Bridging the Political Divide
This issue of *UVA Lawyer* profiles graduates engaged in public leadership. The concept of public leadership lies near the core of our sense of institutional identity. Of course, the Law School is the gateway to a great profession, but it is much more than that. The Law School is also an institution founded on honor, imbued with civility, and dedicated to civic leadership. Personal integrity and a sense of public responsibility are every bit as important as professional training, and equally central to what it means to be a Virginia lawyer.

The four individuals profiled in these pages serve the public in very different ways. John Warner ’53 has represented Virginia in the United States Senate for nearly 30 years. Anyone who holds elective office makes choices with which others disagree, but John Warner’s choices command respect, even among those who do not share them. He is as good an example of dedicated public service as the Senate or the nation can provide.

Janet Napolitano ’83 is also in electoral politics. She was elected Governor of Arizona in 2002 and four years later was re-elected in a landslide. Janet Napolitano differs from John Warner in gender, generation, party, and politics, but she is at the outset of a career that promises to match his in length, distinction, accomplishment, and approbation.

Gerald Parsky ’68 serves the public from the private sector. In 1991, he founded Aurora Capital, a Los Angeles investment firm, but his influence extends far beyond venture capital and finance. Gerry Parsky is a Republican leader in a state with consistent Democratic majorities, and has played a special role in negotiating judicial appointments between the Bush Administration and Senators Dianne Feinstein and Barbara Boxer of California. He has served on the Board of Regents of the University of California since 1996, and in 2004 was unanimously elected chair. Unanimous election from a board not always known for agreement is testimony to his great personal skills, as well as to his constructive and effective leadership.

Finally, we honor my long-time colleague Richard Bonnie ’69. Professors serve their students and sometimes the larger world of scholarly inquiry, but it is rare for a full-time academic to have a major impact on public policy. Richard Bonnie’s engagement with the criminal law and with the medical and scientific disciplines that abut it has led him to ever-wider spheres of influence and responsibility. As the article explains, Bonnie is the author of the current version of the insanity defense that prevails in federal law and in the law of many states. On that and other issues, Bonnie has become the legal profession’s ambassador to the world of psychiatric medicine and the chief implementor of medical and psychiatric insights in the world of law.

Of course, limiting our coverage to these four graduates is essentially arbitrary. There are hundreds and thousands of others who would warrant our praise. In my mind, these four are representative of Law School alumni in their integrity, civic responsibility, and public leadership, and the diversity of their accomplishments is illustrative of the range of things that our graduates do well.

---

**Virginia Leadership**

John C. Jeffries, Jr. ’73
Departments

1
Dean’s Message

5
Law School News

45
Faculty Briefs

53
In Box

55
Class Notes

75
In Memoriam

76
In Print

79
Scholar’s Corner

Kim Forde-Mazrui

Features

20
John Warner ’53 Brings Perspective to National Debates

Cullen Couch

26
Governor Janet Napolitano ’83 Produces Results That Matter

Denise Forster

32
Richard Bonnie ’69 Leads Insanity Defense Beyond Partisanship

Cullen Couch

38
Gerald Parsky ’68 Blends Politics and Principle to Achieve Reform

Cullen Couch


“I never considered a difference of opinion in politics, in religion, or in philosophy, as cause for withdrawing from a friend.”

—Thomas Jefferson

Editor: Cullen Couch
Associate Editor: Denise Forster
Contributing Writer: Alison Taylor, A&S ’07
Design: Roseberries
Photography: Tom Cogill
Additional Photography: Michael Bailey, Ian Bradshaw, Robbin Coox ’07, Chris Hall, Robert Llewellyn, Emily Williams, Mary Wood

Spring 2007 / Vol. 31, No. 1

The University of Virginia School of Law
Jeffries to Co-Direct National War Powers Commission

by Lisa Todorovich

Dean John C. Jeffries, Jr., ’73, has been named co-director of the National War Powers Commission, a private bipartisan panel led by former Secretaries of State James A. Baker, III, and Warren Christopher. Formed by the University’s Miller Center of Public Affairs, the commission will examine how the Constitution allocates the powers of beginning, conducting, and ending war.

“Serving under Jim Baker and Warren Christopher is a real privilege,” said Jeffries. “The credit for securing their leadership and for organizing an impressive array of talent to serve with them goes to Jerry Baliles. I hope our efforts will justify the extraordinary human resources devoted to this topic.”

Jeffries, along with W. Taylor Reveley III ’67, dean and John Stewart Bryan Professor of Jurisprudence at the William & Mary School of Law, will lend their legal expertise and help guide the conversation of the commission as co-directors.

“Few matters are more important to our nation than how we make decisions of war and peace,” Miller Center Director and former Virginia Gov. Baliles ’67 said. “But war powers questions have bedeviled a host of presidents, members of Congress, and judges for more than 200 years. With its wide-ranging experience, this commission is uniquely qualified to attempt to provide insights into how best to resolve these difficult questions.”

“I hope our efforts will justify the extraordinary human resources devoted to this topic.”

Baker and Christopher have worked with Baliles to assemble commission members (in alphabetical order): Slade Gorton, former U.S. senator from Washington; Lee H. Hamilton, former member of Congress from Indiana; Carla A. Hills, former U.S. trade representative; John O. Marsh, Jr., former secretary of the Army; Edwin Meese, III, former U.S. attorney general; Abner J. Mikva, former chief judge of the U.S. Court of Appeals for the District of Columbia Circuit; J. Paul Reason, former commander-in-chief of the U.S. Atlantic Fleet; Brent Scowcroft, former national security advisor; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Strobe Talbott, president of the Brookings Institution.

Pulitzer Prize-winning historian Doris Kearns Goodwin will serve as the commission’s historical advisor.

University of Virginia President John T. Casteen, III, and David W. Leebron, president of Rice University, will serve as ex officio members.

Andrew J. Dubill ’01 left private practice to join the commission as staff director.

The James A. Baker III Institute of Public Policy at Rice University, the Freeman Spogli Institute for International Studies at Stanford University, Stanford Law School, the University of Virginia School of Law, and the William & Mary School of Law will serve as partnering institutions. The Miller Center has convened nine national commissions during the past quarter century, including the Commission on Federal Election Reform in 2001, co-chaired by Presidents Jimmy Carter and Gerald Ford. —
Kingdon ’98 Named Director of Law & Business Program

by Mary Wood

T
he Law School has named Musicoday Executive Vice President Jim Kingdon director of its Law & Business Program. Kingdon, who received both his J.D. and M.B.A. from Virginia in 1998, has extensive experience in issues at the intersection of law and business, from founding and managing a private equity fund to managing corporate strategy for a company that has logged $150 million in gross transactions.

“Our Law & Business Program is the most important curricular innovation in the history of the Law School, and it deserves great leadership,” said Dean John C. Jeffries, Jr. ’73. “Jim Kingdon brings to that task exceptional talent and directly relevant business experience. We’re delighted to have him here.”

Launched in 2003 in response to student demand, the Law & Business Program is designed to offer students training in business practices and culture so they may better communicate with and advise corporate clients. The program’s curriculum features several elements that are unique to the Law School.

Second-year Benjamin Paul used the knowledge gained in the foundational accounting and finance courses in internships at Jones Day and Hughes & Luce during the summer after his first year of law school. “It was just easier to understand how the deals were being structured because I understood what the terms meant,” said Paul, who had consulting experience before law school and wanted more business training, but didn’t want to spend time getting an M.B.A. “The big draw for me to Virginia was really the Law & Business Program.”

Kingdon called the program an “essential alternative” to J.D.-M.B.A. joint-degree programs, which usually take four years to complete.

“There will always be a cohort of students for whom the fully immersed J.D.-M.B.A. program is particularly relevant and meaningful,” he said. But business schools rely heavily on students’ ability to contribute in the classroom based on their prior work experience and assemble their student bodies accordingly.

Kingdon realized early in his career the importance of relating law and business. After graduating with degrees in applied mathematics and political science from Northwestern, he worked as a financial analyst for real estate investment and advisory company LaSalle Partners and as an associate with management consulting firm A.T. Kearney. After law school and business school, Kingdon founded and served as in-house counsel for Kestrel Ventures, a private equity fund that invested in platform businesses in targeted industries. While there he negotiated the acquisition of another business and formed BroadWing, a regional book distribution and third-party fulfillment company, where he directed finance and operations.

“Both of my degrees were critical to understanding perfectly the nuances and complexities of the legal landscape of the music industry, but it certainly has prepared me to engage in that subject matter without trepidation,” he said. “If an entertainment lawyer introduces legalese into a conversation in an attempt to confuse the underlying accounting principles that can determine not just the legal issue of liability but the scope of that liability are critical — if a Law School graduate is trained in some of the principles that drive those calculations, he or she can be a much more meaningful asset to his or her client.”

Kingdon hopes his entrepreneurial experience will prove valuable to the program.

“Of the things I find most exciting about this program is that there are a lot of different directions it can take.”

“One of the things I find most exciting about this program is that there are a lot of different directions it can take.”

Kingdon hopes his entrepreneurial experience will prove valuable to the program.

“One of the things I find most exciting about this program is that there are a lot of different directions it can take,” said Kingdon, who accepted the director position because of the challenges entailed. “In venture capital terms, it’s moved beyond the proof of concept stage.”

Translating that success into a distinctive asset for Virginia Law students means “we need to go out and communicate what’s meaningful about our program” to alumni and practitioners. Kingdon said he will engage students, alumni, faculty, and practitioners over the coming months in generating ideas and a plan to further grow the program.

Ultimately Kingdon wants the Law & Business Program to offer students “real help in launching them into an effective and fulfilling career.”
Policy of Cruelty Toward Detainees Leading U.S. Down Wrong Path, Mora Says

by Chris Hall

Adopting a policy of cruelty towards its detainees will have a devastating effect on the United States, said Alberto J. Mora, former general counsel to the Department of the Navy, in a keynote address at the J.B. Moore Society of International Law Symposium, “International Law at a Crossroads,” hosted by the Law School and the Miller Center of Public Affairs February 25.

During his term as general counsel, Mora waged a three-year campaign against the use of abusive interrogation techniques on detainees held by the United States. Mora set out to convince his colleagues and superiors that these abusive policies were not fitting of the military services and unlawful after he learned of detainee abuse at the Guantanamo Bay facility. Following his retirement from the military in 2006, Mora received the John F. Kennedy Profile in Courage Award for his efforts. His remarks at the symposium focused on the sanctioning of cruel interrogation methods by the Bush administration and the reasoning behind it, as well as the legal and foreign policy ramifications of adopting a “policy of cruelty.”

“In an era of conflict, the voice of ethics is the one that always needs to be heard, but ... in the context of our current war on terror the relevancy of this voice carries particular urgency,” Mora said. “And yet, as all of us are aware, certain policies adopted by our administration during this war on terror, particularly those dealing with detainee treatment, evidence a contrary view.”

The policies the U.S. government and military have adopted concerning the treatment of detainees are evidence that ethics are not the Bush administration’s first priority in international politics, Mora argued. Instead, these policies show that human rights were looked at as either irrelevant or as obstacles to the prosecution of the detainees. Worse, Mora said, senior officials in the U.S. government defended violations of detainee rights, claiming they are necessary for our nation’s protection.

“The use of cruelty by the U.S. administration began in 2002, when it was thought that detainees at Guantanamo Bay and other U.S. military bases possessed information concerning imminent terrorist attacks, Mora said. Officials believed that if this information was not acquired through interrogation, many more American lives would be in jeopardy. It was in light of these circumstances that the U.S. government made legal and policy decisions that sanctioned cruel and inhumane methods of interrogation of these “unlawful combatants.”

These authorizations were made on four assumptions, Mora said. First, that no law prohibited the application of cruelty, and that unlawful combatants had few or no rights to defend them against cruel, abusive interrogation methods. Second, that the president’s role as commander-in-chief authorized him to order the use of cruelty, and any law or measure would be deemed unconstitutional if it conflicted with these commander-in-chief authorities. Third, that use of cruelty in the interrogation of detainees would not implicate or adversely affect American values, the domestic legal system, international relations, or security strategy. Finally, Mora said, there was an assumption that if the abusive measures were discovered, virtually no one would care.

“Each of these four beliefs or assumptions was profoundly mistaken, and each constituted a legal, policy, and political blunder of massive proportions,” Mora asserted.

“Cruelty has made us weaker, not stronger. It has blunted our moral authority, compromised our operational capabilities, sabotaged our ability to build and maintain the broad alliances we need to prosecute this war more effectively, and imposed a political penalty on those leaders abroad ... who have wished to stand by us in this war,” he explained. Foreign policy should mirror our nation’s internal values, and making cruelty an approved legal precedent makes other members of the international community less likely to interact with the United States, whether economically, diplomatically, or in wartime. Disapproval of American values abroad handicaps the U.S. war on terror, as it alienates countries and individuals vital to the effort, Mora said.

The authorization of cruelty threatens the ideological structure of the U.S. to its core, Mora said, asserting that the U.S. Constitution was founded on respect for individual dignity. By adopting a policy of cruelty towards detainees, the administration has “applied a jackhammer to this foundation.” Additionally, Mora said, the authorization of cruel treatment of detainees is in direct conflict with the Fifth Amendment, which guarantees due process, and the Eighth Amendment, which outlaws cruel and unusual forms of punishment.

“To adopt and apply a policy of cruelty anywhere in this world is to say that our forefathers were wrong about the belief in the rights of man, because there is no more fundamental right than the right to be safe from cruel and inhumane treatment,” Mora said.

The symposium, which included panels on executive power and international law, detainee treatment, and prosecution of unlawful combatants under the military justice system, was co-sponsored by the Law School’s Center for National Security Law.
Scholars Discuss Ethics of U.S. Immigration Reform

by Andrew Duncan

As the so-called “melting pot” of the world, the United States has been celebrated as a bastion of racial and cultural diversity. However, times of economic uncertainty and social transformation have complicated American ideas about national and racial identity and have raised moral dilemmas concerning America’s obligations to immigrants from neighboring countries, according to participants in a panel sponsored by the Conference on Public Service and the Law February 17. The panel, “Love Thy Neighbor? The Ethical Underpinnings and Racial Politics of Immigration Reform,” was organized by students working for the Law School’s Center for the Study of Race and Law.

“The immigration debate tends to be very much focused on specific reforms, but when issues of ethics or race are brought up, they often are brought up accidentally or in embarrassing ways,” said moderator Kerry Abrams, a law professor and co-director of UVa’s Center for Children, Families, and the Law. Frequently, the racial dynamics of immigration in the United States are overlooked or ignored by policymakers and public officials, who tend to focus on the significant and highly disputed effects of immigrant populations on U.S. employment and economic growth rates.

“Immigration law is really the codification of our admissions policy in the United States,” said panelist Naomi Mezey, a law professor at Georgetown University. “I’m interested in the ways in which immigration laws serve a very powerful and symbolic function in how we imagine ourselves as a nation,” she explained, “and they are a very strong part of the stories we tell about ourselves and our identity.”

“Whenever issues of ethics or race are brought up, they often are brought up accidentally or in embarrassing ways.”

The act remained law until the end of World War II and remains a salient example of a time when American citizens deeply feared that immigrants would “contaminate” the nation’s ethnic and cultural purity.

More than a century later, Haitians desperately seeking refuge from economic chaos and political persecution ignited similar debates about American identity and the ethical components of immigration and refugee law. “Some people have an even greater claim to take up legal residence in a country other than their own because of what they have suffered or because of what they might suffer in the future,” explained Susan Benesch, a clinical fellow at Georgetown University Law School and a former director of the refugee program at Amnesty International USA.

Asylum and refugee law is the pot of the world, the United States. “The debate among all serious economists is not whether there is a shortage of less educated workers. The debate is about what effect, if any, immigration is having.” Overall, he agreed with those who argue that immigration adversely affects low-income U.S. citizens by lowering hourly wages in certain industries.

Camerota described the enormous influence immigration has on education and health care in the United States. “The entire social safety net is clearly strained by personal experiences rather than other experiences and other people are every bit as important as you are.”

Referring to the role of immigration in Italian politics, Matter said opinions about immigration can often be colored by personal experiences rather than reason. She asked, “will we find a way in the 21st century to really stand in solidarity with other people, including those who need our help and those we can help? Will we be able to form a culture based on mutual respect?”

Panelist Naomi Mezey

Professor E. Ann Matter, dean of the University of Pennsylvania’s School of Arts and Sciences, concluded the panel by commenting on the role of solidarity in informing ethical debates and moral questions about American identity. “Solidarity is not pity,” she reflected, “it involves respect for others and an appreciation of different points of view—a belief that other experiences and other people are every bit as important as you are.”

The debate is about what effect, if any, immigration is having.” Overall, he agreed with those who argue that immigration adversely affects low-income U.S. citizens by lowering hourly wages in certain industries.

Camerota described the enormous influence immigration has on education and health care in the United States. “The entire social safety net is clearly strained by personal experiences rather than other experiences and other people are every bit as important as you are.”

Referring to the role of immigration in Italian politics, Matter said opinions about immigration can often be colored by personal experiences rather than reason. She asked, “will we find a way in the 21st century to really stand in solidarity with other people, including those who need our help and those we can help? Will we be able to form a culture based on mutual respect?”

Panelist Naomi Mezey
Experts Appeal for Action to Resolve Darfur Crisis

by Chris Hall

DURING A PANEL sponsored by the Conference on Public Service and the Law February 16, Experts on the humanitarian crisis in Darfur urged audience members to pay attention to the ethnic cleansing occurring in Sudan and to pressure the U.S. government to better address the situation. The panelists discussed the scope and extent of the humanitarian crisis resulting from the armed conflict between the Sudanese government and rebel groups in Darfur, as well as possible solutions to the crisis.

Since 2003, the Sudanese government has been conducting an aggressive campaign against rebel groups in Darfur, explained moderator Doug Ford, director of the Law School’s Immigration Law Clinic. Ford said the government in Khartoum, Sudan’s capital, has not been held accountable by the international community either as the perpetrator of war crimes and crimes against humanity, or as the institutional mechanism to uphold the law and prevent the well-documented atrocities that have occurred.

The International Criminal Court is investigating the war crimes that have been occurring in Darfur, but due to the complicated legal processes of the ICC’s formal investigation, few measures can be taken immediately to help alleviate the current problems in the region, Ford explained. “What we are clearly faced with … is the lack of effective mechanisms that prevent the abuses and bring some kind of alleviation or stability to the people on the ground,” he said.

The panel included Georgette Gagnon, director of the Africa Division of Human Rights Watch, an independent nonpartisan NGO that conducts fact-finding missions into the most grievous human-rights abuses in approximately 70 countries. Human Rights Watch has conducted hundreds of interviews in Darfur and has published some 15 major reports on the crisis there and three reports on Chad, whose borders were breached by the conflict last year. Gagnon, who was unable to attend the event and spoke to the audience via speaker phone, gave a brief history of the conflict between the Sudanese government and the rebel groups in the Darfur region. Gagnon’s speech was accompanied by a slideshow of photographs, each graphically illustrating the toll the conflict has had on the country and its people. Some of the images were of drawings by children in Darfur, crayon-scarred renditions of the grisly attacks on their villages.

“The Sudanese government chose to respond to the rebellion not through peaceful means or political dialogue with the rebel groups, but through brutal and overwhelming force, and not only against rebel fighters, but against almost every woman, man, and child in Darfur,” Gagnon explained. The Sudanese government and the ethnic militias it arms “have destroyed Darfur, through indiscriminately bombing villages and farms by aircraft and helicopter gunships, and ground attacks on civilians,” she said. The Sudanese government is using ethnic cleansing and forced displacement as a counterinsurgency strategy, Gagnon said, resulting in at least 200,000 conflict-related deaths, and displacing more than two million people, who are currently confined to massive refugee camps and are solely dependent on food from international relief organizations.

Panelist Daowd Salih, a refugee from Darfur, is a founding board member and president of the Darfarian Coalition for Freedom and Democracy, a group that developed from exiled Darfarian refugees in Cairo. Salih was forced to leave the Sudan because of his advocacy work on behalf of various Darfarian ethnic groups. Salih also co-authored a 1999 open letter to the international community titled “The Hidden Slaughter and Ethnic Cleansing in Western Sudan,” which by many accounts was the first discussion of the earlier abuses by the Sudanese government.

Salih spoke about his background and the cataclysmic events in his life, from the interruption of his schooling to his escape to Egypt in 1999. Salih also pointed out several fellow refugees who had joined the audience during Gagnon’s speech, each one adding a real-life face to the Darfarian crisis.

“We, the Darfurians, did not commit any crimes, just that we are African,” Salih said. “We are very ordinary people, as you can see from the pictures … Today, genocide is happening, right now while we are speaking, for my people in Darfur.” Salih attributed the genocide to “Arabic imperialism.” Because the Africans in Sudan adopted Islamic rites and wanted to keep their native languages, the Arab-controlled government responded with aggression, he said. Salih also explained that a small minority of Arabs comprise the power structure in Sudan, and that this Arabic minority is trying to marginalize the African majority for fear of losing influence.

“If you ask me the question ‘why is this thing happening,’ it’s happening because we are Darfarian, not Muslims,” Salih said. “We did not take Islam in the full package, which means assimilation and Arabization … Second, they want to take the land, because Darfur is a huge area,” he explained. “That’s why all of the Arabic countries are supporting Sudan’s government.” Salih added that the conflict in Sudan is very much the result of Arabic countries attempting to divide Africa and exert Arabic influence over the continent.

“If you ask me the question ‘why is this thing happening,’ it’s happening because we are Darfarian, not Muslims,” Salih said. “We did not take Islam in the full package, which means assimilation and Arabization … Second, they want to take the land, because Darfur is a huge area,” he explained. “That’s why all of the Arabic countries are supporting Sudan’s government.” Salih added that the conflict in Sudan is very much the result of Arabic countries attempting to divide Africa and exert Arabic influence over the continent.

“Stop genocide means to stop Arabization, to stop genocide means to stop assimilations, to stop genocide in Darfur means to stop the dividing of Africa.”

Genocide Watch founder Gregory Stanton, the third panelist, first addressed the controversy surrounding the labeling of the Crisis in Darfur as a “genocide.” Stanton pointed out that the events in Darfur meet all of the standards for genocide set forth by the U.N. Genocide Convention. Stanton added that he wished to expunge the term “ethnic cleansing” from the English language, as the phrase was a euphemism used by Slobodan Milosevic to describe the mass killings in the former Yugoslavia.

“The use of these words has a significance because words motivate people to act, and if people don’t get the words right, they don’t act,” he said.

Stanton also spoke at length about the need for motivated ingenuity among lawyers and policymakers in developing methods of dealing with the crisis in Darfur. Stanton emphasized throughout his speech that law students can help investigate the crimes occurring in Darfur. “I think that some of you may feel called to work on this, because that is something that you can do as lawyers,” he said. “You have the intelligence and the creativity to make a difference. You are the people who are going to create the institutions that are going to end genocide someday … You are the answer to this genocide, and to genocide to come, because this won’t be the last one.”
With Journey to India, Students Bring Human Rights Research to Life
by Emily Williams

Frequent terrorist attacks, human trafficking, police corruption, a refugee crisis, and widespread poverty aren't usually words used in concert with "democracy," yet they are problems that can exist in any democracy, even the largest in the world: India. Armed with a semester's worth of research and preparation, members of the Law School's Cowan Fellows Human Rights Study Project set off to the other side of the world in January to investigate human rights in the paradoxical nation, where despite India's regional and global influence, human rights concerns pose challenges in every corner of the country, which makes for an active public interest legal community and an ideal case study for students.

The eight-member group had the opportunity to literally knock on the doors of organizations and speak to people involved in the human rights issues they were researching, adding new dimension to their studies. "It put a lot of things in context; it changed each of our understandings of what it is to be a lawyer and what human rights are," said third-year Melany Grout. "Each of those things will have a really permanent effect on us. We are going to be lawyers for many years to come and [this trip is] definitely going to become part of our identity as lawyers."

The three-week expedition marked the fifth trip abroad for the student-run organization. In previous years, student teams traveled to China, Syria and Lebanon, Sierra Leone, and Cuba over spring or winter break. The students who took the journey will use the research they collected for independent study credit as well as to compile their findings into a publication. The group is also planning to present its findings to the Law School community and later to attorneys and groups advocating for police reform. "One of the best interviews I had was with a high-ranking police official in the state of Gujarat. He was actually one of the few police officers who stood up to intervene for the victims during the rioting. He's been essentially blackballed because of it. He is due a promotion that he will never get. He's testified against the state government for their role in the rioting,"

Grout focused on anti-terrorism legislation and policies that affect civil and political rights. "I'm really interested in national security law and policy and its intersection with human rights," she said.

Grout met with groups involved at all levels of advocacy and involvement with anti-terrorism legislation. The constant level of violence in India is unimaginable to most Americans, she explained. Last year, India was second only to Iraq in the number of fatalities caused by terrorism. Those she met "brought the human element—the advocacy element—back to the project. It means to real people and to lawyers who are actually in the battle [was important]," she said.

Two natural disasters, the tsunami that devastated South Asia in 2004 and Hurricane Katrina that hit the United States in 2005, provided the backdrop for third-year Meredith Horton's research. She spent a week in New Orleans after Katrina, which sparked her interest in disaster relief in India. Horton spent the bulk of her time on the southeast coast, touring the hardest hit areas and investigating whether human rights standards are being followed and enforced during the

Meredith Horton and Ryan Harvey tour a temporary settlement for displaced tsunami victims.

"There are many cultural and political nuances that you can't really pick up from sitting in the States searching through Lexis or Westlaw."

Kristin Flood (left) and Kate Flatley at the Taj Mahal. (Photos provided by students)
The Indian Supreme Court and other organizations are constantly reinterpreting the matter, said second-year Ryan Harvey, who explored the issue in Ahmadabad, Mumbai, and Chennai. "Water has always been an issue in India because there are areas of desert and then there are areas of great, flooding rivers," he said. Harvey looked at three related legal issues: dams, pollution, and access to water.

His meetings with community and religious leaders, academics, reporters, NGOs, and grass-roots activists led him to cities and rural villages. One meeting in particular with a water rights activist gave him information and reports that he would not be able to find in a library. The activist’s involvement in water rights in India was inspiring to Harvey.

The students returned from the trip exhausted but having mastered the art of networking for meetings, gathering information for their reports, and doing business in unfamiliar surroundings. "I think toward the end of the trip you get used to [the new environment] and you start to realize it’s an entirely different way of life, a different way of doing business, a different way of getting around," said Barnes. "It opens you up to the possibility that there’s more than one way to live life. I think anytime you’re in a foreign context you learn as much about how to do things as you do about what you’re researching."

The final hurdle for the students was to pay for the trip, which totaled other expenses. The students had to balance their work with their personal lives. Four days before the competition, Madden’s wife, Trish, gave birth to their first child. The juggling act leading up to the final round on Saturday, March 31, made the announcement of their win feel even more real, the third-year law students said.

"Just as in real life people are arguing cases and preparing cases, life continues outside of work. Anyone doing appellate advocacy at a law firm is going to have family things going on. It was sort of a real-world experience to figure out how to get everything done and still enjoy the birth of a child at the same time," Madden said. "Or make it to class," Scott joked.

Scott and Madden argued on behalf of a fictional defendant in a case that dealt with federal criminal sentencing, specifically the penalties imposed for crimes involving firearms, and how to correctly interpret related statutes. The Supreme Court recently granted cert on a similar case that Madden and the Law School’s Supreme Court

Madden, Scott Win Lile Moot Court Competition

By Emily Williams

I N ADDITION TO THE RIGORS of preparing for the 78th annual William Minor Lile Moot Court Competition, teammates Michael Scott and Matt Madden continued to live their lives as law students. They still had to go to class, they still had papers to write, and they still had to balance their work with their personal lives. Four days before the competition, Madden’s wife, Trish, gave birth to their first child. The juggling act leading up to the final round on Saturday, March 31, made the announcement of their win feel even more real, the third-year law students said.

"Just as in real life people are arguing cases and preparing cases, life continues outside of work. Anyone doing appellate advocacy at a law firm is going to have family things going on. It was sort of a real-world experience to figure out how to get everything done and still enjoy the birth of a child at the same time," Madden said. "Or make it to class," Scott joked.

Scott and Madden argued on behalf of a fictional defendant in a case that dealt with federal criminal sentencing, specifically the penalties imposed for crimes involving firearms, and how to correctly interpret related statutes. The Supreme Court recently granted cert on a similar case that Madden and the Law School’s Supreme Court

More than 120 students entered the Moot Court Competition during their second year. The pool was winnowed down to two teams through the quarterfinal, semifinal, and final rounds, which are held during the students’ third year.

“My question asked whether the use of a gun includes the receipt of a gun in a drug trafficking crime. So, does the receipt of a gun as a payment constitute the use of that gun? I argued that it didn’t, and it’s basically a plain language argument,” Scott said.

Madden’s question challenged him to examine whether the defendants’ two prior convictions for felony driving while intoxicated (DWS) counted as violent felonies. “It was a hard question because only
a few circuits have considered the question, but they all found in the government’s favor that felony DWI is a violent felony,” he said. “It was an interesting question because I got to argue statutory interpretation. What did Congress intend in passing the statute? How do these facts and circumstances fit within that language and intent?”

U.S. Court of Appeals for the D.C. Circuit judges Douglas Ginsburg, Thomas Griffith ’85, and Brett Kavanaugh presided over the competition. Arguing before the judges was meaningful for both Scott and Madden.

“I can say I’ve argued in front of a panel of judges from the D.C. Circuit. It’s pretty incredible,” Scott said. “Most practicing attorneys don’t get to argue before the D.C. Circuit, so to be able to do so as a law student was just something really special,” Madden added. The judges praised the competition questions, written by 3Ls Jeremy Graves and Colby Slaughter, for their thoughtfulness and thoroughness.

When the winners were announced, the pair shot a glance at each other and had to contain their excitement until the judges finished their remarks. “You had to sit there respectfully while the judges explained their decision-making process. In the meantime we were jumping out of our skins,” Madden said. “You just try to smile modestly and nod,” Scott added.

Both were happy with their performances, but knew the judgment could have gone either way. “We were obviously very happy, maybe even a little surprised, because really the other team’s brief and arguments were great as well. We knew that before the judges came back that their decision could have been either way,” Madden said.

After winning the competition, the pair returned to their normal lives and the reality of having a big paper due a few days after the competition for Scott, and Madden’s new role as father to a 4-day-old son. Scott will join the law firm Jones Day in San Francisco after graduation and Madden will clerk for Judge Stephen Williams on the D.C. Circuit Court of Appeals. “It was nice to have an all-D.C. Circuit panel,” Madden said. “These are people that my judge will be sitting with next year. If I see them in the hallways I’ll be able to say hello, so it was an added bonus.”

Kendrick ’06 to Clerk for Justice Souter; Will Return to Law School to Teach

by Emily Williams

LESLEY KENDRICK ’06 HAD never set foot in the U.S. Supreme Court until she interviewed with Justice David Souter. Beginning in July, she’ll be a daily fixture there after accepting Souter’s offer to be one of his clerks. When her term ends, she will begin her career as an associate professor at the Law School.

“There’s no doubt it’s a dream come true. Beyond that, it’s a dream that largely seemed like a pipe dream. Most of my time at law school I didn’t think at all that I would be in the position to have even a plausible Supreme Court application, much less have one turn out to be successful,” Kendrick said.

Currently a clerk for Fourth U.S. Circuit Court of Appeals Judge J. Harvie Wilkinson III ’72, Kendrick was working at her desk on an ordinary Friday afternoon when the call from Souter came through. “I wondered if you are still in the market for a clerkship?” she recalled Souter asking. Of course, the answer was yes. “I had been trying not to think about it,” she said.

Kendrick will finish her clerkship with Wilkinson in June. “It’s been a fantastic year. The Fourth Circuit has a really interesting and varied docket,” she said. She received a great deal of support from Wilkinson and was thrilled to tell him she got the clerkship. “He’s the most wonderful person you could ever hope to have in your corner.” All three of Wilkinson’s clerks earned clerkships with the Supreme Court this year — an accomplishment he has achieved three years in a row.

Kendrick also received plenty of support from her alma mater. “I think having the support of the school and professors matters a lot,” she said. “It takes at least two hands to count the number of people who personally got involved with the application process.” Allison Orr ’04, who clerked for Souter during the 2005–2006 court year, also helped Kendrick through the process. “I think that UVA is pretty singular among top 10 [law] schools for the amount of wholehearted support that it gives to its students.”

Around the time she was interviewing with Souter, she also was interviewing at the Law School for a faculty position. First Amendment and torts are on her research agenda, but she’s not sure what she’ll be teaching when she joins the faculty in the fall of 2008.

Before coming to the Law School, Kendrick was a Rhodes Scholar at Oxford University, where she received her Ph.D. in English literature. “It was a huge de-skilling process to come to law school. I was starting from the ground up again after having done English for so long. I just felt so awkward all the time and I still, most days, feel like the law fits me like an awkward garment not quite tailored to me.”

As awkward as she feels, Kendrick wears the law like a glove. As a student, she received the Margaret G. Hyde Award, the highest honor given to a graduating student by the faculty, and was an Olin Scholar and Hardy Cross Dillard Scholar. She was the recipient of the Virginia State Bar Family Law Book Award and served as the essays development and book reviews editor for the Virginia Law Review. While still a student, Kendrick published “A Test for Criminally Instructional Speech” in the Virginia Law Review, a paper that won her the Law School Alumni Association Best Note Award and the 2006 Brown Award for Excellence in Legal Writing.

“Charlottesville is really about the right size and pace for me. I love that it is such a great university town — a quintessential university town.”
Last September, a ferocious debate raged in the Senate over a bill prohibiting the Bush administration from redefining a Geneva Convention article protecting detainee rights. After an anonymous Republican senator used a procedural maneuver to halt debate temporarily, a determined Senator John Warner strode into the rotunda of the Russell Senate building to give a press briefing. Later, he returned to the Senate floor. In a dig at his Republican colleagues, Warner praised the cooperation of Democrats and asked then Senate Majority Leader Bill Frist to persuade the obstructing senator to remove the hold.

The debate resumed. In the end, the Senate passed a bill to Warner’s liking.

For decades, the American public has watched a stern and articulate John Warner analyze issues surrounding military affairs and national security. A two-war veteran, former Navy secretary under President Nixon, and now the senior Republican and former chair of the Senate Armed Services Committee, Warner’s expertise and unflinching critiques yield a credibility unmatched in national politics. People believe him. His opponents trust him. More, they respect him.

John Warner ’53
Brings Perspective to National Debates

Cullen Couch

UVA Lawyer • Spring • 2007 | 21
WARNER WAS BORN IN 1927 AND GREW UP IN
Washington, D.C. His father had settled his family there after serving in World War I as a surgeon treating Allied soldiers and enemy prisoners. He had suffered hearing loss from artillery bombardments and lung damage from mustard gas attacks. Recalling his many discussions with his father about those experiences, Warner told Washingtonian magazine his father “dedicated his life to relieving human suffering,” and his ailments showed that war “had a lasting impact.” Warner learned early the true cost and nature of war.

When Warner was 17, he enlisted in the United States Navy. World War II was just ending, and upon his discharge from the Navy, Warner enrolled at his father’s alma mater, Washington & Lee. He graduated in 1949. Warner began his first year at the Law School and, he says, found it to be “one of the most enlightening years” of his life. But the Korean War began, and Warner again felt the call to serve, this time in the Marine Corps. He served as a ground officer with the 1st Marine Aircraft Wing, returned from active duty, and resumed his studies at the Law School. “It was a bit of a challenge to get my mind oriented toward the life of a student after having served in Korea,” says Warner. “Had it not been for the faculty’s warmth and interest in me, particularly Dean Ribble, I wouldn’t be here as a senator today.”

Warner, who graduated from Virginia in 1953, says he owes a great debt of gratitude to its legendary professors, “the Gregories, the Dillards, the Bucklers. They were a tremendous force upon my life and recognized that I needed a little more inducement and support to buckle down.” Warner hoped to be a federal clerk, but Dean Ribble told Warner that since he wasn’t Law Review, he likely couldn’t be. Nevertheless, Ribble got Warner an appointment with D.C. Circuit Court Judge E. Barrett Prettyman.

“I spent six or eight weeks memorizing every opinion he’d written in the nine years he’d been on the bench. When we met, I said to him, ‘If I can’t answer any question about any opinion that you’ve ever written, chuck me out.’” Warner got the job and, to this day, the letter offering it hangs in a frame on the senator’s office wall.

Ever since, Warner has approached challenges with a potent mixture of luck, dash, and ability. About the first quality, he is fond of reciting an apocryphal story about Napoleon and his second-in-
command, Marshal Ney, who gave Napoleon a number of suggested replacements for a general who had fallen. Finally, Napoleon replied, "I want none of those. Go back and find me a lucky general."

Warner sees himself as that "lucky general." In 1960, presidential candidate and Vice President Richard Nixon asked then Attorney General William Rogers for names of DOJ attorneys who could work on his campaign. Rogers recommended Warner for his strong communication skills. From that chance opportunity, Warner found his true calling.

"It was my introduction to politics," Warner recalls. "Nixon was looking for people who had the right talents. They wanted me to be an advance man, the individual with the different presidencies and the different issues. But along the way, he has infuriated many party activists by his refusal to toe the party line. Warner opposed the Robert Byrd nomination in 1987, a signature issue in the party’s long battle to reshape the United States Supreme Court. In 1993, he opposed the Republican nominee for lieutenant governor in Virginia.

Warren’s office desk is purely ornamental. He uses this place for conversation and discussion, not paperwork. A well-worn copy of George Washington’s The Rules of Civility sits prominently on a coffee table.

WARNER ARRIVED IN THE SENATE IN 1978 AFTER beating Virginia's former Democratic Attorney General Andrew Miller by less than 5,000 votes. In but one race since, against future Virginia Governor Mark Warner, he has faced little credible opposition. All the while, he has stayed true to his core principles as a moderate Republican. He is fiscally conservative, socially moderate, and a champion of a strong military. Warner’s ability to act clearly and consistently on those principles, and to telegraph that to his constituents, has brought him uncommon popularity for a modern politician.

But along the way, he has infuriated many party activists by his refusal to toe the party line. Warner opposed the Robert Byrd nomination in 1987, a signature issue in the party’s long battle to reshape the United States Supreme Court. In 1993, he opposed the Republican nominee for lieutenant governor in Virginia.

"Most Republicans recognize the position John Warner has gained in the Senate and are willing to bury their feelings because of where he is and what he stands for."

WARNER WILL NEED EVERY BIT OF HIS ENERGY AND enthusiasm to manage the increasingly tendentious relationships cleaving the institution he so clearly loves. The war in Iraq has hammered beyond recognition former alliances in the Senate. Procedural courtesies are increasingly rare. Iraq “permeates everything on Capitol Hill today,” says Warner. “It’s all-consuming. I’ve seen World War II, Korea, Vietnam, the Cold War, and have served 29 years in the Armed Services Committee. Iraq is clearly the most complicated I have ever seen. And unfortunately, there’s a very strong division in the Senate about what to do.” From his perspective, Warner worries deeply about young American soldiers “being thrust into the middle of sectarian violence dating back over a thousand years.”

Relations between the branches of government are tense as well. Claiming sweeping wartime powers, the Bush administration has exerted its will over Congress more than any administration in recent history. But Warner, a dark gray eyes full of reverence for his own branch of government, takes a longer, more sanguine view of the power given to Congress by the Constitution. "We’re co-equal. I think checks and balances moves a little bit with the different presidencies and the different issues. But Congress still has that power of the purse. And that’s an awesome power.”

Warner acknowledges a changing world. America must adapt to a new kind of enemy and employ all the tools at its disposal: military, diplomatic, and economic. It is a huge challenge, and one that a man at his age and with all he has done for his country could leave to others. But over the years, the drive behind Warner’s devotion to public service has never wavered. It only shifts with the tides of his personal life. Now, with his children grown and successful in their own right, and a proud grandfather, what keeps Warner going? "I look into the eyes of my grandchildren. That’s my great motivation.”

In 1994, he again opposed the Republican candidate for Virginia’s other Senate seat, Oliver North, an election drawing intense national interest and producing bitter recriminations within the party. “I voted my conscience for the best interest of the United States and of Virginia,” Warner said at the time as quoted in the Washingtonian. “Sometimes that collides with political parties.” Party activists tried to derail his candidacy in 1996, but Warner survived.

Warner was also a founding member of the Senate’s “Gang of 14” in 2005, opposing his party leadership’s plan to use the “nuclear option” to override one of the Senate’s most hallowed traditions, the filibuster. He is somewhat pro-choice; he supports some gun-control laws, stem cell research, and environmental safeguards; and he attempted to limit the Bush administration’s shortcut of the Geneva Convention in its use of “coercive interrogation” techniques, all minority positions in the party.

As a steadfast centrist who is both charming and powerful, Warner has earned respect from his opponents, inside and outside the party. “He gives his word, and that’s it,” said Michigan Senator Carl Levin, ranking Democrat on the Armed Services Committee. “I have total trust in him, and you can’t ask for more than that.” Donald Huffman, former Virginia GOP chairman who also helped lead the North campaign, can’t help but like Warner.

"Congress still has that power of the purse. And that’s an awesome power."

"It’s all-consuming. I’ve seen World War II, Korea, Vietnam, the Cold War, and have served 29 years in the Armed Services Committee. Iraq is clearly the most complicated I have ever seen. And unfortunately, there’s a very strong division in the Senate about what to do.” From his perspective, Warner worries deeply about young American soldiers “being thrust into the middle of sectarian violence dating back over a thousand years.”

Relations between the branches of government are tense as well. Claiming sweeping wartime powers, the Bush administration has exerted its will over Congress more than any administration in recent history. But Warner, a dark gray eyes full of reverence for his own branch of government, takes a longer, more sanguine view of the power given to Congress by the Constitution. "We’re co-equal. I think checks and balances moves a little bit with the different presidencies and the different issues. But Congress still has that power of the purse. And that’s an awesome power.”

Warner acknowledges a changing world. America must adapt to a new kind of enemy and employ all the tools at its disposal: military, diplomatic, and economic. It is a huge challenge, and one that a man at his age and with all he has done for his country could leave to others. But over the years, the drive behind Warner’s devotion to public service has never wavered. It only shifts with the tides of his personal life. Now, with his children grown and successful in their own right, and a proud grandfather, what keeps Warner going? “I look into the eyes of my grandchildren. That’s my great motivation.”

Senator John W. Warner in the rotunda of the Russell Senate Office Building, September 14, 2006, after a colleague’s anonymous maneuver temporarily blocked the Detainee Bill (Jamie Rose for The New York Times)
Governor
Janet Napolitano ’83

Produces Results That Matter

So much has been written about the contentious relationship between Arizona’s Democratic Governor Janet Napolitano ’83 and the state’s Republican-controlled legislature that it is easy to come away with the idea that political infighting stands in the way of progress. That would be wrong.

The third woman to serve as governor of the fastest growing state in the U.S., Napolitano won her 2006 re-election in a landslide, with a margin of 28 percentage points, clearly picking up the support of many of the state’s independent voters during her first term. “It’s interesting to see the rise of
It’s necessary for us to reach across the aisle to build consensus. In the end, the voters don’t care whether you’re a ‘D’ or an ‘R.’”

Napolitano sees a role for some partisanship, but too much is clearly unhealthy. “It is necessary for us to reach across the aisle to build consensus. In the end, the voters don’t care whether you’re a ‘D’ or an ‘R’—they want results. What did you do in education, in health care, on your state.”

As governor, Napolitano has the most immediate impact on the quality of life of the state’s citizens. “You’ve got to submit a balanced budget every year. You’ve got to figure out how to provide health care for those in need and for those perhaps not in need but who need health care. You serve as the commander of your National Guard, and you have to make sure that those resources are being deployed appropriately. You must multitask in a variety of different ways and be immediately accountable to the citizens of your state.”

Napolitano visited the troops, donning body armor when appropriate, in the combat zones. She shared meals with troops at the Balad Air Force Base, about 70 miles from American Forces Central Command headquarters, where she met with General David Petraeus.

In addition to retaining the governorship, Arizona Democrats picked up seats in the House and the Senate in last year’s election, easing some of the rancor in the relationship between the governor and the legislature. These gains helped Napolitano focus on her priorities for the state and on end results. She is grateful for the improved relationship. “Washington, D.C. created a horrible example,” she says, “particularly in the House of Representatives, of partisanship being the sole measure of worth.”

During her first term as governor, Napolitano focused on her priorities for the state and on end results. She is grateful for the improved relationship. “Washington, D.C. created a horrible example,” she says, “particularly in the House of Representatives, of partisanship being the sole measure of worth.”

Being Accountable

It’s mid-March in Phoenix and the 40 appointees in Napolitano’s cabinet assemble for their monthly meeting. Everyone in the overflowing boardroom stands as she enters and takes her seat at the head of a large, three-sided dais. The governor has much to report.

She has just returned from Afghanistan and Iraq the night before, but Napolitano first gives an account of her recent journey to Mexico City, where she met President Felipe Calderon to discuss border security, immigration, infrastructure, and trade issues between Arizona and Mexico. She reports progress on some of the hottest issues affecting their respective constituencies—violence at the border and extraditing drug traffickers to the U.S. for prosecution—and that she now has a better sense of the resources Mexico will commit to these matters.

Next she recounts the recent National Governors Association meetings in Washington, D.C. As the first female and first Arizona governor to serve as its chair in the Association’s 98-year history, Napolitano unveiled her year-long chair’s initiative, Innovation America, a call to action to keep the country ahead of the competition curve through education. “To be competitive as a nation, we must prepare our young people to meet the real demands of the job market,” she says. She notes an urgent need on federal and state levels to fund initiatives enabling schools and students to keep pace with the knowledge-based economy. Since her first term, she has made it a priority to put money in the state education budget to develop a highly skilled, well-educated workforce in Arizona. Innovation America offers a three-part plan to accomplish that on a national level.

Napolitano finally reports on her most recent trip to visit Arizona’s soldier citizens in Iraq and Afghanistan. At the invitation of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates, Napolitano and the governors of Minnesota and Oklahoma met with Iraqi ministers and the American military commander in Iraq, General David Petraeus.

At the invitation of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates, Napolitano and the governors of Minnesota and Oklahoma met with Iraqi ministers and the American military commander in Iraq, General David Petraeus.

Napolitano visited the troops, donning body armor when appropriate, in the combat zones. She shared meals with troops at the Balad Air Force Base, about 70 miles from American Forces Central Command headquarters, where she met with General David Petraeus.

Facing page: Arizona Governor Janet Napolitano stands among the 1st Squadron of the 221st Calvary stationed in Iraq. Right, top to bottom: President Bush, center, accompanied by U.S. Customs and Border Protection chief patrol agent Ron Colburn, left, and Napolitano, right, bumps the border along the U.S.-Mexico border April 9, 2007, in Yuma, Arizona. (AP Photo/Gerald Herbert) Former Mexican President Vicente Fox and Napolitano tour the border fence. Napolitano finally reports on her most recent trip to visit Arizona’s soldier citizens in Iraq and Afghanistan. At the invitation of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates, Napolitano and the governors of Minnesota and Oklahoma met with Iraqi ministers and the American military commander in Iraq, General David Petraeus.

Napolitano visited the troops, donning body armor when appropriate, in the combat zones. She shared meals with troops at the Balad Air Force Base, about 70 miles from American Forces Central Command headquarters, where she met with General David Petraeus.

Facing page: Arizona Governor Janet Napolitano stands among the 1st Squadron of the 221st Calvary stationed in Iraq. Right, top to bottom: President Bush, center, accompanied by U.S. Customs and Border Protection chief patrol agent Ron Colburn, left, and Napolitano, right, bumps the border along the U.S.-Mexico border April 9, 2007, in Yuma, Arizona. (AP Photo/Gerald Herbert) Former Mexican President Vicente Fox and Napolitano tour the border fence. Napolitano finally reports on her most recent trip to visit Arizona’s soldier citizens in Iraq and Afghanistan. At the invitation of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates, Napolitano and the governors of Minnesota and Oklahoma met with Iraqi ministers and the American military commander in Iraq, General David Petraeus.

Napolitano visited the troops, donning body armor when appropriate, in the combat zones. She shared meals with troops at the Balad Air Force Base, about 70 miles from American Forces Central Command headquarters, where she met with General David Petraeus.

Facing page: Arizona Governor Janet Napolitano stands among the 1st Squadron of the 221st Calvary stationed in Iraq. Right, top to bottom: President Bush, center, accompanied by U.S. Customs and Border Protection chief patrol agent Ron Colburn, left, and Napolitano, right, bumps the border along the U.S.-Mexico border April 9, 2007, in Yuma, Arizona. (AP Photo/Gerald Herbert) Former Mexican President Vicente Fox and Napolitano tour the border fence. Napolitano finally reports on her most recent trip to visit Arizona’s soldier citizens in Iraq and Afghanistan. At the invitation of Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates, Napolitano and the governors of Minnesota and Oklahoma met with Iraqi ministers and the American military commander in Iraq, General David Petraeus.

Napolitano visited the troops, donning body armor when appropriate, in the combat zones. She shared meals with troops at the Balad Air Force Base, about 70 miles from American Forces Central Command headquarters, where she met with General David Petraeus.
north of Baghdad. She was briefed on the operations of provincial reconstruction teams that work with Iraqi business, community, and elected leaders engaged in reconstruction projects.

Napolitano’s deep respect for the 900 Arizona National Guard troops serving in the theater clearly shows. “It is such a privilege to see these military men and women in person and to personally thank them,” she said. “They have sacrificed so much and worked so hard. It is truly humbling, and a genuine honor, to talk to them and spend time with them.”

Cabinet member and Arizona’s adjutant general, Major General David P. Rataczak, rises in his full military uniform and thanks Napolitano for making the trip — the boost in morale in her wake, he says, was widely felt.

**Soldiers in a War Closer to Home**

More than 2,400 National Guard troops now man the shared border with Mexico, the frontlines of the war on illegal immigration. While Arizona Republican Party members accuse their governor of being soft on immigration, Napolitano has entered into aggressive law enforcement agreements with the governor of Sonora, Mexico, the state that borders Arizona. She has declared a state of emergency in certain Arizona counties so that troops could man the border. She has worked with President Bush and Homeland Security Secretary Michael Chertoff on the Secure Border Initiative, the nation’s comprehensive multi-year plan to secure America’s borders and reduce illegal migration. Preferring substance over symbol, she says of the proposed 700-mile U.S.-Mexico border fence approved by Congress, “You show me a 50-foot wall, and I’ll show you a 51-foot ladder.”

All of this has cost a great deal of money. Under the State Criminal Alien Assistance Program the federal government is supposed to reimburse states for the incarceration costs for those illegal immigrants who break Arizona law. Napolitano first sent the federal government an invoice for $77 million. Then she updated it to $195 million. Since 2005, Napolitano has sent a total of seven separate invoices — including late fees — the last one totaling $330 million.

It’s not just undocumented workers who ignore the country’s borders. Many criminals do so as well. “I have been in the drug tunnels,” she told the National Press Club recently, “where cocaine and marijuana by the ton come into our country, and the sewers where children who are crossing the border alone sleep at night; I have seen the campsites strewn with abandoned clothing, human waste, and refuse.”

Immigration reform is not simple, but it can be accomplished, and Napolitano believes it can be done on a bipartisan basis. It is going to require an end to the rhetoric, a stop to the politics. “Party to me is important but it’s not the sine qua non. In fact, my cabinet now includes as many Republicans as Democrats, and that’s been true for a long time. To me, it’s who can do the job.”

Always looking forward, Napolitano approaches the issues by asking what will Arizona look like and what will it need in 2012 — the state’s centennial. Her plan is steadfast: keep an eye on the extended outlook regarding education, health care, infrastructure, and security; manage day-to-day details that move Arizona forward without losing sight of the long-term importance of these issues; and choose people who can help her accomplish that, whether they are Republican or Democrat.

**“You show me a 50-foot wall, and I’ll show you a 51-foot ladder.”**
About the insanity defense is that it is talked about far more than it is used. So rarely asserted, and so rarely successful, the outcry surrounding the insanity defense must be rooted in issues beyond law and policy. A single case can unleash a storm, especially if it occurs during a period of social unease such as the nation was enduring in the 1970s and early 1980s. Violent crime filled front page news. Critics were assailing the Warren Court’s jurisprudence on criminal law. Victim’s rights movements sought to restore the death penalty, abolish the exclusionary rule, and gut Miranda. The Dirty Harry blockbusters reflected the public temper.

The antecedents to the modern insanity defense emerged in the 16th century. Common law judges had long exempted children from criminal punishment based on a sliding scale of responsibility from infancy (none) through adolescence (presumed but rebuttable) and into adulthood (full). Out of that concept, rooted in the mens rea component of criminal law, arose the insanity defense. A couple of important cases refined it in the 18th century before yielding its “modern” form in the 19th century with the M’Naghten rule (as a result of mental disease, were defendants able to know the nature and quality of their conduct or, if they did know it, did they know it was wrong?).
In the mid-20th century, the drafters of the American Law Institute’s influential Model Penal Code recommended broadening the defense to include a “lack of volition” component (a modernized version of the common-law “irresistible impulse” defense), hoping to make the law more receptive to advances in psychiatric medicine. “The Model Penal Code approach wasn’t a radical departure from the way the common law judges had thought about responsibility,” says Richard Bonnie, the Law School’s John S. Battle Professor of Law and director, University of Virginia Institute of Law, Psychiatry and Public Policy, “but it signaled a greater willingness to predicate the law of insanity on advances in medical understanding and to invite and rely upon expert testimony about it.”

“In the early 1970s, Bonnie was associate director of the National Commission on Marihuana and Drug Abuse. Working with psychiatrists on the commission, he became interested in issues surrounding treatment for addiction, confidentiality, and the use of coercion. The work drew him into mental health law, a newly emerging field. When he returned to the Law School in 1975, he joined a nascent project in law and psychiatry led by Browning Hoffman, a psychiatrist who had joined the faculties of law and medicine in 1971. It was a natural extension of his interests.

Bonnie’s research in mental health law dovetailed with an early interest in the death penalty where it often comes into play. He became actively involved after the United States Supreme Court upheld its constitutionality in 1976. In fact, Bonnie represented the first four people sentenced to death in Virginia in post-conviction litigation, most of which involved psychiatric issues. Those efforts led him to ongoing research and law reform efforts on the connections between mental disorder and the death penalty.

Bonnie and Hoffman established a unique interdisciplinary program at UVA, establishing fellowships for lawyers, psychologists and psychiatrists, conducting research and working with policymakers in Virginia to protect patients’ rights and improve the quality of mental health testimony in criminal cases. The programs developed in Virginia became models for other states.

“This was a period of intellectual excitement and policy innovation in the field of law and psychiatry,” Bonnie recalls, and “we were at the forefront of it here at Virginia.” Bonnie and Hoffman were also working closely with leading figures in American psychiatry and in the bar to address such problems as psychiatric hospitalization of minors, rights of hospitalized patients, predictions about whether a person will be dangerous in the future, and improving expert testimony in criminal cases. They accomplished much of this under the auspices of the American Psychiatric Association, for whom Bonnie still serves as an advisor. In 1981, the American Bar Association launched a major project funded by the MacArthur Foundation, with Bonnie as a key architect, to develop standards for mental health issues in the criminal justice system. It was quiet, scholarly research, performed methodically and carefully. After Hoffman died in 1979, Bonnie continued the work.

Suddenly, politics and criminal law clashed in the wake of a presidential assassination attempt. In 1982, a jury found John Hinckley “not guilty by reason of insanity” for his shooting of President Reagan. The decision outraged the public and seemed to validate all the dire warnings in the preceding years about the erosion of law and order. The resulting glare of klieg lights, thunderous Senate hearings, and interminable claims threatened to swamp aside the ancient precedents supporting the defense of insanity. As one of the country’s leading legal scholars on the issue, Bonnie was in the center of the storm.

He knew what was coming next.

“All the editorial commentary immediately after the acquittal said ‘abolish, abolish, abolish,’” recalls Bonnie. “The Reagan administration introduced a bill to abolish the federal insanity defense. Many state legislatures followed suit. ‘There was no doubt what was happening,’” says Bonnie. “‘The debate formulated at that time was simply ‘yes or no’ to the insanity defense.’” The American Psychiatric Association, concerned about the repercussions of the verdict, appointed a special working group to take...
It would be morally obtruse to convict people who are completely out of touch with reality at the time of their offense.

a position on the insanity defense. Meanwhile, the ABA project which Bonnie had been leading accelerated its consideration on the insanity defense.

Having explored the intellectual foundation of the insanity defense for many years, and studied its use in practice through evaluations conducted at the Institute’s Forensic Psychiatry Clinic, Bonnie had come to the conclusion that the volitional component of the MPC (the old “irresistible impulse” defense) did more harm than good. It created the classic “battle of the experts” that served only to distract a judge and jury from the more objective elements of a defendant’s mental state.

“One of the experts says, ‘yes, I think he had the ability to control his conduct’ and another one says, ‘no, he didn’t,’” says Bonnie. “Neither of them has any way of measuring volitional capacity. It is total guesswork. If we’re really interested in avoiding morally inappropriate punishment of severely mentally ill people, we don’t need the volitional formula. The appreciation-of-wrongfulness formula alone does a perfectly good job of avoiding unfair punishment.”

Bonnie advocated a modified approach that retained the co-called “cognitive” aspect of the MPC definition (whether the defendant “was unable to appreciate the wrongfulness of his conduct”) but removed its volitional component. Bonnie emphasizes that this is a position that he advocated before the Hinckley verdict, and that he does not believe that the verdict would have been different if the federal defense had been narrower at the time of his trial. However, in the political climate of the day, it was the MPC test (used in the federal courts and about half of the states) that had attracted the post-Hinckley ire of pundits, legislators, and the public. The idea was to offer a middle ground between abolishing the defense and keeping it as it is.

Within the space of a few months in the winter of 1982–83, both the APA and the ABA adopted his approach. “I suspect that it was the first time in history that these two organizations had basically taken an identical position,” says Bonnie. With the support of the psychiatric community and the national bar, Bonnie’s position took on a credibility and momentum. “I think it is historically accurate to say that the availability of the position I was advocating provided an alternative for legislators who supported the insanity defense but wanted to narrow it in some way.”

There will always be these cases that will come up that will drive some movement to abolish ... 

Bonnie found that most people recognized that the insanity defense serves an important function. “It would be morally obtruse to convict people who are completely out of touch with reality at the time of their offense.” He would use as an example the case of a Virginia woman, clearly insane, who shot her aunt thinking she was possessed by the devil. He would ask, “Why would you convict somebody like that?” “People understood that and recognized that the law can limit the defense to just those kinds of cases.”

Bonnie faced formidable opposition outside of the professional groups. The forces supporting abolition of the insanity defense fell into three camps: the tough-on-crime political conservatives who also favored abolishing the exclusionary rule; the intellectual critics led by Norval Morris of the University of Chicago Law School who derided the defense as a meaningless refinement of mens rea; and those in the medical community who felt the “battle of the experts” demeaned their profession. This third camp was represented most notably by the American Medical Association, which had officially adopted the abolitionist position even before the Hinckley verdict.

Bonnie dismissed the AMA’s position as “not particularly credible” in comparison to the psychiatrists and psychologists who strongly supported the defense. He feels that the AMA had little understanding of the issue and an even smaller effect on the argument.

The opposition faded in the face of the moderate positions promoted by Bonnie and endorsed by the ABA and the APA. In public forums, Bonnie applauded the wisdom of state legislators and legislators for resisting periodic efforts to abolish the insanity defense. He preached moderation, asking that they not react precipitously or they may do the wrong thing. “In thinking about it over a period of time, most legislators could recognize that the insanity defense has ancient roots, that it served an important moral function, and that it would be an overreaction to abolish it,” says Bonnie. Finally, the abolition movement faded in the state legislatures, and the Reagan administration withdrew its abolition bill. Congress adopted the compromise position in the Insanity Defense Reform Act of 1984.

The intense scrutiny that Hinckley brought to bear on the insanity defense likely ensured that the battle-hardened Bonnie version that emerged will be the last word on the subject. Certainly, another Hinckley might come along that sends the nation into a similar fever, but Bonnie doubts it. “It might be historically shortighted, and there will always be these cases that will come up that will drive some movement to abolish, but I think it may have been historically settled with the Hinckley case.”

He finds supportive evidence for this view in the public reaction to the two trials of Andrea Yates — strongly critical of the first verdict, which convicted her, and supportive of the second, which found her not guilty by reason of insanity. “This poor woman was severely psychotic when she drowned her five children to protect them from eternal damnation. There was no battle of the experts on the facts,” he points out. “The disagreement was about the meaning of the law of insanity, and, in the end, about the moral integrity of the criminal law.”
Gerald Parsky ’68
Blends Politics and Principle to Achieve Reform

A FEW YEARS INTO HIS FIRST JOB OUT OF VIRGINIA,
Gerald Parsky fielded a phone call that would change his life. The late Edwin Cohen ’36, his old professor at the Law School and then assistant secretary of the treasury for tax policy in the Nixon administration, was looking for an assistant. He wanted Parsky. The young lawyer leapt at the opportunity, beginning a career in law and politics that the former Princeton English major and E. M. Forster expert never would have dreamed of pursuing.

Parsky would serve under Presidents Nixon and Ford, and become assistant secretary of the treasury and an economic and political counselor to three more presidents. He would serve on Ronald Reagan’s transition team and on his President’s Council on Productivity, the President’s Export Council under George H. W. Bush, and the President’s Commission to Strengthen Social Security for George W. Bush. A longtime family friend of the Bushes, Parsky is the president’s political confidant in California.
Parsky’s life in and around politics has taught him the value of compromise, a virtue in short supply in today’s policy debates. “You don’t have to compromise your principles,” he says, “but you do have to be open to understanding that there may be different points of view.”

Rapid Rise

Parsky joined the Tax Legislative Council staff as executive assistant to Cohen in November, 1971. The following spring, he went with Cohen to a meeting with Treasury Secretary George Shultz. Shultz asked Cohen to recommend someone who could analyze some economic and tax proposals associated with the upcoming Nixon presidential campaign. Cohen immediately pointed to the little-known Parsky. As a result, Parsky worked closely with Shultz throughout 1972 and Shultz became a real mentor. When Cohen left the Treasury Department in late 1972, Shultz asked Parsky to stay and introduced him to William Simon, who joined as deputy secretary. Shultz and Simon soon put Parsky on everything that came through the Treasury Department, giving him broad experience in economics, capital markets, and finance.

When the oil embargo hit in October 1973, Shultz asked Parsky to create an office to deal with the crisis. Parsky moved to the White House to create the Federal Energy Office, where he assumed the thankless job of allocating oil to the states. In trying to untangle the snaking lines of fuel-starved automobiles at gas stations throughout the country, he learned his first lessons on managing competing interests in a stressful political environment.

He was a quick study. Parsky’s work as policy aide for Cohen and Shultz had kept him relatively removed from the Washington political scene and “not very knowledgeable about politics.” But now he was attracting the interest of everybody in politics who wanted their gas lines to be as short as possible. “I had to work with both Democrats and Republicans to try to do something that was fair for the entire country.”

He learned that an effective political appointee must work for the public as a whole. “The only way you can serve the public,” says Parsky, “is to stick to your principles but learn how to compromise with people of another political party. We were all facing a crisis together. It often takes a crisis to get people to step back and ask, ‘Well, what’s in the best interest of the country as a whole?’”

With the energy crisis easing, Parsky was about to return to the private sector, but Shultz gave Parsky the opportunity to manage all international matters concerning oil, energy, and the capital markets. Nominated and confirmed in early 1974, he became the youngest assistant treasury secretary in the history of the department. Time magazine called him “It often takes a crisis to get people to step back and ask, ‘Well, what’s in the best interest of the country as a whole?’”
I think the American people want some level of independent thinking. They want people who will do what they believe is right for America. They want people who will be bipartisan when it’s in the public interest.

"Treasury’s Wunderkind," a "lean, tireless, dapper, and serenely poised" public servant who was "one of the administration’s most powerful bright young men." As assistant secretary, Parsky worked with the IMF and the World Bank to build programs with oil-producing countries. He built a capital markets group that developed into a full assistant secretary position of its own. "It was a terrific experience for a young person. I entered the government as an independent. I left the government as a true Republican, a conservative economic thinker, and very much free trade-oriented. But I also left with the strong belief that you had a responsibility as a public servant to work across party lines. You can’t start and stop with the notion that it’s ‘my way or no way’ on every issue.

Private Success and Political Agility

Parsky’s contacts and in-depth understanding of world markets would serve him well. He left Treasury in 1997 when William French Smith at Gibson Dunn & Crutcher asked him to join the firm as the first lateral partner the firm had ever hired. Parsky helped the firm open offices in Washington, New York, London, Saudi Arabia, Hong Kong, and Tokyo as he built a law practice around the movement from business to lawyers who are qualified is an avenue to improve the quality of your life and your ability to contribute.” Normally, the chair’s term is two years, but his fellow regents asked him to extend his term last year to manage the-
Kerry Abrams has two articles coming out in the summer: “Immigration Law and the Regulation of Marriage” in the Minnesota Law Review, and “Immigration Status and the Best Interests of the Child Standard” in the Virginia Journal of Social Policy and the Law. The latter was part of the “Welcome to America: Immigration, Families, and the Law” symposium that Abrams helped organize last March and that was put on by the Center for Children, Families, and the Law. In the fall, Abrams was named co-director of the center, an interdisciplinary joint project with the University’s Department of Psychology.


Michal Barzuza will deliver a presentation in May to the annual conference of the American Law and Economics Association titled “Lemon Signaling in Cross-Listings.” She was a commentator on Paul Mahoney’s paper “The Public Utility Pyramids” at a faculty retreat in January. She organized a conference in law and finance at the Law School in March, where she presented “Lemon Signaling in Cross-Listings.”


In May, the Institute of Medicine (IOM), an arm of the National Academy of Sciences, released a major report on tobacco policy chaired by Richard Bonnie ’09. The report, “Ending the Tobacco Problem: Blueprint for the Nation,” recommends a combination of increased excise taxes, nationwide indoor smoking bans, and other measures to significantly lower the U.S. smoking rate, which now hovers at around 21 percent of the adult population. The report also says that achieving faster, more certain reductions in tobacco use would require a change in the legal structure of tobacco control, including giving a federal agency such as the U.S. Food and Drug Administration broad regulatory authority over tobacco marketing, packaging, and distribution, and transforming the retail market to reflect the uniquely hazardous nature of tobacco products. Bonnie was vice-chair of an IOM study on preventing youth smoking published in 1994 and chaired a major study on underage drinking for the National Academy of Sciences released in September 2003.

Bonnie addressed a number of Virginia audiences on the new Commission on Mental Health
In November, Tomiko Brown-Nagin was a panelist on the American Constitution Society’s Supreme Court Press Briefing “Parents Involved in Community Schools v. Seattle School District” and “Meredith v. Jefferson County Board of Education” in Washington, D.C., and in December published an op-ed piece on the cases in the Richmond Times-Dispatch, “Cases Are a Referendum on Segregation History.” In January, she presented a workshop on teaching remedies at the American Association of Law Schools annual meeting, and “Atlanta’s Response to Brown” at the American Historical Association annual meeting. In February, she presented a paper, “The Student Movement’s Challenge to Pragmatism and Legalism, 1960–1961,” at a Fordham Law School faculty workshop. She also was a panelist at a UVA Law Public Service Conference session on affirmative action in K–12 education; in addition, she moderated a panel during the conference on the future of educational vouchers after Katrina. In March, she presented a paper, “The Uneasy Alliance between Civil Rights Lawyers and Demonstrators, 1961–1964,” at an Emory Law School faculty workshop. In April, she gave a talk, “Education Reform in the Post-Civil Rights Era,” at the National School Boards Association’s annual meeting in San Francisco. She also participated in a planning session for a conference on law and social movements at Harvard Law School in April.


In November, Anne Coughlin gave a lecture, “Doing the Police in Different Voices,” as part of the Hoffinger Colloquium at New York University School of Law. In February, she presented “Interrogation Stories” at a public theory workshop at Harvard. Coughlin has also been named co-chair of the National Association of Women Lawyer’s Supreme Court evaluation committee.

In April of 2006, Kim Forde-Mazrui commented on two book chapters written by professors Michael Klarman (Virginia) and Bernard Harcourt (Chicago) at a conference at Harvard Law School commemorating the publication of Criminal Procedure Stories (Carol Steiker, ed., 2006). In June, Forde-Mazrui gave a presentation on diversity in law school admissions at the annual meeting of the Law School Admission Council in Toronto, as well as a presentation, “Do Specific Rules Reduce Discretion?: The Case of the Peremptory Traffic Stop,” at the Association of American Law Schools midyear meeting on criminal law and procedure in Vancouver. In September, Forde-Mazrui delivered the keynote speech, “Seeking Political Common Ground: A Conservative Case for Affirmative Action,” at UVa’s Office of Equal Opportunity Program’s networking forum. In October, he delivered a lecture at Arizona State University’s Sandra Day O’Connor College of Law titled “Contemporary Lessons from Black History: Intercultural and Same-Sex Marriage Compared.” Also in October, Forde-Mazrui participated in a debate at the University of Michigan over the proposed amendment to Michigan’s constitution to ban affirmative action.


Brandon Garrett is working on a draft titled “Judging Innocence,” which he presented both at the first annual Conference on Empirical Legal Studies as well as at the NYU criminal law lunch. It has been accepted for publication in the January 2008 Columbia Law Review. Garrett is also writing an “In Brief” piece for the June Virginia Law Review called “When Organizations Do Federal Time.”

In May, Risa Goluboff’s book, The Last Promise of Civil Rights, was published by Harvard University Press. She has already presented the book at a conference of the Penn Legal History Consortium and the University of Chicago’s history department. This spring, Goluboff published an article titled “Race, Labor, and the Thirteenth Amendment in the 1940s Justice Department” in the University of Toledo Law Review as part of a symposium on the Thirteenth Amendment, and published an article on civil rights in the 1940s in Historically Speaking. Finally, Goluboff is co-chair of the program committee for the 2007 annual meeting of the American Society for Legal History, which will take place in Tempe, Ariz., in October.

In March, A. E. Dick Howard ’61 traveled to Budapest to give the Arpad Goncz Lecture at the Hungarian Academy of Sciences. His subject was “How Constitutional Ideas Travel,” with particular attention to the revolutions of 1848 in Europe (including Hungary) and to the making of constitutions after the collapse of communism in 1989. Arpad Goncz, to whom the lecture was dedicated, fought against the Nazis, was imprisoned by the
Appreciation

John A. C. Hetherington

PROFESSOR EMERITUS JOHN A. C. HETHERINGTON died at the age of 78 on December 19 after a long illness. Hetherington was a Professor of Law from 1971 to 1994, having held the the David A. Harrison Chair from 1977 through 1994. Professor Hetherington was born on September 26, 1928 in St. Catherines, Ontario. He received his A.B. degree from Dartmouth College in 1950, and his LL.B. in 1953 at Cornell University, where he served as managing editor of the Cornell Law Review.

Three years later, Hetherington graduated from the University of California (Berkeley) with his LL.M. degree. After graduating from Berkeley, Professor Hetherington clerked for Chief Judge William Denman of the U.S. Court of Appeals for the Ninth Circuit. He later went on to practice at Lundgren Lincoln & McDaniel and Mudge Stern Baldwin & Todd, both in New York City.

After three years of practice, he and his family moved to Madison, Wis., where he began teaching at the University of Wisconsin Law School, first as an assistant professor and then as a professor. Hetherington spent 11 years teaching at the University of Wisconsin before accepting a position at Virginia to pursue his active interest in business associations. He joined the Law School faculty in 1971, teaching courses in commercial law, contracts, corporations, and mutual and cooperative organizations.

While at UVA, Hetherington served on a number of committees including the one overseeing the J.D./M.B.A. combined degree program. Hetherington also spent parts of his tenure as a visiting professor at University of California at Berkeley, Hastings, and Los Angeles, as well as Stanford. In 1985 he was the Marshall P. Madison Professor at the University of San Francisco.

Professor Hetherington retired from the Law School in January 1996. He spent his last semester teaching at Hastings in San Francisco.

Professor Hetherington is survived by his wife, Mavis Hetherington, three sons, and five grandchildren.

John A. C. Hetherington was born on September 26, 1928 in St. Catherines, Ontario. After graduating from Berkeley, Professor Hetherington clerked for Chief Judge William Denman of the U.S. Court of Appeals for the Ninth Circuit. He later went on to practice at Lundgren Lincoln & McDaniel and Mudge Stern Baldwin & Todd, both in New York City.

After three years of practice, he and his family moved to Madison, Wis., where he began teaching at the University of Wisconsin Law School, first as an assistant professor and then as a professor. Hetherington spent 11 years teaching at the University of Wisconsin before accepting a position at Virginia to pursue his active interest in business associations. He joined the Law School faculty in 1971, teaching courses in commercial law, contracts, corporations, and mutual and cooperative organizations.

While at UVA, Hetherington served on a number of committees including the one overseeing the J.D./M.B.A. combined degree program. Hetherington also spent parts of his tenure as a visiting professor at University of California at Berkeley, Hastings, and Los Angeles, as well as Stanford. In 1985 he was the Marshall P. Madison Professor at the University of San Francisco.

Professor Hetherington retired from the Law School in January 1996. He spent his last semester teaching at Hastings in San Francisco.

Professor Hetherington is survived by his wife, Mavis Hetherington, three sons, and five grandchildren.

John A. C. Hetherington was born on September 26, 1928 in St. Catherines, Ontario. After graduating from Berkeley, Professor Hetherington clerked for Chief Judge William Denman of the U.S. Court of Appeals for the Ninth Circuit. He later went on to practice at Lundgren Lincoln & McDaniel and Mudge Stern Baldwin & Todd, both in New York City.

After three years of practice, he and his family moved to Madison, Wis., where he began teaching at the University of Wisconsin Law School, first as an assistant professor and then as a professor. Hetherington spent 11 years teaching at the University of Wisconsin before accepting a position at Virginia to pursue his active interest in business associations. He joined the Law School faculty in 1971, teaching courses in commercial law, contracts, corporations, and mutual and cooperative organizations.

While at UVA, Hetherington served on a number of committees including the one overseeing the J.D./M.B.A. combined degree program. Hetherington also spent parts of his tenure as a visiting professor at University of California at Berkeley, Hastings, and Los Angeles, as well as Stanford. In 1985 he was the Marshall P. Madison Professor at the University of San Francisco.

Professor Hetherington retired from the Law School in January 1996. He spent his last semester teaching at Hastings in San Francisco.

Professor Hetherington is survived by his wife, Mavis Hetherington, three sons, and five grandchildren.

In November, Deena Hurwitz participated in a workshop in Istanbul, organized by the Open Society Justice Initiative (OSJI), titled “Promoting Clinical Legal Education in the Middle East and Central Asia.” She gave presentations titled “Designing a Clinical Curriculum: Academic Requirements, Teaching Methodology, and Evaluation,” and “Engaging Law Students in Delivering Legal Services: Organization, Practice Supervision, and Learning from Practice.” In March, she traveled to Lebanon to participate as a trainer in the first Clinical Legal Education Teacher Training Workshop, part of a joint OSJI, Holy Spirit University of Kaslik Law Faculty, and Public Interest Advocacy Centre initiative. In January, she gave a talk to the Charlottesville Albemarle Bar Association titled “Detention, Interrogation, and Prosecution of Terrorism Suspects: Legal Issues and Policy Challenges.”

Hurwitz is co-organizing a three-day seminar to be held at the Law School in May titled “Applying International Humanitarian Law to Today’s Conflicts.” The seminar is for policy makers, practitioners, and other professionals whose work has an effect on the development and/or application of international humanitarian law. It is co-hosted by the Law School Human Rights Program, the International Committee of the Red Cross, and the Judge Advocate General’s Legal Center and School.

In the fall, Mitchell Kane appeared on “A Different Perspective” on WJAB Radio in Huntsville, Ala., where he discussed his book, Jim Crow to Civil Rights. He also was a panelist at the Law School’s event on Virginia’s same-sex marriage amendment sponsored by the Lambda Law Alliance, Virginia Law Democrats, and the ACLU; and appeared at a Federalist Society event at the Law School on Supreme Court nominations in response to a presentation by Leonard Leo. In the fall, Klarkin also taught a two-week short course, Race and the Constitution in American History, at Yale Law School.

In the January term, Klarkin taught a course on constitutional theory at Harvard Law School. He also participated in a Federalist Society-sponsored debate with Judge Michael McConnell on the original understanding of the Fourteenth Amendment with regard to school segregation. Also in January and February, Klarkin, along with A. E. Dick Howard ’61 and G. Edward White, was interviewed for a PBS special consisting of a four-part series on the Supreme Court.
presented his “backlash” project at Stanford Law School’s public law colloquium. The “backlash” project considers the political backlashes often generated by controversial Supreme Court rulings. In March, Klarman presented the same project to a history workshop at Oxford University.

In May, Klarman will give a talk to the board of the NAACP Legal Defense Fund on the topic of the advantages and disadvantages of litigation as a method of social reform. In June, he will be teaching a weeklong course, American Constitutional History from Reconstruction to Brown, to Indiana judges. He also has two books due out this summer: in July, Brown v. Board of Education and the Civil Rights Movement (Oxford University Press); and in September, Unfinished Business: Racial Equality in American History, also published by Oxford University Press.

In December, Elizabeth Magill ’95 presented a paper at Georgetown University Law Center about the changes in public law in the 1960s and 1970s. That paper is part of a larger project about that era. In February, she participated in a conference on presidential signing statements at the William and Mary Law School. Magill’s presentation focused on signing statements as a presidential method of controlling the exercise of discretion in the executive branch.

In October, Caleb Nelson presented his article “Adjudication in the Political Branches” as part of the faculty workshop series at Harvard Law School (where he was visiting for the fall). The article is forthcoming in the Columbia Law Review.

In February, Dan Meadow delivered the keynote address at a Los Angeles program on the U.S. Court of Appeals for the Federal Circuit sponsored by the California State Bar Section on Intellectual Property Law.

In May, Paul Mahoney has a work in progress called “The Public Utility Pyramids.” The paper examines the reaction of utility company stocks to the Public Utility Holding Company Act of 1935, which banned “pyramids,” or multiple layers of holding companies. Mahoney presented the paper last November at Georgetown, in December at Duke, and in February at the University of Missouri. During spring break, Mahoney also traveled to Cambridge as a Herbert Smith Visiting Professor at Cambridge University.

In February, Jeffrey O’Connell lectured on reform of medical malpractice law at the 43rd annual UVA Medical Alumni Meeting in Hot Springs, Va. He and a co-author are engaged in a study of a closed claims study reflecting the costs of O’Connell’s “early offers” proposal for reform of product liability claims.

In October, Mitchel organized the conference, which was funded by the National Science Foundation and was held at the University of Virginia in March. Leading judicial behavior scholars from the fields of law, political science, and psychology participated.

In November, Robert O’Neil spoke at a Harvard conference on academic freedom sponsored by the Institute for Educational Management at the Graduate School of Education. In January, the board of directors of the Association of Governing Boards of Colleges and Universities officially adopted a statement on trustee accountability that O’Neil drafted and guided through several councils and their board.

This being O’Neil’s final semester of regular teaching, his major activity has been attending (along with A. E. Dick Howard ’51) an international conference held in Prague in March, where he presented a paper titled “Thomas Jefferson’s Separation of Church and State.” The conference was sponsored by Monticello’s Center for Jefferson Studies, Colonial Williamsburg, and the University of Virginia. Also in March, O’Neil gave a lecture, “Academic Freedom in Cyberspace,” at an annual conference sponsored by the Wotle Institute at Brooklyn College.

Earlier this spring, O’Neil delivered an address, “The Study of the Middle East and Islam: Challenges after 9/11,” at a conference at Brown University. In May, he will speak at and chair a panel on “National Security and the First Amendment” at the 23rd anniversary program for UVAs Center for National Security Law.
Dear Editor:

It was a delight to read Professor Meador’s nostalgic article on “Picker Fences and a Jealous Mistress.” The article reminded me of three key lessons for success in the law that I learned in Professor Meador’s class, first bell, first year: preparation, preparation, and preparation.

I do take significant issue, however, with one of Professor Meador’s suggestions. He says, “I have no illusion that what went on in my classes had much to do with their [the students’] accomplishments.” I know I speak for many of my classmates, who are now in our fourth decade of law practice, in confirming that Professor Meador did, indeed, have much to do with our accomplishments.

Sincerely yours,

Daniel J. Hoffheimer ’76

Editors:

In your fall issue on “Teaching the Virginia Way” you included a brief statement by my all-time hero Dan Meador. There could be no brighter star in that illustrious firmament of Virginia Law School. The life and contributions of this man are an inspiration to be celebrated.

Gratefully,

Thomas M. Reavley LL.M. ’84
1940

In an Of Counsel interview last October, Mortimer Caplin told of the inspirations, challenges, and rewards that together explain why “there’s something special about being a lawyer.” Beginning with a tribute to his father’s role in his decision to become a lawyer, Caplin explained his dream of teaching, which, despite the aftermath of WWII, he achieved on accepting a position at the Law School. As the 1960s approached, Caplin received a phone call from Ted Sorensen, John F. Kennedy’s speechwriter and aide, asking him to serve on Kennedy’s IRS task force. Caplin accepted the position and worked on an IRS plan that would become a focus of the Kennedy administration. While Caplin was serving as the commissioner of the IRS, he had the distinguished honor of witnessing President Kennedy personally address the IRS, the only president to do so in U.S. history. Caplin spent the latter part of the interview discussing his firm, Caplin & Drysdale, and his intent to maintain the firm’s smaller and more intimate size. As a lawyer, teacher, and inspiration to many, Caplin continues to practice and run his firm, all while maintaining the philosophy that “besides representing clients, we [lawyers] have an obligation to society to make sure it works correctly and do what we can to make society better.”

1951

The courts and judges are under pressure from too much litigation, but W. Moultrie Guerry enjoys retirement! He recently celebrated his 80th birthday, “but feels pretty good,” and after a three-month illness in July, is back to golf and long walks with his golden retriever.

1958

Michael L.B. Kaplan writes, “As my classmate Joe Hilton reports that he is still happily working, I’d like to report that I’ve retired twice.” Kaplan’s first retirement was in October 1990, as a vice president and chief counsel of the Mutual Life Insurance Company of New York (after 30 years), and his second, in July 2004, as deputy general counsel and deputy secretary of Horizon Blue Cross Blue Shield of New Jersey (after 13 years). Kaplan’s wife retired as chief of the dental service and director of the general practice residency program at Morristown (New Jersey) Memorial Hospital on January 1, 2006. As their 9-year-old grandson is too busy with his own social life to entertain them, the Kaplans say they are now looking for ways to entertain themselves.

1960

Henry H. McVey III was honored by the Virginia Association of Defense Attorneys on October 20 and received the Excellence in Civil Litigation Award.

1961

Leighton Q.J. Klevana, with Advanced Global Investments, splits his time between offices in Tampa, Fla., and Prague in the Czech Republic. Advanced Global Investments is in the business of locating and packaging investments in the less-developed countries in Eastern and Central Europe.

Frank Galloway was appointed to the judicial liaison committee of the Alabama State Bar for 2006–07. More recently, he was appointed to serve on the board of directors of the Birmingham-Jefferson County Transit Authority. Frank is a partner in Hand Arrendall’s Birmingham office and has represented lenders, including many out-of-state institutional lenders and developers, with respect to secured loans during the course of his real estate and commercial lending practice.

Benson A. Snader of New Haven, Conn., has been listed in New York magazine’s 2006 survey as one of the New York area’s “Best Lawyers for Eminent Domain and Condemnation Law.”

Last year, Louis L. Brody merged his law firm of 26 years, Brodsky & Associates, with a larger New York City firm to become Salon Marrow Dykman Newman & Brodsky to take advantage of their additional capabilities as well as synergies. He is still concentrating on corporate law, asset-based lending, and real estate.

Joseph F. Dillon has been named in Michigan Super Lawyers. He has also been listed in The Best Lawyers in America since 1987 and, starting in 1996, has been added to Who’s Who in American Law every year since then. Joe continues to work with Cox, Hodgman & Giarmarco in the fields of taxation, corporate, and international law. He is married to the former Diane K. Long of Grosse Pointe, and together they have four children. They split their time between Naples, Fla., where they spend the winter months, and Grosse Pointe Woods, Mich., for the remainder of the year.

After spending many years in private practice specializing in commercial litigation, Paul N. Samoth has been appointed an assistant attorney general for the state of Maryland, responsible for the enforcement of child care regulations.

Walter M. “Chip” Dickey served nearly a decade on the Johnson County (Kansas) Postal Council to improve customer service and postal efficiency. He married the sister of the chief judge of the Missouri Court of Appeals and interviews prospective applicants to UVA.

Gail Sterling Marshall, of Rapidan, Va., has been elected a board member of the Virginia Capital Representation Resource Center in Charlottesville. The center’s mission is to work to ensure that adequate representation is provided to financially eligible persons in federal and state death penalty habeas corpus proceedings and in federal and state capital prosecutions. She was also elected secretary of the Commission on Southern African Partnership by Bishop Peter J. Lee. The commission fosters a contact between the Diocese of Virginia and parishes and missions in the Diocese of Christ the King near Johannesburg, South Africa. Marshall was named to Best Lawyers in America for her work in appellate practice.

Don Zachary has enjoyed a busy and varied litigation career on the West Coast for many years and a few months ago was named one of the Los Angeles area’s Best Lawyers for 2006. Since 2002, Zachary has been counsel to Fox Spillane Shaeffer, where his practice continues to focus on business litigation, particularly intellectual property (trademark and copyright), entertainment, and media cases. In his spare time, Don is co-chair of the copyright committee of the ABA’s intellectual property committee of the litigation section and teaches media law at the University of Southern California Annenberg School for Communications’ School of Journalism.

David L. Norton spent almost 20 years as general counsel and secretary of First & Merchants Bank, before becoming general counsel and secretary of Sovran National Bank and deputy general of Sovran Financial. He remained with Sovran until 1992, when it was acquired by NCNB to form NationsBank. Norton was named associate general counsel of NationsBank Corporation, where he stayed until 1993. He then left to become a partner with his old law firm of Marks & Valentine (now Troutman Sanders) and remained there until 1996, at which time he left to start his own business consulting firm. After one year, Norton became legal counsel to the Virginia Lottery and remained until 2011, when he took permanent disability due to his multiple sclerosis. Since that time, he has been volunteering on a part-time basis with the Episcopal Diocese of Virginia in the areas of church planting and mission churches.

George H. House, a partner at Brooks, Pierce, McLendon, Humphrey & Leonard in Greensboro, N.C., has been named in North Carolina Super Lawyers and was also recognized as one of the state’s top 100 super lawyers in environmental law.

Fred T. Lowrance has been named to North Carolina Super Lawyers for 2007 in the area of construction/ surety law. Lowrance practices at Parker Poe Adams & Bernstein in Charlotte, N.C.

Alan B. Rashkind has been listed in Best Lawyers in America for more than ten years. In 2006, he was named in Virginia Super Lawyer, in the area of insurance coverage, one of only two lawyers in Virginia listed in that category, but regrets to inform his classmates that he is still unable to keep even small buildings in a single bound. Rashkind continues in private practice in Norfolk, Va., with Furriss, Davis, Rashkind and Saunders; is an adjunct professor at the Marshall- Wythe School of Law at William & Mary, and is a fellow of the American College of Trial Lawyers, the American Bar Foundation, and the Virginia Law Foundation. Rashkind, and his wife, Suzanne, have two sons, Gray and Doug, and two grandsons.

Alexander C. Short and his wife, Patricia, were thrilled to return once again to Law School graduation ceremony, this time for their daughter Ashley Short, a member of the Class of 2006. Ashley is now clerking for the Honorable Benson Legi ’73, chief judge of the U.S. District Court for the District of Maryland.

For his work in the area of corporate finance, Edward W. Wellman, Jr., has been named in North Carolina Super Lawyers for 2007. Wellman practices at Parker Poe Adams & Bernstein in Charlotte, N.C., where he has recently been elected to the board of directors for a three-year term.

After an entire career at Morgan, Lewis & Bockius, Larry Berger left the partnership earlier in the year to accept the post of general counsel at the Philadelphia Museum of Art, becoming the first person to serve in that role. Berger was recently involved in what he terms a “novel project,” the purchase of Thomas Eakins’s masterpiece, The Gross Clinic (1875). Offered for sale by Thomas Jefferson University in Philadelphia, the painting is considered by most critics to be one of the ten most significant American paintings. The price of $46 million set a record for any pre-NWIT American painting. Originally, the painting was going to be sold by Jefferson University to the National Gallery in Washington and to the Crystal Bridges Museum in Arkansas. However, under a unique clause in the original agreement, local institutions in Philadelphia were given the opportunity to match the price in 45 days and keep the painting in Philadelphia. The Philadelphia Museum of Art and the Pennsylvania Academy of the Fine Arts worked together and now are jointly acquiring the painting.

Cecilia Sparks Ford retired in April 2006 as chair of the departmental appeals board at the United States Department of Health and Human Services. She had been an administrative judge on the board since 1980 and head of the office since 1998.
Eric E. Adamson has just been nominated as director of Rotary International’s board of directors for the 2008–10 term. Rotary is a worldwide service organization in 165 countries, with 33,000 clubs and 1.3 million members. There are 17 directors, 6 from the U.S.

Lee F. Feinberg was included in The Best Lawyers in America for energy law. Feinberg works at Spilker, Thomas & Battle in Charleston, WV.

The Honorable Benson Legg is chief judge of the U.S. District Court for the District of Maryland.

David L. Martin has been reappointed to another eight-year term as a United States Magistrate Judge for the District of Rhode Island. His initial appointment was in September of 1998.

Brian C. Murphy recently returned from Iraq, where he served for 14 months, first with the Coalition Provisional Authority (CPA) Ministry of Trade, then with the CPA Ministry of Justice, and finally with the U.S. Embassy as legal advisor to the CPA Ministry of Justice. He is now with the Department of State as a consultant on nonproliferation issues.

The newest book by Douglas M. Branson (LL.M.), No Seat at the Table — How Corporate Governance and Law Keep Women Out of the Boardroom, was published by NYU Press with a 2007 copyright. His newest article, “Too Many Bells! Too Many Whistles? Corporate Governance in the Post-Enron, Post-WorldCom World,” was published in the South Carolina Law Review in 2006. Branson also taught around the globe in 2006, as he taught international human rights at Trinity College in Dublin, corporate governance at the University of Melbourne in Australia (for the 15th year), and was the Paul Hastings Distinguished Professor of Law at the University of Hong Kong. (See its front.)

1973

Brian C. Murphy recently returned from Iraq, where he served for 14 months, first with the Coalition Provisional Authority (CPA) Ministry of Trade, then with the CPA Ministry of Justice, and finally with the U.S. Embassy as legal advisor to the CPA Ministry of Justice. He is now with the Department of State as a consultant on nonproliferation issues.

Frank Riggs is a senior member of the construction practice group in the Atlanta office of Troutman Sanders. He was recognized in The Best Lawyers in America in construction law and named a Georgia “Super Lawyer” by Atlanta Magazine.

1975

Christine Svent Byrd published an article on evidence and expert witnesses, “Cold War or Peaceful Coexistence? Federal Rule of Evidence 703 in the Post-Dbaugter Era.”

Clyde H. Jacob III was recently asked to open and head a new law firm in New Orleans for Houston-based Coats Rose Yafe Yrue Ra Lynn — the first out-of-state law firm to establish an office in post-Katrina New Orleans. The firm has a general practice with a focus on real estate, litigation, and labor and employment.

John H. Quinn III, an Armstrong Teasdale partner, was elected by the Friends of the Sheldon to serve on the board of directors. The Friends of the Sheldon supports the Sheldon Concert Hall in St. Louis by raising funds that contribute to various events, educational programs, art exhibits, and other cultural activities. At Armstrong Teasdale, Quinn is a practice group leader of the firm’s intellectual property litigation practice group. His practice focuses on business and commercial litigation, employment law litigation, and general civil practice.

1976

Peter E. Broadbent, Jr., has been recognized by Virginia Business Magazine in its annual survey as one of the Virginia “Legal Elite” in the field of intellectual property law. Broadbent practices business, intellectual property, governmental, and communications law as a partner with Christian & Barton in Richmond.

William P.H. Cary (JD/MBA) was recognized in North Carolina Super Lawyers for his work in employment and labor as a partner at Brooks, Pierce, McLendon, Humphrey & Leonard in Greensboro, N.C.

For the past seven years, S. Miles Dunville has served as managing partner for the Richmond, Va., office of Reed Smith.

Daniel J. Hoffleime, a partner with Taft, Stettinius & Hollister in Cincinnati, has been appointed legal counsel for the Greater Cincinnati Foundation, the fourth person to hold the position in its 43-year history. The community foundation has half a billion dollars in assets.


Donald J. Shuller was recently named in Ohio Super Lawyers for his work in real estate law at Vorys, Sater, Seymour & Pease in its Cincinnati office.

1977

The Honorable Dennis Curran was recently inducted as an associate justice of the Massachusetts Superior Court.

J. Herbie DiFonzo received the Stanley Cohen Distinguished Research Award for “outstanding research in the field of family and divorce law.” Director of the Hofstra University School of Law LL.M. Program in Family Law, DiFonzo inaugurated the first class in 2006.

Stephen Earp, an attorney from the Greensboro, N.C., office of Smith Moore, is included in the 2007 Chambers USA listing of “America’s Leading Business Lawyers” for his work in environmental law. He has also been recognized in North Carolina’s 2007 “Legal Elite.”

Amy B. Ginensky joined Pepper Hamilton in Philadelphia as a partner in January. Ginensky is a leading First Amendment lawyer who handles class action and commercial litigation matters. Before Pepper Hamilton, Ginensky was vice chair of the litigation department at Dechert.

Ronald L. Marmer was honored in Laxawder’s “500 Leading Lawyers in America” list. He was highlighted as a lawyer to whom directors, officers, attorneys, and accountants turn in judicial and administrative proceedings.

This year, Law School Professor Paul Stephan is taking a leave of absence to serve as counsel in the Office of the Legal Advisor, U.S. Department of State. His wife, Pam, who is on the Medical School faculty, will remain in Charlottesville, and Stephan will be in town on weekends.

1978

Christopher Scott D’Angelo was both moderator and speaker in “Rome Convention I and the Proposals for a New Convention,” a program presented at the International Association of Defense Counsel’s Meeting in Vienna. The program focused on proposals to replace the Rome Convention I with a new Law of Evidence Regulation on the choice of laws rules applicable to contractual obligations, the current draft of the regulation, and the objections of the U.K. Government and several groups to the proposals and the draft regulation. D’Angelo is a partner at Montgomery, McCracken, Walker & Rhoads in Philadelphia, where his practice emphasizes business, class action, intellectual property, and products liability counseling and litigation.

Michael P. Haggerty has been selected by his peers for inclusion in Super Lawyers for achievements in banking law. Haggerty is an attorney in the Dallas office of Jackson Walker.

In November, California State Senator Debra Bowen won the election for California Secretary of State. Bowen represents the 28th Senate District in Southern California and had served for six years in the 33rd Assembly District seat.

Michael K. Kuhn has been selected by his peers for inclusion in Super Lawyers for achievements in real estate law. Kuhn is an attorney for Jackson Walker in its Houston office.

On October 12, Penelope W. Kyle was inaugurated as Radford University’s sixth president. Before accepting this position, Kyle worked at the Richmond office of McGuireWoods, then worked 13 years at CSX Corporation, where she entered as an attorney and worked her way up to vice president in the finance department. From 1994 through 2005, Kyle worked as director of the Virginia Lottery, where she helped achieve record-breaking funding and increases in revenue, exceeding $1 billion each year. Since her appointment to the presidency, Kyle has initiated many projects, some of which include the university’s first five-year plan, an international search for BU’s first provost, and a major capital campaign. Kyle has also played a key role in the university’s first five-year plan, a major capital campaign.
and approval of a budget that includes more than $17 million in new operating general funds for Radford University.

David J. Llewellyn presented a paper titled “Winning and Losing on the Circuit” at the Ninth International Symposium on Circumcision, Genital Integrity and Human Rights, held last August at the University of Washington in Seattle.

Chip MacDonnell (JD/MBA) joined the capital markets group of Jones Day in May. He focuses on securities, mergers and acquisitions, and governance, primarily in the financial services area. He celebrated his 20th wedding anniversary with his wife, Nancy, this year. He has three sons: Ralph IV, who started at Rhodes College in fall 2006; and Thomas and Michael, students at the Lovett School in Atlanta.

Roy L. Smart III has been named a North Carolina Super Lawyer for 2007 in the area of mergers and acquisitions. Smart practices at Parker Poe Adams & Bernstein in Charlotte, N.C.

Lydia Stefanowicz recently joined Edwards Angell Palmer & Dodge as a partner resident in the Short Hills, N.J., office, where she will continue to concentrate primarily on commercial real estate and debt finance.

Randall A. Underwood was recognized in North Carolina Super Lawyers for his work in antitrust litigation. He is a partner with Brooks, Pierce, McLendon Humphrey & Leonard in Greensboro, N.C.

1980

J. Bennett Clark has joined Bryan Cave as a partner in its St. Louis office. Clark is a well-known, nationally recognized intellectual property litigator. He joins Bryan Cave from a St. Louis intellectual property boutique where he served as the chair of the litigation practice group for more than 15 years. He joins Bryan Cave’s intellectual property and commercial litigation practice groups.

T. Kenneth Cribb, Jr., continues as president of the Intercollegiate Studies Institute, but more recently has been elected president of the Council on National Policy and named counselor to the Federalist Society.

In September, Dennis J. Fogland, currently an attorney at Barlott Helm in Omaha, Neb., was selected to appear in The Best Lawyers in America for his work in corporate law, governance and compliance law, and mergers and acquisitions law.

In the summer of 2006, Virginia Governor Tim Kaine reappointed William L. Nushbaum to a second term as chair of the Virginia College Building Authority, which issues bonds for state colleges and universities throughout the Commonwealth, as well as for private colleges and universities (the latter on a conduit basis). Nushbaum Stockton writes, “It’s an interesting position, and satisfying to help higher education — including occasionally UVA, in the process.”

Randall A. Underwood

W. David Paxton was named to Virginia’s “Legal Elite” by Virginia Business Magazine. Paxton is a lawyer with Gentry Locke Rakes & Moore in Roanoke, Va. Virginia’s “Legal Elite” are chosen through a survey conducted by Virginia Business and the Virginia Bar Association.

This year, more than 7,000 lawyers were polled to nominate lawyers in 13 categories who have demonstrated exceptional levels of expertise in their areas of practice.

Kathy Robb has been elected to the Environmental Law Institute’s board of directors. The institute is an independent, non-partisan environmental education and policy research center based in Washington, D.C., that serves the environmental profession in government, law firms, business, non-governmental organizations, and academia. Robb is a partner at Hunton & Williams in New York and is co-head of the firm’s resources, regulatory, and environmental law team. Her practice involves all phases of administrative litigation, particularly matters involving the Clean Water Act and the Superfund site cleanup program.

She has been active in the American Bar Association and is co-founder and President (2006) of The Women’s Network for a Sustainable Future.

1981

Johannes Graf Esterhazy (L.L.M.) works with his team to combat the illicit trade of Philip Morris products and to protect the company’s intellectual property rights. His area of responsibility is Western Europe, including Scandinavia and Switzerland.

David P. Ferretti has been named a best lawyer for corporate and mergers and acquisitions law in The Best Lawyers in America. Ferretti practices at Spelman Thomas & Battle in Charleston, W.Va.

Gwen Freeman wrote a mystery novel, Murder, Suicide, Whatevr...,” published by Capital Crime Press in March. The classic “locked door whodunit,” is set in Los Angeles, where Gwen really does live with her husband and law partner, Andre Jandini, and her daughter, Angelica, who is a freshman at Occidental College. (See In Print.)

William M. Heiby practices at Spelman Thomas & Battle in Charleston, W.Va., and has been included in The Best Lawyers in America for his work in corporate and natural resources law.

Stanley K. Joynes III has returned to Richmond-based LeClair Ryan, of which he was president for nearly 10 years, as the law firm’s chief growth officer.

1982

Michael Houghton has been named to Lawdragon’s “3000 Leading Lawyers in America,” a list of the top U.S. lawyers ranked by clients and peers. Houghton is an attorney at Morris, Nichols, Arsht & Tunnell and is a member of the firm’s commercial law counseling group and head of its unclaimed property practice.

Houghton is also the vice president of the executive committee of the National Conference of Commissioners on Uniform State Laws, and is active in a variety of political, professional, and community organizations.

Edmond M. Ianni was appointed senior vice president and chief strategy officer for the Wilmington, Del., office of Millennium Wealth Management. Millennium Wealth Management is a part of HNB (founded in 1909), which provides comprehensive trust, wealth management, and private banking services to individuals, families, endowments, and other institutions across the country.

Jennifer Jordan McCall writes that she and her family are having a great time in Hillsborough, Calif. Her two daughters, Caroline and Hillary, love the Mendol School in Atherton. Caroline rows varsity women’s crew and starts practice at 5:00 each morning. Hillary loves her drama productions at school. Jennifer is the chairman of the estates, trusts, and tax planning group at Pillsbury Winthrop Shaw Pittman. She has offices in Palo Alto and New York.

Philip Mulford, a professional mediator and president of Mulford Mediation, was named to Virginia Business Magazine’s 2006 list of “Legal Elite” for his excellence in the practice of mediation. Formerly a practicing attorney, Philip has devoted his practice exclusively to mediation since 1990. His offices are located in Warrenton and Fairfax, Va. This fall, Philip launched a weekly, national Internet radio talk show, “Divorce Mediation: Myths & Facts” on the VoiceAmerica Network (www.voiceamerica.com). Each week Philip addresses a common myth about mediation and invites listeners across the country to call in with questions. Philip lives with his wife and two sons in Warrenton.

Michael Houghton

Diane Prucino has become a firmwide managing partner of Kilpatrick Stockton — one of the nation’s largest firms with more than 500 attorneys. She will share management of the firm with a focus on attorney development. She also becomes the first female managing partner at The Best Lawyers in America.” Her varied civil litigation practice includes employment class actions, medical malpractice suits and other personal injury cases in Virginia, the District of Columbia, North Carolina, Pennsylvania, Texas, and Louisiana. In addition to an active trial practice, she has also successfully handled a dozen appeals before state and federal courts. Following postgraduation employment in New Orleans, for 20 years Sandy has been a member of Patton, Boggs & Dumont in Newport News, Va., the
largest Peninsula-based law firm. A widower, he lives in Williamsburg with his four children, the oldest two of whom attend college at Harvard and Virginia Commonwealth University.

1983

Bob Barnes is general counsel of Column Financial, a commercial mortgage lender that is a subsidiary of Credit Suisse. He has recently been promoted to managing director within Credit Suisse. Bob lives with his wife, Gayle, and two daughters (11 and 9) in Atlanta.

The Honorable Paul W. Cella has been appointed judge of the General District Court for the Eleventh Judicial District of Virginia. His term begins in August.

Elizabeth P. Gray was elected to partnership at Foley & Lardner in Washington, D.C., in February. Gray represents clients in a wide variety of government and regulatory investigations and has extensive experience with matters arising under the federal securities laws. As a member of Foley & Lardner’s securities litigation, enforcement and regulation as well as white collar defense and corporate compliance practices, Gray represents public companies, broker-dealers, officers and directors as well as other institutions and individuals in connection with securities enforcement, counseling and compliance matters.

For more than 12 years, Gray worked at the U.S. Securities and Exchange Commission, first as a staff attorney, senior counsel, branch chief, and ultimately assistant director of the division of enforcement. She supervised the investigation, prosecution, and settlement of securities law cases involving a large range of issues, including financial fraud, clearing broker violations and market manipulation. Ms. Gray also served as counsel to Chairman Arthur Levit, providing recommendations on enforcement and regulatory matters, and developing the SEC’s program to address fraud in the microcap market.

Thomas N. Griffin III has been named in North Carolina Super Lawyers for 2007 in the area of environmental law. He currently practices at Parker Poe Adams & Bernstein in Charlotte, N.C.

Robert P. Latham was selected by his peers for inclusion in The Best Lawyers in America 2007. Latham works in the Dallas office of Jackson Walker and was selected for his work in intellectual property law and sports law.

Jeffrey E. Olenyik was named in North Carolina Super Lawyers for banking. He is a partner with Brooks, Pierce, McLendon Humphrey & Leonard in Greensboro, N.C.

John E. Osborn has joined King Spalding as general counsel was recently featured in The Best Lawyers in America.

John Harbin has joined King Spalding as litigation partner in the intellectual property practice group. John has more than 20 years of trial experience in IP and complex business litigations, having been the lead attorney on more than 30 jury and bench trials. John was named one of Georgia’s Super Lawyers for 2003-2006 by Atlanta Magazine and one of Georgia’s “Legal Elite” in business litigation from 2003 through 2005. John and Shara’s eldest daughter, Ryan, is in her senior year at Boston University and their second daughter, Jordan, just started college at the University of St. Andrews in Scotland.

In addition to his current role as senior vice president of the corporate and transactions section at NBC Universal, Scott Seeley has been named general counsel for Telenumdo. Seeley will oversee and coordinate the legal support for Telenumdo’s networks, TV stations, cable television and digital media properties, including in particular acquisitions and joint venture arrangements, broadcast affiliation agreements, real estate matters and general commercial law matters.

1984

Suzanne L. DeWalt was elected shareholder at Sherrard, German & Kelly. DeWalt joined the firm as a director in 2005 and since then has chaired the litigation practice group in Pittsburgh. DeWalt focuses her practice on commercial litigation with a particular emphasis on employment and construction matters.

K.C. Green, an attorney at Dinmore & Shohel, was selected by peers for his inclusion in The Best Lawyers in America.

1985

Mark E. Baker joined Holland & Knight’s Northern Virginia office as a partner. Baker is a leading labor and employment lawyer and has extensive experience representing employers in matters ranging from representation in unfair labor practice proceedings to breach of contract litigation before state and federal courts and agencies. Before joining...
Holland & Knight, Baker was a partner with McGuiness Norris & Williams.

Martha Donovan spoke at a seminar titled “Selling Your Business: Prepare Now for What Lies Ahead.” Speakers addressed the preliminary steps in preparing to sell a business, different ways to structure a business in more than one business, the sale process, and other pertinent topics. Donovan is a co-chair of the environmental law group at Norris McLaughlin & Marcus in Somerville, N.J.

Neil P. Guion is an attorney with Lathrop & Gage, located in Springfield, Mo., where he specializes in corporate real estate.

J. Stephen Hufford has joined the Atlanta investment banking firm of Croft & Bender, as a director. Hufford will also be a general partner of C&B Capital II, the second private equity vehicle sponsored by Croft & Bender. The firm has raised more than two decades of merger and acquisition, corporate development, and operational experience.

Professor Yuji Iwasawa (S.J.D.) was elected to the United Nations Human Rights Committee in September 2006. The Human Rights Committee is a monitoring body established under the International Covenant on Civil and Political Rights, and holds three sessions a year in New York and Geneva.

Steve M. Pharr of Pharr & Boynton in Winston-Salem, N.C., has been recognized by Business North Carolina magazine as among the “Legal Elite” in North Carolina practicing construction law. Business North Carolina compiles this annual listing by surveying practicing attorneys across North Carolina.

Michael Platt has accepted the position of chief investment officer with Airecast Advisor, a commercial aviation and aircraft investment and leasing company based in Stamford, Conn., where he will be responsible for directing and executing the company’s investment activities.

Kent Reynolds has joined the Private Bank at Bank of America as a senior vice president and private client manager. After four years in Munich, Jeff Trinklen has moved back to the United States. He remains with Gibson, Dunn & Crutcher and is a member of the firm’s international tax group in the New York office.

The photo in the Fall 2006 UVA Lawyer Class Notes of Peter J. Rogers ’49 and the Enola Gay caught the eye of Peter Beor (L.L.M.). Beor served as staff judge advocate at the Air Force Operational Test and Evaluation Center at Eglin Air Force Base from 1952 through 1953, while it was commanded by Colonel Paul Tibbets, pilot of the Enola Gay. During that time, Beor was able to hear a lot about the days at Tinian and of the Marines who guarded the bomber. A few years ago, Beor met up with Tibbets while the brigadier general was in New Orleans.

Mark Bour has recently been named chief litigation counsel for BB&T Corporation, the nation’s ninth largest banking and financial services company, in Winston-Salem, N.C.

Rosemary Duszkiewicz, a partner and chair of Caisnoss & Hempelmann’s employment law practice, was recently honored by two of Seattle’s premier law firms with the designation of “Top Lawyer” in the area of labor/employment law. Seattle magazine listed her as one of the “Top 135 Lawyers” in Seattle. “Now that she has begun her eighth year in the House and her fourth full term, she will have a $50,000 salary, an office in the Capitol, and a new staff of 10,” said Duszkiewicz.

About half of Rosemary’s practice involves employment litigation on behalf of companies of all sizes. She also handles general corporate litigation, ranging from large-batch breach of contract claims to trade secret violations and claims of securities fraud. In her spare time, Rosemary helps her business skills as a trustee for Group Health Cooperative, one of Washington State’s largest employers. She is active in community roles, including chairing the parent-teacher association at her daughter’s school, serving as a volunteer attorney for the Northwest Women’s Law Center, and chairing bar association committees at local, state, and national levels.

Bruce Hamilton was listed in Best Lawyers in America and named a North Carolina Super Lawyer in North Carolina Super Lawyers in workers’ compensation defense.

John E. Lichtenstein opened a second office of Lichtenstein Fishkind & Johnson in Charlottesville in February, to better serve clients in central and southwest Virginia. The firm is a trial practice firm that handles cases throughout Virginia. The firm’s practice concentrates on serious personal injury litigation, medical malpractice, commercial litigation, product liability, the defense of serious federal and state criminal cases, and divorce litigation.

Last spring, Sue Liemner received tenure and a promotion to associate professor at the Southern Illinois University School of Law, where she also serves as a director of the Lawyering Skills Program. She also had the opportunity to serve on an ABA site team, reviewing another law school as it went through the reaccreditation process.

Jennifer Weiss was re-elected to the North Carolina House of Representatives. She will begin her eighth year in the House and her fourth full term.

Neil McKintrick was appointed to the transition committee working group for education for the incoming governor of Massachusetts, Deval Patrick. McKintrick is a director of Gouldston & Storrs in Boston. He recently completed his term as president of the Massachusetts chapter of the Federal Bar Association.


Nicki Sideris writes that she retired “from all those pesky legal questions” and is raising 8-year-old twin boys with her husband, Donald Chaob. She lives in Frederick, Md.

1986

Mike Andreesen practices corporate law with Posternak Blankstein & Lund in Boston. He heads the firm’s corporate department and concentrates on securities law, private equity, and technology clients. He lives in Milton, Mass., with his wife, Patty, and sons Jack and Joe.

Tom Burack was recently tapped by New Hampshire Governor John Lynch to be the new commissioner of environmental services.

Don Burnett (L.L.M.), University of Idaho College of Law Dean and Foundation Professor, recently earned the Idaho State Bar’s Professionalism Award, considered one of the highest honors a lawyer can receive during his or her career. The award recognizes those who demonstrate devotion to public service, improvement of the administration of justice, and a career-long demonstration of diligence, ability, civility, integrity, and dignity.

1987

Regulation Year

John Cooper was elected an officer of the rail law section of Association of Trial Lawyers of America and is in line to be the section chair in 2009. John’s practice is exclusively plaintiff-only injury law, with an emphasis on Federal Employers Liability Act cases.

John M. Mullin, a founding member of Duke, Mullin & Galloy, joined the firm of Tripp Scott after the two Fort Lauderdale firms merged in December. Now a partner in Tripp Scott, he continues to practice in the areas of commercial litigation, employment law, business torts, and appellate law.

In an article in The Examiner on January 20, 2007, Elizabeth Poliner talked about her growing achievements as a writer. After coming to Washington, D.C., to work as a lawyer, Poliner continued her study of writing while taking her MFA at American University. In 2005, she published a novel of connected stories titled Mutual Life & Casualty. This coming fall, Poliner will be a visiting assistant professor at American University.

1988

Keith Barrett was named a principal in Fish & Richardson’s Washington, D.C., office. As a principal in government and regulatory affairs group, Barrett will continue to focus his practice on all aspects of trademark law including proceedings before the United States Patent and Trademark Office, Internet domain name issues, and trademark selection and enforcement, as well as all aspects of medical device regulation by the U.S. Food and Drug Administration.

Jefferson Johnson, with Powyer & Spruill in Raleigh, N.C., has been ranked among Business North Carolina magazine’s 2007 “Legal Elite” for his work in environmental law.

2007

Lena Stein Prector ran the St. George Marathon to qualify for Boston again this year. She is living in Manhattan Beach, Calif., with her husband and her “two wonderful kids,” Hannah (11) and William (8).

Christopher Schuyler and his wife, Susan Baker, moved to London in the fall of 2006. Chris is an Associate in the London office of Cadwadler Wickersham & Taft, where he focuses primarily on structured finance transactions. He also began studies in the Executive MBA Programme at London Business School in January. Chris and Susan are expecting their first child in September. Chris would welcome hearing from classmates at his LBI email address: cshuyler.joans1@london.edu.
Matthew J. Cholow ha has joined First American Title Insurance Company in Hartford, Conn., as its state and claims counsel and 1031 exchange counsel.

In January, Michelle A. Cooke was made a partner in Steptoe & Johnson’s Central City, Calif., office, where she will be working in the intellectual property group. Cooke will focus on expanding the trademark and other legal work for clients, as well as leading the firm’s California trademark licensing and prosecution practice. Alongside her role as a partner, Cooke is also a member of the California Bar Association, the International Trademark Association, and the Fashion Group International.

The children are growing up, the firm is growing, and William Hannum writes that he is growing old. He recently was a guest lecturer on employment law at Harvard Law School (“that was fun!”), but he wasn’t allowed to stay on campus long enough to say hi to Jim Ryan. Hannum was also named a Massachusetts Super Lawyer for the third year in a row for labor and employment law, “but I still haven’t received my cape. Life is busy, and good.”

Brent M. Milgrom, Jr., has been named in North Carolina Super Lawyers for 2007 in the area of real estate law. He currently practices at Parker Poe Adams & Bernstein in Charlotte, N.C.

Jennifer Conway Sharkey and Edward E. Sharkey ’93 are pleased to announce the birth of their daughter, Annie (8 years) and Elizabeth (5 years). The family resides in Bethesda, Md.


In January, Douglas Michael Towns, a partner in Jones Day’s Atlanta office, received the Justice Robert Benham Award for Community Service from the State Bar of Georgia and the Chief Justice’s Commission on Professionalism. The award recognizes lawyers and judges who have combined a professional career with outstanding service and dedication to their communities through voluntary participation in community organizations, government-sponsored activities, and humanitarian work.

Towns volunteers with Angel Flight of Georgia, a nonprofit organization providing free air transportation to and from distant treatment facilities for those medically or financially in need. He has served as Georgia counsel for Angel Flight for four years and has made countless missions for those seeking medical treatment, as well as daily flights to provide help amidst the aftermath of Katrina. Towns, along with his firm, has also helped protect and advocate for the legal rights of special needs children in Atlanta through the Atlanta Volunteer Lawyers Foundation.

Richard P. Winegardner was elected a partner with Barnes & Thornburg in Indianapolis, where he is a member of the labor and employment department, providing advice on labor and employment to a broad client base.

In November, Michael C. Wu was appointed general counsel of Rosetta Stone, creator of the world’s number-one language learning program. Wu will be based in the company’s Washington, D.C., office, where he will continue to build on his 15 years of experience providing legal counsel to international corporations. Prior to his appointment, Wu spent more than seven years at Telugebe International Holdings Ltd., of Montreal, Canada, and Boston. Wu currently resides in McLean, Va.

Hilda Garley-Hightage joined Dykema’s Detroit office as a senior associate in the environmental practice group. Before this new position, Ms. Garley-Hightage was an assistant corporation counsel, department of environment, for Wayne County, where she counseled the government agency responsible for enforcement of environmental laws.

The Honorable Daniel P. Jordan III was confirmed over the summer as the newest justice for the United States District Court for the Southern District of Mississippi. In August, George Kliavkoff was named NBC Universal’s first chief digital officer. In this position, Kliavkoff will be responsible for furthering the company’s digital media strategy and developing new business models and markets. Before taking this role at NBC, Kliavkoff was the Executive Vice President of Business for Major League Baseball Advance Media.

Thomas C. McTien is of counsel to Lownedes, Drodick, Doster, Kantor & Reed. McTien’s strong background in intellectual property, technology and software, Internet law, licensing and sports, media and entertainment law makes him a key player in the firm’s corporate and business law practice. Before taking on this new position, McTien served as in-house IT technology and entertainment counsel for Campus Crusade for Christ at its international headquarters in Orlando, Fla.

Edward E. Sharkey and Jennifer Conway Sharkey ’93 are pleased to announce the birth of their daughter, Annie (8 years) and Elizabeth (5 years). The family resides in Bethesda, Md., with their husband, John Faust ’93, and their daughters Lucy (6) and Caroline (3).

Hilda Garley-Hightage joined Dykema’s Detroit office as a senior associate in the environmental practice group. Before this new position, Ms. Garley-Hightage was an assistant corporation counsel, department of environment, for Wayne County, where she counseled the government agency responsible for enforcement of environmental laws.

The Honorable Daniel P. Jordan III was confirmed over the summer as the newest justice for the United States District Court for the Southern District of Mississippi. In August, George Kliavkoff was named NBC Universal’s first chief digital officer. In this position, Kliavkoff will be responsible for furthering the company’s digital media strategy and developing new business models and markets. Before taking this role at NBC, Kliavkoff was the Executive Vice President of Business for Major League Baseball Advance Media.

Thomas C. McTien is of counsel to Lownedes, Drodick, Doster, Kantor & Reed. McTien’s strong background in intellectual property, technology and software, Internet law, licensing and sports, media and entertainment law makes him a key player in the firm’s corporate and business law practice. Before taking on this new position, McTien served as in-house IT technology and entertainment counsel for Campus Crusade for Christ at its international headquarters in Orlando, Fla.

Edward E. Sharkey and Jennifer Conway Sharkey ’93 are pleased to announce the birth of their daughter, Annie (8 years) and Elizabeth (5 years). The family resides in Bethesda, Md., with their husband, John Faust ’93, and their daughters Lucy (6) and Caroline (3).

Catherine E. Stetson has been named to The American Lawyer’s “Fab Fifty,” a list of 50 litigation rising stars age 45 and under. Cate is a partner with Hogan & Harison in Washington, D.C., where she specializes in appellate litigation. She lives in Bethesda, Md., with her husband, John Faust ’93, and their daughters Lucy (6) and Caroline (3).

Trey Cox successfully represented the world’s largest wind farm in a lawsuit filed by opponents who claimed the wind power facility created a private nuisance. Cox, a partner with the law firm of Pinker in Dallas, represented FPL Energy in the case decided by an Abilene, Texas, jury on December 19. The closely watched litigation represented the first Texas trial where a wind farm was alleged to be a nuisance.

Shelton Harrison has patented a new way to tell time. The newly patented TWELV system “breaks from centuries-old tradition, dispensing altogether with the use of any hour hand or hour digit. Instead, each individual hour of the day is represented solely by one of twelve unique colors,” according to Grist. See Twelv time in action at www.twelv.com. Harrison is also involved in launching a “Web 2.0” search engine, Iztalal.com, whose unique search tools that are 100 percent user generated. Users
submit votes that are counted along with other votes so that future users get a list of ranked URLs returned on their query.

After spending seven years supporting and managing CARE’s programs in Rwanda and, more generally, in Africa, Andrew Jones is back in the States. CARE is a leading humanitarian organization fighting global poverty. Jones is now part of the team in CARE’s Washington, D.C., office, looking to influence U.S. government policy and programs.

Kenneth Krisko, a business attorney, was elected partner at Cooley Godward Kerrmit in Boston, Va. His practice focuses on the representation of public and private life sciences companies in a broad range of commercial and corporate finance matters.

Katie Redfield was inducted as an Ashoka Global Fellow for her creative use of the courts in fighting for victims of abuse as EarthRights International’s U.S. office director and co-founder. Katie is one of 18 social entrepreneurs from the U.S., Canada, and Mexico who were inducted into international fellowship by Ashoka: Innovators for the Public.

Douglas D. Timmer has joined the law department of Northwestern Mutual Life Insurance Company in Milwaukee as an assistant general counsel and assistant secretary on the investments-securities practice groups and focuses on defending financial institutions in a broad range of commercial, securities, and corporate litigation matters.

John W. Chapas is a new partner in the business and regulatory department of Reed Smith’s Philadelphia office. Reed Smith is a top-20 international law firm with more than 1,100 lawyers located in 13 U.S. and 4 European cities.

Mohammed Hill and his wife, Esther Cheung, welcomed their first child, Madelyn Elena, into the family on November 9. The family continues to reside in Piedmont, Calif.

John L. Carrica has been promoted to partner at Bain & Company’s Atlanta office. Carrica joined Bain & Company in 2000 and has worked in the firm’s London and San Francisco offices. He is a partner in the consumer products, technology, media and telecommunications, and private equity practices. His areas of expertise include growth strategy, mergers and acquisitions, due diligence and sales force effectiveness. Along with his position as partner, Larcia is responsible for the Atlanta office’s associate consultant recruiting.

Matt Larsen became partner in the Dallas office of Baker Botts in January. His practice focuses on state and local taxation.

Scott A. Surovell and Erin M. Madden welcomed Colin Samuel Surovell to the world on September 26. Colin joins Eva (6), Lea (4), and Mara (2). Scott was also named a 2007 Virginia Rising Star in family law by Virginia Super Lawyer. Surovell continues to practice civil, commercial, and criminal litigation in Northern Virginia with Fellow Law School alumni, Robert J. Surovell ’99, David M. Levy ’76, David J. Fudala ’79, J. Chapman “Chap” Peterson ’94, and Brian F. Chandler ’91, in the firm of Surovell Markle Isaacs & Levy in Fairfax.

1997 Reunion Year

Tag Binge has recently been promoted to Midwest regional director for Lath & Partners Group, a national development company based in Indianapolis.

Brian W. Byrd, an attorney at Smith Moore in Greensboro, N.C., was recently recognized in Business North Carolina’s 2007 “Legal Elite” for his work in real estate law.

Yost Conner was elected to the partnership at Patton Boggs. Resident in the firm’s Washington, D.C., office, Yost has a national and international practice in commercial real estate transactions.

Deborah Gramiccioni, assistant chief of the fraud section, criminal division, at the U.S. Department of Justice, was named by TRACE International as the organization’s vice president for corporate compliance. Gramiccioni sees her new position as a chance to be proactive in reducing international bribery and corrupt business practices.

Christopher P. Keefe was elected to partnership in Nisson Peabody’s Boston office. Keefe represents buyers and sellers in private and public company mergers and acquisitions. He also represents funds and companies in private equity, venture capital, and asset-based finance transactions. Keefe leads the firm’s ongoing involvement with the Harvard Business School Association of Boston and serves as pro bono counsel to the Massachusetts Governor’s Committee on Physical Fitness and Health.

In February, DLA Piper made Elisha King a partner in its labor and employment practice group. King is an employment lawyer focusing on trial and appellate litigation, and counseling on compliance with federal and state employment laws. She has tried multiple cases involving non-compete and non-solicitation agreements, and professional liability.

Stacey Myers and Damian Capozzola ’96 were panelists in the February 2 “Technology and Discovery” session at Thomson-West Publishing’s annual national sales meeting in Phoenix. Speaking to an audience of roughly 400 members of Thomson-West’s sales and marketing team, they discussed how they use technology in their respective litigation practices, and how their practices have evolved with advancing technology. Damian is a litigation partner at Kirkland & Ellis in Los Angeles, and was the large law firm representative on the panel. Stacey, a shareholder in Resolution Law Group, practices environmental law from Washington, D.C., and represented medium and small firms.

William “Evans” Fultz has been named a partner in the Raleigh, N.C., office of Parker Poe Adams & Bernstein. Fultz is a member of the firm’s corporate finance and securities law practice group and concentrates his practice in intellectual property law.

At the start of this year, Lisa Pugh was named a partner at Furgue & Benson, one of the 10 largest law firms in the country. Pugh is a member of the corporate practice in the Minneapolis office, where she focuses on federal and state tax law.

Rachel Sheridan is an associate at Latham & Watkins’ Singapore office, where she practices corporate law with a focus on corporate finance and securities law, representing investment banks and issuers in capital market transactions.

1999

Melissa Ballengee Alexander has been named a member at Boud, Cummings, Conners & Berry in Nashville, Tenn. Alexander joined the firm in 2000 after a federal clerkship. Her commercial litigation practice focuses on intellectual property, franchise, and health care issues.

Scott S. Brown was named a new shareholder at Maynard Cooper & Gale. Brown practices in the firm’s general litigation and securities litigation practice groups and focuses on defending corporate entities as well as individuals against claims of breach of contract, fraud, and business torts, including civil Racketeer Influenced and Corrupt Organizations (RICO) claims.

After graduation, Olivier Catherine (LL.M.) spent three years at Davis, Polk & Wardwell in Paris. Catherine then decided to move to French gas company Gaz de France in September 2002. He first joined the exploration-production division, which afforded him the opportunity to do business with countries such as Kazakhstan, Libya, Ukraine, and Egypt. “This was definitely intense and challenging, especially since until that point, they were a 10 percent state-
owned company,” he writes. Catherine transferred to the supply and trading division of the company in October 2006 as senior counsel.

Besides work, Catherine “was delighted to meet up with many old friends” at her five-year reunion in Los Angeles in 2004. He still sees a good number of J.D. and LL.M. alumni, especially after his recent trip to the U.S. and during his summer holiday in Greece. He encourages everyone coming to Paris to contact him!

Stephanie Chandler was recently made a partner in the business transactions section of lawyer Walker’s San Antonio office. She is head of the firm’s technology section and a member of the Internet law group. In October, Chandler was selected as a new member of the University of Texas at San Antonio College of Engineering advisory council.

Marc Douglas Glenn, a senior associate in the real estate group of Powell, Goldstein, Frazer & Murphy, was recently honored in Super Lawyers as a Rising Star for 2006. Marc was also honored as a Super Lawyers Rising Star in 2005. Rising Stars are chosen by their peers as being among the top up-and-coming lawyers in the state. Marc is also the honorary vice consul of Iceland, and was featured in an article in the 2006 edition of the Georgia Super Lawyers Rising Star’s publication titled “A Hotlantan in Iceland,” regarding his real estate practice and his work for the government and the people of Iceland.

Kristine Havlik and Frank Lenz announce the birth of their daughter, Emma Louise, on September 13. Emma was welcomed by her big brother, Richmond Henry. Big sister Tara (4) and Devin (2), and are enjoying their son, Steven Parris, welcomed by Andrew B. Johnson and his wife, Samantha Hope, born January 27 in Los Angeles.

Scott Spence recently joined Interpol in Lyons, France, as the biocriminalization project manager. He will be assisting Interpol member states in promoting legislation to prohibit and prevent the misuse of biological agents and toxins. More information about this new project can be found at: ‘int/Publ/BioTerrorism/bioC/default.asp’. Spence was also cited in a Nuclear Threat Initiative article focusing on Interpol’s push for strong antibioterrorist laws. Spence formerly worked as an attorney in the office of the legal advisor at the Organization for the Prohibition of Chemical Weapons. His partner of nearly nine years continues to work in The Hague.

2000

Scott E. Adams became partner at Bradley Arant Rose & White’s Birmingham, Ala. office. Adams is a member of the estate and trust planning and tax practice groups, where his practice primarily focuses on estate planning, estate and trust administration, and estate and trust litigation.

Last December, David Ball received the Colorado Bar Association’s 2006 Gary McPherson Award for Outstanding Young Lawyer of the Year. Nominees were required to have an outstanding record of professional success, community service accomplishments, and a strong commitment to civic participation and inspiring others, whether within the legal profession or elsewhere.

Andrew B. Johnson became partner at Bradley Arant Rose & White’s Birmingham, Ala. office. Johnson is a partner of the litigation practice group and his practice includes a variety of litigation matters including product liability, construction and real estate disputes, and consumer fraud.

Dave McGreal started his own law firm in New York City, where he practices bankruptcy/restructuring and general corporate law.

Andrew Oliver and his wife, Isla, are thrilled to announce the birth of their daughter Tabitha, born October 7. Andrew is practicing as a patent lawyer in the Fish & Neave IP Group of Ropes & Gray in Palo Alto, Calif.

Markus Pfikl (LL.M) works at Schinner Rechtsanwälte, a major Austrian firm, where he supervises offices in Bucharest, Sofia, and Belgrade.

Robert D. Probasco has been made a partner at Thompson & Knight’s Dallas office. He is a member of the tax practice group and focuses his practice on IRS audits and appeals and tax litigation. He has represented taxpayers in tax disputes covering a broad range of issues. Probasco is also a Certified Public Accountant in Texas.

2001

David Stewart III became partner at Bradley Arant Rose & White’s Birmingham, Ala. office. Stewart works in the firm’s governmental affairs and economic development practice groups, which allows him to regularly represent clients before the executive and legislative branches in Washington, D.C., and Montgomery, Ala.

Richard Hild is the director of federal government relations for TSBECA of the USA, collectively the largest nonprofit organization in the United States.

Howard Chang was named “Educator of the Year” at Park View High School in June. After teaching three years at Park View, Howard has joined the faculty at Flint Hill School in Oakton, Va.

Chris Chorba and his wife, Christine, celebrated the birth of their son, Alexander David, on March 27, 2006, in Los Angeles.

Forest Christian and Lise Adams ’03 were married on September 16 in Lexburg, Va.

Sarah Shaft was profiled in August 2006 by the Fulton County Daily Report as one of 14 Atlanta-area attorneys under 40 in its annual “On the Rise” issue. She was also one of seven young attorneys in her firm to be named a Georgia Rising Star in 2006, based on an independent survey of Georgia’s “Super Lawyers” by Atlanta Magazine Law and Politics. This recognition placed her among the top 2.5 percent of Georgia lawyers under 40. Sarah is a fifth-year associate at Bond, nale, McPherson & Elmore, a 20- lawyer litigation boutique firm in Atlanta specializing in commercial and other complex litigation.

Monica Welt has joined the Washington, D.C., office of Crowell & Moring to focus on toxic torts and environmental litigation.

2002

Reunion Year

Melinda Cupps Dickler serves as visiting assistant professor at Chicago-Kent College of Law. Last summer, Melinda married Michael Dickler in Columbus, Ohio, “with several law School friends in attendance” (Amy Kechcik). Troubloom. Courtesy Masini, Megan McLaughlin Kirmil, Kristina Kopf Thomas, Amanda Biles Reeves, and Terra Atkinson).

Carter Elizabeth Jackson was born on September 22, to Austina and Tim Jackson. She was 8 lbs., 8 oz. and 20 inches long. She joined big brother Luke, who turned 2 on October 7.

On April 9, 2006, A.S. Johnson-Parris and her husband, Steven Parris, welcomed their son, Richmond Henry. Big sister Chela Simone (2) is very protective. The family moved from Atlanta to Greensboro, N.C., in December, where Johnson-Parris joined the litigation department of Smith Moore to practice in employment, product liability, and catastrophic injury litigation. The family is enjoying the family-friendly, slower pace of life in Greensboro.

Metta Kool left Chey Goggann Voice and Harmony in Washington, D.C., to join the environmental practice group of Arnold & Porter, also located in Washington. Kaud and her husband, Scott Cradd, spend their free time with sons, Gavins (4) and Devins (2), and are enjoying their new (old) 1968 38-foot Chris Craft Commander on the Chesapeake Bay.

Katherine Kelly has joined Fish & Richardson’s Washington, D.C., office as a part-time associate in its litigation group. Kelly focuses her practice on patent, intellectual property, and antitrust litigation. In November, Kelly served as a judicial clerk to both
the Honorable Haldane Robert Mayer
U.S. Court of Appeals for the Federal Circuit, and the Honorable Michael Daly Hawkins ’90 (LL.M.), U.S. Court of Appeals for the Ninth Circuit.

Se-Il Ko (LL.M.) defended his Ph.D. dissertation at Tulane University on December 1, and received a Ph.D. in law. The dissertation’s title is “The Study of Internet Commerce Model Law.”

Bill Sinclair recently joined Beveridge & Diamond in Washington, D.C., while Kate (Hanlon) Sinclair joined Sutherland Asbill & Brennan, also in Washington. They are excited to be back in the area and look forward to reconnecting with their Law School classmates.

2003

Lisa Adams and Forrest Christian ’03 were married on September 16 in Leesburg, Va.

Nick and Tara Boivin were married in March 2006 near Frederickburg, Va.

Brandon Williams ’03 was a groomsman. Tara and Nick are currently living in Bloomington, Ind., where they are practicing as a patent attorney in the Indianapolis office of Brinks Hofer Gilson & Lyon while Tara is in graduate school at Indiana University.

Angela Cioldi and Jeff Barratt were married at the Vining Cabin in Mutton Hollow, Va., on October 14.

Christopher Kotlarz has joined Strasburger & Price in Dallas as an associate in the Firm’s tax, corporate and securities, and international practices. Before joining Strasburger, Kotlarz was an attorney for a large oil company.

Rees F. Morgan and Katie Meyers were married on October 7 in San Francisco.

Eduardo Crosa served as a groomsman. Also in attendance were Eric Volkmann, Nicole Furrar, Erica Paulson, Sarah Almy, Andy Toelken, and Nessa Horowitch. Rees and Katie live in San Francisco.

Janet (Edie) Ringel is now employed as an attorney at the New York City Department of Environmental Protection.

Jose Domingo Rivarola (LL.M.) joined the Payet, Rey, Cavci law firm as a senior associate in September. Payet, Rey, Cavci is a member of World Law Group.

Norihim Sekiguchi (LL.M.) was made a partner at Baker & McKenzie in Tokyo in January 2006. He recently coauthored a book about new tender offer regulations in Japan.

2004

The Honorable Anne Elizabeth Barnes (LL.M.) was sworn in as chief judge of the Court of Appeals of Georgia on January 4, 2007. Her investiture was made a “Rising Star” by Virginia Super Lawyers. She is an associate in the securities and capital markets group at Troutman Sanders in Richmond, Va.

Gilbert C. Steindorff IV married Amelia Robinson Killibrew on September 30 in Birmingham, Ala., where the couple resides. The wedding party included Peter Francis Simons and Ford Scott Pippin. Also in attendance were Sean Stewart Suder, Russell Robert Bruch, and Jonathan David Chananie ’90.

Mr. Steindorff practices with Haskel, Slaughter, Young & Reider; Mrs. Steindorff, a graduate of the Vanderbilt University Law School, practices with Adams and Reese.

Billy Wyne left his position in the health policy group at Patton Boggs to join the Senate Finance Committee staff as health counsel. He will be working primarily on Medicare policy for the committee’s chairman, Senator Max Baucus of Montana.

Rees F. Morgan and Katie Meyers were married on October 7 in San Francisco.

Eduardo Crosa served as a groomsman. Also in attendance were Eric Volkmann, Nicole Furrar, Erica Paulson, Sarah Almy, Andy Toelken, and Nessa Horowitch. Rees and Katie live in San Francisco.

Scott Callen and Laura Denton ’06 were engaged on September 23. They are planning a Charlottesville wedding this summer.

Daniel Damjanović (LL.M.) works at Schönbrunn Rechtsanwälte, a major Austrian firm. Damjanović holds “the challenging position” as head of the Bilzgrafe, Serbia, office, where he covers almost all businesses-related issues. He writes, “Serbia, as most other countries in the SEE region, is a country in transition and as such, an intriguing market for companies with a propensity to invest.”

James E. DiTullio joined Choate, Hall & Stewart in its Boston office. DiTullio is an associate in the firm’s litigation department.

Stephanie Sheinin continues her work at Simpson Thacher & Bartlett in New York and is busy planning her wedding to Koby Feingold.

Allison Holland Skelly and Christopher Fasel were married at Woldbergh Castle in Duis, Scotland, on August 9. The couple resides in Kansas City, Mo., where the bride is an associate at Sommerschein Nach & Rosenthal and the groom is a student at the University of Kansas Law School.

Chris Torbume is now an energy associate at Vinson & Elkins in Washington, D.C.

Matthew J. Wilson has joined the business transactions department of Spencer Fane Britt & Bronson in St. Louis. Prior to this position, Wilson practiced with Eichner & Norris, a Washington, D.C., firm, where he focused on municipal bonds.

2006

Ben Angelette and Jessica Jackson Angelette are currently living in London, where Ben is an associate at Sullivan & Cromwell, and Jessica is making her first attempt at writing a book. At press time, the couple was expecting the arrival of their first child, Jackson Thomas.

Laura Denton and Scott Callen ’05 were engaged on September 23. They are planning a Charlottesville wedding this summer.

J.R. Lederrer has started work in the corporate restructuring group at Skadden Arps in New York. He writes that he is enjoying work, living in the city, and reconnecting with many old friends who both live and work in New York.

Tiffany Marshall and James Graves are happy to announce that on December 21 they became engaged. James and Tiffany have not yet set a date for their wedding, but will pass along the information when they do. Tiffany and James both practice in Jackson, Miss., where James is a corporate associate at Wise Carter Child & Caraway. Tiffany is the Powell Fellow at the Mississippi Center for Justice.

John W. O’Hale is with Pryor & Spruill’s Raleigh office, where he practices with their litigation practice group.

Alexandra N. Rodu is an associate with Baker Hostetler in Denver.

David M. Roule (JD/ MBA) is now an attorney at Armstrong Teasdale as a member of its corporate services group, where he will focus primarily on mergers and acquisitions and biotechnology and life sciences.

Ashley Short is clerking for the Honorable Benson Bong ’73, chief judge of the U.S. District Court for the District of Maryland.

Kelby J. Scott is now an associate at Baker Hostetler’s Cleveland office.

Danielle M. slime has recently joined Bass, Berry & Sims’ Nashville office, where she practices in the firm’s litigation practice area.

Priscila Vera-Hernandez (LL.M.) was appointed general director of the Mexican Youth Institute by Mexico’s President Felipe Calderon Hinojosa.

| SEND US YOUR NEWS |

Tell us the important things that happen in your life! We welcome submissions for inclusion in Class Notes Online, submit them at lawnotes@vanderbilt.edu. E-mail them to jlawnotes@vanderbilt.edu; mail them to UVA Lawyer, University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903, or fax them to 434/980-4838. Please send you submissions by September 1 for inclusion in the next issue.
In Memoriam

Harry T. Taliaferro, Jr. ’35
Richmond, Va.
September 18, 2006

John R. Wolf ’38
Richmond, Calif.
October 26, 2006

George Richardson III ’40
Bluefield, W.V.
April 4, 2003

Thomas R. Mason ’41
Roanoke, Va.
March 8, 2007

Kenneth W. Whitaker ’41
Pleasanton, Calif.
May 30, 2006

Hoskins M. Sclater ’43
Roanoke, Va.
December 11, 2006

Trevilam A. Kems, Jr. ’47
Irvington, Va.
October 12, 2006

Philip N. Bergon ’48
Dundie, Ore.
July 13, 2006

Simeon J. Farrell ’48
Baldwinsville, N.Y.
December 31, 2006

George Jay Joseph ’48
Cherry Chase, Md.
January 1, 2007

Harold G. Massa ’48
West Palm Beach, Fla.
October 23, 2006

Sam Pickard, Jr. ’48
Washington, D.C.
September 27, 2006

Robert Kirk Walker ’48
Chattanooga, Tenn.
March 1, 2007

Richard R. Buck ’49
Lutherville Timonium, Md.
January 27, 2007

Hovey S. Dabney ’49
Charlottesville, Va.
February 9, 2007

A. Obie Stewart ’50
West Palm Beach, Fla.
February 15, 2007

Marion S. Ackerman ’51
Houston, Tex.
February 25, 2006

Winfred O. Craft ’51
Austin, Tex.
October 16, 2006

James R. Jones ’51
McLean, Va.
August 11, 2006

Roland E. Sykes ’51
Mount Pocono, Pa.
March 9, 2004

K. William Kelloe ’52
Essex Fells, N.J.
October 15, 2006

Robert McKay ’52
New Canaan, Conn.
June 26, 2006

J. Eldred Hill, Jr. ’53
Washington, D.C.
January 29, 2007

C. W. Randolph Benson ’56
Saint Petersburg, Fla.
December 4, 2006

G. L. Baist Rivers, Jr. ’59
Hollywood, S.C.
November 2, 2006

C. Van Leuven Stewart ’61
Stevenson, Md.
January 17, 2007

W. T Withers Fennell ’63
Kill Devil Hills, N.C.
November 28, 2006

Charles W. Hess ’65
Shawnee Mission, Kan.
October 11, 2006

William J. Giancotti ’66
Chester, Md.
December 14, 2006

Frank J. Newert ’72
Tampa, Fla.
September 22, 2006

J. Kirk Wood ’72
Pittsburgh, Pa.
February 23, 2007

Gary David Pfeiffer ’76
Ho-Ho-Kus, N.Y.
February 14, 2007

James M. Rinaca ’76
Richmond, Va.
December 6, 2006

Manfred S. Block ’77
Norfolk, Va.
January 11, 2007

Joseph E. Mackey ’77
Somerville, Mass.
January 6, 2007

Honorable Terrence John Hopkins LL.M. ’04
Mount Vernon, Ill.
October 16, 2006

Alice Michiko Noll ’04
Chatham, N.J.
December 25, 2006
**NON FICTION**

**No Seat at the Table — How Corporate Governance and Law Keep Women Out of the Boardroom**

Douglas Branson LLM ’74
NYU Press

Women are completing MBA and law degrees in record high numbers, but their struggle to attain director positions in corporate America continues. Although explanations for this disconnect abound, neither career counselors nor scholars have paid enough attention to the role that corporate governance plays in maintaining the gender gap in America’s executive quarters.

Analyzing corporate governance models at approximately 600 companies, hundreds of Title VII discrimination cases, and proxy statements, Douglas Branson suggests that women have been ill-advised by experts who tend to teach females how to act like their male, executive counterparts. Instead, women who aspire to the boardroom should focus on the decision-making processes that nominating committees — usually dominated by white men — employ when voting on membership.

Filled with real-life cases, No Seat at the Table opens the closed doors of the boardroom and reveals the dynamics of the corporate governance process and the double standards that often characterize it. Based on empirical evidence, Branson concludes that women must follow different paths than men to gain CEO status, and as such, encourages women to make flexible, conscious, and often frequent shifts in their professional behaviors and work ethics as they climb the corporate ladder. 

Douglas M. Branson is the W. Edward Sell Professor of Business Law at the University of Pittsburgh School of Law. His publications include *Questions and Answers: Business Associations, Understanding Corporate Law, and Corporate Governance.*

**Watch It Made in the U.S.A.: A Visitor’s Guide to the Best Factory Tours and Company Museums**

Bruce S. Brumbaugh ’84
Avialon Travel Publishing

Have you ever wondered how toothpaste gets into the tube? How stripes get on a candy cane? More than a travel guide, *Watch It Made in the U.S.A.: A Visitor’s Guide to the Best Factory Tours and Company Museums* helps travelers experience firsthand the products, companies, technology, and workers that fuel our economy, from Boeing to Ben & Jerry’s, Harley-Davidson to Coca-Cola. Whether you’re curious about jelly beans or jazz, tea or teddy bears, visitors will find many stories. From the farm fields of Iowa to the factory floors of Iowa, you’ll find the stories behind these industries, in this guidebook.

Karen Axelrod and Bruce Brumbaugh provide ways for families to visit hundreds of companies across America. Along with updates throughout the book, the fourth edition has added 60 new factory tours and companies, including the Ford Rouge plant in Michigan, CNN’s studios in New York, and the National Corvette Museum in Kentucky. Orvis (fly-fishing rods) in Vermont, and Sony Pictures Studios in California.

The authors traveled across the U.S. to “kick the tires of the American economy” by enjoying all the amazing factories that make some of most popular and recognizable products in the world. This husband-and-wife team share how and where you can celebrate the products we make here in the U.S.A. When not traveling, they live with their children, Hilary and Gregory, near Boston.

**Etched In Stone: Enduring Words from Our Nation’s Monuments**

Ryan Coonerty ’01
National Geographic Books

Ryan Coonerty’s first-of-its-kind book celebrates the words that define America’s storied past and symbolizes the drive of its people — from the boardrooms of Manhattan to the farm fields of Iowa. Ryan Coonerty highlights profound phrases inscribed on 52 monuments and public sites. Some are famed monuments like the Lincoln Memorial; others are simple or stark places of honor, such as Angel Island, where immigrant Chinese scrawled their names on impromptu walls.

Karen Axelrod and Bruce Brumbaugh

**In Print**

**Relentless Pursuit: A True Story of Family, Murder, and the Prosecutor Who Wouldn’t Quit**

Kevin Flynn ’62
G.P. Putnam’s Sons

What happened to Diane Hawkins and her daughter Katrina — a brutal double murder in which the girl’s heart was cut from her body — devastated a Washington, D.C., community and left its mark on everyone involved in the subsequent investigation. Federal homicide prosecutor and author Kevin Flynn, was especially moved. He had handled any number of grisly murders and was no stranger to the depravity of the human soul. Yet the way Hawkins’s family and friends rallied together to help each other through the tragedy — and the generosity they extended to Flynn, whose own father was dying of cancer at the time — turned this case into a personal mission. He determined to use his position to effect real closure, to right a wrong, to bring justice on behalf of the victims and their families.

Kevin Flynn has a prosecutor in the U.S. Attorney’s Office since 1987 and recently served as chief homicide prosecutor. He lives with his wife and two children outside Washington, D.C.

**Plutonomics: A Unified Theory of Wealth**

S. E. Harrison ’97
ePoet

Plutonomics presents a new economic (or plutonomic) theory that breaks down the factors that interact to create wealth: capacity, environment, appreciation and influence, and allows for easier pursuit (through hyperlinks) of reference material. It also allows the theory to continue developing interactively through the blog associated with the supplementary materials...

Author. S. E. Harrison teaches law, logic, writing, and reading comprehension in Los Angeles. **Ratiocining Justice:** Poverty Lawyers and Poor People in the Deep South

Kris Shepard ’01
Louisiana State University Press

Established in 1964, the federal Legal Services Program serves a vast group of Americans desperately in need of legal counsel. The program in its zenith in 1981, more than 1,450 offices employing 6,000 attorneys and 3,000 paralegals worked to aid those who could not afford private attorneys. In *Ratiocining Justice: Poverty Lawyers and Poor People in the Deep South,* Kris Shepard looks at this pioneering program’s effect on the Deep South.

An historian as well as a practicing attorney, Shepard conducted oral interviews with former poverty lawyers and investigated documents and judicial decisions related to hundreds of cases in Alabama, Mississippi, and Georgia, tracing the spread of social change over three decades. Before the advent of legal services, Shephard contends, law was often a weapon of oppression wielded with singular force against impoverished southerners, particularly women and African Americans. By using these legal advocates and processes, the poor made tangible gains in cases involving federal, state, and local social programs, low-income housing, consumer rights, domestic relations, and civil rights.

The book is a “hybrid,” part e-book and part traditional print book. Specifically, it includes an index, glossary, and bibliography of the book are hosted online only at www .plutonomics.wordpress.com and do not appear in print. This approach saves paper and allows for easier pursuit (through hyperlinks) of reference material. It also allows the theory to continue developing interactively through the blog associated with the supplementary materials.

Author. S. E. Harrison teaches law, logic, writing, and reading comprehension in Los Angeles.

**In Print**
They also confronted the limits of the American legal and political system in its institutional and cultural boundaries—including gender and race—and its limitations of will.

Kris Shepard is in private practice in Charlotte, N.C., where he also works with Volunteer Lawyers Program and local legal offices. He is co-editor of A Call to Conscience: The Landmark Speeches of Dr. Martin Luther King, Jr.

**FICTION**

**Simple Genius**
David Baldacci ‘86

Vörner Books

Sean King and Michelle Maxwell are back, and struggling in the emotional aftermath of the events that brought them to the brink in Hour Game. Dogged by personal demons, Maxwell agrees to treatment in a psychiatric institution, after barely surviving a violent barroom brawl. And King, to right his partnership, accepts an offer to investigate a murder in a scientific think tank named Babbage Town. Feeling cured, Maxwell joins him on the case, and they penetrate this secret enclave of geniuses working to surpass the capabilities of the human mind. Meanwhile, Bosco Dorff, a refined microprocessor in the most sophisticated enclave of geniuses, is trying to penetrate this secret network. For Bosco, this series is a cut above most entries in this crowded subgenre. "This is a bit of weirdness. But novelists Freeman doesn’t disappoint: from its first page to its last, the book sparkles with offbeat wit and snappy dialogue." — Kirkus Reviews

**Bad Blood**
Linda Fairstein ’72

Scribner

The Constitutional Implications of Race-Neutral Affirmative Action—That Is, Governmental Efforts to Pursue Affirmative Action Goals, Such as Remediating Discrimination and Promoting Diversity, Through Non-Racial Means. For example, in response to anti-affirmative action initiatives, public universities are increasingly giving weight in the admission process to the economic background of applicants in order to enhance minority enrollment.

In this excerpted article, Forde-Mazrui examines the puzzles produced by “race-neutral” affirmative action policies and develops doctrinal justifications for them. Although Forde-Mazrui is not the only scholar to consider the constitutional difficulties facing affirmative action policies that employ race-neutral means, this article represents the most detailed, informative, and sophisticated analysis in the scholarly literature to date. It has also informed political and legal discussions outside the academy and, indeed, was relied on in briefs submitted to the Supreme Court of the United States in the affirmative action case Gratz v. Bollinger (2003). Given the constitutional and political trend toward replacing racial preferences with race-neutral policies, this work will continue to inform the debate over affirmative action for years to come.

**Seeing Emily**
Joyce Lee Wong ’95

Harry N. Abrams / Amulet Books for Young Readers

"Told in free verse, Seeing Emily speaks directly to readers of the hearty, messy experience of being a teenager. Joyce Lee Wong was awarded the 2007 Lee Bennett Award for the young adult novel. Called "highly visual and eloquently wrought" by Publishers Weekly and "finessly crafted" by Kirkus, Seeing Emily has been selected as an International Reading Association Notable Book and a New York Public Library Best Book for the Teen Age.

**Murder ... Suicide ... Whatever**
Gwen Freeman ’81

Capital Crime Press

Fifi Carter is an acerbic, bric-a-brac twenty-something with family issues and a delightfully cynical world view. Just fired from her boring but steady job at Colchester Casualty, she is barely making it as an unemployed insurance investigator and her usually unemployed half-brother, you know you’re in for a bit of weirdness. Debut novelist Freeman doesn’t disappoint: from its first page to its last, the book sparkles with offbeat wit and snappy dialogue." — Kirkus Reviews

**Course of Cooperator**
Linda Fairstein ’72

Publisher’s Weekly

In addition to remedying societal discrimination, a non-racially discriminatory purpose associated with affirmative action is the promotion of diversity, including a diversity of viewpoints, experiences, and even of cultures commonly associated with or identified by members of racial groups. As this is not a racially discriminatory purpose, the pursuit of this interest directly through race-neutral means does not trigger strict scrutiny. The most controversial aspect of the foregoing claim is that it is not suspect to promote a diversity of cultures predominantly identified with by members of particular racial groups. The reason such diversity is not racially suspect is that people who identify with particular...
cultures are, like victims of societal discrimination, not a racial group, because membership in the group is not inherently connected to any race. Consider, for example, the group defined as people who identify with “black,” “African-American,” or “Afrocentric” culture. While most members of the group — people who identify with this culture — may be racially black, there are many blacks who are not members of that group and, as some race theorists have observed, people can identify with African-American culture without being racially black. Accordingly, neither African-American nor black culture is a racial category and the purpose of promoting the culture or affecting its members through race-neutral means is neither suspect nor subject to strict scrutiny.

THE PROBLEM WITH RACIAL CLASSIFICATIONS

used to promote diversity, just as with racial classifications used for remedial purposes, is not in the ultimate purpose but in the choice of racially discriminatory means to achieve that purpose. Likewise, the use of race-neutral classifications as a proxy for racial minorities as a proxy for diversity would also involve a discriminatory purpose. If, however, race is taken out of the choice of means altogether, so that the legitimate non-suspect purpose of promoting diversity is directly pursued through race-neutral classifications, then no racially discriminatory purpose exists and strict scrutiny is not triggered.

The following formulations illustrate the various possibilities:

Suspect racial classifications
racial minorities [as proxy for] diversity

Suspect race-neutral classifications
race-neutral criteria [as proxy for] racial minorities [as proxy for] diversity

Non-suspect race-neutral classifications
race-neutral criteria [as proxy for] diversity

Thus, states and public universities may seek to promote diversity in higher education without triggering strict scrutiny, provided that race-neutral means are used. Such diversity of a broad nonracial type may include people from different social, political, or economic backgrounds, having had different life experiences, or holding various viewpoints or perspectives. Such diversity is clearly a legitimate interest, particularly in educational contexts. The use of race-neutral means to achieve this nonracial concept of diversity is plainly unobjectionable. Moreover, as argued here, nonracial diversity may include people who identify with different cultures, including cultures typically associated with racial groups, but which are available to people of any race. As such, a public university’s admission or scholarship application may, without triggering strict scrutiny, consider race-neutral criteria, such as organizational membership, community service, or personal essays, to identify applicants who will likely enrich the cultural diversity of the student body.