boy’s prolonged treatment, Nick and Valerie are drawn to each other, and their carefully ordered lives begin to unravel.

Giffin tells the story through the perspective of Tessa, in first person, and Valerie, in third person. That choice is key to the story, because it allows readers to get inside the minds of these two women, see their strengths and weaknesses, and feel empathy for them, no matter what their choices turn out to be.

Pulled into the story by Giffin’s deft handling of her characters, readers will probably think they know what’s going to happen, but they may be surprised in the end. Giffin’s first novel, Something Borrowed, is being made into a major motion picture set to release in 2011.

Roman Hell
MARK MELLON ’87
Amber Quill Publishing

Roma, capital of the world, choked with summertime heat and filth, the sum and summit of earthly power and glory. This is the arena where the impoverished poet Martial struggles for money and fame.

When Titus, the “Princeps” or first citizen of Roma, asks Martial to be his spy, the shameless poet willingly accepts. Yet what first seems like a trivial assignment grows increasingly dangerous and deadly when the evil witch, Canidia, and Sagana, her ogress sister, enter into a plot with Domitian, Titus’s brother.

With the help of a brave ex-legionary, Martial tries to reveal the plot to Titus. Yet Martial’s efforts to save the Princeps only drag him deeper … into a Roman Hell …

Mark Mellon is an attorney for the FDIC and lives in Northern Virginia. This is his sixth novel, following the success of The Pirooters, Napoleon Concerto, The Empire of the Green, Hammer and Skull, Libertarian in Love and Escape to Byzantium, which he wrote during law school.
“The American Ideal in Legal Education”

DAVID L. MULLIKEN ’75 AND EDWARD “NED” J. KELLY, III ’81

The Law School launched the current capital campaign with a bold ambition: to be the American ideal in legal education. For those close to the Law School, this is already an honest claim. The power of the student experience, the commitment to teaching excellence, the culture of civility and citizenship—all this makes Virginia unique in the legal academy and a treasure to the profession.

We have the privilege of serving as co-chairs of the Capital Campaign. We know the Law School is special, and we are confident you share that belief. The evidence is staggering. In 2009–10, our alumni giving rate surpassed 50% for the fifth year in a row. The number of alumni donors was 8,430, a new record. Attendance at reunions surged, bringing over a thousand friends and graduates back to the Law School. And 90% of the Class of 2010 pledged their support at graduation, putting them in the vanguard of future annual giving.

These are unrivaled measures of affinity that are reflected in the campaign. To date, two-thirds of our alumni have made a gift or pledge to the campaign, and we have raised $132 million toward our goal of $150 million (see chart). We want everyone to be counted before the campaign ends on June 30, 2012.

Financial aid is at the heart of this effort. Although Virginia is first in alumni loyalty, the number and size of our scholarship endowments lag our private peers and the price of tuition. The campaign is closing that gap. We have established new scholarships and expanded coverage for public interest law and loan forgiveness. Endowed and non-endowed gifts have made this possible, and will make the Law School more competitive going forward.

We have the advantage of belonging to an historic and great institution, but it takes resources to be the best. The Law School, good as it is, can improve. Its most important assets are people—faculty and students—and they are the reason for this campaign. Our focus is not bricks and mortar, but rather the study and instruction that make for skilled and moral lawyers.

Our aim when we finish the campaign is to be able to provide:

- Broader and more generous financial aid for scholarships, summer public interest law stipends, and loan forgiveness.
- Endowment funding for the Law & Business Program.
- Competitively endowed professorships for deserving faculty.

These gains will enhance the Law School, not change it. The Law School will still be true to the student experience—only better. It will remain a home for gifted teachers—only better. It will continue to be synonymous with leadership in American life—only better. When we finish the campaign, we will be Virginia, even better.

That is a proud wish for all of us. Thank you for keeping the Law School strong. We hope you will help us make it stronger in this campaign.

David L. Mulliken ’75 is co-chair of the Law School Capital Campaign. He was a senior partner with Latham & Watkins in San Diego and London.

Edward “Ned” J. Kelly, III ’81 is co-chair of the Law School Capital Campaign. He is chairman of global banking for Citigroup.