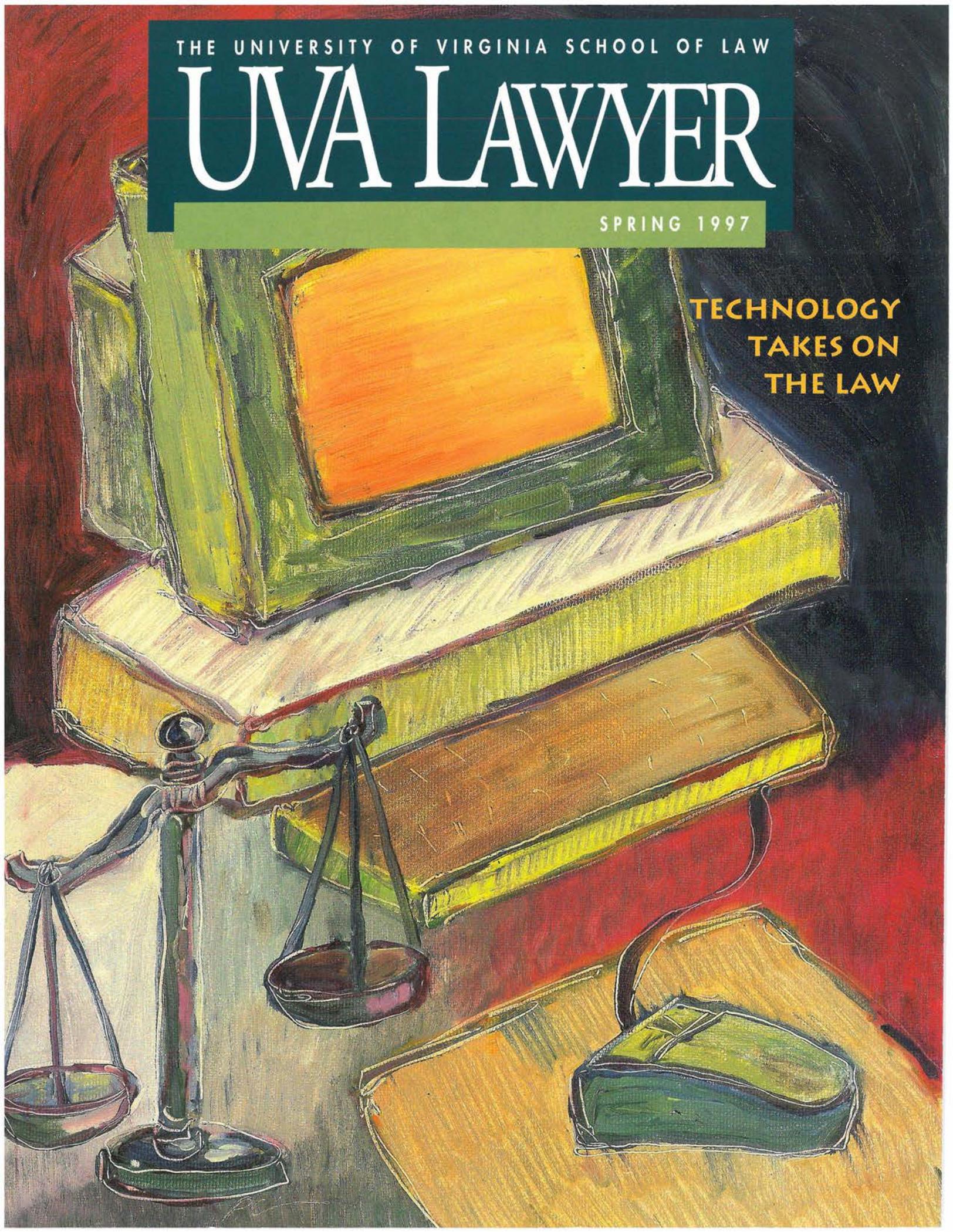


THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW

UVA LAWYER

SPRING 1997

TECHNOLOGY
TAKES ON
THE LAW





THE IN-BOX

Dear Readers,

In each issue of *UVa Lawyer*, we include this forum for you to communicate with us— and with each other. We welcome your letters about the magazine or other matters related to the Law School, and will publish those that we believe will be of interest to the greatest number of alumni. Please send your letters to the editor at 580 Massie Road, Charlottesville, VA 22903, or by e-mail at lawalum@virginia.edu.

It appears that 1974 graduate Claire Guthrie Gastañaga's Opinion column on women in politics in the winter issue stirred some controversy among Law School alumni. After reading the two letters that follow, don't forget to examine this issue's Opinion column — again about women — written by Anita K. Blair '81, and let us hear from you.

Cathy L. Eberly
Editor

Dear Editor:

Congratulations on the Winter Issue of the *UVa Lawyer*. I thought the articles were some of the most insightful you have had to date. I particularly enjoyed Claire Guthrie Gastañaga's article on women in politics, and the article on balancing career and family which spotlighted a number of couples and their strategies for this lofty goal.

Sincerely,
Karen L. Starke '94

Dear Editor:

In the winter number of *UVa Lawyer*, my classmate, Claire Guthrie Gastañaga, quoted Anna Quindlen with approval for the proposition "if you believe 'our political leaders don't have a clue about real life, look for a woman. I've rarely met a woman who didn't know more about the supermarket, the bus stop, and the prevailing winds than her male counterparts.'"

Surely this is one of the impermissible gender stereotypes that Justice Ginsburg so roundly criticized in the VMI decision?

Your very truly,
Stephen C. Price '74

On the Cover

Illustration by Pat Clubine.

UVA LAWYER

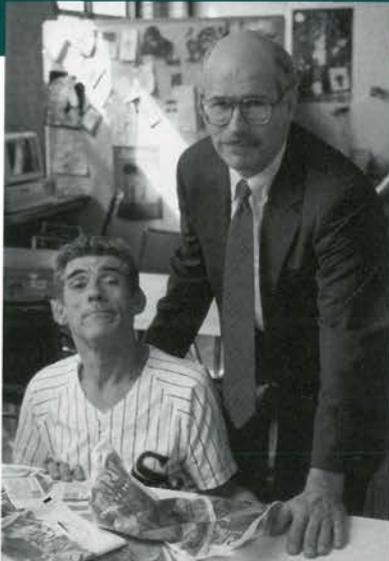
THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW
SPRING 1997 ■ VOL. 21, NO. 2

DEPARTMENTS

DEAN'S REPORT • 3

LAW SCHOOL NEWS • 5

Harrison Law Grounds Take Shape as Construction Continues • Law School Ranked Eighth by *U.S. News & World Report* • Karlan Honored With Outstanding Faculty Award • Play a Role in the Law Grounds Construction Project: Buy a Brick • Edwin Cohen Receives ABA Distinguished Service Award • Phi Delta Phi Hosts Ethics Panel • George Yin Advises on Tax Policy; Teaches Legislative Process • Walter Wadlington Elected to Leadership of Medical Commission • Merrill Appointed to Health Sciences Policy Board • White Delivers First Jerome Hall Lecture • Law School Hosts Intellectual Property Symposium • Jeffrey O'Connell on Insurance Reform • Meador Active in Judicial Issues • Levmore Leads NYU Workshop • Johnson Advocates Alternative in Admissions Process • Howard Argues Before Virginia Supreme Court • George Cohen Considers Management Issues • Ginsburg Receives Thomas Jefferson Memorial Foundation Award • Seidman is Dillard Speaker • Law School Hosts Public Service Job Fair • Seminar Examines Lives of Prominent Lawyers • War and Peace: The Seminar • Lowell Weicker Visits at Law School • Student Participation in Super Saturday Sets Record • Earl Dudley Leads Seminar on the Jury System • Olin Program Sponsors Two-Week Seminars and Conference • Triantis Visits Toronto, Richmond • Conference Addresses Allocation of Government Authority • AIDS and the Law: New Knowledge Revises Course Content • Bonnie Addresses Public Health Issues •



37

Promoting the Rule of Law in the Oceans • O'Neil Honored by American Association of University Professors • Paul Stephan Instructs in Moscow on Tax-Dispute Resolution

IN MEMORIAM • 61

OPINION • 63

WOMEN'S ECONOMIC PROGRESS

The Other Side of the Story
Anita K. Blair '81

FEATURES

TECHNOLOGY TAKES ON THE LAW • 26

Cathy L. Eberly

ONE PERSON AT A TIME • 37

How Wallace Winter Changes the World
Marion M. Kingdon

ALUMNI NEWS

CLASS NOTES • 43

ALUMNI NEWS

Celebrating a Busy Life: John Early Turns 100
Alumni Events Held Coast to Coast • "Hey, That's My Hay:" Lyn DesMarais Films Farm Life for Kids
Alumni Observe Trial of Alleged Irish Terrorists
On the Road: Law School Graduates Celebrate with Cross-Country Bike Trip

Editor: Cathy L. Eberly
Assistant Editor: Marion M. Kingdon
Contributing Writers: Steven Arensberg, Neal Grandy, Melissa Mustard, and Robert Turner
Design: Marilyn Appleby Design
Printing: Schmitz Press
Photographers: Tom Cogill and Doug Miller



Building a New Community

As I write this message, we have reached another milestone in the Law Grounds construction project: this morning, for the first time, I entered the Law School through its new Clay Hall entrance. Meanwhile, sod recently planted on Holcombe Green Lawn is taking root in preparation for commencement exercises to be held here in a few weeks. Inside the Law School, construction workers are completing the finishing work on Caplin Pavilion. This spectacular public meeting space will be inaugurated during a dedication ceremony scheduled for May 3 during Law Alumni Weekend. It is immensely satisfying to join students walking to class along the Clay Hall corridor that links Withers and Slaughter halls and to watch the bricklayers just outside, painstakingly creating the terrace and garden walkways that will form the focal points of the Spies Garden and central courtyard. Each day, it becomes increasingly clear that the years of planning and effort that have gone into this project will pay dividends many times over. We are building a wonderful new home for the Law School and a beautiful community for those who inhabit it.

(Opposite) The Law School's formal Clay Hall entrance — with Caplin Pavilion's roofline just behind — anchors the David A. Harrison III Law Grounds.



In addition to remaining respectful of those who came before us and made their mark on this place, we must carefully listen to and learn from all the voices we hear around the Law Grounds. The resulting chorus — and the important contributions of each and every individual — will ensure that our community continues to be rich and vital.

But a community is more than a group of buildings, handsome though they may be. A community is a group of people who share a common environment and a common set of goals. Creating the right environment is the central objective of the Law Grounds project. By planning for new classrooms of different sizes and configurations, we are creating environments that better facilitate the unique intellectual processes through which law is taught. By dedicating significant space in our new facilities to student activities, we are encouraging students to continue their commitment to the law and to public service outside of the classroom. By creating public spaces where students and faculty can congregate in small groups, we are fostering an environment conducive to informal discussions and group study sessions.

One of the goals we share is a community that welcomes an increasingly diverse population of students, faculty, and staff. Virginia has long been recognized for its congenial and supportive atmosphere. In addition to remaining respectful of those who came before us and made their mark on this place, we must carefully listen to and learn from all the voices we hear around the Law Grounds. The resulting chorus — and the important contributions of each and every individual — will ensure that our community continues to be rich and vital.

We also bear a renewed commitment to the shared set of professional values and norms that characterize the lawyer as public citizen. This drives our planning for a residential college that will create a special community for learning at the Law School. Here students will live in adjoining rooms, coming together in a commons building for meals and social interaction. They will be joined regularly by visiting scholars and legal practitioners who will contribute to after-class discussions on what it means to lead a professional life. Located at the foot of Holcombe Green Lawn, our residential college will be the first of its kind at any American law school, one dedicated to the proposition that all lawyers can and must serve the public interest by the *manner* in which they practice law.

Finally, our commitment to building a strong Law School community must recognize and embrace changes in the way we communicate with each other, acknowledging technology's contributions. Through the internet and e-mail, as well as on-line newsgroups and research, technology brings the Law School community together in ways that were unimaginable even a year ago. In the pages that follow, you will learn more about how technology is transforming legal teaching, research, and practice— and the role Virginia is playing in this transformation. As we approach the millennium, building a new Law School community — virtual or otherwise — is a challenging and exhilarating prospect.

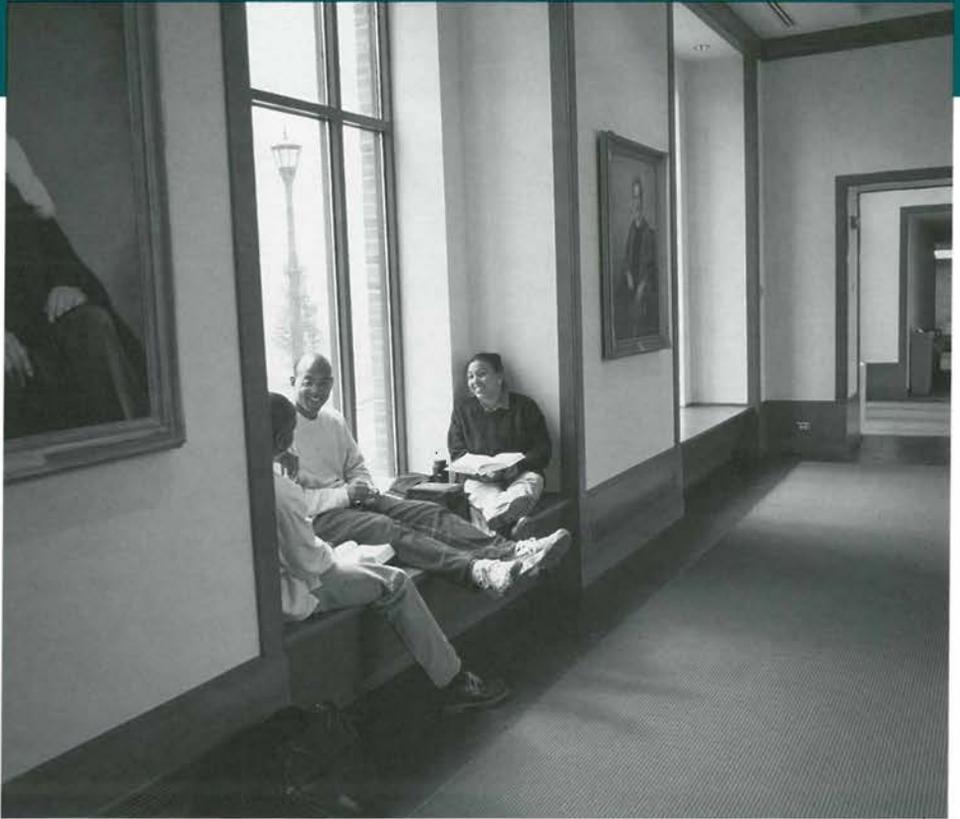




Harrison Law Grounds Take Shape as Construction Continues

The David A. Harrison III Law Grounds took on a more finished appearance in recent months as the Law Grounds construction project continued. Students returning in January enjoyed a new, all-weather passage between Slaughter and Withers halls at the south as the Clay Hall corridor opened on schedule. The corridor, lined with tall windows, window seats, and the portraits of former Law School deans, has already become a favorite spot for studying and visiting with friends.

The most dramatic changes occurred outside the Law School buildings. Following construction of brick paving and walls along Holcombe Green Lawn, the area south of Clay Hall, the lawn itself was graded, sod was unrolled, and a watering system was installed. Landscapers planted trees, English boxwood, perennial bulbs, shrubs, and other plants — in Spies Garden and elsewhere — in preparation for the dedication of Clay Hall and Caplin Pavilion, scheduled as part of Law Alumni Weekend activities May 3. This year, Law School graduation — scheduled for May 18 — will be held on the David A. Harrison III Law Grounds for the first time ever.



Students gather in the Clay Hall corridor linking Withers and Slaughter halls. Bathed in strong southern light, the corridor's study alcoves and window seats are popular at all times of the day.

In the northern portion of the Law Grounds, Hunton & Williams Hall continued to take shape. This structure, which links Slaughter and Withers halls at the north, will contain student mailboxes, additional lockers, and space for student activities. Expansion of the law library and renovation of faculty offices in Withers Hall will continue through the summer months.

"We were blessed with an unusually mild winter, and that made staying on our ambitious construction schedule easier," said Bill Bergen, assistant dean for administrative services, who coordinates the Law Grounds construction project.

Inside the Law School,

students, faculty, and staff began to select artwork and other decorative elements to help illustrate the sense of community and place that is a goal of the completed Law Grounds. Photographs of Law School students, portraits of alumni, and other artwork will grace the walls throughout the Law School complex.

The Law Grounds project, scheduled for completion by the fall, is expanding and renovating the Law School complex. New classroom and office space, moot courtrooms, and a computer laboratory have been in use since the beginning of the fall semester. When complete, the Harrison Law Grounds will enable the Law School to launch new curricular initiatives and increase the size of the faculty.



Law School Ranked Eighth by *U.S. News & World Report*

After identifying and correcting a mistake in the 1997 *U.S. News & World Report* annual law school rankings, magazine editors moved the Law School from ninth to eighth place. A news release from *U.S. News* dated March 5 stated that the error occurred because “two field descriptions were inadvertently transposed in the database used to calculate the employment rate for 1995 law school graduates as of Feb. 15, 1996.” By transposing the number of unemployed graduates who were not seeking employment with the number who were seeking employment, the employment rate was figured incorrectly and a number of schools were misranked. In the corrected rankings, the Law School ranked fifth in placement success.

Thirty-three law schools within the top 50 changed rank once the scores were recalculated with the correct equation. To correct its mistake, *U.S. News* ran a revised copy of the ranking tables for all law schools in the March 17 issue of the magazine and recalled copies of the 1997 *America's Best Graduate Schools Guidebook*, which were already on sale at the newstands.

“We were distressed to learn of this mistake, and we’re taking direct and immediate steps to correct it,” said *U.S. News* Editor James Fallows. “We do everything we can to ensure accuracy in our reporting, and we take this mistake very seriously. The trust *U.S. News* has established with its readers is very important to us. We recognize that it must be based on the integrity of our product.”

While pleased with the Law School’s new ranking, Dean Robert E. Scott said that the discrepancy is another indication that *U.S. News* rankings are not all they are purported to be. Suggesting that the magazine relies heavily on inconsequential statistics when ranking schools — and that the public tends to overestimate their importance — Scott said that the rankings “assume that educational institutions are like basketball teams” while instead “educational institutions change over time — not year to year.”



Karlan Honored with Outstanding Faculty Award

Pamela S. Karlan, Roy L. and Rosamond Woodruff Morgan Professor of Law, received the Commonwealth of Virginia’s 1997 Outstanding Faculty Award, the state’s highest honor for faculty. The awards were presented in February to 11 distinguished professors from colleges and universities around Virginia by the State Council of Higher Education for Virginia (SCHEV) for their contributions in teaching, research, and public service.

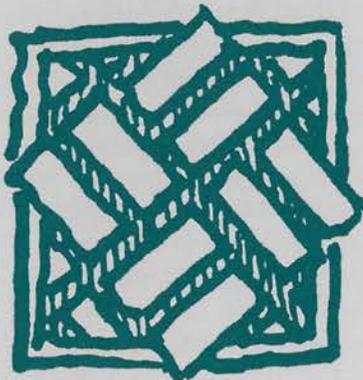
Karlan also was recognized as one of *The American Lawyer* magazine’s top 45 public-sector lawyers under the age of 45 for her commitment to public-interest law. A specialist in voting rights legislation and sex discrimination cases, she has litigated nearly 40 cases in the U.S. Supreme Court, the U.S. Courts of Appeal, the U.S. District Courts, and in state courts.

Karlan continues to speak at law schools around the country. She recently delivered the Frankel Lecture at the University of Houston, discussing the Supreme Court’s regulation of politics. In the spring, she and faculty colleague John C. Jeffries, Jr. taught a seminar on recent significant Supreme Court decisions.



Play a Role in the Law Grounds Construction Project: Buy a Brick

You don't need to don a hard hat to participate in the Law Grounds construction project in a very active way. Just plan to buy a brick! Your brick — personalized



as you choose and crafted in the same rich, red clay that paves the rest of the Law Grounds — will become a permanent part of the David A. Harrison III Law Grounds.

Bricks will be available for \$100 each until June 1. With each brick you purchase, you will receive a companion brick in miniature, suitable for display in your home or office. During the summer months, your brick will become part of a walkway that will be in use by the Law School community this fall.

For more information, please call the Law School Foundation at 804-924-3466. With your name and your brick, the Law Grounds will be complete — and you'll be part of the action!

Edwin Cohen Receives ABA Distinguished Service Award

Professor Emeritus Edwin S. Cohen received the American Bar Association Section of Taxation's Distinguished Service Award at the section's May 10 meeting in Washington, DC. The award, now in its third year, is presented to a tax professional for distinguished and meritorious service to the tax system. Individuals with government, educational, or bar association service are eligible for consideration.

According to Steve Salch, chair of the Section of Taxation, Cohen's career is noteworthy because it includes both public service and leadership in the private bar. "We decided to pay tribute to Ed because of his service as an outstanding educator," Salch said. "His career at the University of Virginia and elsewhere continues to produce tax professionals with a keen appreciation of our tax system. That investment in the future of the tax bar will continue to pay dividends long after most of us have retired from active practice."





Phi Delta Phi Hosts Ethics Panel

Four lawyers responded to tough student questions on legal ethics in a panel discussion hosted by Phi Delta Phi legal fraternity March 5 in Caplin Auditorium. The panel, entitled “Incentives in Legal Ethics: Opportunities for Reform,” also discussed economic incentives affecting the behavior of lawyers and reform opportunities. Panelists included Law School Professor Pamela S. Karlan; Robert E. O’Malley, former chair of the D.C. Bar Legal Ethics Committee and vice chairman of the board of the Attorney’s Liability Assurance Society; Michael Rigsby, bar counsel for the Virginia State Bar and past-president of the National Organization of Bar Counsel; and Claude V. Worrell, assistant commonwealth’s attorney and past-president of the Charlottesville-Albemarle Criminal Bar Association. The panel was moderated by Law School Dean Robert E. Scott.

Asked whether they perceive a clash between a new lawyer’s duties to his or her firm and to the profession, panelists confirmed that tension can and does arise in firms when associates disagree with the decisions of more senior attorneys. Both Karlan and Scott advised students to research firms’ tolerance for independent thinking before accepting jobs, adding that it is difficult for a young associate

to change long-standing culture in a firm once employed there.

Rigsby remarked on the difficulty of finding a balance between responsibilities to clients, the public, the profession, and one’s personal life, and suggested that law school graduates inspire themselves by drawing on their commitment to the “high calling” of being a lawyer.

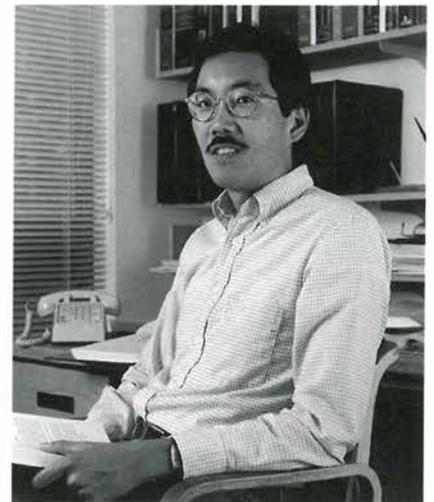
In response to a question about changes in the economics of legal practice, O’Malley said that lawyers often must demonstrate their rainmaking ability to make partner in a firm, and that the pressures to maintain high levels of billable hours can be detrimental to pro bono work.

Karlan added that “the amount of money in the legal system has cycled out of control. People behave differently in the face of bigger stakes, and as a result, practitioners are moving away from the ideal model of lawyering.”

Worrell, who believes that lawyers’ social utility is their ability to prevent the rights of the people from being denied, noted that “as firms become part of corporate America we erode the ability of lawyers to serve the public good. The profession excludes individuals from the protection of the law because the economics make it inaccessible.”

The panelists agreed that developing ongoing relationships with clients and fellow members of the bar results in “self-policing”

and an environment in which it is easier to adhere to one’s personal ethics in addition to the formalized code of professional responsibility.



George Yin Advises on Tax Policy; Teaches Legislative Process

George Yin, the Harrison Foundation Research Professor of Law, recently advised the staff of the U.S. Joint Committee on Taxation and other Congressional staffs regarding the implications of an important new IRS policy. The IRS now permits unincorporated private businesses to select how they will be classified and treated for tax purposes. The staffs were particularly interested in the likely impact of the new rule on partner-

ship tax law and the corporate income tax base.

Yin's expertise in this area stems from his work as a reporter on an American Law Institute (ALI) project involving the taxation of "pass-through" entities such as partnerships. Along with his co-reporter, Professor David Shakow of the University of Pennsylvania Law School, Yin is formulating proposals to streamline the partnership tax rules for many smaller businesses that cannot cope with the complexity of the current law. The new IRS classification rule makes Yin's work more pressing because of the greater number of businesses that will be taxed as partnerships in the future. Yin has presented portions of his ALI work at workshops sponsored by Harvard Law School, the Virginia Tax Study Group, and the Law School. He is scheduled to participate in several symposia on the same subject throughout this year.

In addition, during the 104th Congress, Yin was twice asked to testify on possible changes to the earned income tax credit program for low-income taxpayers. He recently met with the IRS Restructuring Commission in Washington, DC to discuss ways to improve the administration of that program. He has performed both empirical and theoretical research on the program, and currently is involved in an empirical study of program noncompliance by welfare recipients in California.

Yin continues to serve on the board of trustees of the American Tax Policy Institute, where he is chair of the projects committee. Along with faculty colleague Julie Roin, he was invited to participate in the first annual workshop on public economics and tax policy co-sponsored by the Burch Center for Tax Policy and Public Finance at the University of California-Berkeley and by Harvard Law School. Yin's latest research effort investigates ways to offset the adverse effects of income tax noncompliance by business proprietors.

In the classroom, Yin simulated the tax legislative process in his tax policy seminar during the spring semester. Students played the role of members of the U.S. Senate Finance Committee, Clinton administration representatives, the chief of staff of the Joint Committee on Taxation, and lobbyists in an effort to balance the federal budget through various possible revenue increases.

"My goal was to expose the students as realistically as possible to the legislative process and to sharpen their understanding of tax law and policy," Yin said. "I also thought the simulation would provide them an excellent opportunity to exercise important lawyering skills such as negotiation, persuasion, advocacy, and critical analysis."

In the end, Yin believed that his goals were met. "I was extremely pleased with how well

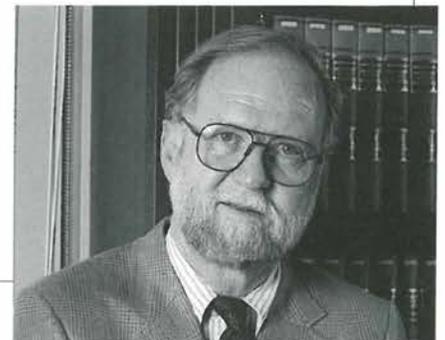
students carried out the project. Some were remarkably creative and persuasive in representing their interests," he said.

Walter Wadlington Elected to Leadership of Medical Commission

Walter Wadlington was recently elected trustee-at-large of the Educational Commission for Foreign Medical Graduates.

Established in 1956, the commission evaluates the qualifications of foreign medical school graduates for entering graduate medical educational programs and health care systems in the United States. It also provides opportunities for the faculty of foreign medical schools to enhance their skills through its Foreign Faculty Fellowship program in the basic medical sciences and the International Medical Scholars program.

Wadlington, James Madison Professor of Law and Professor of Legal Medicine, has taught in the law and medicine program since its inception several years after he joined the Law School faculty in 1962.





Merrill Appointed to Health Sciences Policy Board

Richard Merrill recently was appointed to the Board on Health Sciences Policy of the National Academy of Sciences' Institute of Medicine. The board is involved in coordinating and promoting the numerous studies, symposia, and other programs sponsored by the academy that deal with scientific advances that affect medical care. Merrill, the Daniel Caplin Professor of Law, also was

elected a member of the Health and Environmental Sciences Institute's board of trustees. The institute is a branch of the International Institute of Life Sciences, an organization dedicated to advancing the scientific understanding of nutrition, food safety, and public health.

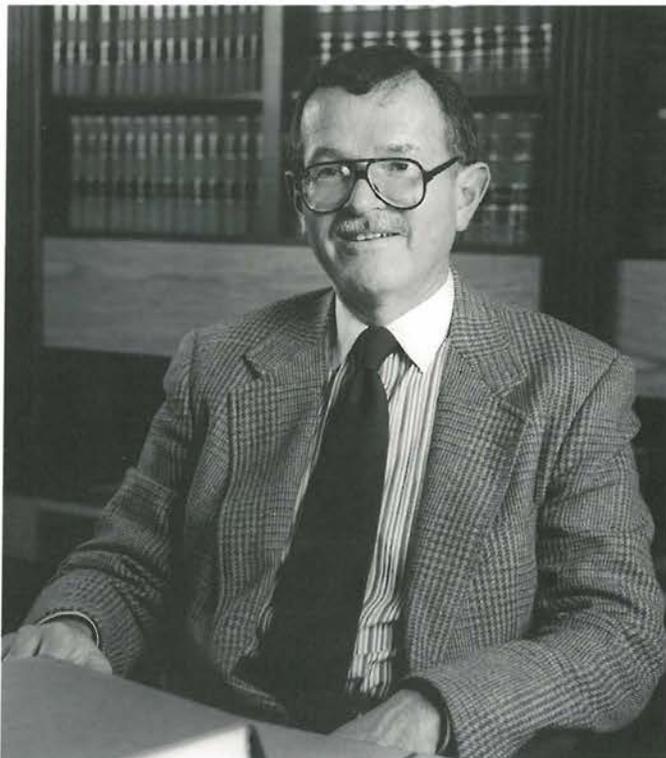
In other activities, Merrill taught a new course this spring called Administrative/Environmental Law. Developed under the auspices of the Law School's Principles & Practice program, the course examined the burgeoning field of environmental risk analysis and its role in regulatory decision making and civil litigation.

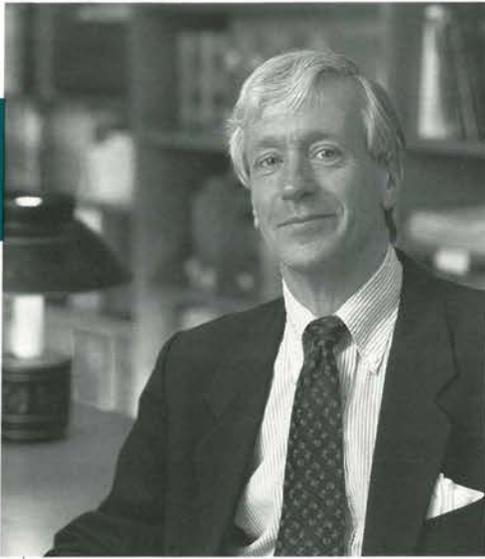
It featured presentations from authorities in various environmental fields and a field excursion to the Chemical Industry Institute of Toxicology laboratory in Research Triangle Park, NC, which houses some of the nation's leading experts in risk assessment.

White Delivers First Jerome Hall Lecture

G. Edward White inaugurated the Jerome Hall Lecture at Hastings Law School in March with a presentation entitled "The Origins of the Living Constitution and the New Deal's 'Constitutional Revolution': A Revisionist Account." His analysis, which focused on constitutional commentary between the 1920s and the late 1930s, used as its take-off point ideas recently advanced by others about the "constitutional revolution" of the New Deal period, which amounted to a basic change in the way the Supreme Court conceptualized commerce clause and due process clause cases.

White contended that the concept of a "living constitution," which emerged in the 1920s, signified an altered attitude toward the theory and practice of constitutional interpretation in America. He then linked that idea to the triumph, during the same time period, of a distinctive set of

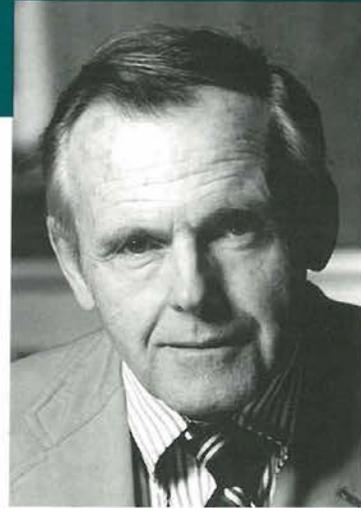




attitudes toward causal explanations in the universe. These attitudes attributed much greater

significance to the power of people to create their own destiny and to master fields of knowledge, including law.

The Jerome Hall Lecture is named for the distinguished law professor who spent his last years as a member of the Hastings law faculty.



Jeffrey O'Connell on Insurance Reform

Jeffrey O'Connell continued his activities related to automobile insurance reform during the spring semester. In January, he addressed a conference, sponsored by the University of Wisconsin-Milwaukee Center for Consumer Affairs in Washington, DC, on auto insurance reform at the federal level.

In addition, in February he led a faculty seminar at the University of Memphis Law School and addressed the law school community regarding no-fault automobile insurance.

O'Connell, Samuel H. McCoy II Professor of Law, testified before the Joint Economic Committee of the U.S. Congress on automobile insurance reform on March 19. In another March 19 event at Virginia sponsored by the Federalist Society, he debated tort law reform with Professor Joseph Page of Georgetown University Law Center.

Finally, O'Connell discussed contingent fee reform at a conference held at DePaul University Law School April 5.

Law School Hosts Intellectual Property Symposium

The nation's leading experts in intellectual property law convened a conference on this rapidly changing area of the law January 24 and 25 at the Law School. The conference was sponsored by the John Bassett Moore Society of International Law and the *Virginia Journal of International Law*.

Symposium participants — from Columbia, George Washington, NYU, Colorado, Santa Clara, Seton Hall, Texas, Yale, Vanderbilt, University of California, and Virginia — examined three issues in international intellectual property law. These issues included enforcement measures and dispute resolution under the General Agreement on Tariffs and Trade (GATT), the development of an international digital agenda, and the extraterritorial application of intellectual property law in the United States.

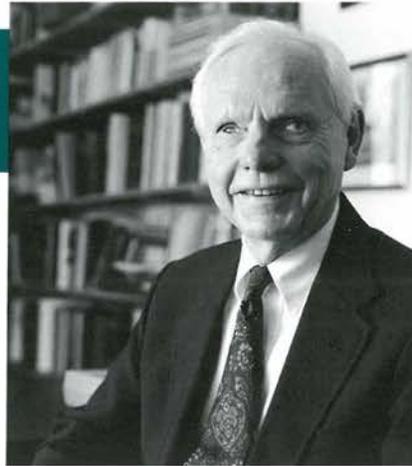
The keynote address was delivered by the Honorable Peter S. Watson of the Center for Strategic & International Studies and former chair of the International Trade Commission, who discussed U.S. government efforts to promote and protect intellectual property in the international marketplace.



Meador Active in Judicial Issues

Daniel J. Meador's activities in the past few months have centered on judicial issues. He served on the Commission on Federal Judicial Selection at the University's White Burkett Miller Center of Public Affairs, which issued its final report this past year recommending changes in the process of nominating and confirming federal judges. The commission, whose goal was to streamline the selection process, recommended that senators name several candidates within 90 days of when a vacancy occurs; that candidates fill out one background questionnaire instead of three, and background investigations be completed within 90 days; that the President name temporary judges to fill positions where confirmation has been delayed; and that the Judiciary Committee dispense with hearings for non-controversial nominees.

Following release of the report, Meador testified before the Senate Judiciary Committee to present the commission's views. In addition, he testified at a December hearing of the American Bar Association's Commission on the Separation of Powers and Judicial Independence in Washington, DC. In February, he participated in a Voice of America live telecast to India, answering questions from



lawyers and judges in Calcutta and Madras concerning judicial reform in the United States. Finally, in March he presented the keynote address, entitled "A Perspective on Change in the Litigation System," at an ABA-sponsored conference on civil justice reform at the University of Alabama Law School. Meador is a professor emeritus in the Law School.

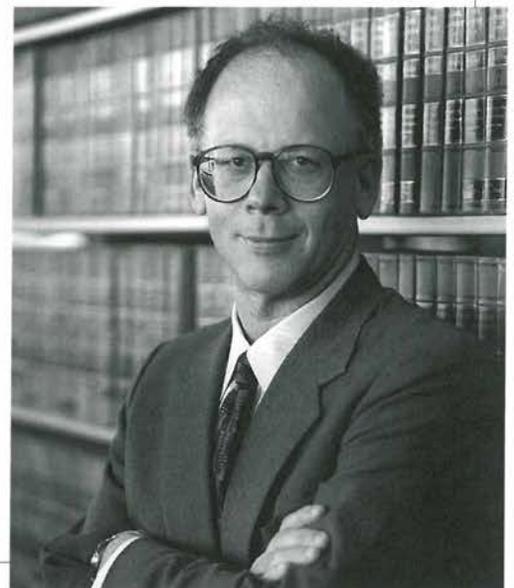
Levmore Leads NYU Workshop

Saul Levmore conducted a faculty-student workshop in April at New York University. Entitled "Taxes as Ballots," the workshop examined ways in which the tax system is used for purposes other than raising revenue or influencing specific decisions. For example, the tax system can take the pulse of taxpayers and the electorate by identifying allocations that citizens prefer. Once we see the role of our tax system in this new way, Levmore noted, it is interesting to examine yet better methods of measuring preferences and making allocations. Matching gift programs established by most major

corporations offer one source of such a comparison.

Earlier in the spring, Levmore participated in a conference at Indiana University Law School. Serving as a commentator, he discussed strategies for child custody decisions. He also visited Willamette Law School in Oregon, where he gave the Paulus Lecture entitled "Fables, Sagas, and Laws." In his talk, Levmore suggested that discomfort with certain legal rules is reflected in inherited sagas or myths inherent in popular culture. He suggested that the discomfort is indeed well-placed, and often shows us rules that are unstable and ready for reform.

In February, Levmore presented a paper at Columbia University Law School entitled "Make-versus-Buy versus Refuse-to-Share Decisions." He also presented "Comment on a Systemic View of the Boundaries of



the Firm,” at the Sloan Project on Corporate Governance on the New Boundaries of the Firm. Both of these discussed why and when some firms achieve success by choosing to produce products in-house while others contract with external suppliers.

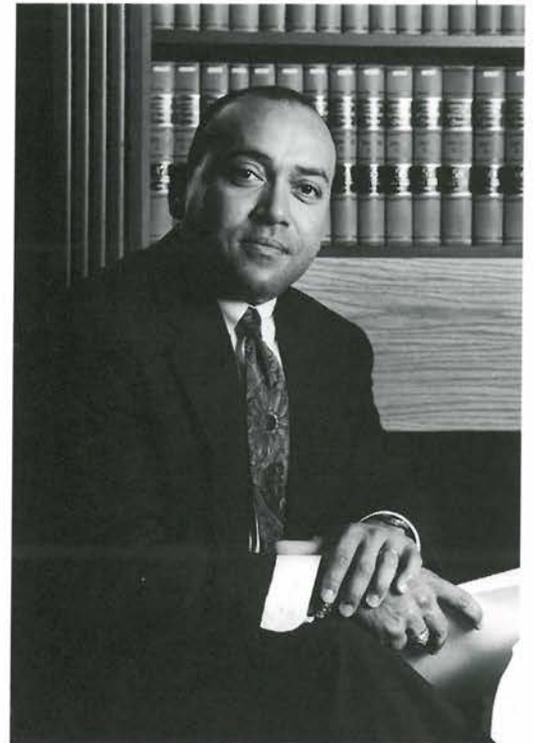
Finally, Levmore, the Brokaw Professor of Corporate Law and Albert Clark Tate, Jr. Professor, participated in the annual convention of the Association of American Law Schools in Washington, DC. There he delivered a paper entitled “Unifying Remedies,” in which he suggested that we examine the interaction between substantive remedies and the goal of encouraging procedural streamlining and honesty. That paper will be published in the *Yale Law Journal*.

Johnson Advocates Alternative in Admissions Process

Alex Johnson, Mary and Daniel Loughran Professor of Law and the University’s vice provost for faculty recruitment and retention, appeared on a panel at a plenary session of the Association of American Law Schools annual meeting that was devoted to exploring the issues raised by recent court bans on the use of affirmative action in the law school

admissions process. The presentation, entitled “Strategies for Achieving a Diverse Student Body in a Time of Retrenchment,” focused on his contention that law schools rely too heavily on LSAT scores when evaluating applicants.

Because of recent rulings against the use of affirmative action in admission to colleges and universities, educators and admissions officers are exploring alternative methods for evaluating prospective students. In March 1996, in *Hopwood v. Texas*, the U.S. Court of Appeals for the Fifth Circuit placed a ban on using racial preferences in admission to institutions of higher learning in Louisiana, Mississippi, and Texas. California’s Proposition 209, which bans affirmative action at state institutions, including law schools, has received voter approval but is currently being challenged in court. In response some schools, including the University of Houston Law Center, one of the first affected by the *Hopwood* ruling, have implemented a “full-file” review for as many as two-thirds of applications instead of relying solely on the numbers. Johnson, who serves on the board of trustees of the Law School Admissions Council, which prepares and administers the LSAT, proposes a variation to the “full-file” approach—an evaluation of “the whole person.” In his proposal, law schools would require that all applicants achieve a certain LSAT score before they



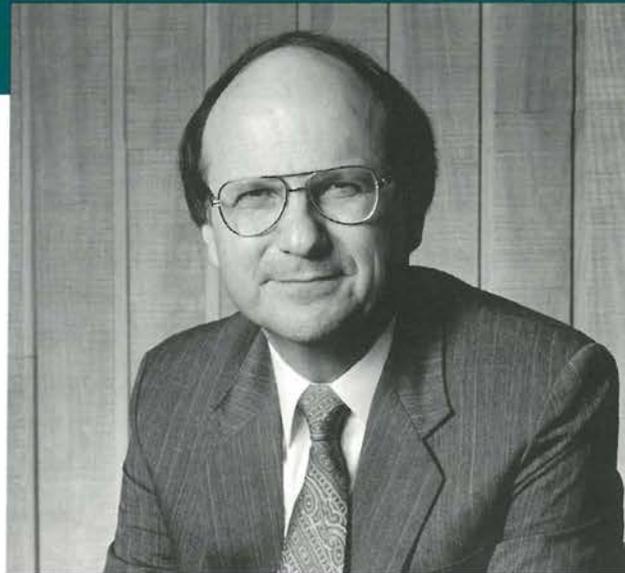
could be admitted. After they have reached this threshold, applicants would be evaluated on their socioeconomic status along with a broader examination of individual attributes, including their success at overcoming obstacles. “I want to see what fire a person has to be a lawyer,” said Johnson. His approach places more emphasis on personal statements and challenges admissions committees to seek out “interesting people, who would bring depth to a law school.”



Howard Argues Before Virginia Supreme Court

A.E. Dick Howard, White Burkett Miller Professor of Law and Public Affairs, represented successfully the Virginia General Assembly as lead counsel in a case he argued before the Virginia Supreme Court related to the separation of powers, the commonwealth's budget process, and the line item veto. *Gilmore v. Lindsidle* resulted from a petition filed by Virginia Attorney General James Gilmore III '77 that questioned the constitutionality of the General Assembly's amendments to the 1994-96 appropriation act. This was the first time the Virginia Supreme Court addressed the application of an article in Virginia's constitution requiring that, when attempting to amend the biennial budget, the General Assembly must present to the governor either the act revived or the section amended. Law School graduates H. Lane Kneedler '69, Gail Starling Marshall '68, and Roger Wiley '70 wrote briefs, and Kneedler and Howard argued the case.

In other matters, Howard was recently named the British-American-Canadian Associates' Elliot/Winant fellow. Late in the fall semester, Howard lectured under the auspices of the London-based foundation at eight British universities, including Oxford,



Cambridge, Edinburgh, and London. He spoke about the United States Supreme Court, constitutionalism in America, and constitution-making in post-Communist Europe.

Howard testified in January before the Senate Privileges and Elections Committee of the State Senate of Virginia about a proposed parental rights amendment to the Constitution of Virginia. The amendment would add to the state's Bill of Rights a provision declaring that parents have a fundamental right to direct the upbringing and education of their children.

In October, Howard addressed the issue of religious liberty in a post-Communist world in a presentation at the 60th anniversary conference of the Baptist Joint Committee on Public Affairs in Washington, DC. He spoke about cultural differences in Central and Eastern Europe, where he helped draft new constitutions, noting that because of these differences, the concepts of religious freedom in those coun-

tries are not similar to those enjoyed in America.

Howard also presented the Robert T. Miller Professorship Lecture Series at Baylor University during October. His lectures were entitled "The Madisonian Movement: Constitution-Making in Central and Eastern Europe" and "The Changing Face of the United States Supreme Court."

George Cohen Considers Management Issues

George M. Cohen participated in a round table on topics in labor management issues sponsored by the Institute for Law and Economics at the University of Pennsylvania in November. Cohen was a panelist in a discussion entitled "Outsourcing: When is it Subcontracting and When is it Realignment?" Among the distinguished panelists was the Hon.

William B. Gould IV, chairman of the National Labor Relations Board. The panel considered when subcontracting is a mandatory subject of bargaining between an employer and a union under the National Labor Relations Act. Cohen, who has published on this subject, contended that if a firm's decision to outsource results in profit for the firm independent of any wage savings, then the firm has no obligation to bargain with the union. On the other hand, if the only reason the firm is outsourcing is to cut wage costs, bargaining between the employer and the union must take place.

In other activities, Cohen presented a workshop at George Mason University Law School in November which was part of a series of exchanges between the law faculties at George Mason and Virginia coordinated at the Law School by Professor Saul Levmore. Cohen's paper, which he later presented at the Association of American Law Schools annual meeting in January, was entitled "Legal Malpractice Insurance, Loss Prevention, and Professional Ethics." His paper sparked debate over the proper role for legal malpractice insurance as a form of lawyer regulation. Cohen asserted that legal malpractice issues are becoming increasingly important as institutional regulators for lawyers' behavior in relation to their firms and to the bar.



Justice Ginsburg and Law School Professor Anne Coughlin confer during a feminist jurisprudence class at the Law School.

Ginsburg Receives Thomas Jefferson Memorial Foundation Award

U.S. Supreme Court Justice Ruth Bader Ginsburg is the 1997 recipient of the Thomas Jefferson Memorial Foundation Award in Law. The medal, awarded April 13 during the Founder's Day celebration, recognizes distinguished contributions to the law. It is the highest honor conferred by the University.

Prior to receiving the award, Ginsburg participated in a constitutional law course involving all first-year sections, taught a class on feminist legal theory, and presented a public lecture on the important and necessary relationship between law schools and the courts to a capacity audience in Caplin Auditorium.

Ginsburg was chosen to receive the Thomas Jefferson Award by a selection committee of Law School faculty members and alumni who noted her commitment to public service. "Justice Ginsburg's early successes as an advocate for women's rights, and her distinguished judicial career personify all that is right about the law as a professional calling," said Dean Robert E. Scott, chair of the committee. "Her commitment to reasoned debate and fairness shows all of us how good lawyers can serve the public interest."

Appointed to the Court by President Bill Clinton, Ginsburg was educated at Cornell University and at both Harvard and Columbia University law schools. She taught at Rutgers University School of Law from 1963 to 1972, then returned to Columbia where she became that school's first tenured female professor. Between 1973 and 1976 she argued six cases on women's rights before the Supreme Court and won five of them.

In 1980 President Jimmy Carter appointed Ginsburg to the U.S. Court of Appeals for the District of Columbia Circuit, where she became known for her scholarly, balanced opinions. She founded the American Civil Liberties Union (ACLU)'s Women's Rights Project and served as its counsel from 1972 to 1980. She also has served as the ACLU's general counsel and on its board of directors. Ginsburg sat on the *American Bar Association Journal's* board of editors from 1972 to 1978 and the American Law Institute's council from 1978 to 1993. She is a fellow of the American Academy of Arts and Sciences and a member of the Council on Foreign Relations.



Seidman is Dillard Speaker

Michael Seidman, professor of law at Georgetown University Law Center and a visiting professor at Virginia in 1991 and 1995, presented the 1997 Hardy Cross Dillard Lecture February 19 at the Law School. His speech, entitled “*Romer’s* Radicalism: The Unexpected Revival of Warren Court Activism,” compared the U.S. Supreme Court’s 1996 decision in *Romer v. Evans* to decisions made decades ago by the Warren Court.

According to Seidman, *Romer* represents for the Supreme Court a shift toward typical Warren Court opinions that “used equal protection doctrine to attack constitutional law’s traditional conservative bias toward negative rights.” In the hands of both courts, “equality is a lever to force affirmative government action that redistributes power and affords positive protection for vulnerable groups,” Seidman said.

Thought to be a major victory for the gay rights movement, *Romer* invalidated an amendment adopted by statewide referendum in Colorado that precluded all legislative, executive, or judicial action at any level of state or local government that would protect the status of persons based on their “homosexual, lesbian or bisexual orientation, conduct, practices or relation-

ships.” The U.S. Supreme Court affirmed the lower court’s position, stating that under the Fourteenth Amendment’s Equal Protection Clause, the disqualification of a class of persons from the right to obtain specific protection from the law is unprecedented and itself a denial of equal protection.

Much like the Warren Court, Seidman argued that today’s Supreme Court is far from constitutionally neutral. “The collapse of constitutional neutrality is painfully obvious on even a superficial reading of *Romer*. The Court cannot remain neutral between the conflicting claims of gay people and moral conservatives,” he said.

Law School Hosts Public Service Job Fair

Every interview room in the new Slaughter Hall career services complex was filled all day as more than 50 Law School students were joined by their colleagues at other local law schools for Virginia’s annual Public Service Job Fair held February 7. The fair brought together 30 public service employers from Virginia, Maryland, West Virginia, North Carolina, and the District of Columbia and law students from Virginia, Washington and Lee University, the College

of William and Mary, and the University of Richmond. Employers conducted approximately 250 interviews during the day-long event.

The fair was organized by the Law School’s Public Service Center staff, who solicited 250 public-service employers throughout the multi-state region to participate in the fair. An additional 25 to 30 employers who could not make it to Charlottesville for the fair posted job openings at the Law School through the center’s non-visiting employer program.

According to Kimberly Carpenter Emery ’91, assistant dean for public service and center director, the fair was a great success. “The employers who participated were impressed with the quality of the students they interviewed,” she said. “Since many of them have very limited recruiting budgets, they were delighted to be able to interview students from such a large pool of applicants.”

Emery noted that the availability of Student Funded Fellowship (SFF) funds has made pursuing summer public-service employment a more attractive option for Law School students. Using dollars raised by students and matched by the Law School, the SFF program provides funding for students who accept summer public-service internships that are either unpaid or low-paid. Students seeking full-time employment are also encouraged by the

availability of the Public Service Loan Assistance Program.

These facts are not lost on the employers. "Employers know that there is a real commitment to public-service law at Virginia, and that, on balance, makes our students look even better," Emery said. The public service job fair will be held again in February 1998. Law School students also participate in the National Association for Public Interest Law annual job fair and conference held each October in Washington, DC.

Seminar Examines Lives of Prominent Lawyers

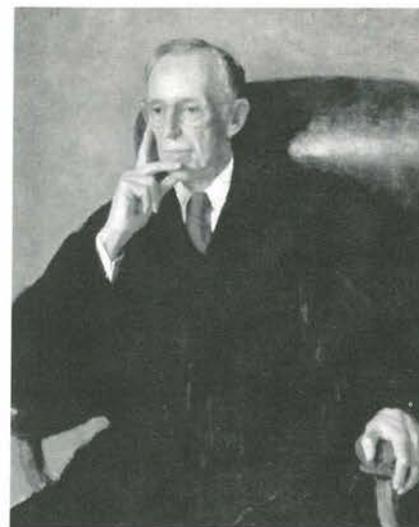
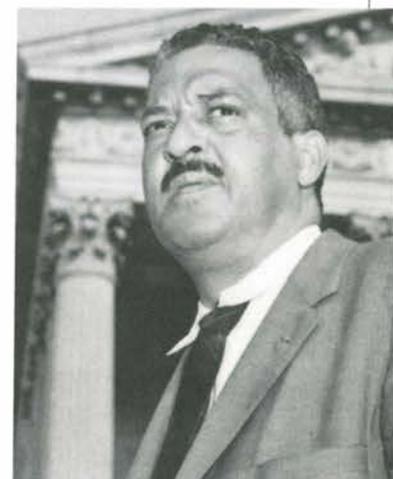
Law School students had a unique opportunity to study the lives of prominent American lawyers and jurists in a seminar offered for the first time during the spring semester. Entitled *Leading Lives in the Law*, the seminar was part of a program funded by the Culpeper Foundation to launch a dialogue on ethical issues at the Law School. Taught by Professors Earl Dudley and George Rutherglen, and William McDaniel '77, an adjunct faculty member who maintains a private practice in Baltimore, the course was designed to educate law students about what it takes to become a prominent lawyer—

work and sacrifice, ambition, managerial skills, and devotion to public service.

After selecting a number of renowned lawyers to study — including Myra Bradwell, Clarence Darrow, John W. Davis, Thurgood Marshall, and Lewis Powell — the instructors assigned biographies and related materials for reading and discussion. Resulting classroom discussions focused on, among other topics, the ethical issues these lawyers faced — including public-policy and conflict-of-interest issues — and explored their lasting contributions to the field of law.

"The structure of the seminar was very informal: we met each week at the home of one of the professors and discussed material that we really enjoyed reading," said Simon Bloom '97. "The course gave those of us who want to be trial lawyers a sense of what the finest litigators have done."

George Rutherglen, O.M. Vicars Professor of Law, concurred with Bloom's assessment. "Our goal in this class was to determine what made each of these individuals great lawyers," he said. "Based on the enthusiasm with which the students engaged in discussion, we more than met that goal."



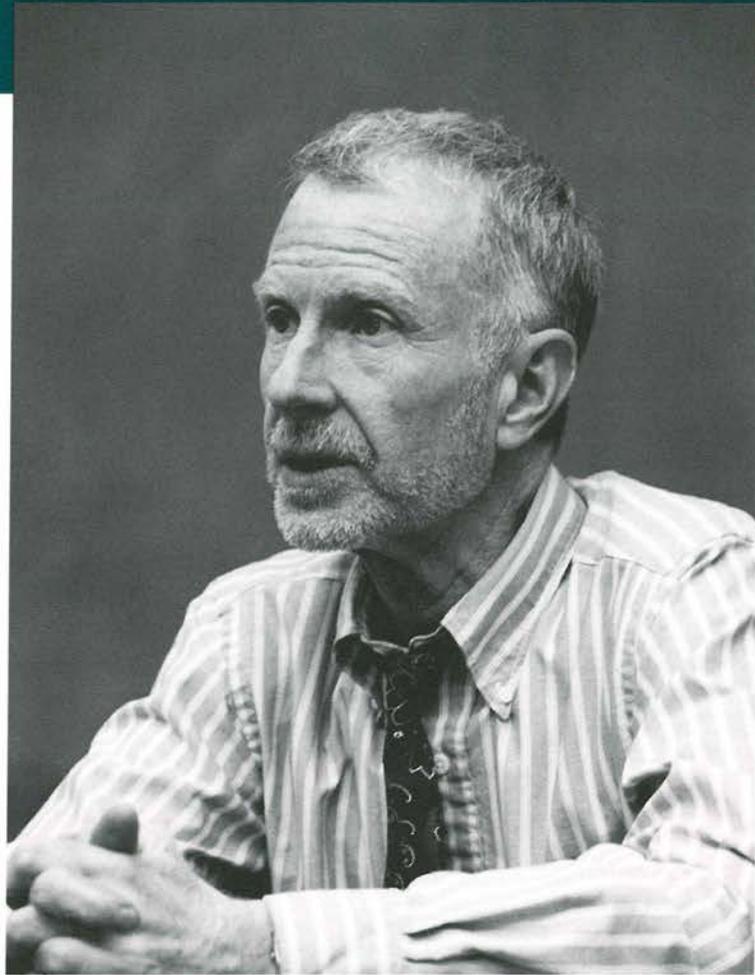


War and Peace: The Seminar

Ongoing inquiry about the origins of war at the Law School's Center for National Security Law (CNSL) has resulted in the creation of a popular interdisciplinary seminar entitled War and Peace: New Thinking About the Origins of War and War Avoidance, which was offered for the third time this spring. Enrollment in the seminar was expanded in response to increased interest in the topic among Law School students.

Led by John Norton Moore, Walter L. Brown Professor of Law, and CNSL director, and Robert F. Turner, CNSL associate director, the seminar featured visits by two experts engaged in examining issues related to war and peace. Bruce Russett, Dean Acheson Professor and former chair of the political science department at Yale, visited February 12 to discuss the "democratic peace;" and Ambassador Richard Schifter, special assistant to the President and counselor to the National Security Council, who has played an important role in designing the Clinton administration's policy of "democracy enlargement," visited March 26.

According to Russett, author of *Grasping the Democratic Peace: Principles for a Post-Cold War World*, the end of the Cold War



Robert Turner

Bruce Russett, Dean Acheson Professor at Yale University, discusses democratic peace during a visit to the Law School's War and Peace seminar.

"presents more than just the passing of a particularly adversarial relationship; it offers a chance for fundamentally changed relations among nations." Noting that modern empirical scholarly research overwhelmingly reaffirms the belief proffered over the years — by Immanuel Kant and Woodrow Wilson, among others — that democracies do not go to war against democracies, Russett argued that current worldwide trends toward democracy and free markets will promote a more

peaceful world community in the coming millennium.

Next fall, the CNSL will bring Russett and other prominent scholars to Charlottesville for a major conference examining the democratic peace. In the spring of 1998, the War and Peace seminar will build upon the results of the conference. In addition, John Norton Moore is researching a book that will address these and other issues concerning the origins of war.

Lowell Weicker Visits at Law School

Former U.S. Senator and Connecticut Governor Lowell P. Weicker, Jr. '58 visited the University during the spring semester to teach a course in the Law School and a seminar in the University. Weicker's Law School course, Contemporary Problems in Constitutional Law, was funded through the Principles & Practice program and focused on contemporary issues such as racial imbal-

ances, separation of church and state, checks and balances, term limits, and censorship.

Weicker's wealth of political experience includes service in the U.S. Senate as a Republican from Connecticut for 18 years and election as governor — as an independent — in 1991, a position he held through 1995. As chairman and later ranking Republican member of the Senate Appropriations Committee subcommittee that funded health and education programs, he built congressional support for the National Institutes

of Health and maintained federal funding for a range of significant health incentives, including primary health care and family planning, as well as the care and treatment of people with AIDS. He also sponsored laws to protect the rights of the disabled and was one of the principal authors of the Americans with Disabilities Act. As governor, he helped restructure Connecticut's tax system, reduce spending, and impose tough hand gun laws.

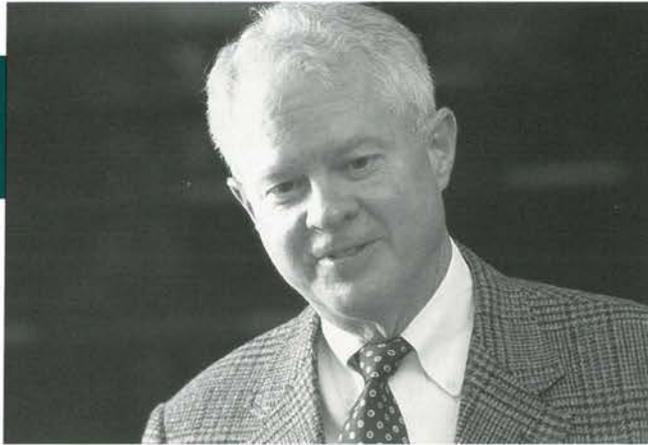
Student Participation in Super Saturday Sets Record

A record number of more than 200 Law School students took a break from classes and studying to extend helping hands to organizations in the Charlottesville community during the fourth annual Super Saturday event held January 25.

Sponsored by the Student Bar Association, Super Saturday is part of a national effort by the National Law Student branch of the American Bar Association to increase community involvement by law students. Dubbed Super Saturday because it takes place on the Saturday before the Super Bowl, the event linked student volunteers with community organizations as disparate as the Ronald McDonald House, Recording for the Blind and Dyslexic, Salvation Army, and Habitat for Humanity. Volunteers cooked meals, recorded books, collected soil samples, and organized a field day for children, among other activities.

Participation by Virginia students in Super Saturday is always among the highest in the nation, according to Tim Phillips '97, committee chair. "The tremendous success of this year's Super Saturday is a testament to the spirit that exists within the student body of Virginia Law," he said.





Earl Dudley Leads Seminar on the Jury System

Earl Dudley introduced a small group of University undergraduates to the American jury system in a unique way during the spring semester. Using unconventional sources ranging from Melville's novel *Billy Budd, Sailor* to the movie "Twelve Angry Men" — in addition to more traditional legal scholarship and judicial opinions — Dudley and the students explored the jury trial system in a new University Seminar.

The 10 class members studied topics including the history of the jury, jury nullification, contrasting views of the tort system, and jury selection, among others.

Dudley designed the seminar with undergraduates in mind. "I viewed this as an opportunity to expose the students to a new discipline," he said. "I was very impressed with how bright and engaged they were, and with the quality of our discussions."

University Seminars are designed to bring distinguished faculty together with first-year students in small-group settings for intense discussion and explora-

tion of highly focused special topics. Funding for the seminars generally comes from the Office of the Vice President and Provost and the Hewlett Foundation, although the Law School donates the services of its faculty who teach in the program.

Olin Program Sponsors Two-Week Seminars and Conference

Law School students had the opportunity this year to gain short-term but intensive exposure to nationally renowned teachers with expertise in law and economics through three, two-week seminars led by scholars from this country and abroad and sponsored by the John M. Olin Program in Law and Economics.

The two courses offered last fall had a comparative and international flavor. Mark Ramseyer from the University of Chicago taught Law and Economics of Japanese Law, and Michael Trebilcock of the University of Toronto taught a course on the regulation of international trade. Ramseyer's course combined a

general introduction to Japanese law with an examination of the economic logic of law-related behavior in Japan. Topics included litigation and settlement patterns, family law and sex discrimination, corporate governance, and criminal law. Trebilcock's course explored the international legal framework governing trade relations. It examined the legal and institutional elements of trade treaties, tariffs, trade remedy laws, agricultural trade, trade-related intellectual property issues, environmental issues connected to trade, and trade involving developing countries.

This spring, John Donohue of Stanford University taught a course in law and statistics. Through the discussion of probability distributions, hypothesis testing, statistical significance, and regression analysis, the class explored how statistics help establish race and sex discrimination and resolve major public policy issues like the deterrent effects of the tort system and the death penalty.

According to George Triantis, director of the John M. Olin Program in Law and Economics, the intensive seminars were a big success. "Our students have been delighted to have the opportunity to study with faculty from other law schools who are recognized experts in their fields, and to do so — and pick up additional credits — in short two-week bursts," he said. "We are so pleased with this inaugural effort that we are

planning to offer four seminars next year: two in the fall semester and two in the spring.”

The Olin Program is sponsored by the John M. Olin Foundation of New York, which supports academic gatherings, conferences, and student research in law and economics. The Olin Program at Virginia supports faculty and students who pursue research relating to the economic analysis of legal issues.

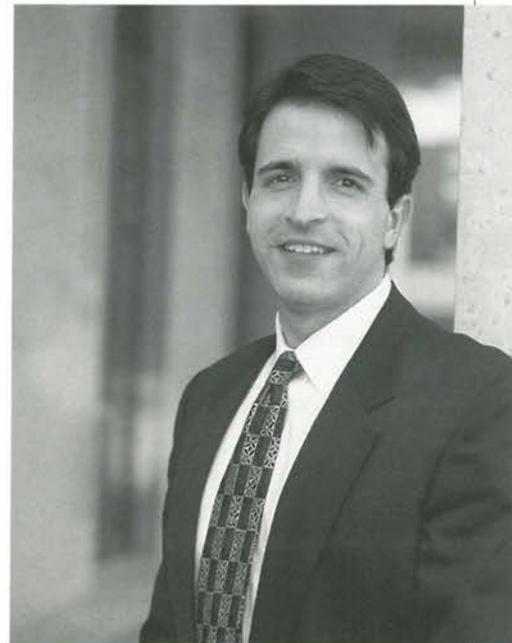
Triantis Visits Toronto, Richmond

George Triantis, Nicholas E. Chimicles Research Professor of Business Law and Regulation, was the John M. Olin Distinguished Visiting Professor of Law at the University of Toronto during the first two weeks of January. While there, he taught a seminar called Corporate Decision Making and the Design of Financial Contracts. He also presented a paper entitled “The Paradox of Managerial Discretion and the Texture of Secured Transaction Laws.” The paper demonstrates how the laws of secured transactions and bankruptcy control the discretion corporate managers have over their firm’s liquid assets and how the rules governing interests in the proceeds from sales of collateral divide responsibilities among

creditors for monitoring a debtor’s use of cash. The paper also was included in the program of the American Law and Economics Association annual meeting scheduled held in May.

In February, Triantis was the George E. Allen Visiting Professor of Law at the T.C. Williams School of Law at the University of Richmond, where he gave a public lecture entitled “The Motivational Implications of Debt Financing.” According to Triantis, some economists claim that debt — as opposed to stock — financing makes top management work harder. Drawing on psychologists’ studies on motivation, he argued that the effect of debt financing on effort is much more complicated. Although managers may be motivated by the specific, proximal, and challenging goals of meeting repayment schedules, they may lose some of their interest to exert effort if these goals seem beyond their reach. Debt financing may cause managers to lose their motivation, particularly if the firm fails to meet its fixed obligations. Psychologists warn that some individuals generalize failures in their careers across different aspects of their lives. Triantis noted that firms do not bear this motivational cost of debt financing.

In other matters, Triantis is the co-author of a paper (with Alexander Triantis), “Timing Problems in Contract Breach Decisions,” which explores decid-



ing when—rather than simply whether—to breach a contract. Triantis presented the paper at law school workshops at Columbia, Michigan, NYU, Virginia, and Yale, as well as at the American Law and Economics Association annual meeting last May in Chicago.



Conference Addresses Allocation of Government Authority

The John M. Olin Program in Law and Economics and the *Virginia Law Review* jointly sponsored a conference entitled “The Allocation of Government Authority” February 28 through March 1 at the Law School.

Faculty members Clayton P. Gillette and Paul Mahoney joined a host of other law and economics experts from around the nation in presenting conference sessions. The first day’s topics included “Decentralized Governments as Trumps,” “Federalism, Economic Growth, and Welfare Policy,” and “Environmental Federalism.” The second day opened with a presentation entitled “The Exchange as Regulator.”

In the conference’s final session, Susan Rose-Ackerman, Luce Professor of Law and Political Science at Yale University Law School, and Jonathan Rodden of Yale’s department of political science, presented a paper-in-progress entitled “Does Federalism Preserve Markets?” Their paper examined the positive and normative implications of market-preserving federalism (MPF), a

concept derived from public choice models of competitive federalism. In particular, they offered a critique of one model in the literature that stresses the importance of the design of the state and argues that MPF allows politicians to make a unique credible commitment to the market.

Rose-Ackerman and Rodden asked whether MPF can solve the “fundamental political dilemma of an economic system,” and whether MPF is sustainable as a political equilibrium. Using the *de jure* federation of India as an example, they argued that some of the requirements for MPF are contradictory, and questioned MPF’s usefulness as a guide to institutional reform, suggesting that it exaggerates rather than ameliorates some institutional impediments to development.

Law School faculty member George G. Triantis is director of the Olin Program.



AIDS and the Law: New Knowledge Revises Course Content

Although the focus of Richard Bonnie’s AIDS and the Law course offered this spring has changed significantly since it was first offered in 1991, its goal remains much the same. Still designed to acquaint Law School students with pertinent medical knowledge and legal principles applicable to the disease, the course’s content has changed as knowledge about AIDS has increased.

Bonnie noted that in the early 1990s, transmission of AIDS was well understood, but scientists were still struggling to understand how HIV worked at the cellular level. Because treatment with the drug AZT seemed promising, issues relating to the financing of treatment were increasingly important. However, the most important legal developments at the time centered on the application of disability discrimination statutes, especially the newly enacted Americans with Disabilities Act, to HIV disease.

This spring, AIDS and the Law examined the remarkable advances in basic cellular knowledge about HIV and the development of new drugs that appear to reverse the course of the disease. Class discussions focused on the public policy and legal debates that



result from the potential that now exists for successful life-prolonging treatments — perhaps even a cure — for AIDS.

Bonnie acknowledged the “wonderful assistance” he received teaching the course this semester from experts in the University’s Health Sciences Center. The class heard from Brian Wispelway, MD and Gregory Townsend, MD, experts on HIV disease who lecture on the epidemiology, virology, and treatment of the disease; Barry Farr, MD, the hospital’s epidemiologist, who lectures on tuberculosis; Michael Rein, MD, a specialist on sexually transmitted diseases who lectures on serological testing; and Maria Sistrom, MSN, a public health nurse who formerly worked with the Health Department and now is responsible for HIV counseling and related issues at the University Hospital. In addition, Bonnie utilized the resources of the Central Virginia AIDS Resource Center.

In discussing the changes he has made over the years in teaching law students about AIDS, Bonnie mentioned a second — and new — goal for AIDS and the Law that he introduced to his students on the first day of class. “I asked them to view the 15-year AIDS epidemic as a case study in legal adaptation,” he said. “It is fascinating to study how legislators and the courts have responded — quite sensibly overall — to a deadly and previously unknown infectious disease.”

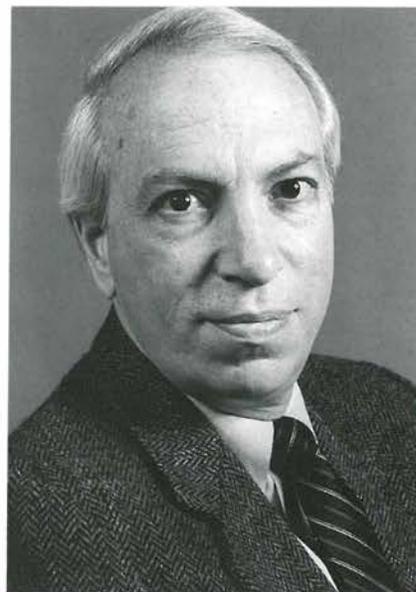
Bonnie Addresses Public Health Issues

Richard Bonnie is chairing a new, 18-month study on injury prevention and control for the Institute of Medicine of the National Academy of Sciences. The study is being conducted by a 16-member committee whose expertise is drawn from various public health disciplines and fields of research, including highway, occupational, and child safety. The goals of the study are to review current scientific knowledge in the field, to assess the nation’s investment — both public and private — in injury research, and to make recommendations for advancing knowledge and reducing the burden of injury in the United States.

This spring, Bonnie presented a paper at Pace University Law School which made the case for a national — and aggressive — anti-smoking effort targeting adolescents.

Finally, he traveled recently to the Netherlands where he presented a paper with Svetlana Polubinskaya, Russia’s leading expert in mental health law, on the role of professional societies in the licensing and certification of mental health professionals at a meeting of the Network of Reformers in Psychiatry. Bonnie, John S. Battle Professor of Law and director of the Institute of

Law, Psychiatry, and Public Policy, serves on the advisory board of the Network, which assists reform-minded psychiatrists from the formerly Communist countries of Central and Eastern Europe and the former Soviet Union.





Promoting the Rule of Law in the Oceans

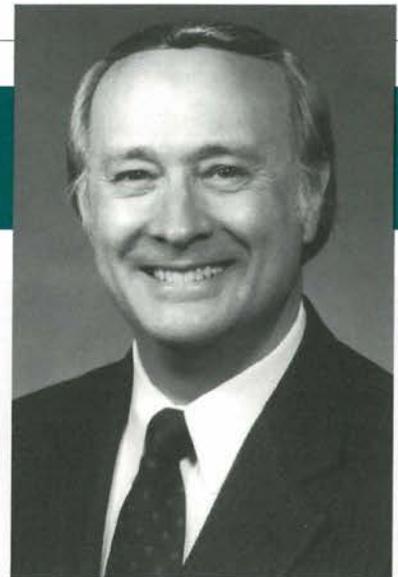
The Law School's Center for Oceans Law and Policy kicked off its third decade of activity this year with important events promoting the rule of law in the world's oceans.

The Oceans Center held its 21st annual conference in New York City February 7 and 8 on the subject of "Security Flashpoints: Oil, Islands, Sea Access and Military Confrontation." Held across the street from the United Nations, the venue and the topic proved to be excellent draws, as more than 150 people attended, including representatives from over 50 countries. Panel discussions focused on territorial disputes and resource issues, the politics behind them and their impact on national security in the South China Sea, the Persian Gulf, the Turkish straits, the East China Sea and the Sea of Japan. All of these regions have been in the international news in recent years, and the Oceans Center's efforts to foster discussion of the issues in an open dialogue made for an extremely lively exchange of ideas. The conference was cosponsored

by the Center for National Security Law (also located in the Law School) and the Council on Foreign Relations.

The Oceans Center is also engaged with three prominent institutions in Europe in the creation of the Rhodes Academy of Oceans Law and Policy. The Rhodes Academy is a collegial effort among the Center; the Aegean Institute of the Law of the Sea and Maritime Law in Rhodes, Greece; the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany, and the Netherlands Institute for the Law of the Sea in Utrecht, The Netherlands. The Rhodes Academy comprises an intensive, three-week course of study, and is held each summer in Rhodes, Greece. In providing a forum for education on the principles of contemporary oceans law and policy, the academy seeks to promote adherence to the rule of law in the world's oceans, fostering better relations among maritime nations as a result.

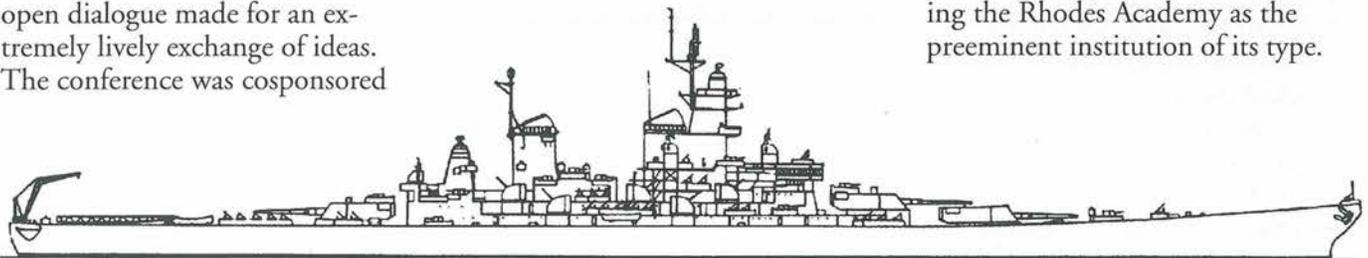
To promote interaction among students and lecturers, the



John Norton Moore

academy is kept small. Among the 25 students in attendance at the inaugural session of the Rhodes Academy in 1996 were students from 23 countries. An integral part of the program is the provision of scholarship assistance for students from developing countries. The real strengths of the program are the intimate nature of the academy, the diversity of the students, and the high caliber of the lecturers.

John Norton Moore, Walter L. Brown Professor of Law, and director of the Center for Oceans Law & Policy and the Center for National Security Law, and Neal R. Grandy, research associate with the Oceans Center, are the guiding forces behind the creation and operation of the Rhodes Academy. The academy's second session is scheduled for July 14 to August 2, and plans are well advanced toward the objective of establishing the Rhodes Academy as the preeminent institution of its type.



O'Neil Honored by American Association of University Professors

Robert M. O'Neil, Professor of Law and University Professor, was honored by the American Association of University Professors (AAUP) in January for his contributions to academic freedom at a luncheon held during the annual meeting of the Association of American Law Schools in Washington, DC.

In presenting the honor, the AAUP called O'Neil "a tenacious and effective defender of freedom in teaching and scholarly research." Long involved with the AAUP, he served as its general counsel for two terms, and currently chairs its Committee on Academic Freedom and Tenure.

O'Neil has been named the founding president of the Virginia Coalition for Open Government, a print and broadcast media group that has produced its first set of principles to handle Freedom of Information issues likely to arise during sessions of the General Assembly. He also has consulted with other legislatures, including a recent presentation in Nashville on freedom of information issues for newly elected Tennessee legislators.

This spring O'Neil presented a number of lectures, including two at Arizona State University, the Ashton Phelps Lecture at

Tulane University Law School, and the Weddell Lecture in Richmond for the Virginia Historical Society. His newest book, entitled *Free Speech in the College Community*, was recently published by Indiana University Press.

O'Neil came to the University in 1985 as its sixth president, a position he held until 1990. In addition to his membership on the Law School faculty, he directs the Thomas Jefferson Center for the Protection of Free Expression. He is widely regarded as an expert in First Amendment issues.



Paul Stephan

Paul Stephan Instructs in Moscow on Tax-Dispute Resolution

Paul B. Stephan III, Percy Brown, Jr. Professor of Law and Barron F. Black Research Professor, continues to assist Russians in developing a new taxation system. He met this winter in Moscow with the chairman and deputy chairman of the Higher Arbitration Court of the Russian Federation to plan a program of instruction for judges involved in tax dispute resolution. Closer to home, he discussed Russian tax dispute resolution at a Duke University conference sponsored by the Sanford Institute of Public Policy Studies. In March he returned to Moscow, where he and a member of the U.S. Tax Court conducted a week-long seminar for Russian judges on procedural aspects of tax disputes.



TECHNOLOGY TAKES ON THE LAW

by Cathy L. Eberly

*When visiting the Law School earlier this semester, U.S. Supreme Court Justice Ruth Bader Ginsburg responded to a student question about trends in American courts, predicting that they would soon be flooded with cases relating to technology's impact on all aspects of our culture. Similar predictions about the impact of technology — specifically electronic communication — on the law have been raised by legal scholars as well. M. Ethan Katsh, Professor of Legal Studies at the University of Massachusetts, Amherst, has written two books — *The Electronic Media and the Transformation of Law* (1989; Oxford University Press) and *Law in a Digital World* (1995; Oxford University Press) — in which he predicts that technology will transform the law and how it is practiced.*

After suggesting in his first book that the law is actually one of the last areas in American society to be affected substantially by technology, Katsh predicts the extent of its impact in his second. He suggests that, compared to the print materials of the past, the more visual quality of electronic communications, combined with computers' abilities to organize information more flexibly, will threaten "many of the habits [lawyers] use to think about information and to think about law."

Not everyone believes that technology will uproot the legal profession as we know it. But few deny that technology is having a major effect on how the law is taught and practiced. According to Virginia's Glen O. Robinson, David A. Harrison Professor of Law, the Law School is embracing technology that will prepare lawyers for the challenges of a new century of practice. Robinson should know; since last year he has been the Law School's first associate dean for research and information services. In this role, the former commissioner of the Federal Communications Commission is charged with determining how technology can be harnessed to support the academic mission of the Law School.

"This is an exciting time to be at Virginia Law, because technology is really taking hold," said Robinson, noting that technology is affecting how faculty teach, how students and faculty conduct research, and how the Law School communicates internally and with others. One of his primary tasks is to work closely

with law librarian Larry Wenger to optimize library services.

According to Wenger, optimizing services in the tenth largest academic law library in the country involves reallocating staff who previously performed old-fashioned, hands-on transactions that now are performed electronically — such as book ordering and card catalog maintenance — to public service functions. Now library staff spend much of their time helping students and faculty discover and master the electronic technology that is changing how they receive data and conduct research.

Wenger describes his job as a sort of balancing act. Since most library materials are available in paper, microform, or electronic versions, he must "judge which version is best to purchase, or whether we are better served to forge electronic links with other libraries to take advantage of their collections."

This careful stewardship of library resources has placed the Law School community in touch with a world of legal scholarship

and data. According to Glen Robinson, more faculty conduct their research on-line as their desktop computers are updated, placing access to Lexis and Westlaw at their fingertips. Wenger agrees with this assessment, noting that faculty are only beginning to recognize the potential value of research on the internet. "The internet is like a library without a card catalog," he said. "It is our job to help faculty and students determine what information is reliable, relevant, and useful in their research."

TECHNOLOGY IN THE CLASSROOM

Law School faculty also are beginning to incorporate technology into their teaching. Last year J. H. Verkerke received a grant from the University's Academic Enhancement Program to, among other goals, enrich the Law School's curriculum in the area of employment and labor law with new course offerings and techno-

logically innovative teaching methods. Verkerke used some of this grant funding to establish a site on the World Wide Web so that he can communicate with his students via the internet.

"I established home pages that make class information available to the students at all times," Verkerke explained. "Each class has its own home page that provides links to the syllabus, a course outline, and daily recaps of what we covered in each session. Sometimes I post supplementary reading materials there as well. Students seem thrilled to have that sort of information at their fingertips. It's sort of a virtual homeroom."

Verkerke has also experimented with an on-line newsgroup that creates a forum for out-of-class discussions. "Students are free to ask questions, and post them for all members of the newsgroup to see," he observed. "What I've discovered is that I often get more thoughtful questions this way because students have had a chance to think them through before posting them. The newsgroup has been especially helpful for my first-year students."

Verkerke sees great value in exposing students to electronic technology. "Some students are very comfortable with the internet, while others are less so. I hope that, by making this tool available

for their use, I will break down both physical and psychological barriers to using technology and improve students' access to the material I'm teaching," he said.

Several faculty members are beginning to use an electronic presentation unit recently purchased by the Law School that projects computer-generated slides, video, and documents in the classroom. According to Charles J. Goetz, Joseph M. Hartfield Professor of Law, the device is already changing how courses like corporations, tax, law and economics, and anti-trust law are taught. "With this device, we're able to produce and manipulate diagrams and numbers right in front of the students. It's a wonderful way to explain complex statutory schemes and update spread sheets illustrating the impact of various tax options," he said. "I predict that this technology will have a dramatic impact on how students learn these and other subjects in the next ten years."

STUDENTS AND TECHNOLOGY

According to Gary Banks, assistant dean for information technology, many students already are comfortable with technology issues. Part of his job is to ensure

that Virginia is ready to meet their needs. The Law School's \$30 million construction and renovation project has already made available a state-of-the-art computer lab, hundreds of hookups for laptop computers, and an electronic career services system to be inaugurated this fall (see page 36), among other amenities. Meanwhile, Banks, who describes himself as "the man behind the curtain," keeps an eye on emerging technology, always asking "Is it efficient? Is it a better way? How can it be delivered to the Law School community?"

Members of the Virginia Society of Law and Technology, a group of students skilled in technology who also are interested in intellectual property and other technological aspects of the law, utilized their expertise to publish the premier issue this spring of the *Virginia Journal of Law and Technology (VJoLT)*, the Law School's only on-line journal. "Some people think we are just concerned with the law, computers, and the net, but that is definitely not the case," said *VJoLT* Executive Editor Chris Keefe '97. "Whether it be biotech, engineering, intellectual property, or computers, we cover the formation of the law and the use of technology in legal practice."

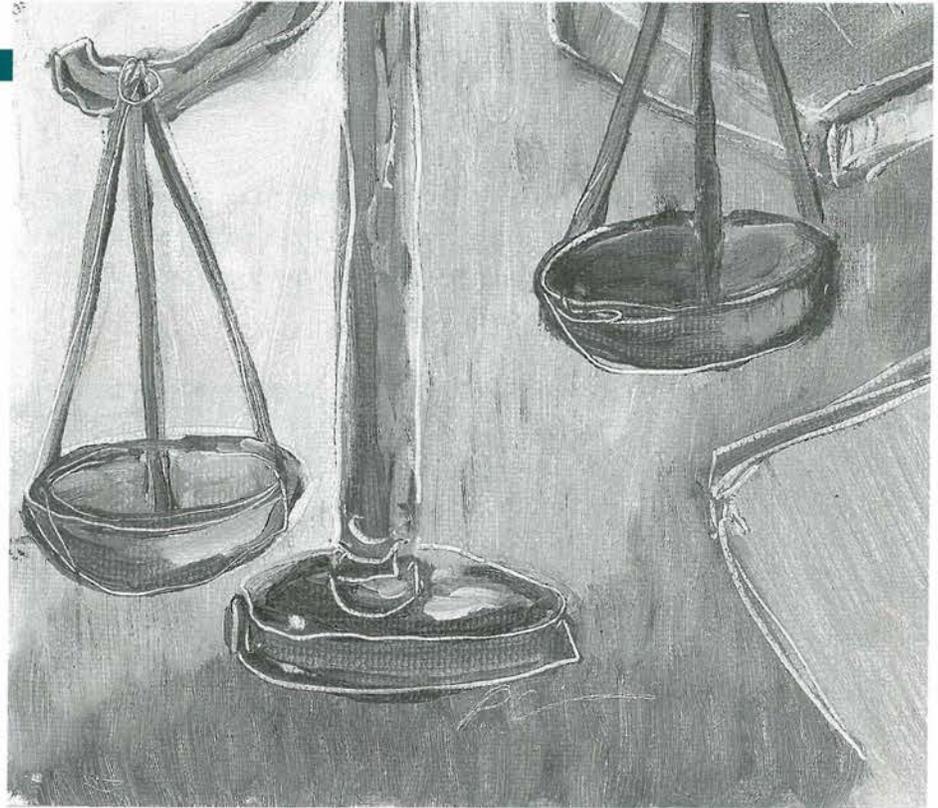
VJoLT's first issue (available at <http://www.student.virginia.edu/>

-vJolt) features articles by professors at other law schools, practitioners, and students. Articles discuss an economic analysis of the Doctrine of Equivalents, the implications of patent law changes on biotech research, issues of jurisdiction with respect to the internet, the ownership of intellectual property in academic contexts, and copyright protection for computer databases. According to Keefe, the journal will be published quarterly. While the first issue is available free of charge to anyone with internet access, readers of future issues will need to pay an access fee, and subscriptions will be available.

“Very few law schools have journals on the Web,” said *VJoLT* Managing Editor Jackie Wright ’97. “So in addition to featuring an entire area of the law that wasn’t covered by a particular journal here at Virginia, we’re also using a new medium to present it.”

TECHNOLOGY IN PRACTICE

While at the Law School, students gain exposure to the technology they will need when they enter practice. Three graduates — John F. Bales III ’65, Elizabeth (Hoop) Fay ’80, and Elaine Petrossian ’94, all of whom are with Morgan, Lewis & Bockius

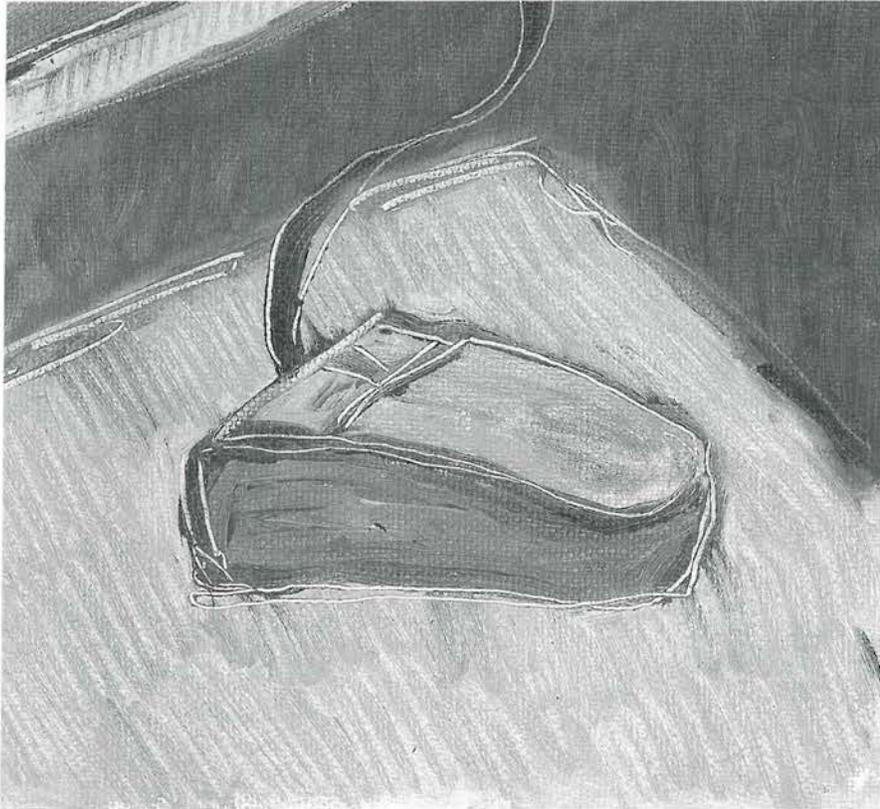


in Philadelphia — believe that technology has played an important role in their practices, increasing their efficiency as lawyers, and changing the way they interact with colleagues and clients.

In his 25 years with the firm, John Bales has watched technology take hold. He recalls working as a young associate, in the days before computer word-processing, when he spent days “feverishly cutting and pasting” complex agreements so that a typist would not have to retype them every time they changed. These days, with assistance from computers, Bales finds it much easier to create legal documents. “Now we have a database of documents that associates access to retrieve the language they need to draft a management agreement, and they pull what they want and reassemble a new agreement,” he said.

“Very few law schools have journals on the Web. So in addition to featuring an entire area of the law that wasn’t covered by a particular journal here at Virginia, we’re also using a new medium to present it.”

"I view the internet as an enhanced marketing medium, designed to attract people, and ultimately, to sell something. If viewed in that light, it is still a helpful tool for lawyers, but it shouldn't be viewed as completely accurate and reliable."



A partner in the firm, Bales is quick to note that, while he acknowledges the benefits of technology, he has not embraced it completely in his business and finance practice. "Although the efficiency of my practice has been greatly enhanced with advances in communication technology, as a backup I still keep a paper file of specimen documents that I can

refer to when working on a new deal," he said.

Bales's colleague Elizabeth Fay learned to conduct legal research on Lexis while a student at the Law School in the late 1970s. As a securities litigator and partner in the firm, she still uses Lexis—or asks a young associate or the firm's library to complete her on-line research projects. Fay, like Bales, also embraces the use of e-mail as a means of communicating with colleagues in the firm and beyond. "We are able to connect electronically with our clients and with other lawyers around the nation. Now we send briefs and pleadings by e-mail for review and comment," she said. "E-mail is an incredible time-saver, and has eliminated the need for many memos and telephone calls."

Fay's colleague, associate Elaine Petrossian, is impressed with the strides technology has made in the three years since she graduated from the Law School. "I conduct a great deal of my research on the computer, in part because the cost of Lexis and Westlaw has come down so much in recent years," she said. "I can review many more cases much more quickly from computer search results than I could if I combed through paper sources." Petrossian acknowledges, however, that any user of Lexis and Westlaw must "understand how

they operate and what resources are available to ensure that their research is complete and thorough.”

In the course of her work, Petrossian sometimes logs onto the internet to obtain research data. “Sometimes in intellectual property cases we look to a company’s Web site to see how it is presenting itself to others,” she explained. “I also used the internet once to find the exact, straight-line mileage between Philadelphia and New York to determine whether a subpoena could be served upon a particular address.”

Fay’s view of the integrity of internet information is somewhat skeptical, and mirrors that of Massachusetts legal scholar M. Ethan Katsh. “I have no problem with accepting data presented on the internet from the SEC or certain government Web sites, but I worry about much of the information that’s out there. I wonder who put it out there and whether or not it’s accurate,” she said.

John Bales shares Fay’s concern. “I view the internet as an enhanced marketing medium, designed to attract people, and ultimately, to sell something. If viewed in that light, it is still a helpful tool for lawyers, but it shouldn’t be viewed as completely accurate and reliable,” he said.

All three Morgan, Lewis & Bockius lawyers approve of their firm’s approach to emerging

technology. “I think Morgan Lewis is ahead of the curve because it is very technologically up-to-date, yet very pragmatic,” said Petrossian. “We haven’t tried to mandate the exclusive use of technology in pursuit of some impractical goal like a ‘paperless office.’”

The firm’s practical approach to technology is echoed by Bales and Fay. In order to illustrate his view, Bales described a complicated transaction he handled recently between two companies whose lawyers and accountants are located in different states. “We managed to complete the first part of our transaction solely by conference calls, fax, and e-mail; not once were all the parties in the same room to negotiate or sign agreements,” he said. “While that suggests an impressive mastery of technology, I can envision problems down the road for similar transactions, where miscommunication, the interception of confidential data, and even the inappropriate electronic transmission of signatures might result.”

For her part, Fay cautions young associates not to overestimate what electronic research and communication techniques can do for them as lawyers. “Computers are no substitute for direct, persuasive legal writing and solid analysis,” she said.

Bales acknowledges technology’s significant impact on his own legal practice and the practices of his friends. “Thanks to technology, the pace at which we practice law has picked up tremendously in recent years, and it’s affected how lawyers live their lives,” he commented, relating the story of a lawyer friend who accompanied him on a cattle round-up in Utah, bringing his cellular phone along so he could remain in touch with his office, only to cut his vacation short to return home. “The practice of law is no longer as relaxed as it once was,” Bales observed. “We can now do deals continuously and from locations unimaginable when I started practice. Often our challenge today is not to clear our desk for the holiday, but to clear our holiday of the desk.”



INTELLECTUAL PROPERTY LAW'S IMPACT ON TECHNOLOGY

by Edmund W. Kitch, Joseph M. Hartfield Professor of Law

Intellectual property law provides an essential incentive for technological progress. Innovators can benefit from their successful innovations only because patent and, in some cases, copyright laws give them the exclusive right to exploit their innovations. This property right enables innovators to benefit from successful innovations either by charging royalties to others, or by exploiting the invention themselves, free from competition.

One dramatic example of this incentive at work is the newly emerged biotechnology industry.

Once it became possible to manipulate biological organisms through the use of cloning and other techniques, scientists began to ask their lawyers whether the resulting novel organisms were patentable. The patent statute, which provides that patents may be obtained on "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" does not clearly answer the question. A living organism is a "composition of matter." But something else has been added — the spark of life — that makes that composition of matter very different. How does the presence of life in an innovation affect the application of the legal statute?

This matter was decided by the U.S. Supreme Court in *Diamond v. Chakrabarty* in 1980. At issue in that case was a patent on a genetically engineered bacterium capable of breaking down multiple components of crude oil. This was a property possessed by no naturally occurring bacterium, and the patent disclosed that the bacterium was useful in cleaning up oil spills.

Although there was no authority directly in point, there had been suggestions from time to time that living organisms could not be patented. In 1930 Congress had amended the patent statute to provide for patents on novel, asexually reproduced plants because of a concern that they would not otherwise be patentable. On the other hand, patents had been granted in the past on processes like fermentation, which made use of the actions of biological organisms.

The Court decided that the bacterium was patentable subject matter. This decision paved the way for the now-thriving commercial biotechnology industry, populated by companies such as Genentech, Amgen, and many others who are developing many new drugs and other products. Without the ability to obtain patent protection for the products of their research, it would have been impossible for these firms to generate private funding to support their efforts.

Computer programs present another example of the way in which intellectual property



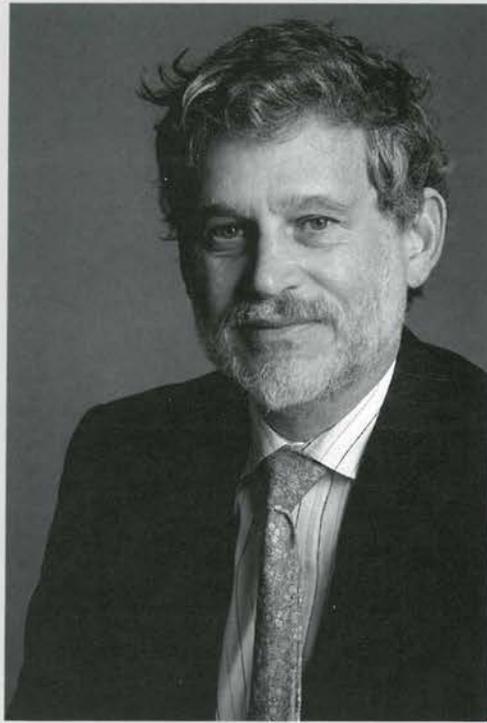
protection makes possible an entire field of innovation. In the early days of computing (prior to 1976), computer programs were developed by computer manufacturers, who provided them to accompany the computers they sold. Just as a car buyer expects the car to provide transportation without the purchase of additional items — say, for instance, tires — the purchasers of early computers expected their computers to be ready to plug in and use. Thus the manufacturer of the machine developed and provided the operating and application programs to run on the machines they sold. Generally, a program only ran on the machines of that manufacturer, and their cost was included in the price of the computer. Computers at that time were very expensive, running into the millions of dollars, and were purchased only by large organizations.

Eventually computers became less expensive and purchasers began to use the computers they purchased for tasks different than those contemplated by the manufacturer. When the first

successful personal computer — the Apple — was invented, it achieved commercial success primarily because of its ability to run a program called Visicalc developed by another company. Soon a market developed for computer programs manufactured for use in another company's computers, and the software business was born. It quickly became obvious that software manufacturers needed to find a way to protect their product, which could be easily and speedily copied by anyone who wanted to use it. Eventually Congress decided that computer software could be protected by copyright law and the U.S. Supreme Court extended patent law protection as well. As a result of those decisions, thousands

of patent applications for new computer programs are filed annually. The hundreds of software products available to computer users today are the result of legal developments that have made possible an entire industry populated by firms such as Microsoft, Corel, and others, with the incentive to invest in the creation of new software products.

Not only are the law and legal institutions required to adapt to changes resulting from technological innovation, but the law and legal institutions — particularly in the form of intellectual property law — are an important factor leading to these innovations in the first place.



Not only are the law and legal institutions required to adapt to changes resulting from technological innovation, but the law and legal institutions — particularly in the form of intellectual property law — are an important factor leading to these innovations in the first place.



ENCRYPTION AND THE INTERNET: HOW MUCH FREE SPEECH IS TOO MUCH?

By Linda A. Skove

O'Neil believes that, while the courts may have a difficult time keeping up with the constantly changing electronic technology, the standard of protection afforded internet communication should be no more or less than the standard of protection afforded spoken and written communication.

The internet and First Amendment issues are already providing intriguing challenges for American courts, according to Robert O'Neil, founding director of the Thomas Jefferson Center for Protection of Free Expression. The law professor, First Amendment scholar, and former UVA president examined some of the constitutional issues raised by efforts to regulate access to information on the internet during a public lecture he delivered earlier this semester at the University's White Burkett Miller Center of Public Affairs.

O'Neil's discussion focused on internet access to information about encryption. Encryption is

the coding of information to allow communication without detection. While encryption has been around for years, modern technology has allowed for the creation of virtually unbreakable codes. Efforts by domestic manufacturers of encryption software to export their products to foreign markets have elicited different responses from the President and Congress. On the basis of national security interests, the President sought to prohibit the exportation of encryption software which might be used by terrorists. Congress, on the other hand, believing that business and industry are the primary users of the software, sought to relax limitations on exportation. The

resulting disarray has produced several challenges to encryption limitations on First Amendment grounds.

In a case decided by the United States District Court for the Northern District of California, the plaintiff mounted a First Amendment challenge to encryption exportation limitations and licensing procedures claiming he was uncertain that with impunity he could post encryption programming information on the internet for use by his foreign colleagues. The court held that the encryption software program itself was protected by the First Amendment, and that the licensing procedure was an attempt to regulate speech.

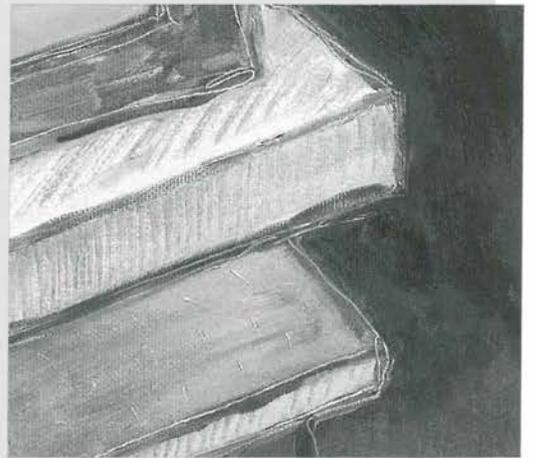
In a case decided by the United States District Court for the District of Columbia, the court held that the same licensing procedure was a valid regulation on the time, place, and manner of speech and that it did not target speech specifically. In addition, the judge, reluctant to challenge

the President's policy, especially when national security issues are involved, determined that the plaintiff's issues were not appropriate for the court to decide, but that they should fall under the purview of executive foreign policy.

Both cases are being appealed. According to O'Neil, the lower court decisions represent extremes, and he predicted the appeals courts will move toward the center. In the California case, O'Neil thinks the free speech ruling will be affirmed but with deference to the government's national security interests. In the D.C. case, O'Neil feels the court will send the case back to the lower court to more fully probe free speech issues. In the long run, to pass constitutional muster, O'Neil thinks the government will be faced with the difficult burden of having to show how the restrictions placed on exportation of encryption software will prevent terrorists from getting the material.

In general, O'Neil believes that, while the courts may have a

difficult time keeping up with the constantly changing electronic technology, the standard of protection afforded internet communication should be no more or less than the standard of protection afforded spoken and written communication.





PLACEMENT PROCESS TO GO ON-LINE

The Law School will unveil a state-of-the-art, on-line career placement system this fall to facilitate students' employment search. Established by the Office of Career Services — with technical assistance from IBM — the Career Services On-Line System, or CASE, will provide students access to information on employers and job opportunities 24 hours a day.

“CASE is designed to make the job search easier for students by redirecting career services staff from administrative work to a focus on students and career counseling,” said Edith “Diddy” Morris, hired late last year as special assistant to the dean to evaluate the Law School's career services operation. A 1989 graduate of the University, she earned a J.D. from Stanford Law School.

According to Morris, each Law School student will have a confidential CASE account through which they will access information on employers — including those who recruit at Virginia — and will sign up for

employer interviews on-line. They will be notified by e-mail of their interview schedule, and will be able to maintain an on-line résumé that will be sent to prospective employers. The CASE system can be accessed from any University computer lab or Web-connected home computer, rendering the entire process more flexible and responsive to student needs.

“The CASE system will not only facilitate the entire placement process, but it is more organized, more accessible, and provides efficiency within the Career Services Office,” said Matt Bassiur '98, one of several students who tested the new system this spring. “For those who are not already computer literate it will also be very user friendly.”



ONE PERSON AT A TIME

HOW WALLACE WINTER CHANGES THE WORLD

by Marion M. Kingdon



- African-American children are disproportionately represented in self-contained classes for mildly retarded students in Chicago public schools, in part because of culturally biased IQ tests. Their attorney, after losing at the trial level, takes their case to the Seventh Circuit and, with the assistance of a Justice Department civil suit, forces the Chicago school board to discontinue the biased testing.
- A 30-year-old man, quadraplegic as a result of a car accident, resides in a nursing home, where he receives medical treatment and awaits the availability of an appropriate independent living situation. The nursing home attempts to discharge him, allegedly because he is more assertive than most of the geriatric residents, routinely complaining about the facility's poor living conditions. His attorney has the discharge proceedings dismissed.
- A young woman who uses a wheelchair is called for jury duty. While waiting at the Cook County Courthouse, she asks the location of the ladies room and is told that the only wheelchair accessible bathroom is 15 floors away. The clerk, unaware of the Americans with Disabilities Act, encourages her to go home. Her attorney forces the courthouse to construct wheelchair-accessible bathrooms for prospective jurors.

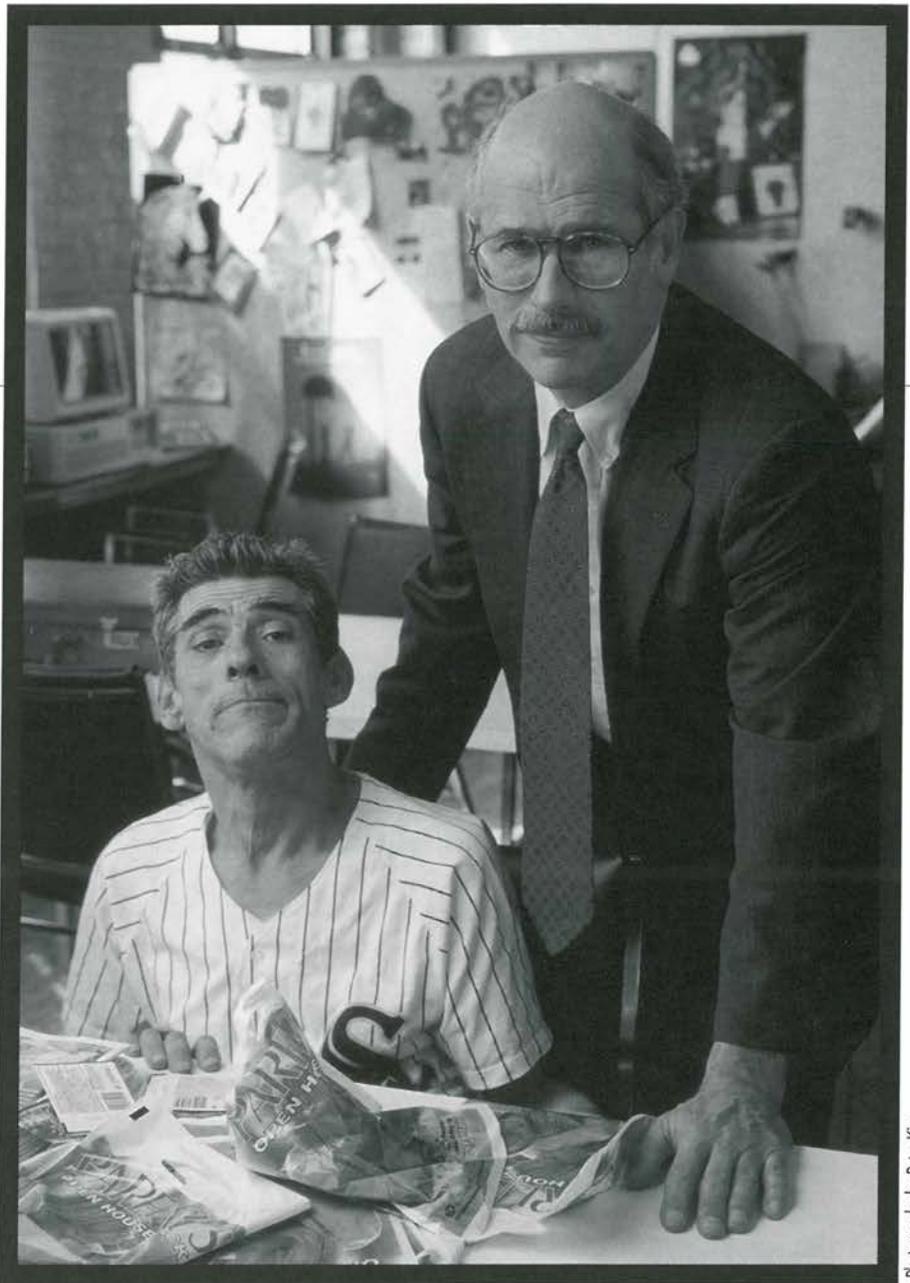
These are but three of the hundreds of cases Law School graduate Wallace C. Winter '67 has addressed during his 27-year career as an advocate with the Legal Assistance Foundation of Chicago (LAFC), where he currently serves as director of the Disability Law Project.

A native of Lake Forest, Illinois, Winter earned his undergraduate degree from Yale, and caught a strong case of "Potomac fever" while interning for his congressman as a college student. His

aspirations of a career working with either the executive or legislative branches of the federal government drove his law school decision. "There's no doubt about it," said Winter. "I chose Virginia because it was the best law school in close proximity to D.C."

While at the Law School, Winter focused his non-academic attentions on the *Virginia Law Weekly*, serving as the newspaper's editor from 1966 to 1967. The newspaper won an American Bar Association award as the nation's most outstanding law school

Wally Winter visits the workshop of a client, Frank Bogard. Bogard was the lead plaintiff in a federal class action suit Winter filed in 1988. When it was settled in 1993, some 3,000 developmentally disabled citizens — who were unnecessarily and illegally placed in geriatric nursing homes — were given the opportunity to move into more appropriate facilities such as group homes. Bogard, who has cerebral palsy and spent 19 years in various nursing homes prior to the lawsuit, now lives independently in a community integrated living arrangement.



Photography by Peter Kiar

newspaper under his leadership, and hot topics of the day included the Vietnam War and the graduate draft, the Warren Commission report on the Kennedy assassination, and an intense football rivalry between the *Law Weekly* and the *Virginia Law Review*. The paper also served as an effective advocate for reform. For example, during Winter's tenure, the *Law Weekly* polled students and faculty to gauge opinion on the public posting of grades and class rank by student name. The poll, in which the vast majority of respondents opposed the common practice, resulted in a

swift policy change to posting by number, which is still in place today.

At the end of his first year of law school, Winter returned to Chicago in search of a summer job, prepared to use some slightly unorthodox tactics. "I brazenly walked into the office of John Ritchie, [a former Law School faculty member who was then dean at Northwestern Law School]," he said. "I told him that his son, Bert, — whom I didn't know at the time — and I had a lot in common because we both attended both Yale and Virginia. On the strength of

As editor of the *Law Weekly*, Winter wrote that a legal aid society would “provide necessary legal assistance in civil cases to hundreds of local residents who hitherto have neither known their legal rights nor exercised their civil remedies . . . The Law School must . . . assume an active and creative role in helping to launch and sustain the legal aid society.” Thanks to that initial support, the Law School’s Legal Assistance Society was formalized in 1968.

that connection I asked if he could help me get a job at Chicago’s Legal Aid Bureau. He picked up the phone, spoke to someone he knew there, and that was that. I spent the summer interviewing low-income folks with civil legal problems, and I’ve been doing that in one form or another ever since.”

In fact, Winter’s work that summer convinced him that his place was in the legal trenches rather than in the nation’s capital. He returned to the Law School in the fall with an increased passion for public interest law.

As Winter remembers it, in the late-1960s there was only a small group of students at the Law School who did not plan to enter private law practice. Winter, whose two roommates also did legal services for low-income persons after graduation, clearly ran with that crowd. “Most of them were interloper Yankees like me,” he laughed, “who loved living in and learning about the South, even though we generally leaned a little to the left of our classmates. There was no hostility, but we were viewed as a maverick group, and to tell the truth, I think we enjoyed that reputation. Virginia was a wonderful place with a mix of cultural and political philosophies, where I engaged in many vigorous, but always civil, debates.”

Winter and several civic-minded classmates laid the groundwork for a student legal aid organization by convincing the dean and faculty that there should be an official opportunity for law students to represent Albemarle County’s low-income residents. As editor of the *Law Weekly*, Winter wrote that a legal aid society would “provide necessary legal assistance in civil cases to hundreds of local residents who hitherto have neither known their legal rights nor exercised their civil remedies . . . The Law School must . . . assume an active and creative role in helping to launch and sustain the legal aid society.” Thanks to that initial support, the Law School’s Legal Assistance Society was formalized in 1968.

Winter is still grateful for the support he received from certain faculty members. “Then-Dean Hardy Dillard, Walter Wadlington, and Charles Gregory were particularly receptive to our ideas,” he commented. “In fact, Gregory offered immense moral and intellectual support to all students interested in ‘alternative’ careers. He truly epitomized a great teacher and was a wonderful role model.” Winter found a way to repay Gregory, whom he calls “Mr. Torts,” once again using the student newspaper as his mouthpiece. “When Gregory retired, I wrote an article about him in which I called him the ‘Willie Mays of law professors.’ As a baseball fan, that pleased him very much.”

The Vietnam War was raging when Winter graduated from Law School. A Quaker and a pacifist, he did not support the war and opted to join the Peace Corps rather than seek conscientious objector status. During his two years working with farmers in an agricultural cooperative in northeastern Brazil, Winter became fluent in Portuguese and experienced his first and only criminal trial. “A local judge, who didn’t believe I was a lawyer, goaded me into representing a defendant in an aggravated assault case. It was the only criminal case I’ve ever tried, and somehow we won.”

Convinced that his language skills could be of some practical use in the U.S., Winter returned to Chicago in 1970 and accepted a staff position with the Legal Assistance Foundation of Chicago. Sure enough, those skills immediately came in handy. As supervisory attorney and then director of the LAFC’s Latin American Special Project, he coordinated impact litigation on behalf of Spanish-speaking minorities. In one of his first cases, he successfully forced the Chicago Board of Election Commissioners to print election materials and ballots in Spanish in wards with high numbers of Spanish-speaking persons.

Hip-Shooters . . .

Shooting from the hip is one area in which the *Cavalier Daily* excels. Having recovered from its gunfight with the English department, everyone's favorite college newspaper has apparently chosen to take on the technical and professional schools. These schools, wrote the *Cavalier Daily's* editor last week, "while important, do not generally contribute that much to the national standing of a university." The statement stands unexplained and enclosed within parentheses. In the editorial, which has nothing to do with the Law School except for the above remark, the *Cavalier Daily* congratulates the *Cavalier Daily* for having unearthed "a pernicious threat to the overall quality and atmosphere of the University, in academic as well as other realms."

Though not asking the intrepid hip-shooters to print a retraction, we would like to suggest gently that the *Cavalier Daily* is wrong. In other words, at the risk of sounding petulant, if not imperious, we believe that the high national standing of the Law School—a fact generally recognized—has a considerable spill-over effect on the University.

specific areas. Most of the critics were unaware of the recently initiated Charlottesville Legal Aid Society, which will operate through the cooperative efforts of the local bar and the Law School.

Cites Apathy
Mrs. Herbert Jehle, who has been active with the Charlottesville Fair Housing Committee and in organizing the local chapter of the American Civil Liberties Union (ACLU), feels that the Law School has been too apathetic. "Those connected with the Law School indeed owe an obligation to preserve liberty and promote justice—a greater obligation than I've seen evidenced in this community," said Mrs. Jehle.

She specifically criticized the refusal of Law School professors to help litigate difficult local cases which could have "a big effect" on

ministers. But I courage in little those connected School."

Lacks Comm
Mr. Jay Worrall of the Charlottesville Action Organization has felt no impact School on the identity and though fortunate. "The U whole has applied i community but not as a separate entity sity," said Mr. Wor

When asked how should involve the munity, Mr. Worr the law as it affect largely unexplored have a unique sit

Blake T. Newton III '67, known to his fellow *Law Weekly* staffers as "Fig," drew editorial cartoons for the newspaper when Winter was editor. Many, like the one at right, were highly controversial, in keeping with Winter's belief that a newspaper has a responsibility to be a "gadfly." This one related to a Supreme Court case in which an interracial couple challenged the State's so-called "anti-miscegenation" laws. The "saint" banning the couple from the Garden of Eden was thought to resemble various Virginia politicians.

Illustrations courtesy of the *Virginia Law Weekly*



. . . and the Community

the continued development of American democracy. "They cite as excuses either that they're not members of the Virginia Bar or that they lack experience in the field being litigated," Mrs. Jehle said.

Disappointed by Professors

"If law were really dear to their hearts, then the professors would do what it takes to be active members of the Virginia Bar" she added. "I don't think that a person should say that it's not his field or that he doesn't know enough. He should find out."

Mrs. Jehle pointed to a recent conscientious objector case in which a Charlottesville youth was unable to gain any assistance from the Law School professors. "To me,

would be good if son concern itself with t items," he said.

In reply to a question thought that the I gram currently be might help in this r all said that he ha of the program. He that this highlighte sidered to be one p citizens' views tow School, that is, a fac cation.

Hands Off!

Mr. Randolph W the Charlottesville- home, the local Neg said that there is of participation in (Please see Page

Seven years and many cases later, Winter shifted to LAFC's newly-formed Disability Law Project, established to provide individual and class representation to disabled persons with legal problems arising as a result of their disability. "At that time, Illinois still housed the mentally retarded in large warehouses," explained Winter. "The facilities were not acceptable by constitutional or any other standards. Most other states had built more appropriate facilities, such as group homes, by then, and families came to the LAFC to ask how Illinois could be so backward." Winter and his staff immediately set out to effect change, successfully seeking a consent decree ordering the State Department of Mental Health and Developmental Disabilities to freeze all new admissions to the state's largest institution for persons with mental retardation.

Despite persistent state funding cuts, which have reduced the Disability Law staff from a high of six

lawyers and two paralegals to its current one lawyer and one paralegal, Winter's office continues to advocate successfully for Chicago's disabled population. He routinely gives residents' rights presentations in nursing homes and works with private social work organizations to generate awareness of LAFC's services. He normally has at least 50 open cases and, as a result, can be selective about the cases he agrees to accept. "I try to choose cases that involve recurring issues," Winter said, "so that by resolving one, I can help a larger group of people."

In addition to experiencing Congressional funding cuts, the LAFC has suffered from new Congressional restrictions. Last year Congress severely limited the work that federally funded legal services programs, of which there are 300 branches around the country, can do. For example, LAFC lawyers are prohibited from challenging any welfare reform

also a volunteer tutor at a school adjacent to one of Chicago's most infamous public housing developments. "When I read Alex Kotlowitz's 1991 book *There Are No Children Here* [a horrifying but inspiring tale of two boys growing up in a public housing development in Chicago], I decided to try to make a difference in the life of at least one child in this city. Societal ills don't seem so overwhelming if you take it one child at a time."

The father of two grown children, Ethan and Sylvia, Winter lives in an evolving development called Prairie Crossing, which is an experimental, racially-mixed planned community north of Chicago. It features clustered homes, large open spaces, and a community-supported garden, and has received national publicity for its commitment to being a diverse, environmentally sensitive development with a deep sense of place and community. He also serves as president of Ragdale, the fourth largest artists' and writers' colony in the United States. Located in Lake Forest, Illinois, the 20-year-old colony provides a sanctuary where artists and writers can work in an undisturbed environment, increasing their creative productivity.

Winter says he loves his work and has no regrets about the public service path he has chosen, although he is quick to say that he has great respect for today's young lawyers who enter public interest law despite crippling debt burdens. "I was very lucky to have no debt when I graduated from Virginia," he said, "which is one reason I could afford to go into — and stay in — this line of work." Debt or no debt, advocating for the disenfranchised — particularly in a large urban area — is no easy task, but Winter approaches his work one day at a time, and continues to make a difference in people's lives, one individual at a time.



Class Notes

■
1927

Ammon G. Dunton, Sr., senior member and founder of Dunton, Simmons & Dunton of White Stone, VA, has retired from the practice of law after 69 years, at the age of 93. In addition to his legal work, during his career Dunton served as director and president of a number of banks and private businesses, and was active in civic, religious, and government affairs on national and local levels.

■
1946

Albert O. Scafuro retired after 50 years as senior partner of Scafuro and Gianni of Allendale, NJ. During his career, Scafuro also served as mayor of Allendale and as Bergen County counsel. He recently made the trip to Normandy to celebrate the 50th anniversary of the landing there during World War II; he served as a First Lieutenant Civil Affairs during the war.

■
1947

Hugh D. McCormack's autobiography, *Confederate Son*, was published by Shenandoah University Press. Shenandoah University (VA) also has established a chair in his honor.

■
1948

Robert M. McRae, Jr. has become an inactive senior judge

Celebrating a Busy Life: John Early Turns 100

John L. Early '23, who celebrated his 100th birthday in December, is still meeting new challenges. The oldest surviving member of the Florida state legislature and the oldest former mayor of Sarasota, Early was inducted into the Sons of the American Revolution in February.

"Membership in the group is something that he always wanted to accomplish, and he just never took the time to do so earlier in life," explained his daughter-in-law, Bonnie Early. Her husband, Charles E. Early, joined his father's Sarasota firm in 1950, and father and son practiced as Early & Early until the senior Early's retirement about 25 years ago.

Born in Staunton, VA, John Early graduated with honors from Washington and Lee University in three years. Following Army service during World War I, he enrolled in the Law School and graduated at the top of his class. He practiced law for a short time in West Virginia before moving to Sarasota in 1924. Early served in the Florida legislature for three terms when, due to the Depression, the state and its political subdivisions struggled to provide even basic services. During his first legislative session, the public school system in Sarasota County actually ceased to exist. Only those children whose parents could afford to make periodic payments of 25 cents per child were permitted to attend school. To help deal with this crisis, Early worked to pass legislation that put the public school system back on a firm financial basis; he also was involved in developing ways to help relieve the economic stagnation that gripped Florida at the time.

In the meantime, and in spite of a lifelong hearing defect, Early built a successful law practice. Renowned for his knowledge of the law, speaking ability, and intense dedication to the causes of his clients, he worked primarily as a trial lawyer. According to his son, no judge who ruled in his favor was ever reversed on appeal.

Early credits the Law School with preparing him well for the rigors of practice. He recalls with special appreciation "the fine lectures of Dean William Minor Lile and Professor Charles Graves. They were very realistic and lighted the 'outer edges' of the law for me."

He last visited the Law School during his 50-year reunion. When asked to compare the present-day Law School with that of the 1920s, Early mentioned several dramatic changes. "When I was a law student, there were only two women in the Law School. And the facility was much smaller then. Law school buildings are now much more elaborate and luxurious; I found Minor Hall rather simple and plain."

A widower since 1990, and now living in a Sarasota retirement community where he still dabbles in the stock market, Early offered some realistic advice to today's Law School students. "Learn the fundamental principles of the law while you are in law school, because you won't have time to do so later on," he said.



of the Western District of Tennessee. He reports that "the lawyers don't have to be nice to me or pretend to be because I can't hurt them or help them." Since January 1995, he has been working on an oral history of the Memphis School desegregation case, which is being transcribed into a limited-edition research publication.

Robert C. Nusbaum, principal of Hofheimer, Nusbaum, McPhaul & Samuels, PC of Norfolk, VA, has been named by the Cosmopolitan Club as Norfolk's First Citizen for 1996, described in the *Virginian Pilot* as "an unsung hero for almost 50 years of community service... in education, medicine, and religion." Nusbaum is a member of the American College of Real Estate Lawyers, a fellow of the American College of Trusts & Estates Council, and a fellow of the American Bar Foundation. He is former chairman of the Virginia State Library Board, past president of the Norfolk and Portsmouth Bar Association, and a past member of the executive committee of the Virginia Bar Association. Nusbaum recently helped establish the Center for the Study of Religious Freedom at Virginia Wesleyan College, where he served on the board of trustees for 11 years.

1949

John B. Spiers, Jr. was appointed senior counsel with the Radford, VA, office of Sands, Anderson, Marks & Miller in October 1996. When not practicing law, Mr. Spiers enjoys un-

winding on his BMW motorcycle. He and his wife, Josephine, have been riding coast to coast on his bike for more than 25 years. In 1994, Mr. Spiers received BMW's 300,000 Mile Award.

1952

Billups P. Percy's article, "JFK: The Last Time I Saw Him," was accepted for publication in an upcoming issue of *Double Take* magazine.

1956

George Fleming Maynard of Maynard, Cooper & Gale, PC in Birmingham, AL recently was elected a fellow of the American Bar Foundation.

1957

Edward W. (Ted) Chapin has retired from Broadcast Music, Inc. (BMI) and will continue as a consultant to the company.

Nathan S. Lord, retired from the University of Louisville School of Law, states: "Retired law teachers need not fight committee battles, 'political correctness,' or egomania in self or others. What relief! I do some teaching and am a University ombudsman. I continue loving the study of man's law."

Benjamin Allston Moore, Jr. and his friend David Maybank left February 6, 1997 from Ft.

Lauderdale, FL, to sail *Bon Ami*, their 51-foot ketch, in a "Round the World Rally" of 65 boats. Follow his progress on the internet at <http://www2.bonami.org/evolve/index.html>.

1958

Charles C. Abeles retired from Piper & Marbury LLP at the beginning of 1996. He is enjoying a somewhat more measured pace, although his time is fully occupied with pro bono charitable work and some foreign travel.

1959

James D. Colt retired in May 1996 as a selectman of Wenham, MA after 15 years as a selectman in two towns. He was defeated in the Republican primary in September in his candidacy for a second term as state representative for the 4th Essex District. He currently holds no elected office.

Shant J. Harootunian has retired as vice president and general counsel of Tri-Star Consultants Associated, Inc. to enjoy his three grandchildren, especially the youngest, Chl e, the daughter of his son Shant V. Harootunian (Col. '81).

Jack Rephan was presented the 1996 President's Award by the Hampton Roads Utility and Heavy Contractors Association (HRUHCA) for his contributions and guidance as legal counsel to the organization. He

serves as general counsel of HRUHCA, and is of counsel with Hofheimer, Nusbaum, McPhaul & Samuels, PC of Norfolk, VA.

1960

K. King Burnett was elected to the American Law Institute in 1996.

Miles Cary, Jr. and his wife, Ann, toured Ireland for two weeks in July, 1996 with three other Richmond couples. The Carys played golf at Ballybunion, Killarney Golf & Fishing Club (Mahoney's Point), Tramore Golf Club, Mount Juliet, and Portmarnock.

Monte E. Wetzler became a partner in the New York office of Brown Raysman Millstein Felder & Steiner LLP.

1962

Michael Armstrong, of Mays & Valentine, LLP of Richmond, was listed in the trusts and estates section of *The Best Lawyers in America*®, 1997-1998 edition.

1963

William Davis Douglas III was promoted to vice president, regional network operations, for Bell Atlantic. He lives in Reston, VA.

Thad G. Long has been elected a member of the American Law

Institute. A partner at Bradley Arant Rose & White of Birmingham, AL, he also serves as adjunct professor of law at the University of Alabama Law School.

1964

Shepard B. Ansley has accepted a new position in the securities business at ACA Consulting, Inc. of Atlanta.

Bernard Dobranski was named dean and professor of law at the Catholic University of America's Law School. Previously, he served as dean and professor of law at the University of Detroit Law School for 13 years. His daughter, **Stephanie Dobranski '90**, married **John Hitt '90** August 3.

Evan J. Kemp, Jr. married **Janine D. Bertram** August 29 at St. Aloysius Church in Washington, DC.

Walter L. Metcalfe, Jr. was recently elected a fellow of the American Bar Foundation. He is associated with Bryan Cave LLP of St. Louis, MO.

Davidson Ream has lived and worked in Asia, California and, for the past 20 years, in the Chicago area. He's spent a satisfying career in legal education and publications. Currently, Ream is director of publications for the Defense Research Institute, a national association of 30,000 lawyers on the defense side of tort and insurance practice. He also is editor of DRI's monthly magazine, *For the Defense*. For years, Ream has been

very active in community affairs. He served a term on the city council of Evanston, IL, as an elected representative of 9,000 people.

1965

Rennard Strickland, dean of the Oklahoma City University School of Law, was honored in February by the American Bar Association with the "Spirit of Excellence" award, established last year to celebrate the achievement of minority lawyers. Strickland, of Osage and Cherokee Indian heritage, was a pioneer in introducing Indian law into the university curriculum, and is author or editor of more than 35 books.

1966

Philip J. Bagley III, of Mays & Valentine, LLP of Richmond, was listed in the real estate section of *The Best Lawyers in America*®, 1997-1998 edition.

Regis W. Campfield, Johnson Fellow and professor of law at Southern Methodist Law School, has published the second edition of his casebook, *Estate Planning and Drafting* (CCH), and, along with William Turnier (Col.'68) and Martin Dickinson, their casebook, *Taxation of Estates, Gifts and Trusts* (West).

John C. Rasmus was elected chair of The Appraisal Foundation Advisory Council in Washington, DC, a consortium of appraiser and lender organi-

zations and federal agencies who provide input to The Appraisal Foundation, the source of appraisal standards and appraiser qualifications. Rasmus currently serves as senior federal administrative counsel and manager of regulatory and trust affairs of the American Bankers Association.

1967

David R. Decker became a partner November 1 in the Los Angeles office of Arter & Hadden.

Stuart S. Dye left Graham & James to join his 1967 classmates **Richard Duvall**, **Richard Dunnells**, **Tim Bloomfield**, and **David Vaughan** as a partner in the Washington, DC office of Holland & Knight LLP. Dye also recently was named chairman of the transportation task force of the U.S.-Mexico Chamber of Commerce.

F. Claiborne Johnston, Jr. of Mays & Valentine, LLP of Richmond, was listed in the banking and corporate sections of *The Best Lawyers in America*®, 1997-1998 edition.

C. Cotesworth Pinckney, of Mays & Valentine, LLP of Richmond, was listed in the banking and corporate sections of *The Best Lawyers in America*®, 1997-1998 edition.

Stuart T. Saunders, Jr. has been named chairman of the African Wildlife Foundation, the largest international conservation organization working solely in Africa. Prior to becoming

chairman, he served on the foundation's board of trustees for eight years. He is a partner with Dechert Price & Rhoads of Philadelphia.

1968

David M. Hayes currently serves as president-elect of the Onondaga County Bar Association in Syracuse, NY.

Henry H. Rossbacher was speaker at the Fourteenth Cambridge International Symposium on Economic Crime at Jesus College, Cambridge. His topic and paper were entitled "The Foreign Corrupt Practices Act Within the American Response to Domestic Corruption." He also was recently appointed advisory counsel to the independent counsel *in re* Secretary of Agriculture Espy.

1969

Michael J. Fox, after nine years as judge in King County Superior Court in Seattle, had an election challenger in 1996. He claims he "hastily organized a campaign," and was reelected. Fox also had a visit in October from **Robert "Butch" Williams '69** and **Jerry Williams '73**.

R. Brandon "Brandy" Jones, Jr. has been a partner for 26 years at Hudson, Jones, Jaywork, Williams & Ligouri of Dover and Rehoboth Beach, DE. He and his wife, Lois, have three children: Kelly Snow, Tiffany, and Roarke.

Alumni Events Held Coast to Coast

Virginia Law graduates gathered in recent months on the east and west coasts — and points in between — for alumni events.

Dean Robert E. Scott joined 40 Virginia alumni and alumni in law teaching attending the annual meeting of the American Association of Law Schools in Washington, DC for breakfast January 6.

Alumni from the Pacific Northwest enjoyed events hosted by Saul Levmore, Brokaw Professor of Corporate Law and the Albert Clark Tate, Jr. Professor. Approximately 25 graduates joined Levmore over lunch at Seattle's Sorrento Hotel February 19, and 15 Oregonites gathered for a reception at Portland's Hotel Vintage Plaza that evening.

Professor Emeritus Tom Bergin joined about 40 LA alumni over dinner February 22 at the spectacular cliffside Malibu home of Todd Sloan '72 and his wife, Marcia.

Closer to home, 140 enthusiastic alumni gathered February 25 at the Richmond Coliseum to catch the annual basketball contest pitting Virginia against Virginia Tech. Virginia claimed the victory in a 58-57 heart stopper.

The dean met Chicago- and New York-based alumni at two springtime events. He traveled to Chicago April 8 for an alumni reception held at The Standard Club, and then joined New York alumni over lunch at the Algonquin Hotel.

Finally, Class of 1962 Professor William Stuntz joined New York and Connecticut alumni for an April 17 event at Stamford's Landmark Club.

Todd Sloan '72 and his wife, Marcia, entertained approximately 40 Los Angeles-area alumni at their Malibu home February 22. Here they relax with Professor Emeritus Tom Bergin and his wife, Mary.



1970

James A. L. Daniel was elected secretary of the Virginia Bar Association this year. He is a partner in Daniel, Vaughan, Medley & Smitherman, PC of Danville, VA.

Phillip C. Stone is serving as president of the Virginia Bar Association this year. He also is president of Bridgewater College.

1971

Jeanne F. Franklin was elected to the Virginia Bar Association executive committee. She is a member of Grad, Logan & Klewans, PC of Alexandria, VA.

Mark E. Sullivan recently updated a videotape he produced on separation and divorce for the legal assistance offices at Ft. Bragg. The video is shown regularly to clients with questions on family law issues. Sullivan, principal of the Law Offices of Mark E. Sullivan, PA of Raleigh, NC, is a colonel in the Army Reserve and a board-certified specialist in family law.

1972

David Craig Landin was elected chair of the Virginia Bar Association executive committee for 1997. He is a partner at the Richmond, VA office of Hunton & Williams.

Wallace M. Starke, of Mays & Valentine, LLP of Richmond, was listed in the employee benefits section of *The Best Lawyers in America*[®], 1997-1998 edition.

1973

W. Edward Bailey is now the managing partner of Fish & Neave of New York City.

G. Franklin Flippin is currently serving as president-elect of the Virginia Bar Association. He is a founding member of Flippin, Densmore, Morse, Rutherford & Jessee of Roanoke, VA.

F. Charles McMains, Jr., first elected to the Louisiana House of Representatives in 1992, was re-elected to his second term in 1996. He presently serves as chairman of the House Civil Law and Procedure Committee. During the 1996 Special Session he authored and passed Governor Foster's comprehensive tort reform package. McMains also serves as a member of the Louisiana Law Institute.

Frank Morris, Jr. recently spoke on the Americans with Disabilities Act to the judicial conference workshops for the federal judges of the 3rd, 6th, 7th, 8th, and 11th Circuits.

J. Stephen Street was elected in September 1996 to the U.S. Leadership Council of Special Olympics. He is a member of the executive committee of Hawaii Special Olympics' state board of directors. He enjoyed coaching Special Olympics swim teams in the Hawaii Summer Games of 1995 and 1996,

and is organizing a new joint AYSO/Special Olympics soccer program this summer. In April he marked his 15th anniversary with Rush Moore Craven Sutton Morry & Beh of Honolulu, where he heads the firm's commercial litigation group.

Addison B. Thompson has taken associate status with the Virginia Bar, but is still involved in estate planning and management. He also manages Tuckahoe Plantation, boyhood home of Thomas Jefferson.

1974

Ken Barry took a mini-sabbatical last summer to study Irish myth, literature, and politics at Trinity College in Dublin.

James D. Moyer was recently sworn in as U.S. Magistrate Judge for the U.S. District Court for the Western District of Kentucky.

Jane L. Schwarzschild, of Mays & Valentine, LLP of Richmond, was listed in the trusts and estates section of *The Best Lawyers in America*[®], 1997-1998 edition.

Jay Waldron was appointed commissioner of rugby for Nike World Masters Games in Portland, OR, scheduled for August 1998.

Robert P. Wax was promoted in February to senior vice president, secretary, and general counsel of Northeast Utilities in Hartford, CT. Robert joined NU in 1979 as counsel, and has served as vice president, secretary, and general counsel of NU since 1993.

Harold C. Wheeler has been named partner of Bell, Boyd & Lloyd of Chicago. He is a member of their litigation department.

1975

Michael Beautyman's firm, Beautyman Associates, PC of Flourtown, PA, has expanded to include a consulting practice and a health law practice.

Christine Swent Byrd has joined Irell & Monella, LLP as a litigation partner in Los Angeles. She continues to do commercial litigation, specializing in general business, energy industry, and environmental disputes. She says she now understands firsthand why Irell & Monella is known as one of the premier firms in the country.

C. Michael DeCamps was recently elected vice chairman of the Richmond Ambulance Authority, which manages Richmond, VA's emergency and non-emergency medical transport system. He is a director with Sands, Anderson, Marks & Miller of Richmond.

Fred D. Hutchison left Petree Stockton, LLP in May 1996 to start his own firm, called Hutchison & Mason PLLC. The firm concentrates on working with emerging growth companies, including private placements, mergers and acquisitions, and intellectual property.

Frederick K. Lowell attended the 1996 Republican Convention in San Diego as a California delegate. He continues as chair of Pillsbury Madison & Sutro LLP's political law department.

Joe Rapisarda was awarded the Edward J. Finnegan Distinguished Service Award by the Local Government Attorneys of Virginia (LGA). He has served on the LGA's board of directors since 1985. He currently serves as Henrico County Attorney, and chairs the board of governors of the Local Government Law Section of the Virginia State Bar.

D. Eugene Webb, Jr., of Mays & Valentine, LLP of Richmond, was listed in the labor and employment section of *The Best Lawyers in America*®, 1997-1998 edition.

1976

Michael Caplin and his wife, Kristina, announce the birth of a son, Bennett, born December 30. He joins brother Conrad and sister Ella.

James Hingeley, Jr. continues to enjoy his work as Lynchburg public defender, a position he has held for the last five-and-one-half years. He states that "specializing in criminal law has opened up many exciting opportunities for me, including teaching Psychiatry and Criminal Law at UVA for two semesters as an adjunct instructor and, more recently, joining the board of the Virginia College of Criminal Defense Attorneys."

Daniel J. Hoffheimer has been elected chairman of the board of trustees of WGUC-FM Public Radio, and secretary of the board of the Cincinnati Symphony Orchestra.

Law School Seeks Two Professionals

The Law School is seeking to fill two new professional administrative positions that have been created to help the Law School maintain its effectiveness in projecting its strengths and attracting the best students. Initially, both positions will be assigned primarily to admissions activities, including recruiting students, developing informational materials and programs, expanding the applicant pool, reviewing applications, assessing strategies, and working with alumni. One position will specialize in improving print and electronic materials and other informational programs and resources and encouraging enrollment among admitted applicants. The other position will specialize in recruitment outreach, including expanding the scope of and representation in the applicant pool and developing alumni networks for this purpose. Both positions are considered entry level and carry the title of Special Assistant to the Dean. The J.D. degree, while an asset, is not required. If you are interested in either position, please submit a letter and résumé to:

**Chair
Special Assistant Search Committee
University of Virginia School of Law
580 Massie Road
Charlottesville, VA 22903-1789.
The Law School is an EO/AA employer.**

Luther Munford served as president of the American Academy of Appellate Lawyers during 1995 and 1996.

1977

Russell Brock, MD is currently engaged in the practice of medicine in Wilmington, NC.

Ted (E. Tazewell) Ellett is serving as chair of the Virginia Bar Association's transportation law section, and became president of the Aero Club of Washington, DC in January. He is an aviation partner at Hogan & Hartson LLP in Washington, DC.

Will Gotschall has been appointed general counsel of World Resources Company (WRC) of McLean, VA, the nation's leading recycler of wastewater treatment sludges from electroplating.

Kristin Curran Junkin sold her Washington, DC-based temporary lawyer service, Outside Counsel, to an Houston, TX-based national company, Co-Counsel, which provides temporary lawyers and paralegals in cities throughout the U.S. Junkin joined Co-Counsel's Washington office.

David A. Logan was elected to the American Law Institute in 1996, and co-authored with his brother, Wayne, the book *North Carolina Torts*, published by Carolina Academic Press.

Charles L. Menges, a partner in McGuire, Woods, Battle & Boothe, has been "on loan" to RF&P Corporation as its general counsel. RF&P Corpora-

tion was recently sold by the Virginia Retirement System to a fund sponsored by the Lazard Frères investment banking firm.

Michael S. Miller became principal of planning and development with The Vanguard Group, a \$240 billion mutual fund complex headquartered in Valley Forge, PA, in June. In this position, he is responsible for strategy and planning, public relations, portfolio review and new fund development groups, quality management, training, compliance, corporate communications, and competitive analysis functions. He also sits on the firm's executive committee.

Paul E. Stanzler was elected managing partner of Burns & Levinson LLP of Boston. He also is a member of the board of overseers of New England Medical Center and a trustee of the Wellesley Scholarship Foundation.

1978

Malcolm Pitt Friddell, of Mays & Valentine, LLP of Richmond, was listed in the trusts and estates section of *The Best Lawyers in America*®, 1997-1998 edition.

Saul B. Goodman, a partner at Covington & Burling in Washington, DC, was recently named practice coordinator for his firm's insurance practice group, which represents policyholders in insurance coverage disputes and counseling.

Connie Howes has left private practice to become vice presi-

dent and general counsel of Care New England Health System of Providence, RI.

Brian Steinbach is now associated with Epstein Becker & Green, PC in Washington, DC. He practices labor and employment law, representing management.

1979

John C. Ale leads the London office of Vinson & Elkins, a registered multinational partnership with the Law Society of England and Wales. He will continue as lead of their global project finance and development practice group.

David B. McCormack was elected to the American Law Institute. He heads the employment law group at Buist, Moore, Smythe & McGee, PA of Charleston, SC.

1980

Michael Clayton is senior partner and chair of the intellectual property and technology practice group at Morgan, Lewis & Bockius LLP in Washington, DC. He taught (again) a Principles & Practice course on intellectual property this spring with Professor Lillian BeVier. In addition, he serves, in a pro bono capacity, as general counsel to the Women in Military Service for America Memorial Foundation, Inc., a private foundation building a memorial in Arlington Memorial Cemetery in Washington, DC, to

commemorate women's military service from the Revolutionary War to the present.

Glenn A. Gundersen, partner and co-chair of the intellectual property law practice group at Dechert Price & Rhoads of Philadelphia, spoke on "Clearing Trademarks in the Internet Age" at the annual meeting of the American Intellectual Property Law Association in Washington, DC. His book, *Trademark Searching*, a guide for practitioners, is published by the International Trademark Association.

Sally Dillard Hauptfuhrer is president of The Women's Tennis Association at Cherokee Tennis Club in Atlanta.

Leonard C. Martin is currently with Baker, Donelson, Bearman & Caldwell of Jackson, MS. He was formerly with Dossett Goode Barnes & Broom, also of Jackson.

Bill Nusbaum has just finished his first year as chair of the Norfolk City Democratic Committee. He invites any "Dem. Hoos" in Norfolk who want to get involved to contact him.

Norman E. Parker, Jr. has left the Baltimore attorney general's office to pursue private practice as of counsel at the Baltimore office of Ballard Spahr Andrews & Ingersoll. A former deputy attorney general, Parker has served in the attorney general's office since 1984.

Jonathan J. Rusch, senior litigation counsel in the fraud section of the criminal division at the U.S. Department of Justice, has received the criminal

division's Special Commendation Award for his coordination of Operation Senior Sentinel, the nation's largest undercover operation devoted to telemarketing fraud. Rusch also reports that his daughter, Rachel, is a freshman at Yale University.

1981

Evan Bayh, former governor of Indiana, delivered the keynote speech at the Democratic National Convention August 26 in Chicago.

Elois Howard was appointed to the Pennsylvania Judicial Evaluation Commission, which rates appellate court candidates running in the 1997 primary. She is chief assistant district attorney, special investigations unit of the Philadelphia district attorney's office, and a special assistant U.S. attorney appointed by the U.S. attorney for the Eastern District of Pennsylvania to prosecute narcotics trafficking conspiracies.

Mark S. Roderick, principal of Flaster, Greenberg, Wallenstein, Roderick, Spigel, Zuckerman, Skinner & Kirchner, PC of Cherry Hill, NJ, was chosen by national legal research company LEXIS-NEXIS to review and provide New Jersey expertise for its new Limited Liability Company (LLC) Practice System.

1982

Tom Bartman, of counsel in the Washington, DC office of Vinson & Elkins LLP, briefed

and organized the drafting of appellate arguments that resulted in the requirement of a heightened *mens rea* for proof of a crime under the Clean Water Act.

Keith O. Cowan left Alston & Bird and the practice of law in May after 14 years, and became vice president - corporate development of BellSouth Corporation. In this position, he is responsible for the merger and acquisition activities of BellSouth and all of its subsidiaries. He calls it "a great challenge during this time of dramatic change in the telecommunications industry."

Philip M. Mulford and his wife, Lisa, announce the birth of their first child, Philip Musick Mulford, Jr., June 5.

1983

Joyce Elden married fellow lawyer Dana T. Pickard March 15, 1996. She moved from Boston, MA to Jupiter, FL following the marriage, and now works in the West Palm Beach office of Broad and Cassel, a large Florida firm.

William S. Fish, Jr. recently has been appointed an adjunct professor of law at the University of Connecticut School of Law, teaching a course on Articles 3 and 4 of the Uniform Commercial Code. He remains a partner at Tyler Cooper & Alcorn in Hartford, CT.

Jill L. Holt (formerly Jill L. Rowe) married **R. Steven Holt** in October, 1995.

Amelia Williams Koch was named president of the New Orleans chapter of the Federal Bar Association in October. She is a shareholder of Locke Purnell Rain Harrell in Dallas, TX.

Jerry Kraisinger recently became a member of the board of directors of ProRiver, Inc., the owner and operator of the Red River Barbeque & Grille restaurant chain. He also celebrated his tenth anniversary with Host Marriott Corporation, formerly Marriott Corporation. He continues to reside in Chevy Chase, MD, with his wife Alison, daughter Laura (4), and son Joseph (2).

John E. Osborn was one of Delaware's delegates to the 1996 Republican National Convention in San Diego, and serves on the Delaware Republican State Committee. He is vice president and associate general counsel with Celphalon, Inc. in West Chester, PA. He also serves on the Law School's Business Advisory Council and is one of two regional managers of the Law School's Wilmington annual campaign.

James L. Richey has opened a solo practice in Birmingham, AL, concentrating in business transactions, commercial real estate, environmental law, and estates. He also offers mediation and conciliation services.

Alan F. Wohlstetter, Jr. was named senior member of the business law department of Cozen and O'Connor of Philadelphia. He will also serve as head of the public finance group. Wohlstetter was previ-

ously a partner at Ehmann, Van Denbergh & Trainor of Philadelphia.

1984

Arnold M. Auerhan, his wife Susan, and son Eli (4) welcome their latest addition: daughter and sister Tori Emma Auerhan, born August 28. Auerhan is a trial attorney with the Department of Justice, and his spouse is a special education teacher in the Fairfax County public schools.

Bill Lundeen married Allison Gay (Jones) Lundeen in 1994. Bill, who has his LL.M. in taxation from New York University, was appointed chief counsel of the Department of Revenue in Illinois in 1995. Allison, who serves as an associate pastor in Springfield, IL, is the granddaughter of Roger Warren Jones, chairman of the U.S. Civil Service Commission under President Eisenhower and Deputy Undersecretary of State for President Kennedy.

Gary R. Siegel is of counsel in the Washington, DC office of Lane & Mittendorf LLP, after a 12-year career (the last five as partner) at Tucker, Flyer & Lewis.

Robert Strassfeld has been appointed to the newly created position of associate dean for faculty development and research at Case Western Reserve University School of Law in Cleveland, OH. A member of the Case Western Law faculty since 1988, and a full professor since 1994, he has taught torts, labor law, and American legal history.

1985

Richard Bonaventura was named a managing director of Merrill Lynch in New York in December.

Thomas E. Donilon has left the position of chief of staff at the Department of State, and rejoined the Washington, DC office of O'Melveny & Myers LLP as a partner. He and his spouse, Cathy Russell, are pleased to announce the birth of their daughter, Sarah, October 25.

Daniel J. Dunne, Jr. was recognized in the Big Suits section of the *American Lawyer* (January/February 1997) for his role as successful lead trial counsel representing Grant Thornton LLP in accountants' liability litigation involving Seattle Telco Federal Credit Union and its mortgage banking subsidiary. Dunne is a shareholder with the Seattle, WA office of Heller Ehrman White & McAuliffe. He lives in Seattle with his wife, Layne Presho, and their two daughters, Carly (7) and Mallory (4).

Tom Griffith is serving as Senate legal counsel for the United States Senate. He represents the Senate, its committees, members, officers, and employees in civil litigation relating to their official responsibilities; represents Senate committees in proceedings to aid their investigations; and appears for the Senate when it intervenes or appears as *amicus curiae* in lawsuits to protect the constitutional or other powers or responsibilities of the Senate.

David L. Packer recently became partner of Pircher, Nichols & Meeks, a national real estate firm headquartered in Los Angeles, CA.

1986

Eileen Brumback has settled with her husband, Karl, and children Matthew (6) and Mark (3) in New York, where she is a partner in King & Spalding's real estate group.

Bill Eigner and his wife, Jeanne, announce the birth of Elizabeth Eigner November 14. Bill is with Procopio, Cory, Hargreaves & Savitch LLP of San Diego, CA.

Michael I. Raschid recently became a partner in the Washington, DC office of Winston & Strawn, where he practices in the international group and concentrates on international commercial transactions and technology-related transactional matters. He lives with his wife, Karen, and their two children, Miranda and Derek, in Great Falls, VA.

Bruce Wilson and his wife **Lisa Westfall** moved from London back to Washington, DC, in January, with children Jennifer (6), Andrew (3), and Julia (1). Bruce, a partner with Covington & Burling, spent the last six years in the firm's London office.

1987

William R. Denny became a partner with Potter Anderson & Corroon of Wilmington, DE in

January, 1996. His and his wife welcomed their fourth child (and fourth son), Neal William Denny, May 4, 1996. In August 1996, Denny and his family moved to a new country home in Maryland, a 26-mile commute to Wilmington.

Brooke Dickerson and **Jeff Dickerson** report that Jeff has been with the legal department of Bell South International for a year, traveling from Australia to Venezuela. Brooke is still practicing environmental law with Arnall Golden & Gregory four days a week. They both practice parenting their two children—Jack (5) and Elizabeth (2)—seven days a week.

Helen Lewis Kemp was elected partner of Mays & Valentine, LLP of Richmond, VA. Her areas of practice include estate planning, estate and trust administration, and elder law planning. She also was listed in the trusts and estates section of *The Best Lawyers in America*®, 1997-1998 edition.

Neil McKittrick was awarded the 1996 Citizenship Award by the Association for Retarded Citizens in Massachusetts. The award was presented at the State House in Boston in December 1996.

David Naimon works as an attorney/advisor for the executive office for United States Attorneys in the U.S. Department of Justice. He and his wife, Kathy, have been blessed by twins, Rebecca and Andrew, born December 14, 1995.

Pamela Passman, her husband, **Rick Guinee '88**, and daughter, Sarah (born January, 1995) relocated to Tokyo, Japan in November 1996, where Passman serves as Microsoft Corporation's senior lawyer for the Far East. She is responsible for Microsoft's legal, government affairs, and corporate affairs work in Japan, China, Taiwan, Hong Kong, and South Korea.

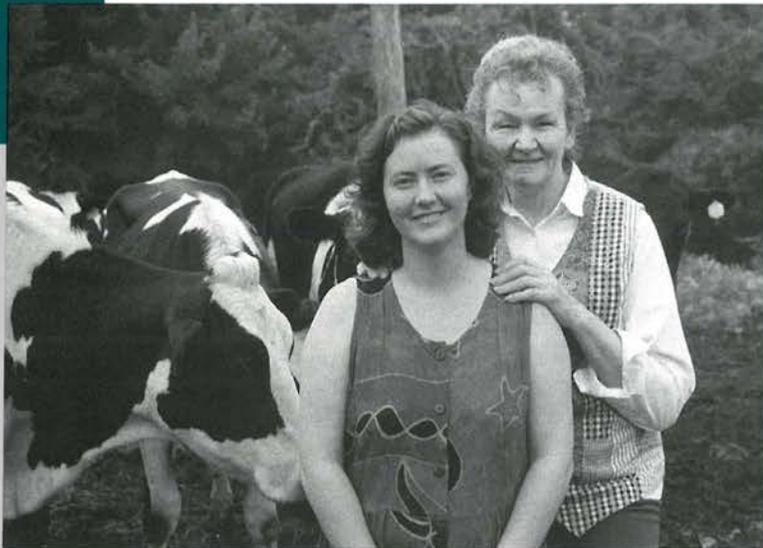
Linda Lewis Rhodes has been elected counsel of the Washington, DC office of Reed Smith Shaw & McClay. She and her husband and two children reside in Silver Spring, MD.

Daniel K. Steen has been elected counsel of the Washington, DC office of Reed Smith Shaw & McClay. He and his wife, Anne Marie, and their two children live in Arlington, VA.

C. Scott Talbot joined the Washington, DC office of Morgan, Lewis & Bockius LLP, as a partner in their expanded intellectual property practice. His practice focuses in patent prosecution, counseling and licensing, and computer law, including software copyright and licensing. He was formerly a partner at Howrey & Simon.

Ben Webster and his wife, Joy, were blessed with twins Ethan Lee Webster and Grant Stanton Webster February 3, 1996. Ben reports that "all four of us are doing great, on very little sleep."

Kevin L. Wright has been elected a shareholder in the Washington, DC office of Littler, Mendelson, Fastiff, Tichy & Mathiason. He specializes in employee benefits law.



"Hey, That's My Hay:" Lyn DesMarais Films Farm Life for Kids

DesMarais and Stephanie Benoit, who supplies the voice of Geraldine, the cow, in the video, pose with the real Geraldine.

When Lyn DesMarais '88 left her position as lawyer for an environmental cleanup firm after the birth of her first child, she had no idea that she soon would be producing a children's video featuring farm animals. Intrigued by her sister's assertion that there are few quality children's videos on the market, DesMarais — with the help of three generations of women from her family — set out to make her own, focusing on the life she remembered from growing up on a farm in central Massachusetts.

The resulting video, called "Hey, That's My Hay," educates pre-schoolers about farm life, and does it with a touch of humor. Narrated by Geraldine, a Holstein cow, the video describes life on an old-fashioned dairy farm, focusing on hay-making, horse-shoeing, and manure-spreading activities. Kids will be totally engaged watching 25 minutes of animals, tractors, and other farm equipment in action. The lighthearted soundtrack includes music ranging from renditions of "Waltzing Matilda" to "The William Tell Overture," young viewers especially enjoy how "Pop Goes the Weasel" is used.

DesMarais brought plenty of enthusiasm — but no film making experience — to the barnyard. "I just took my camcorder and shot hours and hours of footage on several farms in the New Braintree (MA) area," she said. "I didn't even have a tripod at first." A 72-year-old family friend supplied Geraldine's bovine voice.

DesMarais quickly discovered that she enjoyed life behind a camera, but that she had a lot to learn about editing, producing, and marketing her product. Her Law School training proved helpful in other areas. "Virginia prepared me to analyze the market, and to take care of myself when it came time to negotiate contracts," she noted. "When developing the video, I often recalled Graham Lilly's Evidence class, when he reminded us that 'it isn't just the facts, it's how you tell the story that helps you to succeed.'"

DesMarais is well-pleased with the result. She and her husband, Jim DesMarais '87, who works for Massachusetts Financial Services in Boston, financed the video and are now planning to market it more broadly. So far, Lyn's fledgling firm, Farmer Small Productions — named for her late grandfather, Raymond Small — has sold approximately 750 videos. Most were sold to local residents who read about the new venture in the newspaper or heard the accolades of pint-sized customers and their parents. DesMarais hopes that endorsements by national parents' groups — and exposure on the World Wide Web — will help her break into the lucrative children's catalog market.

Now the mother of two children — Connie, age three, and Kyran Raymond, age one — DesMarais is already engrossed in the next of what she hopes will be two or three additional video productions with a farm theme. The new video stars Higgins, a noisy rooster who appeared in the first production. DesMarais is now in the process of identifying the individual who will provide Higgins's voice. "There is an octogenarian in the New Braintree area who would be absolutely perfect as Higgins," she mused. "But it might take my best skills as a lawyer to persuade him to enter a recording studio in Boston."

Lyn DesMarais will donate to the Law School a portion of the proceeds from each copy of "Hey, That's My Hay" she sells to Law School alumni. To order a copy, please call Farmer Small Productions at 800-273-6648, visit her Web site at <http://www.splusnet.com/hay>, or send a check for \$20.00 — plus \$3.00 for charming gift wrap, featuring a hand-stenciled cow on brown wrapping paper tied with a raffia ribbon — to 1200 Hardwick Road, New Braintree, MA 01531. Remember to identify yourself as a Law School graduate.

1988

Luis Alvarez, Jr. married Judy English on New Year's Eve 1992. He and **Brent Houk**, a groomsman at the wedding, attended the Keeneland Farm horse races in October 1996.

Anthony J. Anscombe was made partner in the San Francisco office of Sedgwick, Detert, Moran & Arnold January 1. He specializes in toxic tort and product liability litigation.

Dabney J. Carr IV was elected a partner with Mays & Valentine of Richmond, VA. His practice concentrates in civil litigation, including products liability, insurance defense, and personal injury.

William (Buddy) Cox and **Gina Cox '90** live in Birmingham, AL, where he is a partner with Lightfoot, Franklin & White, LLC, and she is busy with their children, Perry (5), Tyler (2), and Emily (1).

Rick Guinee, his wife, **Pamela Passman '87**, and daughter, Sarah (born January, 1995) relocated to Tokyo, Japan in November 1996, where Passman serves as Microsoft Corporation's senior lawyer for the Far East. Passman is responsible for Microsoft's legal, government affairs, and corporate affairs work in Japan, China, Taiwan, Hong Kong, and South Korea.

Harry M. Johnson III, an associate of the Richmond, VA office of Hunton & Williams, has assumed the position of

chair-elect for the young lawyer's division of the Virginia Bar Association.

Frank R. Marvin, Jr. and a friend from college have created Support Systems Developers, Inc., an outsourcing teleservices company with 250+ employees in Vienna, VA. He and his wife, Sally, have two boys, Will Francis (2) and Luke Gregory (1). They recently moved to Great Falls, VA.

Cecil Quillen III is a partner in the New York office of Linklaters & Paines, a London-based international law firm.

David E. Stutzman was named a partner of Dunnington, Bartholow & Miller, LLP of New York City in January.

1989

James J. Alex currently serves as senior manager of Ernst & Young LLP's national tax office.

André De Cort became counsel and managing attorney of the Moscow office of Skadden, Arps, Slate, Meagher & Flom LLP in April 1995.

Melissa Ann Dowd is one of four principals in Highland Meadows, LLC, a 30-cottage housing development in Monterey, VA, designed by Peter Waldman, architecture department chair, and William Sherman, director of undergraduate architecture studies at UVa's School of Architecture. A sole practitioner, she runs a general practice ("mostly 'dirt law'"), and also is counsel to

Highland County. When she tires of defending the innocent, she rides her horses, tends her daughter (Molly, 11), walks her dog, chases her cattle, mends her fences, scolds her ducks, and whispers items of continuing interest into her husband's ear.

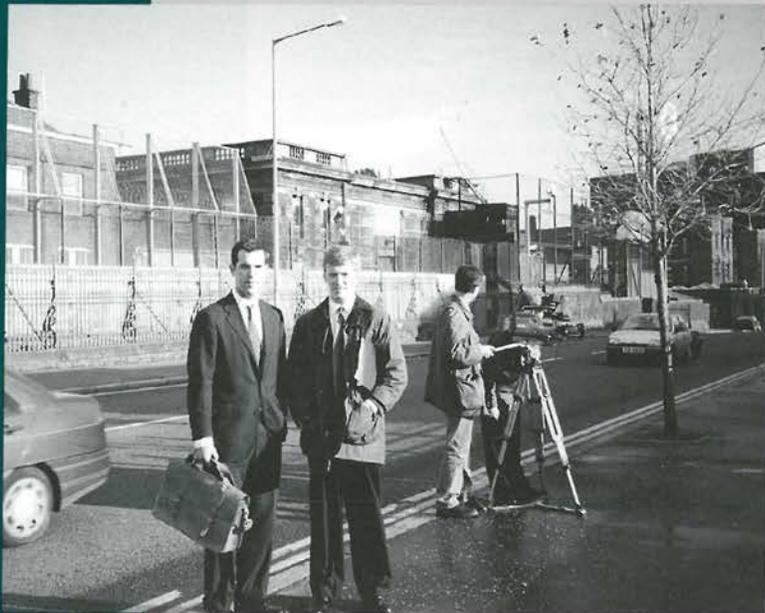
Cynthia L. Gibson was recently named partner at Katz, Teller, Brant & Hild of Cincinnati, OH. She practices in the areas of commercial and employment litigation.

Bruce A. Griggs became a partner with Strasburger & Price, LLP of Dallas, TX in February. He practices labor and employment and civil rights litigation. Griggs is a member of the American and Dallas bar associations' labor and employment law sections, and of the Dallas Association of Young Lawyers.

Robert M. Hupe has joined the Los Angeles office of Lane Powell Spears Lubersky LLP as an associate, practicing general and commercial litigation with emphasis on toxic torts, products liability, and construction defects. He was previously with Howarth & Smith of Los Angeles.

Karl A. Racine became a partner with Cacheris & Treanor of Washington, DC in January.

Karen Miller Singer has been named assistant general counsel of Constellation Real Estate, Inc. of Columbia, MD. A resident of Lutherville, MD, she has been involved in various civic activities, including Commercial Real Estate Women, The Associated: The Jewish Federation of Baltimore, and People Aiding Travelers and the Homeless.



John P. Donaldson '95 and Paul T. Hourihan '95 stand outside the Crumlin Road Courts in Belfast, Northern Ireland.

Alumni Observe Trial of Alleged Irish Terrorists

John P. Donaldson and Paul T. Hourihan, both 1995 Law School graduates, recently spent a week in Belfast, Northern Ireland, observing the trial of two brothers accused of committing a series of terrorism-related crimes. Their trip was sponsored by the Lawyers' Alliance for Justice in Ireland, a nonpartisan group of American attorneys, judges, and legislators monitoring human rights and the rule of law in Northern Ireland.

During their trial, brothers Rory and Patrick McCreas both denied guilt and claimed to have been abused while in police custody. Denied bail, they spent a year in prison waiting for their case to be heard.

While in Ireland, Donaldson and Hourihan also met with Damien Sullivan, convicted of a politically motivated murder and serving a 25-year sentence in the Maze, Northern Ireland's high-security prison. Sullivan was found guilty largely due to his silence while under interrogation and his alleged association with an individual suspected of being a member of the IRA. No forensic evidence links Sullivan to the crime, and he maintains his innocence. The Lawyers' Alliance is assisting Sullivan's Belfast solicitors on his appeal.

R. Bart Totten was named a partner in the litigation group of Adler Pollock & Sheehan of Providence, RI. His practice includes commercial litigation, banking and construction litigation, and intellectual property law. Totten is active in the Big Brothers of Rhode Island, serving on their advisory board, and chairing their corporate campaign and planned giving program. In 1996, he was nominated for the Rhode Island Bar Association's community service award for his work with Big Brothers.

James D. Wall has been elected a director of Bell, Davis & Pitt, PA of Winston-Salem, NC. His practice concentrates in health law, bankruptcy law, and municipal corporations.

1990

Mary Beth (Bailey) Fahrney married Brian Fahrney, a fellow associate at Sidley & Austin of Chicago, in July 1996.

Jana V. T. Baldwin has been elected partner of the Washington, DC office of McDermott, Will & Emery. Her practice focuses on insurance, associations, antitrust contracts, and other commercial litigation.

Jonathan R. Barr and his wife, Annette, announce the birth of Catherine Mary Schumacher Barr January 16, 1996. Barr is a senior counsel in the Securities and Exchange Commission's division of enforcement.

Tracy B. Brightman has been elected a shareholder in the Dallas, TX office of Littler, Mendelson, Fastiff, Tichy & Mathiason. Her practice concentrates on employment and labor law.

Gina Cox and William (Buddy) Cox '88 live in Birmingham, AL, where he is a partner with Lightfoot, Franklin & White, LLC, and she is busy with their children, Perry (5), Tyler (2), and Emily (1).

Timothy D. Davis has been elected a shareholder of Gordon, Silberman, Wiggins & Childs in Birmingham, AL. His wife, **Lisa Singer**, is enjoying being home with their one-year-old daughter, Emma.

Stephanie Dobranski married **John Hitt, Jr.** August 3, 1996.

Bernie Ellis and Susan Ellis announce the birth of their first child, Elizabeth Louise Ellis, born April 23, 1996.

Barbara R. Frith was named partner of the Charlotte, NC office of Kennedy Covington Lobdell & Hickman, LLP. Her practice concentrates on corporate law, mergers and acquisitions, securities, and antitrust law.

Amy J. Gould has been named partner in the Boston, MA office of McDermott, Will & Emery. Her practice includes general corporate, securities, transactional matters, and domestic and international publishing law matters.

Annette Warfield Hughes was recently made partner at Sedgwick, Detert, Moran & Ar-

nold of San Francisco, where she specializes in product liability.

Catharina Y. Min has been working for the past two-and-one-half years as an international lawyer for a firm in Seoul, Korea. She also was selected for the Korean Commercial Arbitration Board.

Joseph M. Pankowski, Jr. graduated from Yale Divinity School (M.A. in Religion) and the NYU School of Law (LL.M. in taxation) in May 1996. He and his wife were blessed with their first child, Edward Bissell Pankowski, born June 30.

Philip W. Parker is serving as secretary-treasurer of the Virginia Bar Association's young lawyer division this year. He is an associate with Woods, Rogers & Hazlegrove, PLC of Roanoke, VA.

Lisa Ormand Taylor married Stewart Taylor August 24. In October and November 1996 she took an eight-week trip with her three sisters to Latvia (where one of her sisters practices law), Russia, Lithuania, China, Hong Kong, Thailand, Indonesia, the Cook Islands, and French Polynesia. She returned to private practice in January.

Jonathan L. Thornton and **David J. Pierce** (Col. '81) opened Pierce & Thornton, PLC in Norfolk, VA in January. The firm's practice includes civil litigation, emphasizing plaintiff's medical malpractice and general personal injury litigation, products liability, and construction and commercial litigation.

Felicia A. Washington became a partner in the Charlotte, NC office of Kennedy Covington Lobdell & Hickman, LLP. Her practice concentrates on employment law and commercial litigation.

Michael B. Weiss continues as a litigation associate at Cahill Gordon & Reindel in New York. He and his wife, **Holly Hexter Weiss '91**, celebrated their twin boys' (Andrew and Zachary) second birthday January 18. Holly is still working at Sullivan & Cromwell as a litigation associate.

Barney Wilson is now working as an investment banker for Robertson, Stephens & Co. in San Francisco, focusing on technology IPOs.

1991

John P. Meyers has been elected co-chair of the Philadelphia Bar Association Worker's Compensation Section. He also is contributing a regular newspaper column to the *Philadelphia Legal Intelligencer* and is helping to design a workers' comp Web site for the bar. His address is JandMMeyers@msn.com or jmeyers@rawle.com.

Shari Robbins Routh recently became Director of University Relations for the Pennsylvania State University-Altoona Campus.

Holly Hexter Weiss is still working at Sullivan & Cromwell as a litigation associate. She and her husband, **Michael B. Weiss '90**, celebrated their twin boys' (An-

drew and Zachary) second birthday January 18. Michael continues as a litigation associate at Cahill Gordon & Reindel. Holly visited the law school last fall for recruiting, and says "What a great facility!"

1992

Charles Cella and his wife, Kara, announce the birth of Madeleine Grace Cella, May 4, 1996. The family lives in Pembroke, MA.

Charles C. Doumar is associated with the tax section of Willcox & Savage, PC of Norfolk, VA. Prior to joining the firm, he served as attorney-advisor to The Honorable Lapsley W. Hamblen, Jr., chief judge of the United States Tax Court in Washington, DC, and received his LL.M. in taxation from the New York University School of Law in 1994.

Melissa Lanni Robertson was appointed technical assistant (attorney) to the U.S. Court of Appeals for the Federal Circuit in August 1996.

Cathleen P. Welsh became a partner with Wharton, Aldhizer & Weaver, PLC of Harrisonburg, VA in January. She practices employment law.

1993

Barrie Bowers was elected officer of United Dominion Realty Trust in 1996.

Wendy Schick Dougall married Keir N. Dougall October 6 in Port Jefferson, Long Island. The couple honeymooned in Thailand and Hawaii. Keir is a graduate of the University of Michigan Law School, and is currently an assistant United States attorney in Philadelphia. Wendy is still working at Shearman & Sterling in New York. The couple lives in Princeton, NJ.

Frank J. Golding currently is working on a humor book.

Stephanie K. Maffett has left Kilpatrick & Cody of Atlanta, and now is practicing in-house at Emory University in the general counsel's office.

Thomas J. Tarala left Willkie Farr & Gallagher of New York City, and moved to London to join Freshfields.

Matthew A. Woodward joined the Philadelphia office of Pepper, Hamilton & Scheetz, where his practice concentrates in commercial law. He was previously with Clark, Ladner, Fortenbraugh & Young of Philadelphia.

1994

Rebecca Cole has moved to Atlanta, and is engaged to be married to **Randy Moore**. They plan to wed in Sonoma, CA in May. Rebecca currently is working with King & Spalding.

Laurie L. Janus has been named administrative director of Make Women Count, a bipartisan political action committee dedi-

cated to assuring women a strong voice in Virginia government. She will continue to work full-time as an associate at Bremner & Janus of Richmond, practicing criminal defense and general litigation.

Robert E. Mates has joined Seed and Berry LLP, an intellectual property firm in Seattle, WA.

Karen McAlpine joined the Norfolk, VA office of Wheat First Butcher Singer in August 1996. She served as president of the Virginia Health Law Forum at UVa, and has won awards as a Toastmaster member. She lives in Chesapeake with her daughter, Katherine Becker.

Bruce P. Mehlman currently serves as counsel to the National Republican Congressional Committee.

Leslie C. Murray finished her clerkship with Hon. John W. Bissel in the District of New Jersey and in November, 1996 she joined Paul, Weiss, Rifkind, Wharton & Garrison in New York.

Karen L. Starke recently joined Richmond's Mezzolotto & McCandlish to practice labor and employment law and general litigation.

1995

Paul A. Burkett and **Tracy R. Hahn '96** were married December 28 at the Boar's Head Inn. Included in the wedding party was **Bill Horton**. Other UVA guests included **Heather**

Scott Surovell and Kacy Burnsed in Oregon's Cascade Mountains.



On the Road: Law School Graduates Celebrate with Cross-Country Bike Trip

Why would anyone want to spend seven weeks bicycling across the country? Ask 1996 Law School graduates Scott Surovell and Kacy Burnsed, and you're likely to hear several reasons why the longtime friends flew to Astoria, OR just days after taking the July bar exam to dip their rear bike tires in the Pacific before heading east.

"It was a good way to transition to the work world," said Surovell, who joined his father, Robert J. Surovell '69 at Surovell, Jackson, Colten & Dugan, PC of Fairfax, VA, the day after finishing the trip.

"The trip gave me plenty of opportunity to reflect on where I've been and where I'm going," said Burnsed, who has been working since November at J. Conner & Associates, a small environmental law firm in Durham, NC. "For several years I had the notion that a coast-to-coast bike trip would be the ultimate physical challenge and an excellent way to see the country. It really put time and distance into perspective; it was impossible to be in a hurry and still enjoy this kind of trip."

The two friends met at the Law School, where both worked on the managing board of the *Virginia Environmental Law Journal*. As graduation approached, Burnsed began looking for a way to punctuate finishing law school. Already an experienced cyclist with several long road trips under his belt, he persuaded Surovell "who I thought might be crazy enough to go along" to join him on a cross-country journey.

As they studied for their bar exams — Surovell in Charlottesville and Burnsed in Chapel Hill, NC — they also trained for their trip. Surovell logged 20 miles on his bike each weekday and 50 more arduous miles — "usually up Afton Mountain" — on the weekends. Burnsed tried to ride at least 30 miles every other day, and between 50 and 60 miles on the weekends.

Once on the road, bar exams behind them, they averaged about 100 miles per day, following the TransAmerica Bike Trail created in 1976 to celebrate America's bicentennial. The trail follows the Oregon coast before wending its way through sagebrush deserts in Idaho and Montana, Yellowstone and Grand Teton national parks, the Rocky Mountains, and the plains of Kansas on its way to Virginia's familiar Blue Ridge. Lee Modesett, son of the late Virginia Dale Eschenburg '81,

step-son of Bob Searle '80, and brother of Nancy S. Modesitt '96, accompanied them as far as Denver.

"We did what they call credit-card touring," commented Surovell. "We stayed in small, mom-and-pop motels so that we wouldn't have to haul so much gear, and so that we could cover more territory in less time."

The rigors of the trip eased somewhat as they became more accustomed to spending nine or ten hours each day on a narrow bicycle saddle, although both suffered nagging injuries. Surovell injured his patella tendon while climbing the Cascades, and one of Burnsed's Achilles tendons bothered him during much of the trip. Both men admitted to popping plenty of Advil during the day and icing afflicted areas at night. They took only four days off to rest during their trip.

They also had a close brush with eternity in Kansas, when a speeding motorist passed so close to them that the car's mirror grazed Surovell's knuckles, raising a big blood blister. "I was riding in Kacy's draft, so I didn't even see the car," he said. "The driver, concerned that something had happened to us, turned around and came back to make sure that we were all right."

To keep their strength up, they had to eat almost constantly during the trip. This required shopping daily for snack items. "We became masters of convenience store shopping," said Burnsed, who claims he ate nearly 20 pounds of Fig Newtons during the journey. "I can't even look at them now," he said with a laugh.

As they neared the east coast, their momentum increased. Although the TransAmerica bike trail passes through Charlottesville, they opted to bypass the familiar route. "That shaved a day off our travel time," commented Burnsed. "We were ready to get to the coast."

Once arriving September 21 in Virginia Beach, their 46-day journey behind them, Surovell and Burnsed dipped their front bicycle tires in the Atlantic and celebrated with a cold beer.

"I've got plans for doing something like this again in about ten years," said Burnsed, who is currently training for a triathlon. "I use an activity like this to motivate me to stay active."

Meanwhile, Surovell is experimenting with bicycling to his Fairfax office. "I broadsided a Chrysler once, so I think I'd better be careful," he said.

Rheiner, Michael Wrenn, Allegra Rossotti Rich, Joshua Rich '94, Brad Handler, Jake Peek, Kelly Sweeney '96, Kathryn Helne '96 and Josh Nickerson '97.

Marc Field and Joanne Sharon were married May 26, 1996 in San Jose, CA.

Christopher E. Ondeck recently switched firms with five other members of the Arent Fox federal practice group. He now practices antitrust law at the Washington, DC office of Jenkens & Gilchrist.

Julia Rasnake is clerking for the Honorable Michael Daly Hawkins, 9th Circuit Court of Appeals, Phoenix, AZ. In September 1997, she will return to her position at Thompson & Knight of Dallas, TX.

Joanne Sharon and Marc Field were married May 26, 1996 in San Jose, CA.

Robin F. Wilson joined the Houston office of Fulbright & Jaworski LLP. She will focus her practice on health care, hospital, and managed care law.

1996

Candace A. Blydenburgh is associated with the products liability, tort, and insurance practice group of the Richmond office of Mays & Valentine, LLP.

Peter A. Bynum joined the Charlotte, NC office of Kennedy Covington Lobdell & Hickman, LLP. His practice concentrates on real estate.

Tracy R. Hahn and Paul A. Burkett '95 were married December 28 at the Boar's Head Inn. Included in the wedding party was Bill Horton '95. Other UVA guests included Heather Rheiner '95, Michael Wrenn '95, Allegra Rossotti Rich '95, Joshua Rich '94, Brad Handler '95, Jake Peek '95, Kelly Sweeney, Kathryn Helne '96 and Josh Nickerson '97.

Kevin M. Drucker is associated with Hofheimer, Nusbaum, McPhaul & Samuels, PC of Norfolk, VA. His practice concentrates on information technology, computer, and internet law.

Daniel M. Eisenstadt is an associate in the New York office of Fulbright & Jaworski LLP, where his practice focuses on corporate matters.

Allison A. Fink is an associate in the Washington, DC office of Baker & Hostetler.

Justin Hunter, after traveling around Indonesia with Mike Stroka for a month, joined Linklaters & Paines in London for a three-month training period. He is now with L & P's Hong Kong office where he is practicing securities law. Mike is a consultant with Boston Consulting Group in Chicago.

Michael R. Katchmark is associated with Willcox & Savage, PC of Norfolk, VA, in their commercial litigation section.

Matthew L. Larsen joined the Dallas, TX office of Hughes & Luce, LLP as an associate in the tax section.

Kevin W. Mottley is associated with the real estate practice group of the Richmond office of Mays & Valentine, LLP.

Scott E. Raynes joined the Houston office of Fulbright & Jaworski LLP, where he focuses his practice on admiralty and litigation matters.

Christopher Evans Vinyard is associated with the Richmond office of Mays & Valentine, LLP, concentrating in finance.

LL. M. s

1972

Jordan J. Paust held the visiting chair at Florida State University College of Law this spring.

1977

Christopher Slobogin has been associate dean of the University of Florida College of Law since August 1996. He also has occupied the Alumni Research Scholar Chair since July 1994.

1982

Harry C. Martin is the Governor Dan K. Moore Distinguished Visiting Professor of Law at University of North Carolina-Chapel Hill and is now the chief circuit mediator for the U.S. Court of Appeals for the 4th Circuit. He is a former justice of the Supreme Court of North Carolina.

Richard Mills, U.S. District Judge of Springfield, recently traveled to Russia to train 68 Russian judges in American criminal law at the Russian Legal Academy in Moscow. The trip was sponsored by the American Bar Association's Central and Eastern European Law Initiative, which assists the new countries formed after the breakup of the former Soviet Union in adopting more modern legal systems of justice.

1988

Klaus Peter Berger has been appointed a full tenured professor of private and commercial law, comparative law, and conflict of laws, and director of the Institute of International Business Law at Münster University, Germany.

James D. Heiple has been selected Chief Justice of the Illinois Supreme Court for the three-year term beginning January 1.

1991

Jeffrey F. Addicott, lieutenant colonel and staff judge advocate, U.S. Army Special Forces Command (Airborne), and The Center for Law and Military Operations, Charlottesville, VA, sponsored the Special Forces Human Rights Symposium, May 8-9, in Charlottesville.

1995

Gene E. Franchini has been elected chief justice of the Supreme Court of the State of New Mexico. He was elected to the State Supreme Court in 1990.

In Memoriam

Eston Stephenson, Jr. '37
Charlottesville, Virginia
October 1, 1996

Henry E. Clark '38
Easton, Maryland
May 17, 1996

William M. Gibson '39
Fort Lauderdale, Florida
April 29, 1996

Frank T. Litton, Sr. '39
Charleston, West Virginia
November 26, 1996

Julien J. Mason '40
Bowling Green, Virginia
December 6, 1996

Horace Gray '41
Santa Barbara, California
November 11, 1996

Elizabeth Haynsworth Taylor '45
Columbia, South Carolina
May 17, 1996

John S. Battle, Jr. '46
Richmond, Virginia
January 15, 1997

William W. Koontz '47
Alexandria, Virginia
January 4, 1997

Frederick C. Stewart '47
Franklin, Virginia
June 19, 1996

Charles G. Pillon '48
Rowayton, Connecticut
June 3, 1995

Thomas J. Markham '49
Richmond, Virginia
June 16, 1996

John D. Megaffin '49
Pratt, Kansas
March 13, 1996

E. Summers Sheffey '55
Dade City, Florida
August 22, 1996

Thomas P. Campbell, Jr. '62
Newton, Massachusetts
November 11, 1996

E. Gregory Kepley '67
Cincinnati, Ohio
January 6, 1997

William Lloyd Goodwin '69
Memphis, Tennessee
December 8, 1996

Alexander Peaslee '75
Charlottesville, Virginia
May 25, 1996

Richard C. Roylance '80
Los Angeles, California
November, 1996

George Richard Edwin Shell '81
Charlottesville, Virginia
October 30, 1996

Joseph F. Meuser '84
Norwalk, Connecticut
July 18, 1996

Susan E. Bonney '85
Washington, DC
November 3, 1996

Scott B. Bollinger '88
Fairfax, Virginia
March 12, 1997



LAW SCHOOL NEWS JOIN THE ALUMNI MENTORING PROGRAM

The Alumni Mentoring Program, which is composed of alumni who have graduated within the last 15 years, matches alumni with first-and second-year students. Mentors answer questions regarding the practice of law and other student concerns. We currently have over 2000 alumni in the Program. Also, in an effort to utilize the expertise and knowledge of our older alumni, a Senior Mentoring Program, comprising of alumni who graduated more than 15 years ago, has been created as part of the Alumni Mentoring Program, to assist second-and third-year students. Senior mentors can share valuable advice and insight into the legal profession and business world.

If you are interested in joining the Alumni Mentoring Program, please take a few minutes to complete this form and mail it back to the Alumni Office. If you are a current member, please complete the form so our records can be updated.

We appreciate your assistance.

Name _____ Class of _____

Business Address _____

Business Telephone _____ Fax _____ E-mail Address _____

Home Address _____

Home Telephone _____

Primary Practice Areas (s): Circle Appropriate Number(s)

- | | | |
|--------------------------------|----------------------------------|---------------------------|
| 1 Administrative | 32 Entertainment | 63 Poverty |
| 2 Admiralty/Maritime | 33 Environment | 64 Probate |
| 3 Aeronautical | 34 Estate Planning | 65 Product Liability |
| 4 Antitrust | 35 Family | 66 Professional Liability |
| 5 Antitrust & Trade Regulation | 36 Financial Institution Reg. | 67 Public Contract |
| 6 Appellate | 37 Financial Litigation | 68 Public Interest |
| 7 Aviation | 38 Financial Planning | 69 Public Utility |
| 8 Banking & Finance | 39 Food & Drug | 70 Publishing |
| 9 Bankruptcy/Debtor - Creditor | 40 Franchising | 71 Real Property |
| 10 Business | 41 General Practice | 72 Securities |
| 11 Casualty | 42 Government | 73 Social Security |
| 12 Civil Litigation | 43 Government Contracts | 74 Sports |
| 13 Civil Rights | 44 Health | 75 Taxation |
| 14 Collections | 45 Hospital | 76 Telecommunications |
| 15 Commercial | 46 Housing | 77 Title |
| 16 Commercial Litigation | 47 Immigration & Nationality | 78 Trade Regulation |
| 17 Commercial Real Estate | 48 Insurance | 79 Transportation |
| 18 Communications | 49 International | 80 Trusts & Estates |
| 19 Computer | 50 Judiciary | 81 Worker's Compensation |
| 20 Constitutional | 51 Labor | 82 Zoning and Land Use |
| 21 Construction | 52 Law Teacher | |
| 22 Consumer | 53 Legislative | |
| 23 Contract | 54 Litigation | |
| 24 Copyright | 55 Malpractice | |
| 25 Corporate | 56 Medical | |
| 26 Criminal | 57 Military | |
| 27 Customs | 58 Municipal | |
| 28 Education | 59 Negligence/Personal Liability | |
| 29 Employee Benefits | 60 Oil & Gas | |
| 30 Employment | 61 Patent-Trademark-Copyright | |
| 31 Energy | 62 Pension | |

Please Return to:
Law School Alumni Office
580 Massie Road
Charlottesville, VA 22903



OPINION *by Anita K. Blair '81*

Women's Economic Progress The Other Side of the Story

You already know that women make only 72 cents on the dollar compared to men. You don't need to be told that women are systematically denied business promotions by a "glass ceiling." You are well aware that our schools shortchange girls in the classroom.

Now would it interest you to learn the whole truth about these "facts"? The Independent Women's Forum (IWF) recently commissioned a study by Diana Furchtgott-Roth, an economist with the American Enterprise Institute, and Christine Stolba, a women's history specialist from Emory University. They were asked to assemble complete data about women in the economy from unimpeachable sources like the U.S. Census Bureau and the Department of Labor and then evaluate popular claims of systematic discrimination against women in education and the workplace.

The results, published in a new

book, *Women's Figures: The Economic Progress of American Women*, were somewhat surprising. Many of the accepted "facts" about women in the economy turned out not to be exactly true.

Take the so-called Wage Gap, for example. For years we've heard that women are only paid 59 cents, or 72 cents, on the dollar compared to men. Those numbers, it turns out, are simply an arithmetic average of the wages of all women and all men aged 18 to 65, regardless of their work history, experience or the type of jobs they hold. A universal average like this is misleading because it fails to consider choices made by women (and not normally available to men) to interrupt or scale back their working careers from time to time.

If you compare apples and apples—similarly situated male and female workers—by controlling for age and family situation, the "wage gap" all but disappears. Former Baruch College economist June O'Neill (now director of the Congressional Budget Office) has demonstrated that, among younger women and men (aged 27 to 33 in the National Longitudinal Survey of Youth) who don't have children, the ratio of women's-to-men's earnings is actually 98 cents or more on the dollar.

When one examines the factors that cause disparities in wages, such

as education, experience, and consecutive years in the workforce, it's apparent that women earn less when they have, or plan to have, children. According to a 1995 study by Claudia Goldin, published in the *National Bureau of Economic Research Digest*, nearly 50 percent of women who had a successful, high-paying career were childless. It is predominantly mothers who choose less demanding, more flexible and, yes, lower-paying jobs that allow them to care for their children.

Women who are mothers also tend to choose jobs where skills don't deteriorate over time, such as retail sales or clerical work, allowing them to exit and enter the workforce whenever they want. Viewed under full light, disparities between women and men in matters of pay and jobs reflect, not a massive masculine conspiracy, but rational choices by women who want to care for their families, but at the same time, want or need a job.

What about women who want to succeed in business? Aren't they thwarted by that mysterious invisible barrier, the "glass ceiling," which somehow keeps all but a handful of women out of senior management in major companies?

The "glass ceiling" is not at all clear. Various studies supporting the theory contain many flaws. For example, one report is based only on Fortune 2000 companies, which

Anita K. Blair '81 is executive vice president and general counsel of the Independent Women's Forum, a non-profit, nonpartisan policy organization headquartered in Arlington, Virginia. She also practices law in partnership with her husband, C. Douglas Welty '82, and serves on the Board of Visitors of the Virginia Military Institute.

Women's Figures shows that millions of American women have seized educational opportunities and made great strides in business. In that respect—allowing women to use their talents and choose their careers—the women's movement that began in the 1960s has succeeded admirably.

represent a small portion of the economy, the very largest companies, and mostly the old “smokestack” manufacturing segment at that. Most women today have intelligently chosen to work in high-tech information and service businesses, where the future is much brighter—but where glass ceiling seekers didn't bother to look.

Another serious flaw in the glass ceiling studies is that they treat business advancement as a matter of pure luck, rather than the culmination of years of training and experience. Typically a man competing for a senior management slot would be considered seriously only if he had an MBA degree and about 20-25 consecutive years in business. Nevertheless, the federal glass ceiling study assumed that all female employees, regardless of background, were equally likely to qualify for top management.

Twenty-five years ago, only 4 percent of graduate business degrees were earned by women; today, it's more than 35 percent. In the last ten years, the number of female executive vice presidents has doubled, and the number of female senior vice presidents has increased 75 percent. We may expect to see greater numbers of qualified women rise in the ranks as they acquire the prerequisite experience. (Again, women's preference for information technology and service businesses speeds their rise in the ranks; these industries are new and wide open,

unencumbered by generations of dinosaurs occupying top slots.)

Seeking out the whole truth also yields some positive, all-but-unknown facts. For example, did you know that eight million women are CEOs—of their own companies? Eight million women-owned businesses today employ one out of every four American workers, and account for \$1.4 trillion in annual sales. These numbers have grown dramatically in the last decade and show every sign they'll continue to increase.

Another untold success story is about women in education. Did you know that women have outnumbered men in college every year since 1978 and today earn 55 percent of all bachelor's and master's degrees? In 1960 only 3 percent of law students were women; today it's more than 40 percent. The same is true for other professional degrees. The 1996 entering class at Yale Medical School was 54 percent women!

As greater numbers of younger women enter the professions, and “old boys” retire or die, the percentage of women lawyers, doctors, and other professionals increases steadily. The bad news for Virginia Law women, of course, is that they're now right smack dab in the demographic cross-hairs of Law School Foundation fund raisers.

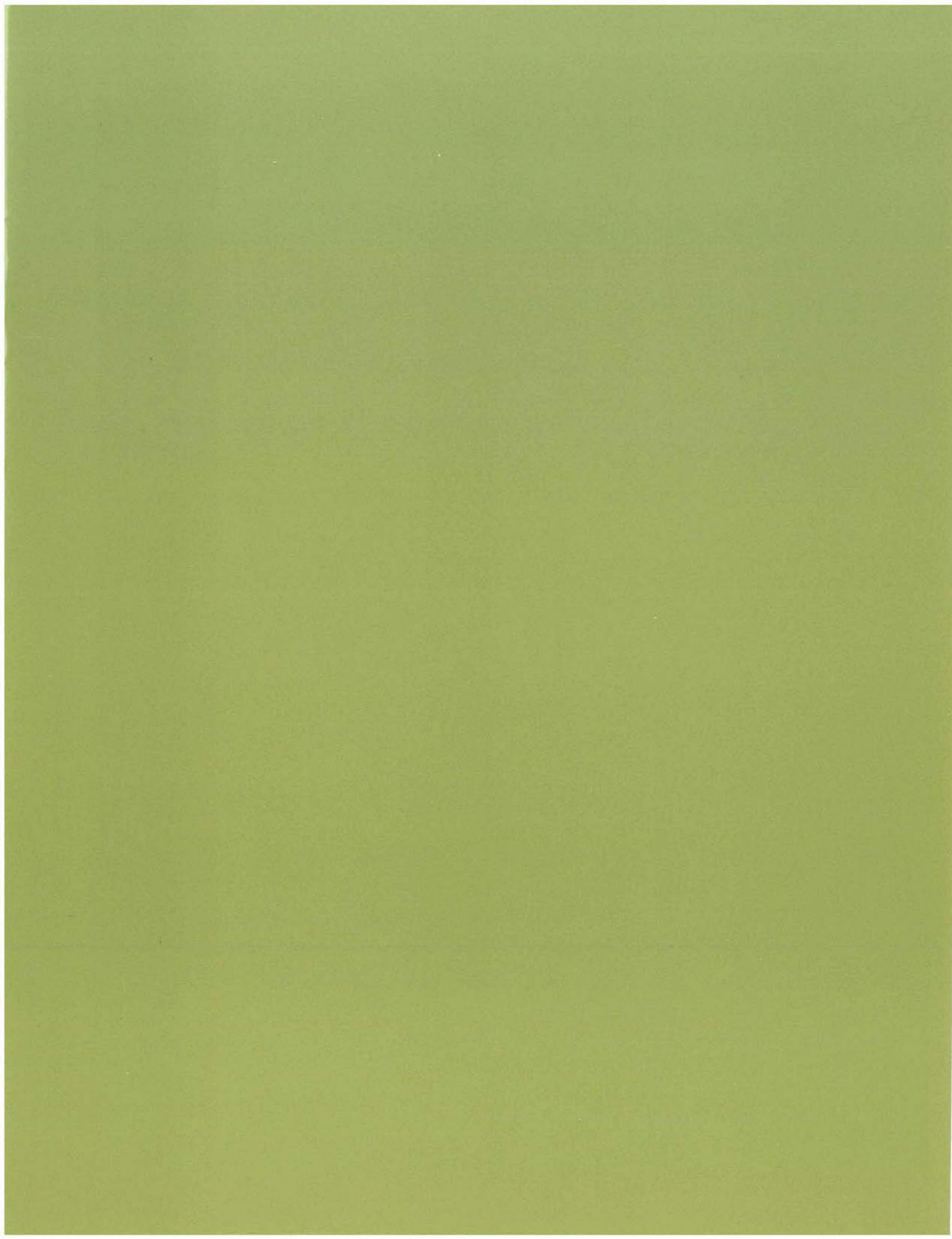
Women's Figures shows that millions of American women have seized educational opportunities and made great strides in business.

In that respect—allowing women to use their talents and choose their careers—the women's movement that began in the 1960s has succeeded admirably.

But, as also shown in *Women's Figures*, too many women—less talented, less prudent, less lucky—are struggling economically. Most are single mothers. More than 22 percent of families with children under 18 are headed by single or divorced women. The Department of Labor reports that female-headed households accounted for 99 percent of the increase between 1970 and 1990 of persons living in poverty. In that same period, divorce rates were relatively static (around 20 per 1,000), but out-of-wedlock birth rates almost doubled (from about 25 per 1,000 to 45 per 1,000; in 1940 the rate was 7 per 1,000).

The slogans and factoids advanced by advocacy groups serve their own interests, not the interests of “women.” The facts show that all women are not alike. Women have more choices today than ever before, and they choose different things. Some put career first, others family, and some seek to balance the two. Some make good, productive choices, some don't. Overgeneralizations like “72 cents on the dollar” don't paint a true picture of women's economic status, and they don't help us make good decisions. In the end, half-truths only make us half-free.







UNIVERSITY OF VIRGINIA
SCHOOL OF LAW
580 MASSIE ROAD
CHARLOTTESVILLE, VIRGINIA 22903

NONPROFIT ORGANIZATION
U.S. POSTAGE
PAID
PERMIT NO. 160
CHARLOTTESVILLE, VA