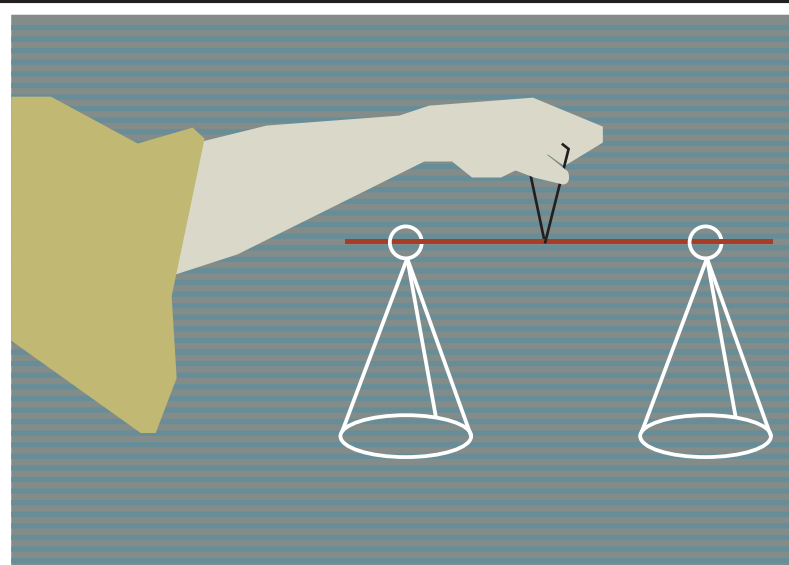


# DUKE LAW MAGAZINE

Fall 2013 | Volume 32 Number 2



## THE JUDGES' ROUNDTABLE

Dean David F. Levi talks with student judges in Duke's Master of Judicial Studies program



**PLUS:**

» INTERNATIONAL HUMAN RIGHTS CLINIC  
» NEW FACULTY SCHOLARS

## From the Dean



Dean David F. Levi

### Dear Friends,

**T**HE FALL SEMESTER IS IN FULL SWING at Duke Law School, and, as usual, our classrooms, conference rooms, and common areas are buzzing with intellectual energy. The excitement here is both due to our students' engagement with their studies, and to our faculty members, who every day tackle the most challenging and important legal problems and developments in their scholarship, classes, and commentary.

And here is the best news: Our outstanding faculty is adding to its reach and depth. This is one area of academic life in which nothing succeeds like success; the most exciting and promising scholars wish to come to Duke because of the excellence we already have achieved. We have just completed an exceptional hiring year in which we added seven terrific scholars to our governing faculty.

You will read about a few of our new colleagues — Darrell Miller, Elisabeth de Fontenay, and Jayne Huckerby — in this issue of Duke Law Magazine (see Page 25). All three have deep experience as practitioners in their fields as well as outstanding academic credentials.

An award-winning teacher at the University of Cincinnati College of Law, Miller adds to our depth in constitutional law with his research focus on the Second and Thirteenth Amendments, and brings insights drawn upon his years of practice to his scholarship and classes in civil procedure. Huckerby, who teaches International Human Rights Advocacy and is the director of our new International Human Rights Clinic, is helping the United Nations craft principles relating to the right to an effective remedy for victims of human trafficking. (Read more about the International Human Rights Clinic, Page 2.) de Fontenay grounds her teaching and scholarship relating to corporate law, finance, and financial institutions in her significant experience in practice as a specialist in mergers and acquisitions and debt financing. Her scholarship focuses on private equity firms and the debt markets. de Fontenay has been a teaching fellow at Harvard Law School since 2011.

Joining the faculty in 2014 is Sara Sternberg Greene, an interdisciplinary scholar whose interests span bankruptcy, commercial law, contracts, tax, poverty, and health law. Broadly concerned with the relationship between law and inequality, she uses qualitative empirical research to examine the effect of welfare and tax rules on low- and moderate-income families. Greene is soon to receive a PhD in social policy and sociology from Harvard University, to add to her JD from Yale Law School.

*I hope that you will have the chance to meet and reconnect with our faculty. Their effort, dedication, and talent are at the heart of the excitement and hope that we feel today and every day.*

Our newest faculty member, Taisu Zhang, focuses his research and scholarship on comparative legal history, specifically property rights in modern China and early modern Western Europe, comparative law, property law, contemporary Chinese law, and the Chinese judiciary. A Yale Law graduate, he is also a PhD candidate in the Yale history department, and his ambitious research agenda includes both empirical and theoretical work. Zhang is currently a visiting assistant professor at Duke Law School.

We told you about our other new faculty scholars, Marin Levy and Mathew McCubbins, in the winter 2013 issue of the magazine. Levy focuses much of her current research and scholarship on judicial decision-making and federal court administration. Having joined the faculty as a lecturing fellow in 2009, she has also distinguished herself in the classroom as a dynamic teacher. McCubbins, who will arrive on campus this summer following his completion of a year-long sabbatical at the Hoover Institution at Stanford University, is one of the leading scholars in the study of democracy and the law, and has undertaken path-breaking scholarship on the role of regulatory agencies and the lawmaking process. He holds a joint appointment in the Department of Political Science and will direct Duke Law's Center for Law and Democracy.

In general, we seek to add both accomplished and up-and-coming academics to our areas of strength and also to build in new areas, often in partnership with another department or school at Duke. The most important — indeed, essential — traits that we look for are excellence and ambition in scholarship and teaching, and an embrace of the Duke culture of dedication to knowledge in the service of society, the best ideals of the legal profession, and the fulfillment of the potential of each and every one of our students and colleagues. We have had extraordinary success in meeting our goals; in just the past three years, we have welcomed 13 exceptional scholars to our already outstanding faculty. Already we feel the difference that such wonderful hiring makes to our forward progress. And this is just our governing faculty. Our resident faculty as a whole, including our research librarians, legal research and writing faculty, clinicians, and senior lecturers, are also extraordinarily talented and make a hugely positive impact on our Law School. We will focus on their many contributions in a future magazine.

I hope that you will have the chance to meet and reconnect with our faculty. Their effort, dedication, and talent are at the heart of the excitement and hope that we feel today and every day.

Thank you for your continued support of Duke Law.

Sincerely,

David F. Levi  
Dean and Professor of Law

# DUKE LAW

MAGAZINE

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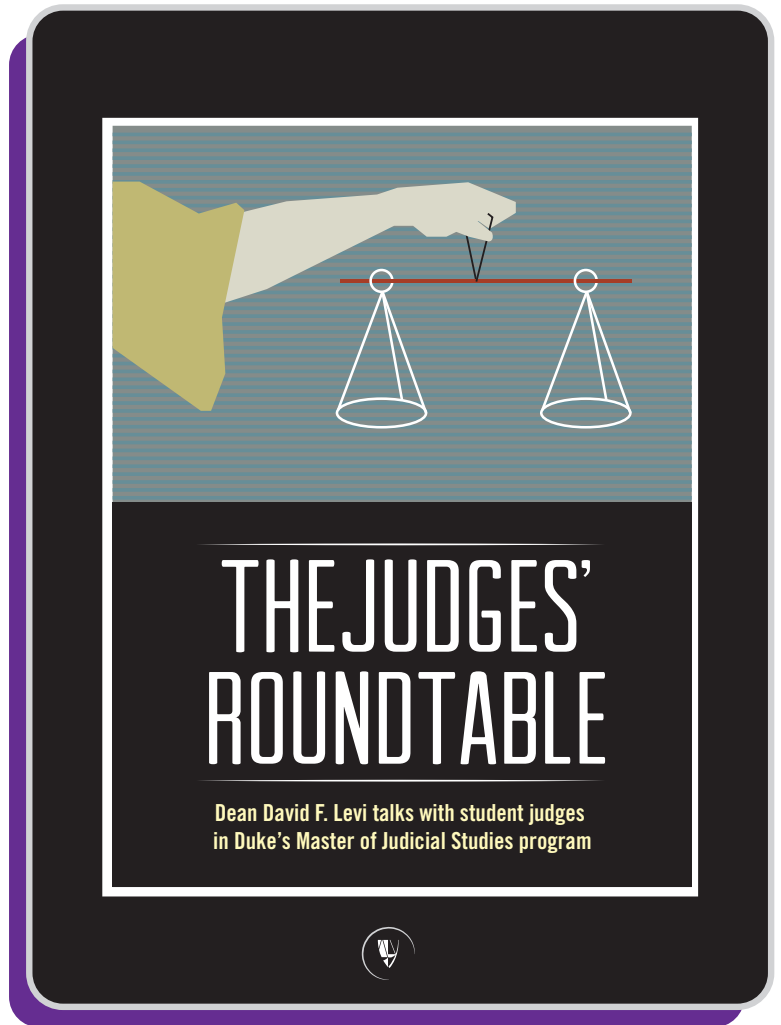
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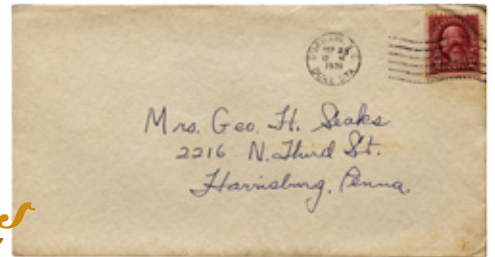
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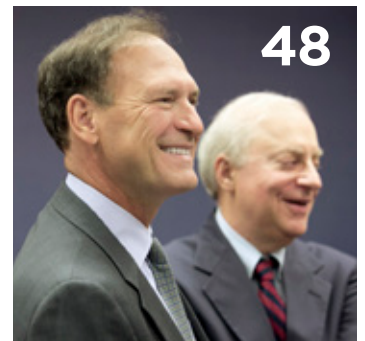
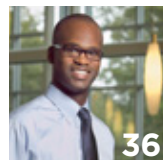
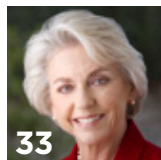
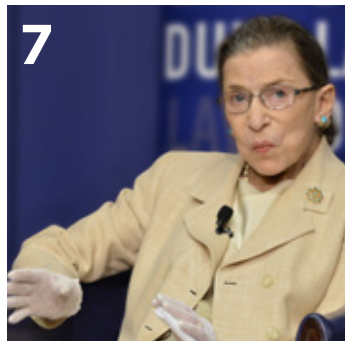
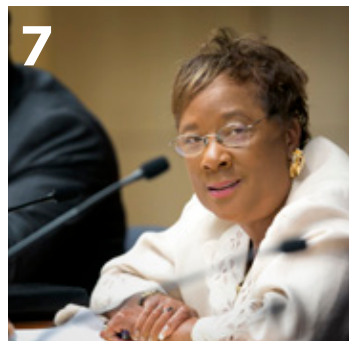
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## Letters Home



The letters of Robert G. Seaks '34 offer a student's perspective of Duke Law during the Great Depression.



# News Briefs

## Duke International Human Rights Clinic to open in spring semester



*“Clinic students will develop particularly strong competencies around cross-cultural communication and transnational lawyering.”*

— Clinical Professor Jayne Huckerby

rights framework to domestic issues; projects that focus on human rights advocacy abroad where human rights standards are nascent or absent, such as in countries in transition; projects that engage with international institutions to advance human rights protections; and projects that analyze and shape the human rights implications of U.S. foreign policy, such as counter-terrorism initiatives that cause collateral gender-based harm.

**D**UKE LAW SCHOOL will launch an international human rights law clinic in the spring semester. Jayne Huckerby, a prominent human rights lawyer, advocate, and teacher, has joined the faculty as an associate clinical professor of law and director of the new clinic. (Read more about Huckerby, Page 27.)

“With our summer institutes in Hong Kong and Geneva, our strong international and comparative law faculty, and our many international students and alumni, Duke Law has had a strong program in public and private international law for many years. Many of our students are interested in pursuing careers in international human rights advocacy,” said Dean David F. Levi. “For several years, our faculty has supported this interest by crafting issue-specific seminars that combine classroom study with overseas field research. We are now taking this programming to a new level with the establishment of the International Human Rights Clinic. Jayne Huckerby is the perfect person to develop this new clinic. She is highly regarded both as a practitioner and as a teacher. I am confident that in short order Duke Law School will be known for the excellence and impact of this new clinic.”

Huckerby, who has partnered with a broad range of international organizations, legal experts, governments, and NGOs over more than a decade of working as a teacher, scholar, and lawyer on human rights advocacy, most recently served as a human rights adviser to the United Nations on women’s rights in conflict and post-conflict situations, in constitutional reform in post-Arab Spring countries, and in national security. She anticipates engaging students in four types of human rights projects in the clinic: projects that apply a human

“The new clinic at Duke will be unique in its focus on shaping the role of human rights in U.S. foreign policy,” she said. “By leveraging Duke’s presence in D.C., students will be pivotal in bridging local realities with their broader legal and policy environments to bring about concrete social and legal change.”

As they do in all Duke Law clinics, students in the International Human Rights Clinic will hone their skills in legal analysis and writing, work collaboratively, and make strategic decisions that call upon a range of skills, including those relating to fact-finding, documentation, standard-setting, reporting, advocacy, and use of social media, as well as litigation.

“Clinic students will also develop particularly strong competencies around cross-cultural communication and transnational lawyering,” Huckerby said. “These skills are essential for positioning Duke Law students as global lawyers in a legal world where borders are much less relevant and any form of legal practice has an international component.”

“Expanding our clinical program through the addition of an international human rights clinic has been an important strategic priority for Duke Law,” said Clinical Professor Andrew Foster, director of the Duke Legal Clinics. “We couldn’t be more excited about Jayne’s appointment and are confident that she is the right person to lead our newest clinic. She has a deep understanding of, and commitment to, both pedagogy and service. And she is well-positioned to ensure that the clinic will have important real-world impact, while also providing exciting educational and professional development opportunities for our students.” ♡



## Appellate Litigation Clinic students prevail in Fourth, D.C. Circuits

**T**WO APPELLATE LITIGATION Clinic students prevailed in oral arguments made in federal appellate courts on March 19. Andrew Barr '13 argued for the appellant in *United States v. McNeill* in the U.S. Court of Appeals for the Fourth Circuit in Richmond, Va. Emily May '13 argued as an amicus curiae on behalf of the appellant in *Lesesne v. Doe* in the U.S. Court of Appeals for the D.C. Circuit.

Each court appearance reflected the contributions of other students enrolled in the yearlong clinic — all 31s — who worked in teams to research and brief the cases and prepare their classmates for oral argument. Barr worked with Evan Coren, Emily Spencer Munson, and Seth Reich on behalf of clinic client Marcus Antonio McNeill. James E. Coleman Jr., the John S. Bradway Professor of Law who co-directed the clinic in the spring semester with Senior Lecturing Fellow Sean Andrussier '92, provided supervision. May and teammates John Cosgriff, Jonny Havens, and Matthew Mooney worked under the supervision of Andrussier, who had been appointed by the court as amicus curiae to present arguments in support of the plaintiff's appeal.

In a unanimous opinion written by Judge Judith Rogers, the D.C. Circuit agreed with

the clinic team that a federal civil rights action was improperly dismissed. The plaintiff in *Lesesne* alleges he was subjected to mistreatment when he was a pretrial detainee of the District of Columbia. His appeal included an issue of first impression in that circuit about the scope of an affirmative defense under a federal statute, the Prison Litigation Reform Act. The court held, in its published opinion, that the statute did not bar the plaintiff's constitutional claims.

McNeill, an inmate, had filed his Fourth Circuit appeal pro se, after the federal District Court in Raleigh summarily dismissed his habeas motion on the ground it had been filed outside the statute of limitations. Writing for a unanimous court, Judge Roger Gregory held that a pro se prisoner can benefit from "the prison mailbox rule" that deems a pro se prisoner's legal papers to be filed as soon as they are deposited with prison authorities.

The Fourth Circuit adopted the clinic's argument that the federal transfer statute, 28 USC § 1631, coupled with the prison mailbox rule, establishes the timeliness of a pro se prisoner's legal papers as long as he sends



The Fourth Circuit team, L to R: Seth Reich, Evan Coren, Andrew Barr, and Emily Spencer Munson, all 2013 graduates

them to a federal court before his statute of limitations runs. The issue had never before been considered in a federal court.

"How often does a student get a chance to argue a real case with real judges, in a real court, much less a federal court?" said Barr following his argument. "As Professor Coleman says, it's one of those things that sets Duke apart from a lot of other law schools." ♣

## Seminar, trip focus on speech and press freedom in Ghana

**L**AST MARCH, Professor Joseph Blocher led students in field research on freedom of speech and press in Ghana, where legislation in those areas is pending. The trip followed intensive examination of primary sources, historical and cultural materials, and scholarly commentary by the students in Blocher's seminar titled "Democratic Development and the Public Sphere: Freedom of Speech and Press in Ghana."

In the West African nation, the students met with stakeholders, including government officials, print, broadcast, and online journalists, lawyers and judges, NGOs, and tribal leaders. Villagers in Darco explained how they get and share information, emphasizing their dependence on community radio. On their return to Duke, the students worked collaboratively on reports and analytical papers that have been shared with NGOs, scholars, and government leaders in Ghana.

"I hadn't really thought that hard about how First Amendment and freedom of speech and media freedom tied into development issues and things that I care a lot about, such as human rights and poverty," said Ellie Marranzani '13. "Making that connection was really valuable."

Blocher's academic partner in Ghana was Professor Kwame Karikari, executive director of the Media Foundation for West Africa. The students' trip was sponsored by Duke's Center for International and Comparative Law. ♣



Professor Joseph Blocher, center, and his students in Accra, Ghana

### MARTINEZ '13, COMMUNITY ENTERPRISE CLINIC, HELP CLIENT PREVAIL BEFORE SEC IN SHAREHOLDER ADVOCACY INITIATIVE

**L**AST SPRING, the Community Enterprise Clinic helped a client achieve two significant successes related to the way in which major banks handle home foreclosures, particularly in low-income and minority neighborhoods. The clinic assisted the Neighborhood Economic Development Advocacy Project (NEDAP), a New York City-based economic justice organization that owns stock in Wells Fargo and Bank of America, in developing two shareholder proposals that it sought to have included in each bank's annual proxy statement. When the banks tried to block the proposals' inclusion under a process involving the Securities and Exchange Commission (SEC), advanced clinic student Elizabeth Martinez '13 provided research and advocacy support to NEDAP in crafting its response and counter-arguments. In mid-March, NEDAP learned that it prevailed before the SEC.

For Martinez, who handled transactional matters in the Community Enterprise Clinic in the fall 2012 semester, taking on NEDAP's shareholder advocacy action as an advanced student represented a chance to hone skills that she could take into corporate practice at White & Case in New York following her graduation.

Martinez said she relished the level of responsibility she was given on the complex matter that required her to research the body of federal 'no-action letter' law to make the case that NEDAP's proposal addressed a matter of fundamental social policy and thus was appropriate for shareholder involvement. She also led conference calls and strategy sessions with the client and her clinic supervisors.

"I enjoyed being a part of the whole process, from the preliminary discussions, to the drafting of documents, and all the way through to the resolution of the case in our favor," said Martinez, who devoted more than 75 hours to the matter in a four-week period in order to meet the tight deadlines demanded by the no-action letter process. "The experience provided an excellent opportunity to enhance my client-relations skills and fine-tune communication and other professionalism skills in interacting with our clients, my supervisors, and the SEC staff — all of which will be very useful in future practice."

"The goal with all clinic students is to work with them as colleagues, and this objective is most fully realized with an advanced clinic student," said Clinical Professor Andrew Foster, who directs the Community Enterprise Clinic. "Elizabeth had already built her skills through the traditional curriculum and through her participation in the clinic. She picks things up quickly and is an excellent writer, so on this case, we were really interacting with her as peers."

"It was also interesting to be involved in policy issues on such a broad scale," said Martinez. "It was a little more 'big picture' than some of the client-specific work that I've previously done through the clinic. Using legal analysis to advance social policy is fascinating in terms of its potential impact on so many people." ♣



Elizabeth Martinez '13

### AIDS LEGAL PROJECT OUTREACH TO DOJ LEADS TO CLIENT SETTLEMENT, 'MEANINGFUL CHANGE'



Will LeDoux '13 and Supervising Attorney Allison Rice

**I**N REACHING A SETTLEMENT on a client's federal claim of discrimination, students and faculty in the AIDS Legal Project may have developed a template for resolving other claims and effecting meaningful change for HIV patients in North Carolina.

Clinic students Will LeDoux '13 and Greg McKay '13 and Supervising Attorney Allison Rice enlisted the help of the U.S. Department of Justice (DOJ) to advance a claim under Title III of the Americans with Disabilities Act (ADA) after their client was refused treatment at the Fayetteville Pain Center due to her HIV-positive status.

"The Justice Department has really been prioritizing HIV discrimination cases," Rice said. "In

cases like this one they have the resources and the leverage to produce settlement agreements that include penalties for discriminating entities, but also force those entities to take on training and education programs that could help eliminate some of the misconceptions and stigma that still affect HIV patients."

The AIDS Legal Project team helped facilitate the settlement, which was announced in late January. The clinic team acted as liaison between the client and the DOJ, sitting in on interviews, tracking and, in some cases, augmenting the investigation.

In addition to a \$5,000 fine, the Fayetteville Pain Center agreed to pay \$10,000 to the clinic's client, create a new policy explicitly stating that it would not discriminate against people suffering from HIV, and provide training on Title III of the ADA to all employees. That training, completed in March, was created and conducted by McKay, LeDoux, and health educator Genevieve Ankeny Hunter of the Duke Center for Health Inequalities Research.

The settlement represents a significant improvement over the injunctive relief available to private

Title III litigants that only allows them access to the facility or service denied, which can be an unsatisfactory outcome, said Rice. "You want them to pay some money, and you want them to change their policies and train their staff. That amounts to meaningful change."

Rice said she is satisfied with the case's resolution, and is certain they will see others like it. "Given the number of Title III discrimination cases we see, I expect to work with [the DOJ] again."

For LeDoux, the case offered far more than a satisfactory resolution of a client dispute.

"These experiences gave me invaluable insight into how investigations should be conducted, how to interview potential witnesses and construct their narratives into a greater, coherent narrative, and how to coordinate tasks among several attorneys working in different offices and cities," said LeDoux, who had worked on the case as a 2L during a semester in the AIDS clinic and then helped frame the policy and training remedies with Rice as an advanced student in Duke's AIDS Policy Clinic.

"The skills and insight I gained from my work in the clinic helped me tremendously in how I conducted myself during my summer employment while in law school, and I imagine, will follow me throughout my career," he said. ♣

## Introducing the Center for Law, Economics and Public Policy

**D**UKE LAW'S NEW Center for Law, Economics and Public Policy promotes research and scholarship at the intersection of those three disciplines, and others such as philosophy and psychology.

The center is directed by Matthew Adler, the Richard A. Horvitz Professor of Law, who holds secondary appointments at Duke University in economics, public policy, and philosophy, and who focuses much of his scholarship on welfare economics. The center's first interdisciplinary conference, held last May, examined "New Scholarship on Happiness," bringing together leading economists, philosophers, psychologists, and legal scholars working on that topic.

This examination of "happiness" offers an example of the center's broader agenda, said Adler. "The focus of the center is going



Professor Matthew Adler

to be normative, that is, 'How should we design cost-benefit analysis and other policy analysis methodologies to improve government policy?' So that could bring together lawyers, welfare economists, and anyone working on normative questions, including philosophers," he said.

In late November, a second interdisciplinary conference will focus on the nexus between governmental policy and individual well-being. Authors of the forthcoming *Oxford Handbook of Well-Being and Public Policy*, which offers a comprehensive treat-

ment of the topic, will present early drafts of their chapters.

"This center is uniquely positioned at the center of some of Duke's strengths," said Adler. "Obviously, there is the Law School, but also law and economics, the public policy school, the economics department, and the philosophy department." Other area institutions also have strong faculties in these areas, he added.

"Although the central focus of the center is going to be on public policy and public law, there is a much broader view of law and economics that thinks about how we're going to use economic modalities to design legal doctrine."

"New Scholarship on Happiness" was co-sponsored by Duke's Kenan Institute of Ethics' "Rethinking Regulation" program. ♣

### DUKE LAW HOSTS CONFERENCE IN GENEVA ON CUSTOMARY INTERNATIONAL LAW

**D**UKE LAW HOSTED A CONFERENCE titled "The Role of *Opinio Juris* in Customary International Law" on July 12 and 13, in Geneva, Switzerland. Held in conjunction with the Duke-Geneva Institute in Transnational Law, the conference brought together leading American and European scholars and practitioners. The topic of the conference overlapped with an ongoing project of the United Nations' International Law Commission (ILC) concerning customary international law, and several members of the ILC participated as commentators and observers.

The conference, attended by more than 90 scholars, lawyers, and students, was organized by Curtis Bradley, the William Van Alstyne Professor of Law and Professor of Public Policy Studies, and was sponsored by Duke's Center for International and Comparative Law.

Customary international law represents, along with treaties, a major source of international law, said Bradley. "Customary international law is based on the unwritten practices and beliefs of nations. Most international lawyers would say that in order for a rule to be binding as a matter of custom there have to be widespread practices of states that support the custom. And then very significantly, most international lawyers would say that nations have to be following that custom 'out of a sense of legal obligation,' not just as a matter of habit or courtesy." The sense that a custom is legally binding represents the concept of *opinio juris*, which came into widespread use within the last 100 years and remains open to interpretation.

"There are still a lot of questions about how *opinio juris* really works and about how it ever comes into being," said Bradley, who is a Reporter on the American Law Institute's new project on the foreign relations law of the United States. "How do nations acquire a belief that something is legally



binding? We explored a lot of puzzles at the conference and, I think, made some headway on them. These are problems that scholars of international law have been really wrestling with for 50 years at least."

Facilitating interaction with and assisting the ILC commissioners who are attempting to craft a statement of principles about how customary international law works, how and when it forms, and how it is evidenced were key goals of the conference, he said. "The task of the ILC will require difficult drafting and consensus-building among lawyers from around the world who have different concepts of how the law works. I hope that our conference helped shed additional light on the topic of customary international law in a way that might ultimately help generate consensus."

In addition to Bradley, conference participants included Laurence Helfer, the Harry R. Chadwick, Sr. Professor of Law; Richard Schmalbeck, the Simpson Thacher & Bartlett Professor of Law and faculty director of the Duke-Geneva Institute; and Professor Mitu Gulati. They addressed such matters as the history of customary international law (Bradley) and its relation to international tax law (Schmalbeck), treaties (Helfer), and how it is used by international courts (Gulati). ♣



# D.C. Summer Institute on Law and Policy has successful inaugural season

**D**UKE LAW SCHOOL'S D.C. Summer Institute on Law and Policy wrapped up its successful inaugural season of courses relating to public law on Aug. 1.

More than 60 students enrolled in the short evening courses taught by Duke Law faculty on constitutional and regulatory law, the legislative process, and the legal framework in which public policy is formulated and implemented in such specific areas as national security, financial regulation, the environment, and health care.

"There was a high level of energy and enthusiasm among faculty and students alike through both sessions," said Institute Director Neil Siegel, the David W. Ichel Professor of Law and Political Science. Siegel taught a course on constitutional structure during the first two-week session and one on constitutional equality during the second, using the Patient Protection and Affordable Care Act and the Supreme Court's recent rulings relating to same-sex marriage as frameworks for analysis.

Many of the students were congressional staffers and summer interns seeking a deeper understanding of specific matters of law and policy as well as a taste of law school.

"This experience has tremendously enhanced my Washington, D.C., summer internship experience. Please continue to build this program," one student wrote in a course evaluation. "This has been an incredible opportunity. Opening up the Law School to prospective law students is a wonderful idea that benefits many groups: the Law School; prospective law students, and community members interested in the subject. I hope your D.C.-Duke connections and reputation will continue to grow."

Institute faculty infused their classes with insights from both their scholarship and practical engagement with the law and policymaking process. In addition to Siegel, the co-director of the Program in Public Law who has published highly influential scholarship relating to the constitutionality of health care reform, faculty included Lawrence Baxter, the William B. McGuire Professor of the Practice of Law, who has divided his career between academic pursuits and leadership positions in finance; and Professor Charles Dunlap, the former deputy judge advocate of the Air Force.

A course titled "The Federal Policymaking Process: An Inside Look" was taught by a trio with an exceptional depth of inside experience: Christopher Schroeder, the Charles S. Murphy Professor of Law and Professor of Public

*Many of the students were congressional staffers and summer interns seeking a deeper understanding of specific matters of law and policy as well as a taste of law school.*

Policy Studies, whose most recent government service includes heading the Office of Legal Policy at the Department of Justice; former Sen. Ted Kaufman, who served as chief of staff to Sen. Joseph Biden for almost two decades; and Senior Lecturing Fellow Jeffrey Peck, who heads the financial services and capital markets practice at Peck, Madigan, Jones & Stewart, Inc., in Washington and is a former general counsel and majority staff director to the Senate Judiciary Committee. The three also regularly teach in the Duke in D.C. integrated externship program, which combines coursework with fulltime work placements in congressional, policymaking, or advocacy organizations.

"We have an amazing public law faculty, and this institute is an outgrowth of their work both teaching about policymaking, and engaging at the highest levels of policy debates," said Dean David F. Levi in announcing the establishment of the summer institute in February. "Our continued presence in Washington is an important part of Duke Law School."

Students, faculty, and D.C.-area alumni enjoyed two extracurricular events celebrating the institute's launch: a July 19 reception at the National Press Club featuring a conversation with Supreme Court Associate Justice Ruth Bader Ginsburg; and a July 26 reception and panel discussion on the historic Supreme Court term that recently ended. Held at the Duke in D.C. facility where classes were held, panelists included Siegel; Guy-Uriel Charles, the Charles S. Rhyne Professor of Law who directs the Center on Law, Race and Politics; Walter E. Dellinger III, the Douglas B. Maggs Professor Emeritus of Law; and Senior Lecturing Fellow and Jones Day partner Donald Ayer who, like Dellinger, is a leading Supreme Court advocate. ♡







## Praising increase in diversity at Duke Law, alumni call for vigilance and vision on civil rights

**F**OUR DISTINGUISHED DUKE LAW GRADUATES with deep experience in civil rights and public law, on the bench, on Capitol Hill, and in private practice advised current students to apply both vision and vigilance to matters of racial justice and economic equality during a lunchtime panel discussion on Sept. 12.

Barbara Arnwine '76, Karen Bethea-Shields '74, Paul Brathwaite '96, and Hezekiah Sistrunk Jr., '82, recalled their experiences as African American students at Duke Law, and shared their observations about and approaches to the fight for civil rights during the discussion moderated by Dean David F. Levi.

Bethea-Shields, one of the Law School's first three African American women students, is now a trial lawyer in Durham. She became Durham County's first female judge in 1980, serving five years on the bench.

Arnwine, the president and executive director of the national Lawyers' Committee for Civil Rights Under Law, is internationally renowned for her work on such matters as the passage of the Civil rights act of 1991 and voting rights.

Sistrunk is a national partner of The Cochran Firm and managing partner of the firm's Atlanta office. A trial lawyer and mediator, he is a Fellow of the International Academy of Trial Lawyers and a member of the Gate City Bar Association Hall of Fame.

Brathwaite, who also holds a degree in public policy from Duke, served as executive director of the Congressional Black Caucus before joining the Podesta Group in Washington, D.C., where he is a partner.

The Black Law Students Association hosted the event which was sponsored by the Duke Bar Association and the Dean's Blueprint Fund. It was organized as part of Duke University's commemoration of the desegregation of its undergraduate program in 1963, two years after the Law School began admitting black students. ♡



Hezekiah Sistrunk Jr. '82



Barbara Arnwine '76



Karen Bethea-Shields '74



Paul Brathwaite '96

## A conversation with Justice Ruth Bader Ginsburg

Associate Justice Ruth Bader Ginsburg of the U.S. Supreme Court engaged in a wide-ranging discussion with Professor Neil Siegel, a former clerk, at an event celebrating the launch of the D.C. Summer Institute on Law and Policy on July 19. The conversation and reception, held at the National Press Club and hosted by Dean David F. Levi, drew a capacity audience of institute students and D.C.-area alumni.

Responding to Siegel's observation on the power of her recent dissents, Ginsburg recalled her dissent in *Ledbetter v. Goodyear Tire & Rubber Co.*, a pay discrimination case brought under Title VII of the Civil Rights Act of 1964 after a production supervisor found that she was being paid far less, even after 20 years on the job, than her most junior male colleagues. "Our Court found she sued too late," said Ginsburg. "I think I ended my bench announcement of the dissent and the opinion with a line to this effect: 'The ball is now in Congress's court to correct the error into which the court has fallen.' Within two years, Congress overwhelmingly passed the Lilly Ledbetter Fair Pay Act and it was the first piece of legislation that President Obama signed when he took office." Ginsburg called passage of the law "one of my most satisfying moments." ♡



Jay Mallin



*“You define yourself by the choices you make each and every day.”*

– U.S. Solicitor General Donald B. Verrilli Jr.

## Hooping 2013

**A**DDRESSING DUKE LAW SCHOOL'S 2013 GRADUATES at their hooding ceremony on May 11, U.S. Solicitor General Donald B. Verrilli Jr. told them that ethical responsibility should imbue everything they do as lawyers.

“You define yourself by the choices you make each and every day in carrying out your responsibilities — wherever you find yourself,” he said.

Verrilli addressed Duke Law School's JD, LLM, and SJD graduates prior to their hooding in Cameron Indoor Stadium. Two hundred and forty-two graduates received the JD degree during Duke's weekend ceremonies, with 30 also earning an LLM degree in international and comparative law, and 24 also receiving a master's degree from another graduate school at Duke University. One graduate also earned an MD from the Duke School of Medicine. Two JD graduates earned a Master of Global Business Law degree from Sciences Po in Paris, one of Duke Law School's partner institutions.

Ninety-one internationally trained lawyers received LLM degrees and 12 attorneys completed Duke's one-year LLM program in Law and Entrepreneurship.

Two graduates earned the Doctor of Juridical Science, or SJD. Both Giancarlo Frosio, of Italy, and Avraham Osterman, of Israel, are intellectual property scholars and Duke LLM alumni.

Calling his government service the most rewarding time of his professional life, Verrilli also spoke of lessons in advocacy learned from his pro bono representation of death row inmates during his long career in private practice. More than anything, he said, the cases taught him about the importance of effective representation of counsel and the fact that behaving ethically is, at its heart, a matter of integrity.

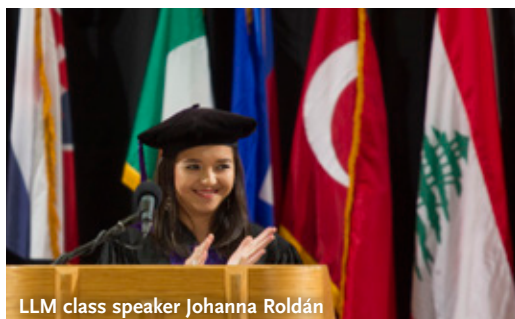
“If you have acted with integrity, you will know how to act with integrity when times get tough,” he said. “If you have acted with courage, you will know how to summon up courage.” Also advising the graduates to cherish family and friends and to fight cynicism, he told them not to wait to involve themselves in worthy causes. “There is always time available to do right,” he said, paraphrasing Dr. Martin Luther King Jr.'s “Letter From a Birmingham Jail.”

In his remarks, Dean David F. Levi praised the graduates' many accomplishments in areas of scholarship and service to the community and to the profession.

“There will be many times when you will face difficult challenges in your professional life,” he said. “We have confidence that you will make us proud as you meet and surmount them. You have already done so.”

Speaking on behalf of the LLM class, Johanna Roldán, from Quito, Ecuador, noted the value of studying at Duke with a diverse group of classmates from Asia, Australia, Europe, the Middle East, Africa, and Central and South America. “Diversity and unity are the legacy of our experience,” she said. JD speaker Nick Passarello asked his classmates to savor the experiences that united them, in class and out, from “the sinking feeling we all got the first time we were cold-called 1L year,” to “the sound of synchronized door knocking during on-campus interviews.”

Andrew Katbi's JD hood and diploma were presented to his parents in a community ceremony in the Beber Sculpture Garden prior to the hooding ceremony, where Levi also dedicated a flowering dogwood tree as a living memorial to the young man who was killed in a car accident on March 31. Katbi's classmates, faculty, and guests honored him with a standing ovation when his name was called during the hooding ceremony. ♡




» View “Lives in the Law” with U.S. Solicitor General Donald B. Verrilli Jr. at [law.duke.edu/video/verrilli](http://law.duke.edu/video/verrilli).



**CAMPAIGN PRIORITIES:**

- » Recruiting and retaining top faculty scholars
- » Supporting student scholarships and public service fellowships
- » Enriching the curriculum with interdisciplinary and professional skills courses
- » Creating and supporting centers and programs that improve the profession and the law

We are here 

**GOAL: \$85,000,000**

\$49,543,405 raised (as of 10/23/2013)

(by 6/30/2017)

## Judicial Studies Center receives \$5 million grant from The Duke Endowment

**I**N EARLY JUNE, The Duke Endowment committed \$5 million to support the operations of the Center for Judicial Studies.

“We’re pleased to receive such generous support from The Duke Endowment for this important program,” said Duke University President Richard H. Brodhead in a statement announcing the grant. “The Center for Judicial Studies is an outstanding example of the way universities can share knowledge and insight to strengthen a key institution of our democracy.”

The center was established in late 2011 with complementary goals: to enhance judicial education and the quality of the judiciary, and to improve the legal system and our understanding of judicial institutions.

Since its inception, the center has begun a master’s degree program in judicial studies and supported scholarly research and conferences on judicial institutions and judicial decision-making. The master’s level program in judicial studies is one of the core components of the center; 17 judges from federal, state and foreign courts who enrolled in the program’s inaugural class have completed their second summer of study at Duke Law and are currently working on capstone theses. (Read “The Judges’ Roundtable,” Page 17.)

“We are grateful for this generous grant from The Duke Endowment that will secure the future of our Center for Judicial Studies,” said Dean David F. Levi, who served as chief United States district judge for the Eastern District of California prior to his

appointment as dean in 2007. “The center addresses a critical need for better understanding of judicial institutions and judicial decision-making. It permits us to bring together top academics, practitioners, students, and judges in this common inquiry.”

Levi said it is “particularly fitting that such a center should be located at Duke because our faculty has so many of the leading scholars in the study of the judiciary. This grant will help us achieve one of our core missions of improving the law and legal institutions through research and scholarship.”

The gift, which will fund an endowment to support the center’s operations, advances the Law School’s efforts to raise \$85 million as part of the \$3.25 billion Duke Forward fundraising campaign.

The Judicial Studies Center, led by Professors Jack Knight and Mitu Gulati and Director John Rabiej, engages members of the judiciary in several different capacities: as students, researchers, and reformers.


For instance, student-judges pursuing the Master of Laws in Judicial Studies are examining the history, institutions, and processes that have shaped the institution of the judiciary and continue to affect judicial decision-making. They will get research assistance for their theses, many of which are expected to be published, from JD students in a center-related seminar.

The center also will support graduate fellows and visiting scholars who undertake original research projects with special relevance to the judiciary, and will host workshops and a series of thematic conferences focused on major research questions.

Additionally, through such programs as “The Duke Conference: Bench-Bar-Academy Distinguished Lawyers’ Series,” the center is bringing together members of the judiciary with scholars and leading practitioners to tackle specific legal and law reform issues.

“The challenging conditions in which our judges perform their duties have put a premium on collaboration among members of the bench, bar, and academy,” said Levi, citing such factors as state and federal budget cuts, increasing case loads, the costs of litigation, partisanship, and technological change.

“Ultimately, our aim is to protect and improve our judicial institutions through strengthening the education of individual judges and by qualitatively improving collective knowledge about judicial decision-making and judicial institutions,” he said. “Judges participating as students will become more capable; JD students working as research assistants will become more knowledgeable about judicial institutions, processes, and law reform; research into judicial studies by scholars will be of higher quality, greater relevance, and accuracy; and the legal profession will be better coordinated in its efforts to improve the law. This long-term funding from The Duke Endowment will help us realize these important results.”

“The Duke Endowment is proud to support this impressive program and the opportunities it presents for judges, researchers, and scholars,” said Minor Shaw, chair of the Charlotte-based Endowment’s board. 



### MANSFIELD FELLOWSHIPS SUPPORT STUDENTS' PUBLIC INTEREST WORK

**D**URING HER 2L SUMMER, Linda Atiase '14 interned in Charlotte, N.C., with both the Equal Employment Opportunity Commission (EEOC) and the Council for Children's Rights, gaining solid legal skills while learning about the specific areas of employment discrimination and child advocacy. Her work was supported, in large part, by a summer service grant funded by Alan '78 and Susan '77 Mansfield.

In 2013, five Duke Law students received support from the Mansfields for their summer work in public interest law, thanks to the couple's annual donations for that purpose. Through a new endowed summer fellowship fund, the Mansfields have guaranteed similar support to many more Duke Law students.

"Without the generous support of donors like Mr. and Mrs. Mansfield, Duke Law students might not be able to take advantage of invaluable summer opportunities to engage in public service and public interest law practice," said Kim Bart '02,

Duke Law's assistant dean for public interest and pro bono. "Government and public interest organizations lack the resources to pay students for summer work, but provide exceptional opportunities for students to work with clients, engage in advocacy or litigation, and put classroom knowledge to use in a real-world setting."

Working in both the litigation and enforcement units of the EEOC, Atiase assisted federal investigators in interviewing complainants and assessing their charges of discrimination; drafting requests for information, discovery, and subpoenas; researching and drafting memoranda on civil rights cases and appeals for use by senior lawyers; and analyzing possible systemic discrimination cases involving employment practices and policies. At the Council for Children's Rights, the biggest legal advocacy program for children in the Southeast, she focused on education law, often drafting memoranda and court documents relating to children's rights under the Individuals with Disabilities Education Act and working with clients — families and children with disabilities.

"I have always been interested in civil rights and liberties," said Atiase, who enjoyed interacting directly with clients during both internships. "To educate people about their employee rights and to be able to advocate on the part of children who are often disadvantaged gave me great satisfaction."

A Mansfield Summer Service Grant allowed Stephen Wagner '14 to spend his 2L summer in the Claims Bureau of the Office of the New York State Attorney General, in Manhattan. Planning a career in litigation, Wagner prepared memos and motions for trial lawyers representing the state in the New York Court of Claims, among other courts.

"I got a lot of substantive experience drafting memos, and got to observe the different strategies and tactics lawyers used during trials and depositions. It was great," he said. "This summer really got me excited about being a lawyer. It's exciting to talk to a senior attorney who is asking you questions and actively listening about what your input is on a case. You have a real sense of professional accomplishment. It also reinforced my appreciation of a good mentor, and I had a lot of great mentors in the Attorney General's Office."

"If I didn't have the scholarship I probably would have had to take out additional loans, which would have been quite onerous," Wagner said.

"Susan and I agree on the importance of funding public interest work," said Alan Mansfield, a partner at Greenberg Traurig in New York, where he co-chairs the global litigation practice, and a member of the Duke Law Board of Visitors. "We are gratified that the students we have funded over the past several years have had rewarding experiences like these." ♡



Stephen Wagner '14 and Linda Atiase '14 received support for 2L summer service work from Alan '78 and Susan '77 Mansfield.



### 2013 CLASS GIFT

**M**EMBERS OF THE CLASS OF 2013 raised \$155,958 in cash and pledges towards their class gift, surpassing both their fundraising and participation goals. At over 72 percent, the graduates set a new class gift participation record at the Law School.

The class gift benefits students directly in every way, with graduates directing their gifts to support the Annual Fund, the Judy Horowitz LLM Scholarship, Duke Legal Clinics, and the Loan

Repayment Assistance Program. Along with friends and family, they also established the Class of 2013 Andrew T. Katbi Memorial Scholarship in memory of their classmate, who was killed in a motor vehicle accident on March 31, 2013.

A total of \$84,393 has been raised towards a goal of \$100,000 for the scholarship, a sum that includes more than \$16,000 from a parent-participation challenge. Contributions to the scholarship will be accepted until it is fully endowed. ♡

The Class Gift Committee co-chairs, clockwise, from top: Jackson Eldridge JD '13, Eb Bernazard LLML '13, Spencer Young JD/LLM '13, and Ligia Schlittler LLM '13

## STANBACK GIFT FACILITATES EXPANSION, REACH OF ENVIRONMENTAL CLINIC

A LEADERSHIP GIFT from Duke University alumni Fred and Alice Stanback has allowed the Environmental Law and Policy Clinic to expand its educational reach and improve its client service goals. Clinical Professor Ryke Longest, who directs the clinic, said the gift is being used to fund salaries for post-graduate clinical fellows, support pilot curricular initiatives, and expand financial aid available to students interested in public service careers in the field of environmental law.

“Without the generous support of the Stanbacks, these new initiatives would not have been possible,” said Longest.

Their gift is in keeping, Longest noted, with the Stanbacks' longtime support of summer internships for Duke University students. The Stanback Internship Program, administered by the Nicholas School of the Environment, provides a \$5,000 stipend for 11 weeks of work with one of more than 50 Stanback-approved environmental organizations; 10 Duke Law students worked in Stanback-supported internships in the summer of 2013.

Inaugural clinical fellows Shannon Arata '13 and Jennifer Nearhood '13 are assisting current clinic students and volunteers from the Environmental Law Society, as well as serving clients directly. Clinic alumni, both Arata and Nearhood also enjoyed Stanback-supported summer legal internships with environmental organizations when they were law students. As clinic fellows, they are continuing on cases they were first introduced to as students, working on the issues in greater depth and with a greater level of responsibility. Their expertise also will provide the clients with a deeper level of professional service.

“Both Shannon and Jennifer demonstrated exceptional initiative and talent as advanced clinical students and are developing into excellent environmental lawyers,” said Longest. “They are serving clients and moving cases forward when students and members of the clinical faculty are performing other Law School duties. They also are engaging other students interested in environmental law, but not yet able to enroll in the clinic.” Clinical courses become available to students in the spring semester of their second year at Duke Law.

» To make a gift: Please contact Associate Dean Jeff Coates at (919) 613-7175 or [coates@law.duke.edu](mailto:coates@law.duke.edu).

“To say the least, funding from the Stanbacks — both through the internship program and the fellowship — has been instrumental to my training and success as an environmental lawyer,” said Nearhood, who held legal internships at Defenders of Wildlife and the Natural Resources Defense Council during her 1L and 2L summers, respectively.

“Through the fellowship, I have the opportunity to work on a complex case that I first encountered as a student. Because I now have more time and experience, I have taken the lead on several issues as the clinic develops a long-term litigation strategy. I have also started on several new cases that will allow me to work with diverse clients and expand my knowledge of key statutes for natural resource protection. Overall, the fellowship provides important litigation and policy experience that will help me as I look for my next opportunity in the field of environmental law.”

The Stanback gift to the clinic also facilitated the creation of a course on the legal and environmental issues associated with exploration and production of hydrocarbons from shale, also known as hydraulic fracturing or “fracking.” Longest taught the course in an abbreviated form at Duke's D.C. Summer Institute on Law and Policy in July and is developing the syllabus further.

Increasing financial aid available to qualified students committed to public interest careers in environmental law, a third initiative funded by the Stanback gift, helped Duke recruit a talented student from Brazil, Stela Herschman, to the one-year LLM program, said Longest. Prior to coming to Duke, Herschman had worked as a legal adviser in the environmental prosecutor's office in her home country.

“Stela plans to enroll in the clinic in the spring in pursuit of her certificate in environmental law,” said Michelle Nowlin JD/MA '92, supervising attorney in the clinic. “She's told us the clinic is the primary reason she chose to come to Duke for



Jennifer Nearhood '13, left, and Shannon Arata '13 are starting their careers as Stanback Fellows in the Environmental Law and Policy Clinic.



Fred and Alice Stanback

her LLM. She worked as a legal adviser in the environmental prosecutor's office in the state of Rio de Janeiro prior to coming here, and we will benefit tremendously from her perspective and experience. We hope she will likewise benefit from learning about the different model of environmental law in the United States.”

Graduates, respectively, of Duke's Trinity College and Women's College, Fred and Alice Stanback have been widely lauded for their support of environmental conservation efforts and causes. Fred Stanback has most recently been honored with the National Parks Conservation Association's debut Sequoia Award, which honors individuals who have enhanced the advocacy organization's efforts to protect the National Park System. ♡

### FORD FOUNDATION CONTINUES SUPPORT FOR AIDS LEGAL PROJECT'S WORK ON HIV/AIDS IN SOUTH

**D**UKE'S AIDS LEGAL PROJECT is using a recent \$200,000 grant from the Ford Foundation to continue the policy work of the Southern HIV/AIDS Strategy Initiative (SASI) within the AIDS Policy Clinic.

Clinical Professor Carolyn McAllaster directs Duke's AIDS Legal Project and advanced AIDS Policy Clinic, and serves as project director for SASI, which was launched in 2011 with a \$150,000 Ford Foundation grant. Clinic faculty and students work with the Duke Center for Health Policy and Inequalities Research to collect and process data on such issues as infection rates, deaths, and resources available to individuals in areas hard-hit by HIV and AIDS. That research has led to the release of reports and an article, recently published in the *AIDS Care Journal*, detailing the rapid spread of AIDS in nine Southern states. It also has resulted in policy research and advocacy at the state and federal levels.

"We are continuing to advocate for increased resources to Southern states where the disease burden is greatest right now," McAllaster said. "One of our biggest successes stemming from the last grant came from our advocacy with the Department of Health and Human Services and Centers for Disease Control and Prevention (CDC) for funding for the South. CDC came out with a funding initiative in 2012 providing \$44 million over three years, focused on eight states, six in the South. The money is going toward decreasing HIV mortality in minority communities, and we were credited as one of the advocacy groups who made this happen."

The latest grant is being used to update SASI's research on HIV/AIDS in the South and to monitor federal assistance in the states receiving CDC funding. Several Duke Law students have worked on projects stemming from the grant over the last year, writing reports and social media plans related to the initiative and helping faculty plan a White House meeting on HIV in



Clinical Professor Carolyn McAllaster

the South that will take place early next year. They also contributed research to a September presentation McAllaster made to the Presidential Advisory Committee on HIV/AIDS on the implications of the Southern epidemic to the future of the Ryan White Care Act.

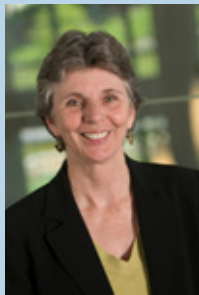
McAllaster said the latest Ford Foundation grant will also help fund research into how to better treat those with HIV/AIDS. "We're engaging in much more in-depth research on the epidemic in the South. We have recently started a research project in Baton Rouge, La., that focuses particularly on interventions that work to get people into care, and get them to stay in care so their viral load is suppressed, they're not infectious to other people, and their own health is good." ♡

### WRONGFUL CONVICTIONS CLINIC AND INNOCENCE PROJECT RECEIVE \$250,000 GRANT FROM DOJ

**D**UKE LAW SCHOOL'S INNOCENCE PROGRAM, which includes the Wrongful Convictions Clinic and Innocence Project®, has been awarded a \$249,718 grant from the U.S. Department of Justice.

Students and faculty in the Wrongful Convictions Clinic and the volunteer Innocence Project investigate and litigate North Carolina inmates' credible claims of innocence. The grant, from the Bureau of Justice Assistance in the DOJ's Office of Justice Programs, will help fund student summer internships in the Wrongful Convictions Clinic in order to ensure year-round progress is made on cases. It also will fund costs for investigation, expert and forensic analysis, travel, and litigation support and training relating to clients' claims.

The grant funds will be used to advance the Innocence Program's 19 current cases, seven of which are likely to be litigated over the next two years. In addition to funding summer internships, the grant will allow the program to hire private investigators, where appropriate, to help locate and contact witnesses; retain experts to review and provide analyses on discrete issues in individual cases and pay for forensic testing; offset the significant costs of faculty and student travel relating to investigations and litigation; and obtain litigation support services such as case management software and copying, collating, and other services essential to proper presentation of Motions for Appropriate Relief to the relevant courts.



Newman '88



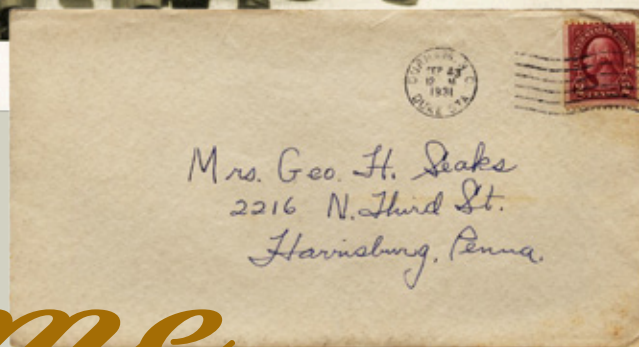
Lau '09

"This grant will facilitate more efficient and effective investigation and litigation of our cases and help us to significantly strengthen the program in key ways," said Clinical Professor Theresa Newman '88, co-director of the Wrongful Convictions Clinic and a faculty adviser to the student-led Innocence Project. "Our cases rarely involve biological evidence that can be tested for DNA and so require extensive reinvestigation of the facts, or creative and costly efforts to identify 'touch-DNA' left behind by the perpetrator of the crime, or to identify what we call 'non-biological DNA,' the piece of evidence that will exclude our client as the perpetrator. As we tell our students, this involves a creative, intense, and costly search for loose threads, and not for smoking guns."

Since 2010, four clients of the Wrongful Convictions Clinic and Innocence Project have been exonerated after serving 12, 18, 17, and six years respectively. None of their cases involved DNA evidence.

"Our mission is, first and foremost, educational — to train future lawyers to understand the causes of wrongful convictions and how to litigate post-conviction innocence cases," said Supervising Attorney and Lecturing Fellow Jamie Lau '09, the primary author of the grant proposal. "We will be using some of these funds to provide additional student training to identify the causes of wrongful convictions and to understand the most recent forensic science research that may prove compelling in overturning convictions." ♡





# Letters Home

**R**OBERT G. SEAKS was just 18 years old and newly graduated from Gettysburg College when he started his legal studies at Duke in the late summer of 1931.

He was much younger than his classmates, but he excelled at Duke, finishing at the top of his class all three years; he remains the youngest Duke Law graduate, at age 21, to win the Willis Smith Prize for graduating first in his class. He served as editor of the law journal and as a research assistant to some of the top faculty scholars.

However busy he was with his studies — and, in his upper years, his social life — Seaks found the time to write home regularly to his parents, George, a physician, and Myrna Miller Seaks of Harrisburg, Pa. His letters are lively and descriptive, detailing the demands and sheer grind of law school, the characters in his class and in Durham,

and the financial trials facing most students and their families during the Great Depression.

Seaks' son, Terry, recently made two remarkable gifts to Duke Law, both reflective of the lasting affection his father maintained for the school that launched his illustrious career in law: He established the Robert G. Seaks LL.B. 1934 Professorship; and he shared copies of his father's letters home with the Goodson Law Library. The correspondence — more than 55 letters and postcards in total — offers an intimate portrait of a young man's experience of law school during a time of transformation for the nation and for Duke, which was slowly evolving from a small Southern school into an institution of permanence and national consequence.

For those who have since followed in Seaks' footsteps through Duke Law's classrooms and hallways, the letters also affirm that some things never change. »

Photo above: The Duke Law Class of 1934. Robert Seaks is pictured in the second-last row at the far left, holding a pipe. Professor Douglas B. Maggs joined his students for the photo; he is in the last row, sixth from left, framed in the doorway.



Dear Mother & Father,

## First year

Sept. 23, 1931

By this time, I am perfectly contented here. Law school is very hard but with diligence it can be accomplished. And it is far more interesting than you would guess. Already I have picked up legal terms and am thinking legally. ... Still, one gives up all outside interests and lives in a seemingly dreadful routine.

Last night I met Dean Miller, the admittedly foremost authority on criminal law. The law faculty are, at least my instructors are, very young men. I believe at least four of them are under thirty-five, the other two little older. But they are marvelously brilliant with crystal clear minds. Duke is following the country-wide tendency for younger men instead of older fogies who bask in the holy aura of experience, and are accordingly blinded by it.

Oct. 27, 1931

Referring to beautiful sights, I might mention Duke's Chapel, which I might imagine will hold its own with any similar building in the country. It is almost completed externally now but a few remaining cables and booms yet marring its beauty. ... It is a most beautiful and impressive sight with the white tower illuminated. Of course it stands as a monument to God from James B. Duke, philanthropist. It seems almost a shame that I accidentally noticed a case to-night in law entitled *Duke v. Duke*. In this case the monument-to-God giving James B. sues his wife for adultery and she counters with eight separate charges of adultery against James B. I have a notion to tack it up on the bulletin board to see how quickly I get kicked out of school.

Oct. 29, 1931

I am very busy just now. ... The reason I am rushed for time is because of an impending examination in Torts. I guess I have told you that we have two or three times been threatened with exams "within a week" but they never materialize. This time though it looks as though Mr. Maggs\* means business and all the boys are cramming. Maggs, who as I told you is the terrible tough Prof., has been raising the roof for a week. He has been bawling all the students out in his best manner. All the other Profs. have been fairly decent. Maggs is the only one who does not limit his field of criticism. He is liable to bust out at any time with a harangue or walk out of class in disgust.

*\*Later in the year, Seaks reported that Professor Douglas B. Maggs "is now transformed into our most congenial professor."*

## Second year

Nov. 24, 1932

I guess that you saw the glorious news in the papers. Last weekend, Duke beat its deadly enemy, Carolina, for the first time since 1893. In 1897 the rivalry was discontinued until 1922 so that is not as bad as it sounds. As a result of this glorious victory, the Duke campus was quite in a row last week end. Drunks predominated and the city of Durham was in the hands of undergraduates for a while. ... Quite a day for dear old Duke.

The undergraduates at Duke pulled a neat trick. They dug a grave Saturday night in the campus at the union entrances and put up a large headstone on which was written, 'Here lies Carolina. Died Nov. 19, 1932.' The grave was covered with flowers and ferns and two candles kept vigil at the grave.

March 5, 1933

*Seaks tells his parents of his time-intensive work as one of four editors of the first volume of the Duke Bar Association Journal. He assisted Donald Bruce Mansfield '33.*

When that journal finally comes off the press, I am going to go up with a bang — in other words go on a toot that should land me in jail if the cops are on their toes. ...

Being Mansfield's assistant in editing the B.A.J. has at least brought me some fun. It means that I sit in at Board of Governors' meetings with four faculty men and Mansfield and myself where everything written is gone over for possible mistakes. The faculty (Dean Miller is one) is downright kiddish when in a meeting of that kind. I like to sit in those four hour meetings and hear the faculty tear to pieces the student work for the publication. Almost everyone has to rewrite at least ten times. I also get to know the faculty and get a consequent drag with them. I am looking forward to getting a scholarship to some big school to take advanced work when I get out of here. But that kind of thing is almost impossible to get. Mansfield is now trying to get something out of Yale.

*Seaks did, eventually, become a Sterling Fellow at Yale.*



**Duke Chapel  
under construction,  
April 1931**

**March 18, 1933**

I am having my troubles as well as the nation is having theirs. I raced through my February money by the middle of the month and lived on borrowed money for the latter part of the month. So I badly needed your check when it finally came. But the local bank could not cash it because Pennsylvania banks had some kind of a moratorium. They took it for collection and told me they thought it would come through by today (Monday). In the meantime, of course, all banks have been closed, and I still don't have any money. I hopefully await next Thursday when, supposedly, there will be no longer a federal bank holiday. North Carolina took a 3 day holiday at a special meeting of officials yesterday (Sunday) afternoon. If neither is extended I can get my money then. Mother Pendergast<sup>3</sup> has been feeding me on credit for the last two weeks. Every school boy is in the same jam and I imagine that the university will have to start operating on credit. ...

Anyhow I still work hard. My note for the Bar Journal has not yet been completed. Something is always wrong with it every time I hand it in. The Bar Journal will come out very soon and I will send you a copy. You are eligible for the Nobel Award for 1933 if you can get a hazy idea what I am writing about. My note is getting more obtuse daily. It will be a great relief to get it off my hands.

*\* "Mother Pendergast" offered two meals daily to about 12 law students at her farmhouse near campus. "The quality of the food is good, but the quantity is staggering," Seaks wrote to his parents.*

**April 28, 1933**

While you may not be aware of it, I am afraid that you have an athlete of the first caliber in the family. In other words, all my present interests outside of law books are taken up with the intramural indoor baseball league composed of some fifty odd teams grouped into five leagues, and the greatest of these teams is the law school's. Managed, captained and coached by Rollicking Rollo Bergeson, its star performers are Mosby Perrow at shortstop, Bruce Mansfield at third base, and hard-hitting, slick-fielding Seaks at second base. The rest of the team is, I'm [afraid], not up to par and the first two league starts have been lost. But this afternoon,

with a revamped team, we are out to seek revenge. The big game comes next week when we play our annual game with the medical school. Unfortunately, the preachers are in another league and we will get no chance at those rascals.

And this coming Saturday comes the big blow-off when co-captains Seaks and Perrow lead Phi Delta Phi against our competitors, the Iredell Club, for the historic keg of beer, terms cash. Following the game, the two teams repair to a specially rented cabin to dispose of the keg of beer and pretzels, on a loser pay all basis.

**May 14, 1933**

School is drawing to a close to no one's sorrow, especially not to mine. We have only three more weeks of classes to be followed by two weeks of exams. That means very intensive review. The professors (I wonder if they are human) tell us to review intensively, as the next month may be an important one in our lives. In the same breath, they assign a little extra work in order to try to finish their quota of work.

## *Third year*

**Oct. 16, 1933**

... As all good football fans know, yesterday was a gala day for Duke. The fabulous salary paid to Mr. [Wallace] Wade was shown to be justified because he started bringing home the bacon. Duke stepped into the national football picture by doing what hasn't been done since 1930; what was done before that only in 1926. The only two teams to lick Tennessee in the last seven years both went to the Rose Bowl and won there. With a veteran team, pronounced the best in the East, Tennessee took a sound drubbing from Duke before 25,000 paying customers.

**Nov. 22, 1933**

Since I have gotten back I seem to have taken a new lease on studying and intellectual life. In and out of class I argue with Mr. Craven\* who deplores what he terms my 'crusader spirit.' That old iron man rather enjoys my futile attempts to badger him in Public Utilities. A small class makes a lot of discussion possible. As the only person in a class of seven who is not a deep-dyed conservative, Mr. Craven has only me to battle. Sometimes he lets fly at me as though I were the embodiment of all the spirit of liberalism and he usually walks off with a glorious victory. ...

Chief campus interest is centered about the Duke-Carolina classic which comes off tomorrow. ... Student enthusiasm results in a lot of noise until seven o'clock in the morning. Last night there seems to have been quite a to-do about the place. Carolina had a ram which they proposed to lead about the field tomorrow during halftime pulling a coffin in which Duke was to lie. Loyal Dukites last night went over to Chapel Hill, painted him Blue, Duke color. Also painted were Carolina's gym, stadium, etc. Carolina came back one hundred strong at five o'clock in the morning. A bit of Carolina-colored paint was slapped about the campus. However there was



no vandalism; that is to say, no painting of anything valuable. Duke is now in possession of Carolina's ram and most of the signs strewn about their campus imploring to beat Duke. Reports have all Chapel Hill ready to come to Duke tonight to keep up the battle. The result is a booming business for Durham fruit stores with rotten tomatoes going for twice the price of good tomatoes.

*\*Professor Leslie Craven was a leading specialist in utilities regulation.*

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**Jan. 16, 1934**

I don't think I've told you yet that the future of the Railroads in this country practically rests in my palm. You see, I'm working for the government. Mr. Roosevelt is the big noise and he has Mr. Eastman (federal coordinator of U.S. railroads) working for him; Mr. Eastman has Leslie Craven of the Duke Law faculty working for him drafting a comprehensive act; Mr. Craven has me working for him. It's a nice looking set-up but I'm afraid it pyramids rather sharply. ... All I seem to be needed for is a little hack work, digging up and briefing cases. But I have read Craven's comprehensive plan for the future of U.S. railroads. He is going to propose a radically new type of governmental control. All this is exceeding[ly] confidential. ... Only us big people in the know are informed as to what is coming off. So you'll see that I'm lugging government secrets about in my pockets.

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**April 14, 1934**

... Now as to what I have been doing. It makes me sore even to write about it. I've been writing a five or six page note for the faculty magazine called Law and Contemporary Problems. I will be the only student contributor in this issue. The issue is devoted to the entry of the federal government into the housing field. The authorities in the field are all contributing articles and I'll have my little note in the rear of the magazine. The magazine will have at least a 2 or three thousand circulation amongst all interested in slum

clearance and re-housing. My subject is one on which nothing has ever been written and which should be an important one. ... What I'm sore about is the fact that I've been up to all hours writing the damn thing since before Easter. Three nights in a row I worked until after two, one night getting to bed at five o'clock. The gentleman under whom I wrote it adamantly refused to give me a free hand in my writing. He constantly insisted on rewriting for reasons with which I was not in sympathy. So it won't be written as I wished it to be. ... but while I feel a certain pained dignity, it is nice to know that even my little note of five pages will be perused by quite a few people and that the subject on which I wrote looms large on the horizon. ... I'll send you a copy as soon as it comes out.

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**May 7, 1934**

I get sadder and sadder as graduation approaches. There are quite a few things that I hate to leave down here.

A bit of news: A wired request came in to Law & Contemporary Problems several weeks ago to reprint my note. The author graciously wired consent at the magazine's expense. So I'm on page 4 of the Real Estate and Builder's Guide or some such magazine that I never heard of. I sure would like to know just who rates those first three pages in that magazine. I believe there must have been some favoritism shown.

Here is a less juicy bit of news: I still have no job. Albeit my fading hopes have not yet definitely faded. I'm going to see the Dean and all his professors again this afternoon.

More bad news: I've been out of money for quite some while.

Good news: I got the nicest looking gabardine suit you could find at what my good friend who works in the haberdashery assures me was a real buy.

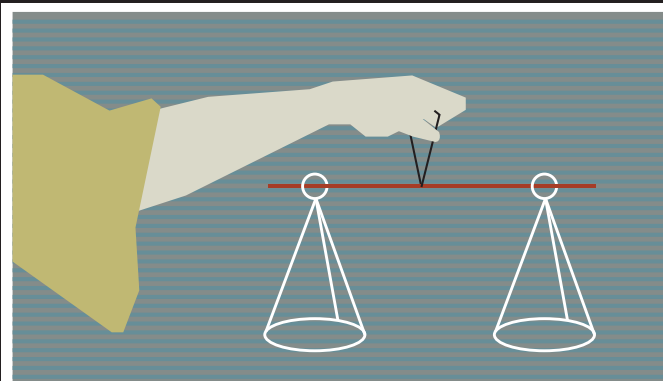
... Dad might as well resign himself to the fact that it will cost him the Bank of England to come down here [for graduation]. I only hope that I can get a job and stop costing him. ♡

Love from the Social Hound

P.S. I only have 8¢ now. Isn't that fine and dandy?

AFTER LAW SCHOOL, Robert Seaks negotiated power contracts for the Tennessee Valley Authority and served as assistant to the chairman of the Federal Communications Commission and as special assistant to Attorney General Tom Clark in the U.S. Justice Department. For the last 30 years of his career he specialized in regulatory work at Wheeler & Wheeler in Washington, D.C. Seaks died in 1992, at the age of 79. It was his dear friend and fellow World War II code-breaker, Justice John Paul Stevens, who reconnected Terry Seaks, now Professor of Economics, Emeritus at the University of North Carolina at Greensboro, with Duke Law when the justice spoke at Hooding 2012. Terry Seaks received his PhD in Economics at Duke University in 1972. ♡





# THE JUDGES' ROUNDTABLE

**F**IFTEEN JUDGES FROM U.S. FEDERAL AND STATE COURTS and two more jurists from Canada and Ghana, respectively, convened at Duke Law in mid-May for their second session of studies in the Master of Judicial Studies program. Their curriculum over four weeks included rigorous courses on the use of foreign law in U.S. courts; administrative law, national security and foreign relations law; accuracy and error in the criminal justice process; and problems in self-regulation, all taught by Duke Law faculty scholars. Chief Judge Edward Carnes of the U.S. Court of Appeals for the Eleventh Circuit and U.S. Supreme Court Associate Justice Antonin Scalia taught a master class on judicial writing.

The student-judges prepared for their capstone thesis projects through a course on research and design taught by Professors Jack Knight and Mitu Gulati, the faculty co-directors of the master's program, and through the Judges' Seminar, co-taught by Dean David F. Levi, Professor Francis McGovern, and Judge Lee Rosenthal of the U.S. District Court for the Southern District of Texas, along with distinguished guest lecturers. Having spent the first session of the Judges' Seminar examining different aspects of judging that apply to state and federal courts, trial and appellate judges, and civil and criminal cases, the judges delved more deeply into some of the problems they identified, suggesting solutions for improvement, and contemplating the future for judges, lawyers, public court systems, and parallel private dispute resolution systems.

As they approached the end of their time in residence at Duke Law — and prepared to start on their thesis research — three members of the class sat down with Levi, the former chief U.S. district judge for the Eastern District of California, to reflect on their experience in the Master of Judicial Studies program as well as some of the critical issues facing the U.S. judicial system. »



**Justice Eva Guzman** has served on the Supreme Court of Texas since 2009, after previously serving as an associate justice on the Texas Fourteenth Court of Appeals and as a trial court judge on the 309th Family District Court.



**Judge Philip M. Pro** has served on the U.S. District Court for the District of Nevada since July 1987 and served as chief judge for the District of Nevada from 2002 to 2007. He has recently taken senior status. He served as the U.S. magistrate judge for the District of Nevada from 1980 to 1987, and in 1993 was appointed chair of the Committee on the Administration of the Magistrate Judges System of the Judicial Conference of the United States by Chief Justice William Rehnquist.



**Justice Patricia Timmons-Goodson** is a recently retired associate justice of the North Carolina Supreme Court. She also has served as a N.C. District Court judge and on the N.C. Court of Appeals.



**Dean David F. Levi** served as chief U.S. district judge for the Eastern District of California before becoming dean in 2007.





“HOW DO WE, AS LEADERS IN THE JUDICIAL SYSTEM, ADDRESS THE NEEDS OF THE UNDER-SERVED IN OUR COMMUNITIES? HOW DO WE ENSURE THAT LITIGANTS IN THE CRIMINAL COURT SYSTEM HAVE ACCESS TO HIGHLY QUALIFIED LAWYERS?” — JUSTICE EVA GUZMAN

**Dean Levi:** What do you see from your own experience as the most pressing problems affecting or facing the courts, and how can law schools and professors be helpful to the courts?

**Justice Guzman:** I think one important overarching theme is protecting the legitimacy of the courts and our court system. The access-to-justice issues, for example — how do we, as leaders in the judicial system, address the needs of the under-served in our communities? How do we ensure that litigants in the criminal court system have access to highly qualified lawyers? And, how do we ensure our courts have interpreters that can help non-English-speaking folks?

Another issue is professionalism. As our profession changes, and as technology continues to advance, we face new challenges in maintaining and fostering professionalism. I read somewhere that a lawyer has taken to posting depositions on YouTube as a means of forcing settlements, if you will, from litigants. So as courts, how can we protect the legitimacy of the process and of the system, and what can we do as leaders in the judiciary to instill professionalism in every sense of the word?

**Judge Pro:** I agree with Eva’s concerns. In addition to the ever present issue of access, my view is understandably influenced by where I sit in the federal judiciary. I see the conditions over time becoming more difficult. Part of it is the resource limitation. We are suffering significant reductions in resources. And these are not limited to reductions of financial resources for staff and facilities and technology — those are awfully, awfully important and they’re very damaging over time to the fabric of the judiciary — but also the inability to obtain new judicial resources in a timely fashion. The very slow process of nomination and confirmation of new judges is taking its toll, and causing delay, which is also a factor of access to justice. It’s also pushing a great many litigants to alternative dispute resolution.

It’s hard to make a value judgment about that — whether that’s a good thing or a bad thing, they make their own decisions. But I see it as a really difficult issue for us, and it plays into the issue of access to justice as well.

**Justice Timmons-Goodson:** Absolutely. The business of our courts and the mission of our courts continue to be justice. That has not changed. And money — two different ways of looking at it — presents what may become an insurmountable problem, if we are not careful.

On the one hand, a lack of money. That goes into what you said, Phil, about it affecting our courts, the lack of sufficient funding of our courts. It’s been said over time that justice delayed is justice denied, and with many of our jurisdictions we are experiencing critical insufficiencies with regard to resources. We’ve all heard of courts having to reduce the number of hours in which they hold court, and that’s problematic. And so that works into Eva’s point about access to justice. If you have a case that’s not heard for a long time and you move over to alternative dispute resolution. Again, folks are delayed so they go over to the private source for justice. So that’s the problem that money is presenting on one hand.

Another problem is posed by the money that’s going into our judicial races. The problem is one of an overabundance of money, if you will. Again, it’s the corruptive, corrosive effect of large sums of money going into our judicial races. So I just see money as a problem.

**Pro:** Pat’s talking about an elective type of system and I was talking about an appointive system. But the failures or the difficulties are corrosive to both, I think, in terms of attracting people willing to undergo that process. Not that you won’t find people who desperately want to serve the public as judges in our federal or state courts. I hope that would never change.

**Levi:** Let’s assume that the conditions you point to are not going to change. There are not going to be significant new resources. Judges are going to continue to be elected in some fashion. Congress and the Senate and the president are going to continue to fight over nominations and appropriations. Hypothetically accept that it’s not changing any time soon. What do we do? Are there any good alternatives out there to expand the capacity of the system?

**Guzman:** Not all states elect their judges. Many don’t. And some have moved from systems of selecting their judges through election to retention elections. I think it’s important for judges to continue



**“YOU REACH A POINT, INEVITABLY, WHEN YOU’RE GOING TO DO *LESS* WITH *LESS* — WHEN YOU SIMPLY DON’T HAVE THE COURTROOMS, THE JUDGES, THE STAFF TO PROCESS THE CASES. BUT IT DOES FORCE US TO BE INNOVATIVE IN A VARIETY OF WAYS.” — JUDGE PHILIP M. PRO**



the dialogue to educate the public and to really raise public awareness about the judiciary, about the various methods of selecting judges, and to continue to raise awareness even in the bar about the impact of money, about the financing of elections. But if you are a judge in a system with elected judges, then you need to exercise this rule of law value — this norm — to protect the independence and the legitimacy of the courts. The judges themselves have to decide how they’re going to fit in to a system of elected judges. And it is important for the judge to always be concerned about the rule of law values that guide how we conduct ourselves as judges. We can’t take the money out of the system but we can change how *we* react to the money in the system.

**Timmons-Goodson:** In North Carolina we’ve long had elections and I don’t expect the people to relinquish that right to elect judges. What I was trying to highlight are the huge sums of money that have suddenly come into judicial races. Such has not always been the case. It results from changes in the law and procedure.

**Levi:** So that could change back. You’re making some good distinctions. There’s a distinction between having a restrained electoral system and a wide open, highly partisan, and expensive electoral system. And there is a difference between a retention election and one where the initial selection of the judge is by election. What other issues concern you?

**Timmons-Goodson:** There’s a great deal of anecdotal evidence that tells us that while, at one point, the poor could not afford legal services, now the rising costs of legal services are such that many within our middle class cannot afford access. That is something that we are going to have to address as a profession. And how we do that I don’t know, but I know that there are an awful lot of young lawyers coming out of school with a lot of debt and no jobs. And then you have a large number of individuals — middle-class individuals — who need legal services but cannot afford the hourly rate that’s currently being offered. Perhaps a resolution can come there. You have a demand and something can be done there.

**Pro:** Let me take it from the angle of the federal courts under the hypothetical that you pose, and it might not be hypothetical, it may be

the reality, David. This is not something that’s just happened, it’s happened over a period of time, and so if you’re dealt a bucket of lemons you make lemonade. You do the best that you can. For a long time we tried to do more with less. There were efficiencies that we would try to garner throughout the federal judiciary under the rubric of what’s called cost containment, consolidation, sharing administrative resources between the components of the judiciary. And these were things that worked: new uses of technology, the electronic case filing system, and the efficiencies that come with that which I think did allow us to do more with less.

However, you reach a point, inevitably, when you’re going to do *less* with *less* — when you simply don’t have the courtrooms, the judges, the staff to process the cases. But it does force us to be innovative in a variety of ways. One example, surely, is the continued evolution of the magistrate judges system. The reliance on adjuncts, components of the judiciary that don’t require the Article III nomination and confirmation process, can be used and expanded very fruitfully. Currently in some districts they’re being used to conduct court-annexed alternative dispute resolution in Title VII cases, prisoner cases, the ubiquitous settlement conferences, naturally, and drug courts, which are something to try and siphon off some of the criminal cases that might find their way into the court. As a former assistant U.S. attorney, I recognize that it may have an impact on the cases that are brought, how they’re triaged, which cases are going to be brought in the federal courts on the criminal side, just as it has an impact on the cases that parties elect to bring civilly. They divert to private ADR or maybe some sort of administrative avenue that’s available to them.

So I think there are things that we can all look to within our own shop and see how we can perhaps be more efficient. We really have no alternative.

Another aspect is reliance on our senior judge cadre. Now I’m a relatively new senior judge and I had illusions that I’d have a lot of spare time. And I find all of a sudden that there’s a lot going on. There’s a natural pressure, I think, on any of us, not to leave our active colleagues in the lurch, so you continue to do it. And you rely on that to a degree. But you can’t rely on that indefinitely. It’s an aging judiciary, and if we can’t fill judicial vacancies, it becomes more problematic.



“THERE’S A GREAT DEAL OF ANECDOTAL EVIDENCE THAT TELLS US THAT WHILE, AT ONE POINT, THE POOR COULD NOT AFFORD LEGAL SERVICES, NOW THE RISING COSTS OF LEGAL SERVICES ARE SUCH THAT MANY WITHIN OUR MIDDLE CLASS CANNOT AFFORD ACCESS. THAT IS SOMETHING THAT WE ARE GOING TO HAVE TO ADDRESS AS A PROFESSION.”

— JUSTICE PATRICIA TIMMONS-GOODSON

**Levi:** There does seem to be a point — Pat’s point — about a mismatch or a problem in the marketplace: You have young lawyers from some of the schools — not Duke, I am quick to say — who don’t have enough to do, or don’t have jobs, and then you have a lot of senior lawyers who probably will retire in their early 60s and who are tremendous advocates and mentors and probably would volunteer to sit pro tem in the state courts and try a civil case. And then we have this unmet need for lawyers and judges. If we could find out how to use these resources to address the need, might we make an impact on the problem of access and delay?

**Pro:** That is an area that I think needs to be explored more fully, not only by the courts. Perhaps the law schools could provide an interesting bridge.

**Levi:** Maybe we could have our own little court system here. Some of our alums who have retired could come back to sit as volunteer judges. Obviously we’d have to have the agreement of the parties and it would probably only work for civil cases.

**Pro:** Look at the clinical programs. There are lots of areas where law students and soon to be young lawyers have some mentoring opportunities, not only through faculty but also adjunct faculty who are those very practicing lawyers that you’re talking about. To the extent that you could develop programs that utilize some of those underused experienced lawyers to team up with your students or your recent graduates, I think that that’s one thing that might be very constructive and worth exploring.

**Levi:** What else do you think the schools can do?

**Guzman:** I think a great start is creating this world-class LLM program to help the judiciary understand the most pressing issues facing the profession, to engage in dialogue with colleagues from all over the world, and to really think about what we can do. You mentioned earlier the problems that will always be with us — the money, the limited resources. But I think just being in this setting and engaging in the dialogue and hearing from experts across a spectrum of fields

really expands our knowledge base, and we can take that back home and examine the challenges in our own jurisdictions from a different perspective. And it’s a perspective gleaned from many hours of engaging dialogue and lectures.

**Levi:** It’s thrilling for me to hear that. I think judges need opportunities for reflection and they often don’t get it.

**Pro:** That’s one of the reasons I signed up for this program: to keep myself challenged and energized and excited about what I was doing after so many years. So this program at Duke was made to order for someone like me and so many of my colleagues, I think, and fills a very important gap. You have to pause for reflection. With the technology we have, I’m still able to do my work each day. I’ll go back and be on the phone in a little while with my staff back home, and I conducted some hearings by phone yesterday so I am able to keep up. This opportunity to have the exchanges we’ve had now for two terms at Duke is simply invaluable in terms of putting what we do, what we’ve done, and what we’re going to do, in perspective.

**Timmons-Goodson:** Dean, I think that Duke has hit on just a tremendous notion and model. This two-year program is wonderful. But might there be something short of two years, as well, that you might be able to craft that will be a real benefit to states, picking up on Phil’s notion of being able to reflect. It seems to me that states should want a program that will permit their experienced judges reflective time and a bit of respite so as to recharge their batteries that will [thus] allow them to stay around longer. You know, you train judges and then some of them, sometimes just due to burnout, leave.

Anyway, I think you’ve hit on something and you just need to keep on thinking. There are a lot of benefits and other avenues that will stem from this. I think you would be able to render a very valuable service to the state and federal judiciary.

**Pro:** I’d add one thing to that — it’s a pet subject of mine — and that’s law-related education. I know Justice O’Connor, of course, is so active in this area and I have been since I was in law school. It’s a subject that I think gets too little attention, not only by the bar and

certainly by the judiciary, but also in our schools, unfortunately. We depend on the support of the public to be an independent judiciary. It's essential to maintaining a democracy and the rule of law. And when we have a public that's so uninformed about the legal system, it's very easy for them to pick up the popular cudgel that it's partisan and it's "Rs" and "Ds" and that's a simplistic explanation. They do not fully understand the role that the judiciary, whether it's elected or appointed, serves in our republic. We need to continually work on that.

**Levi:** Tell me what you're thinking about for your master's dissertation.

**Guzman:** Part of the purpose of this session was to get us to think seriously about our thesis topic. Jack and Mitu have done an excellent job of really making us think and reflect on this baseline idea that we have, and on developing it.

I have really been intrigued with the behavioral models and the judicial decision-making models and how much has been published on the subject. The public has perceptions about what we do as judges, we self-report about what we think we do as judges, and the studies suggest what others think we do as judges. And looking at that, I've decided to engage with the behavioral models.

Given that women now comprise about 30 percent of the judiciary — the '70s saw some women holding judgeships, the '80s really was a sea change, if you will, for the number of women in the profession. Here we are, 30-40 years later — how do women judges approach the issue of judicial opinion writing? A lot of the research has focused on outcomes. They look at an outcome in a case and they draw conclusions about ideology or any other number of variables. But I think that what is more telling about what actually happens in the case is the judicial opinion. So I will be examining judicial opinions from three different courts and looking at whether there are any gender influences. Do women write separately more? Do they write separately more frequently or less frequently when they sit on mixed-gender panels? I believe this research will be helpful to the dialogue because I think it may push back on some of the behavioral models. My thesis is currently in the very rough stages, but I find the subject fascinating and I'm going to engage with it.

Another thing that a lot of us are doing is interviewing other judges. Perhaps we are uniquely situated to have access to other judges and to have a more forthcoming dialogue. I'm anticipating that the interviews themselves will really inform the judicial decision-making models and, perhaps, again, push back on expectations. We've all discussed getting interviews to support our theses.

**Levi:** I think it's definitely true that you're in a great position to interview other judges. I bet you will get access and much more informative answers because they trust you and because they know you understand what it is like to be in their robes.

**Pro:** I'm working on something that is delicate, per se, but feeds into something we talked about earlier in terms of the future — particularly a future without particular resources — and that is the magistrate judges system.

There is precious little written, in academia, on the magistrate judges system. It didn't exist until the Federal Magistrates Act of

1968. I've written on it previously, back in the mid-'90s when I chaired the committee for the judicial conference that oversees that system. But I wanted to take a deeper look at how that system has progressed. It's an evolution becoming a revolution, in essence. Is there an optimum model for the utilization of magistrate judges? The growth in the number of consent proceedings that occur before the magistrate judges and the way those are occurring and perhaps why and where they're being utilized in that fashion. The method of selection of magistrate judges and bankruptcy judges is quite a bit different from that of the Article III judiciary.

None of the behavioral studies, even the most recent ones, take a serious look at the trial courts, let alone the magistrate judges within the trial courts. They'll just mention them in a footnote, in passing, saying, "This needs further study." I think the analysis thus far has been pretty shallow. I'd like to add to that and maybe provoke interest. After all, nearly 20 percent of the Article III judiciary is comprised of former magistrate judges. There are 167 former magistrate judges now or recently serving as Article III judges.

So I'm looking at whether there is an optimum model, given that all of these changes are taking place. Intuitively I'm expecting the answer would be "no." There needs to be flexibility in utilization of magistrates, given the divergent needs of the 94 districts and the structure of the magistrate judges' system which at its core includes that language from back in 1968 allowing assignment of such additional duties as are not inconsistent with the Constitution of the United States. But there are things that could be looked at that would improve their utilization.

I'm also considering examining the issue of the aging judge. It's a topic that needs to be on the table in the judiciary. People need to start confronting and dealing with it, or we're going to have more difficulties. And it's a very delicate issue.

If we, as a judiciary, don't address it in a constructive and compassionate way, we invite it being addressed by our colleagues in a separate branch. They will not do it as smoothly or as well or as compassionately or as thoughtfully as we will ourselves. And it's not just about the judge. It's really about, again, the institution of the judiciary and public confidence.

**Levi:** These are important issues. Pat?

**Timmons-Goodson:** Dean, my biggest challenge has been selecting a topic. There is so much of interest to me. I'm not sure this is where I'll end up, but I've started looking at decision-making on state courts of last resort, specifically with a focus on pragmatism.

State courts of last resort or state supreme courts are established by state constitutions and are the final arbiters of state law, and quite often it falls to them to address policy issues and questions. If they do that, might there be an argument to be made that they are judging pragmatically as they sit around the table and talk about consequences and implications for the future? That sure is fascinating to me. How is it that I'm going to establish that, I'm not quite sure. You're not in the conference room when the judges discuss their decisions. The only eye or window we have into judicial decision-making is the opinions. So can an argument be made that they demonstrate pragmatism or pragmatic judging?



## THE JUDGES' ROUNDTABLE

**Guzman:** A great source might be the amicus briefs, and even the lawyers' briefs that are filed on issues that tend to raise serious questions about how this rule will play out and the policy underlying the rule. And do the opinions track or express the arguments [in those briefs]? Sometimes they do. I know when we're dealing with some tough issues — environmental issues, issues relating to water in Texas, for example — we do get a lot of amicus briefs and they do make those arguments. They want us to consider them. And so to what extent can you glean from the opinions things that align with the amicus briefs?

**Timmons-Goodson:** What's fascinating to me is law. When you say, "the law," that you are deciding "the law," you can look at it narrowly or you can look at it broadly. And I think that state supreme courts, because that's my focus, we're often called upon to look at it broadly.


**Levi:** It would be very interesting to know if on balance state supreme courts take a different approach to judging than federal appellate judges or even U.S. Supreme Court justices.

**Pro:** Again, David, you are to be commended on this program.

**Guzman:** I think a defining feature of this program is the depth and the quality of the instruction. The fact that we got to hear from two U.S. Supreme Court justices — I'm thinking about my own background and I'm thinking, "You're in class, and Justice Scalia is your instructor," and the rigor that's associated with it. Whether you realize it or not, you're forcing us to go deep into the doctrines and deep into the cases and deep into the philosophical aspect of judging.

**Levi:** Thank you all. It is going to be a happy day when I get to award you your degree and welcome you into the ranks of the Duke Law alumni community. This program would not be so exciting and so successful without the caliber and dedication of this first class of remarkable judges. Thank you. ♫

"JUST BEING IN THIS SETTING AND ENGAGING IN THE DIALOGUE AND HEARING FROM EXPERTS ACROSS A SPECTRUM OF FIELDS REALLY EXPANDS OUR KNOWLEDGE BASE, AND WE CAN TAKE THAT BACK HOME AND EXAMINE THE CHALLENGES IN OUR OWN JURISDICTIONS FROM A DIFFERENT PERSPECTIVE. AND IT'S A PERSPECTIVE GLEANED FROM MANY HOURS OF ENGAGING DIALOGUE AND LECTURES." — JUSTICE EVA GUZMAN



Supreme Court Associate Justice Antonin Scalia taught a class on judicial writing to student judges in the Master of Judicial Studies LLM program in June. Front row, left to right: Judge James E. Hardin Jr.; Judge Robert Hunter; Justice Patricia Timmons-Goodson; Judge Donna Stroud; Judge Delissa Ridgway; Justice Dennis Adjei; Judge Robert E. Belanger; Justice Barbara Jackson; Center Coordinator Ann M. Yandian. Back row, left to right: Justice Eva Guzman; Judge Renee Cohn Jubelirer; Chief Justice Kem Thompson Frost; Judge George Hanks Jr.; Judge Philip Pro; Justice Marsha Erb; Judge Jon Ferguson; Judge Kevin A. Blazs; Center Director John K. Rabiej; Dean David F. Levi; Justice Antonin Scalia

# Faculty Focus



## Ernest A. Young FEDERALISM SCHOLAR CO-AUTHORS ARGUMENT AGAINST DOMA

**T**HE ISSUE OF SAME-SEX MARRIAGE is popularly seen as one that breaks along liberal and conservative lines. But don't suggest to Professor Ernest Young that there's something ironic about conservative legal scholars lining up against laws prohibiting gay marriage.

"How is that ironic?" asks Young, who co-authored the Brief of Federalism Scholars filed with the Supreme Court in *United States v. Windsor*, which urged the justices to strike down the Defense of Marriage Act, or DOMA. He points out that President Bill Clinton signed DOMA into law, and that President Barack Obama didn't come out in favor of gay marriage until the day after North Carolina passed a bitterly contested anti-gay marriage constitutional amendment.

"Neither party has been particularly good on this issue, but both parties include people, like Justice [Anthony] Kennedy, who have taken courageous stands for equality," says Young, the Alston & Bird Professor of Law, and a past recipient of the Federalist Society's Paul M. Bator Award.

In a majority opinion authored by Justice Kennedy and joined by Justices Ginsburg, Breyer, Sotomayor, and Kagan, the Court, in *Windsor*, struck down DOMA, one of the last rulings of the 2012-2013 term. Although Kennedy ultimately relied on the Due Process Clause of the Fifth Amendment for doing so, he emphasized the primary role of state law in defining who can marry. And he cited the Brief of Federalism Scholars in agreeing that DOMA imposed numerous

hardships on same-sex couples who are legally married under state law: "Under DOMA, same-sex married couples have their lives burdened, by reason of government decree, in visible and public ways," he wrote. "By its great reach, DOMA touches many aspects of married and family life, from the mundane to the profound."

Young wrote the brief with three attorneys at Robbins, Russell, Englert, Orseck, Untereiner & Sauber in Washington: partner Roy Englert Jr., a leading Supreme Court advocate, and associates Erin Blondel '09 and Carina Cuellar. They argue that DOMA, which Congress passed in 1996, was an unreasonable federal imposition on police powers traditionally reserved to the states. They note that nine states plus the District of Columbia issue same-sex marriage licenses, and another 12 confer a variety of more limited recognitions, and that a slight majority of Americans now approve of same-sex marriage.

These evolving social attitudes, the authors contended, represent the kind of incremental approach that the Framers of the Constitution intended the federal system to enable. "The Framers designed the federal system to allow States [the] freedom to experiment and to debate contentious policy issues," they wrote, citing a 2006 paper published by the libertarian Cato Institute.



## Faculty Focus

“DOMA is an unprecedented federal intervention into this debate,” the brief states. “For the first time, Congress has created an across-the-board federal-marital status that exists independently from, and in some cases conflicts with, States’ marital-status determinations.”

The conflicts between state and federal jurisdictions are more than theoretical, the authors wrote, pointing out that DOMA’s blanket definition of marriage affected more than 1,100 federal statutes, a regulatory approach they compared to a sawed-off shotgun.

In his opinion, Kennedy mentioned these federal statutes (but not the shotgun).

Although the majority relied on a theory that mixed federalism and equal protection concerns, both Young and Blondel say that the brief plainly influenced the Court. In an essay in the Cato Institute’s 2013 *Supreme*

*Court Review*, they state that Kennedy’s opinion “left little doubt that federalism principles were crucial to the result. DOMA was unconstitutional not simply because it treated gay and straight couples unequally but because it intruded on the states’ sovereign authority to define marriage for themselves.” They call Kennedy’s reasoning “not only coherent but brilliant — the best explanation yet of how federalism and equality doctrine intersect.”

Clearly delighted that their brief was singled out in the majority opinion — after garnering considerable media attention prior to the March oral argument in *Windsor* — Blondel acknowledges that, as a practical matter, it really had a primary audience of one: Justice Kennedy. (Or, as Young joked during a Duke Law panel last March, “the guy with ‘5’ tattooed on his forehead.”)



Erin Blondel '09

“Everyone knew [Kennedy] was the swing vote,” Blondel says, “but we wondered if the other conservatives would agree with the federalism argument. They didn’t, but we thought that was a possibility.”

“We thought carefully about what Justice Kennedy had written in other gay rights cases and what he might find persuasive here.”

Young says that in the annals of gay liberation, Kennedy will go down as a major figure.

“If you want to point to people who’ve done the most for gay rights over the past 20 years or so, he’s right up there,” Young says. “I was clerking [for Justice David Souter] the year of *Romer v. Evans* [1996], which was the first Kennedy opinion that started to turn the tide. The Clinton administration didn’t even file a brief.” Kennedy went on to write the majority opinion in *Lawrence v. Texas* (2003).

In the Brief of Federalism Scholars’ concluding passages, Young offered something like a manifesto for state sovereignty, subject to Fourteenth Amendment constraints: “If States are permitted to fix family status with certainty, then same-sex couples can either hold the state officials responsible for that decision to account through ordinary political processes or move to a more congenial jurisdiction.”

Young concluded by acknowledging that this state-first approach is “somewhat messy,” but it is the best constitutional option for muddling toward social consensus.

He admits, however, that this may not provide much comfort to gay couples unlucky enough to live in one of the states that expressly prohibit same-sex marriage.

“If I were a same-sex couple that wanted to get married, I would not have a whole lot of patience for that,” he says. “I would have a plausible argument that simply as a matter of individual rights and equal protection, I should be able to marry the partner of my choice.”

“But I don’t think we have a social consensus quite yet. And I don’t think the courts are ready for an equal protection ruling [on state laws]. And federalism is a way to work this out.” ♣ — David Fellerath

## Duke scholars informing the Supreme Court’s opinion

In the past term, the Supreme Court cited Professor Curtis Bradley’s 2002 article “The Alien Tort Statute and Article III,” 42 *Virginia Journal of International Law*, in its opinion in *Kiobel v. Royal Dutch Petroleum Co.*, which limited the reach of the Alien Tort Statute to hold foreign corporations and people accountable in U.S. courts for human-rights abuses abroad. Bradley is the William Van Alstyne Professor of Law and Professor of Public Policy Studies and Senior Associate Dean for Faculty & Research.

Deborah DeMott, the David F. Cavers Professor of Law, who served as the sole reporter for the American Law Institute’s Restatement (Third) of Agency, found the work prominently cited in the Court’s rulings in *Hollingsworth v. Perry* and *Vance v. Ball State University*, both issued during the last week of the term. In his majority opinion in *Hollingsworth*, Chief Justice John Roberts quoted the Restatement in his reasoning in defining the essential elements of the agency relationship and, on that basis, rejecting the petitioners’ standing to bring the appeal. In doing so, he cited the amicus brief filed by Walter Dellinger, the Douglas B. Maggs Professor Emeritus of Law, in support of the respondents on the issue of standing.

Laurence Helfer, the Harry R. Chadwick, Sr. Professor of Law and co-director of Duke’s Center for International and Comparative Law, co-authored an amicus brief filed in *Hollingsworth v. Perry*. The brief cited foreign and comparative law supporting the legality of same-sex marriage in support of an effort to repeal California’s Proposition 8, a ban on same-sex marriage.

Professor Stephen Sachs featured prominently in one of the first cases argued before the Court in its current term, *Atlantic Marine v. U.S. District Court*. The justices issued an order on Sept. 30 instructing the parties to “be prepared to address at oral argument the arguments raised in the brief of Professor Stephen E. Sachs as amicus curiae in support of neither party.” Sachs, whose brief argued that both parties were presenting flawed arguments to the Court on a complex question of civil procedure, was mentioned by name more than a dozen times by the justices and the lawyers during the Oct. 9 oral arguments in the case. ♣



Stephen Sachs



## New scholars build on faculty strength

**D**UKE LAW HAS RECENTLY completed a remarkable hiring year during which seven scholars were recruited to the governing faculty. Along with Mathew McCubbins and Marin Levy, who were recruited last fall, Darrell Miller, Jayne Huckerby, and Elisabeth de Fontenay expand faculty depth in such areas as civil procedure, judicial administration, financial markets, constitutional law and history, and human rights advocacy. Sarah Sternberg Greene and Taisu Zhang will join the faculty in 2014. Greene is an interdisciplinary empirical

scholar whose interests span bankruptcy, commercial law, contracts, tax, poverty, and health law, and Zhang, who is currently a visiting assistant professor, is a scholar of comparative legal history.

“Our success in attracting top scholars, the most promising new academics, and the most creative and accomplished clinicians, reflects the existing strengths of our faculty and our senior scholars’ commitment to the development of new colleagues,” said Dean David F. Levi. ♣



### Darrell Miller

#### SCHOLAR OF CONSTITUTIONAL LAW, CIVIL RIGHTS, AND CIVIL PROCEDURE

**D**ARRELL MILLER, a prolific scholar of civil rights, constitutional law, civil procedure, and legal history came to Duke Law in July from the University of Cincinnati College of Law. He was a visiting professor at Duke during the spring 2012 semester.

“Darrell Miller is a young scholar who is bringing new insights to our understanding of the Second and the Thirteenth Amendments,” said Dean David F. Levi. “As our students and faculty discovered last year, he is a wonderful professor, colleague, and teacher. He has a distinguished academic career, including selection as

a Marshall Scholar, and a significant time in practice, which he draws upon to the benefit of his students, teaching, and scholarship. He is a terrific addition to our distinguished public law faculty.”

For his part, Miller said it was the opportunity to join that group that drew him to Duke. “It’s a fabulous faculty and an incredible public law faculty,” he said.

Before entering the academy, Miller practiced for five years with Vorys, Sater, Seymour and Pease in Columbus, Ohio, where he specialized in complex and appellate litigation. A *cum laude* graduate of Harvard Law

Photo: Karyn Hlad

## Faculty Focus

School, he served as notes editor for the *Harvard Law Review*, and went on to clerk for Judge R. Guy Cole Jr. of the U.S. Court of Appeals for the Sixth Circuit. In addition to his law degree, Miller holds degrees from Oxford University and Anderson University.

Miller was honored by University of Cincinnati law students in 2009 and 2010 with the Goldman Teaching Excellence Award. In 2011, he received the College of Law's Harold C. Schott Scholarship Award recognizing outstanding research and scholarly achievement. His Schott Scholarship Award Lecture was titled "The Second Amendment in Theory and Practice," touching on one broad focus of his scholarly agenda.

In a series of influential articles — "Text, History, and Tradition: What the Seventh Amendment Can Teach Us About the Second," "Guns as Smut: Defending the Home-Bound Second Amendment," and "Guns, Inc.: *Citizens United*, *McDonald*, and the Future of Corporate Constitutional Rights" — Miller has

*"Darrell's scholarship directly addresses the central debates in Second Amendment law and scholarship."*

— Professor Joseph Blocher

addressed various aspects of the Second Amendment's construction and implementation, probing the scope of and questions left unresolved by the Supreme Court's rulings in *District of Columbia v. Heller* and *McDonald v. City of Chicago*. "Text, History, and Tradition," published in the *Yale Law Journal*, was cited in recent hearings before the Senate Judiciary Committee on proposed gun regulation. Justice John Paul Stevens cited "Guns as Smut," published in the *Columbia Law Review*, with approval in his *McDonald* dissent.

"Darrell's scholarship directly addresses the central debates in Second Amendment law and scholarship. No one who is interested in the constitutionality of gun control can afford to ignore his work," said Professor Joseph Blocher, a constitutional scholar who also has focused on the Second Amendment.

Miller's body of Thirteenth Amendment scholarship also explores themes of public and private collective action, the common law, history, race, and tradition in interpreting constitutional text. And in the area of civil procedure, Miller has written about the role of empathy and the judicial function.

Miller credits his background in practice with making him a better teacher of Civil Procedure.

"Understanding what the rules say is one thing. Understanding how the rules interact with client and lawyer behavior is quite another," he said. "Practicing at all sorts of different levels in state and federal courts has given me a perspective on the mechanics of the rules and what the rules can and cannot do in terms of shaping litigation and shaping behavior of the litigants, lawyers, and judges." ♡

## Elisabeth de Fontenay EMERGING SCHOLAR OF CORPORATE LAW, FINANCE, AND FINANCIAL INSTITUTIONS

ELISABETH de FONTENAY, an emerging scholar of corporate law, corporate finance, and financial institutions, has joined the governing faculty as an associate professor of law. She had served as a Climenko Fellow and lecturer in law at Harvard Law School since 2011, entering the academy after more than six years of practice at Ropes & Gray in Boston, where she specialized in mergers and acquisitions and debt financing.

"It is wonderful to welcome a young scholar of Professor de Fontenay's caliber to Duke Law School," said Dean David F. Levi. "She joins an already strong group of business and entrepreneurship faculty and bolsters our presence in the study of financial markets and business entities while teaching courses that are at the heart of our business law curriculum. Our students will greatly benefit from her as a teacher and mentor."

"Elisabeth is a stunning recruit for the Law School," said James Cox, the Brainerd Currie Professor of Law. "Her years of transactional experience situated her at the frontiers of highly unregulated, but increasingly important, spaces of corporate debt markets. She has worked in the area on matters of taxation, corporate finance, and private equity. This experience and her sheer intelligence will assure great success in the classroom and as a top scholar."

de Fontenay received her BA, *summa cum laude*, in economics from Princeton University, where she was a two-time All-American rugby player. She received her JD, *magna cum laude*, from Harvard Law School, where she was an editor of the *Journal on Legislation* and provided tax preparation assistance to lower-income citizens. She always planned a career in academia but wanted to ground her scholarship in practice, she said.

"I stayed in practice far longer than I intended because it was so much fun. It was a very exciting time to be in practice, spanning the 2005-2006 'boom' period followed by the financial crisis and recovery. Since I was doing a lot of debt work, it was as busy — or possibly busier — when everything started collapsing and had to be restructured."

Practicing taught her that theory can depart "quite substantially" from reality, leading her to favor a bottom-up approach in her research, she said. "Now I try to get the facts on the ground and see what the actual parties are doing in the financial markets and build back up from that."

That is the approach de Fontenay took in her current project and forthcoming paper, which posits that private equity firms create value by acting as gatekeepers in the debt markets, not just by offering corporate governance advantages. The project was sparked by her obser-





## Jayne Huckerby PROMINENT INTERNATIONAL HUMAN RIGHTS ADVOCATE WILL HEAD NEW CLINIC

**J**AYNE HUCKERBY, a prominent human rights lawyer, advocate, and teacher, has joined the faculty as an associate clinical professor of law and director of the International Human Rights Clinic, which will welcome its first class in the spring 2014 semester. (Read more, Page 2.)

“Jayne Huckerby is the perfect person to develop the International Human Rights Clinic,” said Dean David F. Levi. “She is highly regarded both as a practitioner and as a teacher. She is dedicated to her work and to her students.”

A native of Sydney, Australia, Huckerby received her LLB from the University of Sydney in 2002, with first class honors. She attended NYU as a Vanderbilt Scholar, focusing her LLM studies on human rights and international law. Huckerby was awarded the David H. Moses Memorial prize on graduating first in her LLM class of nearly 400 students. She was also graduate editor on the *Journal of International Law and Politics*, and an International Law and Human Rights Fellow at the U.N. High Commissioner for Refugees in Geneva, Switzerland.

After serving as a human rights officer with the International Service for Human Rights in Geneva, Huckerby joined the Center for Human Rights and Global Justice at NYU Law in 2005, serving as its research director from 2006 to 2011 and also teaching in NYU’s International Human Rights Clinic and Global Justice Clinic. She most recently served as a human rights adviser to U.N. Women — the United Nations Entity for Gender Equality and the Empowerment of Women.

Over the past decade, Huckerby has orchestrated cutting-edge human rights research and advocacy in the areas of gender and human rights, constitution-making, national security, human trafficking, transitional justice, and human rights in U.S. foreign policy. She has led multiple fieldwork investigations, provided capacity-building to civil society and governments in five regions, and frequently served as a human rights law expert to international governments and NGOs, including the International Center for Transitional Justice and the Global Alliance Against Traffic in Women. She also has extensive domestic, regional, and international litigation and advocacy experience. She has written and co-authored numerous articles, book chapters, and human rights reports, and is most recently the editor, with Margaret L. Satterthwaite, of *Gender, National Security, and Counter-Terrorism: Human Rights Perspectives* (Routledge, 2012).

“Jayne is an experienced and dedicated human rights lawyer and a talented and passionate teacher,” said Laurence R. Helfer, the Harry R. Chadwick, Sr. Professor of Law and a scholar of international law and human rights. “She has partnered with a broad range of international organizations, legal experts, governments, and NGOs. She has drafted or helped prepare research and fact-finding reports based on more than a dozen country missions and investigations with law students and lawyers. She has done path-breaking scholarship on human rights and gender in the context of counter-terrorism. Jayne will be a tremendous addition to our community and an invaluable resource for our students.”

Huckerby, who is teaching International Human Rights Advocacy in the fall semester, said she is pleased by the level of institutional support and student interest at Duke, and the collaborative spirit she found within the Law School and across the university.

“This is a pivotal moment to enhance experiential learning in human rights at Duke Law,” she said. “The Law School has a rich tradition of international and comparative law scholarship and I look forward to complementing those strengths by developing a range of curricular and extra-curricular opportunities for human rights practice that draw upon Duke’s distinctive focus on interdisciplinary learning.” ♡



*“[Elisabeth’s] years of transactional experience situated her at the frontiers of highly unregulated, but increasingly important, spaces of corporate debt markets.”*

— Professor James Cox

vation that her private equity clients were able to get “astonishingly favorable” terms in the debt markets. Her theory: As repeat players in the debt markets, they establish reputations with lenders. Applying a repeated-game model to her hypothesis, among other analytical methods, de Fontenay demonstrated that private equity firms indeed offer their portfolio companies a borrowing advantage. Her forthcoming paper is titled “Private Equity Firms as Gatekeepers.”

de Fontenay is focusing her broader research agenda on the least regulated areas of the financial markets. “I am interested in finding out how private actors solve problems without regulatory intervention and whether that actually works,” she said. “I am interested in trying to figure out what conditions favor a hands-off approach, and what conditions demand regulatory attention.” ♡



# Four scholars receive distinguished professorships

**P**ROFESSORS Lawrence Baxter, Jedediah Purdy, Barak Richman, and Neil Siegel have been honored with Distinguished Chair awards from Duke University. Each is the inaugural recipient of his distinguished professorship, which took effect on July 1.



### Baxter named William B. McGuire Professor of the Practice of Law

Lawrence Baxter focuses his teaching and scholarly research on the evolving regulatory environment for financial services and beyond. A tenured faculty member at Duke Law from 1986 to 1995, Baxter rejoined the faculty in 2009 as a visiting professor of the practice of law after serving in executive positions at Wachovia Bank, first as special counsel for Strategic Development and later as corporate executive vice president, founding Wachovia's Emerging Businesses and Insurance Group and eBusiness Group. He served as chief eCommerce officer for Wachovia Corporation from 2001 to 2006. Named a professor of the practice of law in 2010, Baxter teaches courses relating to domestic and international banking regulation, law, business practice, and public policy at Duke Law and in the Duke in D.C. program.

Established in 2011, the McGuire professorship is designated for an academic who also has a distinguished career in practice. McGuire, who died in 2012, was a 1933

Duke Law graduate and the president of Duke Power Company from 1959 to 1971. He served as a trustee of The Duke Endowment and as a director of Duke Power Company, the Charlotte Branch of the Federal Reserve Board, the Edison Electric Institute, and the Research Triangle Foundation among other leadership positions for corporate and nonprofit institutions. A devoted alumnus, he also served in multiple leadership positions at Duke Law School and Duke University.

"William McGuire was one of a group of legendary North Carolinians who exemplified the very best in corporate leadership: a willingness to take bold action while always remaining humble and concerned for the welfare of his fellow citizens," said Baxter. "He exemplified the very best a lawyer could offer, using the skills that come from a legal education to enrich not only law but also business and society in general, a role to which I have tried to aspire." ♣



### Purdy receives the Robinson O. Everett Professorship

Jedediah Purdy, who teaches in the areas of constitutional law, property, and environmental law, is a prolific legal scholar and essayist on the role of public values in economic life, particularly the reform of property regimes. He also writes on environmental issues, constitutional law, and U.S. politics. He is the author of five books: *For Common Things: Irony, Trust, and Commitment in America Today* (Knopf, 1999); *Being America: Liberty, Commerce and Violence in an American World* (Knopf, 2003); *A Tolerable Anarchy: Rebels, Reactionaries, and the Making of American Freedom* (Knopf, 2009); and *The Meaning of Property: Freedom, Community and the Legal Imagination* (Yale University Press, 2010). *After Nature: Living in the Anthropocene* is forthcoming from Harvard University Press. Purdy won the Duke Bar Association's Distinguished Teaching Award in 2008.

The Everett Professorship honors the late Professor Robinson O. Everett LL.M. '59 who taught at Duke for more than 51 years. He inspired thousands of Duke Law students and alumni with his kindness, his ser-

vice to the law and to the legal profession, and his devotion to Duke Law School. A former chief judge and senior judge of the United States Court of Appeals for the Armed Forces, Everett was a leading authority on military law and justice. The professorship in his name, which was established with support from The Duke Endowment's Strategic Faculty Initiative, as well as from Everett's friends and family, is designated for a legal scholar who also engages in undergraduate teaching at Duke.

"Robbie Everett always struck me as having a palpable kindness and joy in life, and both of these qualities came through amply in the ways people remembered him at his memorial service at the Law School a few years ago," said Purdy. "This chair involves working actively on building bridges between the Law School and the undergraduates on the one hand, the Law School and the graduate programs on the other. This is incredibly exciting to me." ♣

To qualify for chairs at Duke, faculty members must have amassed substantial records of intellectual achievement and made outstanding contributions to their fields' practices or applications.

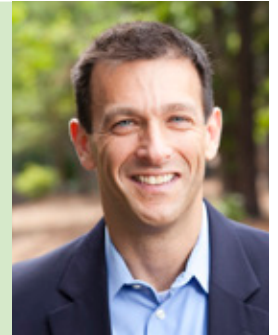
## Richman receives the Edgar P. and Elizabeth C. Bartlett Professorship

Barak Richman's primary research interests include the economics of contracting, new institutional economics, antitrust, and health care policy. His interdisciplinary work has been published in leading law journals, as well as such publications as the *New England Journal of Medicine*, the *Journal of the American Medical Association*, and *Health Affairs*. In 2006, he co-edited, with Professor Clark Havighurst, a symposium volume of *Law and Contemporary Problems* entitled "Who Pays? Who Benefits? Distributional Issues in Health Care." His book, *Stateless Commerce*, will be published by Harvard University Press.

Also a professor of business administration, Richman serves on the faculty of the Health Sector Management Program at Duke's Fuqua School of Business and is a senior fellow at the Kenan Institute for Ethics. He received the Duke Bar Association's Distinguished Teaching Award in 2010.

The Edgar P. and Elizabeth C. Bartlett Professorship was established by Duke Law School alumni, faculty, and friends to honor Professor Katharine T. Bartlett's service as dean of the Law School from 2000 to 2007, as well as her distinguished scholarship. Named for her parents, the professorship will become the Katharine T. Bartlett Professorship on her retirement from the faculty. Bartlett is the A. Kenneth Pye Professor of Law and a scholar of family law, employment discrimination law, and gender and law.

"I am deeply honored and humbled to have the name 'Bartlett' attached to the title of this professorship. Kate was the dean who hired me, mentored me, and exemplified for me much of what it means to be a scholar and a university citizen," said Richman. "This is a title I feel I will have to work to grow into." ♡



## Siegel named David W. Ichel Professor of Law

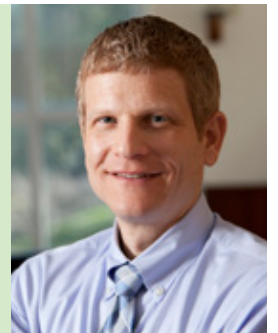
Neil Siegel, who holds a joint appointment in Duke University's Department of Political Science, serves as co-director of the Program in Public Law and director of the D.C. Summer Institute in Law and Policy. His scholarship examines the constitutional structure of American federalism; the constitutional principles governing claims of racial and sex inequality; and the dialectical relationship between constitutional politics and constitutional law. His work on the constitutionality of the Patient Protection and Affordable Care Act has been front and center in the litigation over the law.

The professorship was established in 2010 by Ichel '78 and his wife, Jan; the couple's gift was matched by funds from The Duke Endowment's Strategic Faculty Initiative. Ichel, a partner at Simpson Thacher & Bartlett in New York whose practice focuses on a wide range of complex commercial litigation, chairs the Law

School's Board of Visitors. He also received his undergraduate degree at Duke.

"I would be honored to receive any chair, but this one is special to me," said Siegel. "David Ichel is a great lawyer and a true friend of Duke Law School. We both went to Duke for college, and we both majored in political science here.

"In my student days, it was the best of times and it was the worst of times. It was the best of times in part because the men's basketball team was in the national championship game four times in five years and won it twice. It was the worst of times because I wanted to take classes taught by the likes of William Van Alstyne but I had no access to the law faculty. I am thrilled that the Ichel chair will enable me to teach undergraduates in addition to law students on a regular basis." ♡



## Faculty Focus

### DAVIS IN RESIDENCE AS JOHN HOPE FRANKLIN VISITING PROFESSOR OF AMERICAN LEGAL HISTORY

**A**DRIENNE DAVIS is visiting Duke Law in the fall 2013 semester from Washington University in St. Louis, where she is Vice Provost and the William M. Van Cleve Professor of Law. As the John Hope Franklin Visiting Professor of American Legal History, she is teaching a class titled Law and Slavery.

Davis is renowned for her scholarship and teaching on gender and race relations, theories of justice and reparations, feminist legal theory, and law and popular culture. She has written extensively on the gendered and private law dimensions of American slavery and is the co-editor of the book *Privilege Revealed: How Invisible Preference Undermines America* (NYU Press, 1996), as well as numerous articles and book chapters.

"It is wonderful to see John Hope Franklin's legacy of scholarship and inspirational teaching live on through the professorship in his name and through such distinguished legal historians as Adrienne Davis," said Dean

David F. Levi. "Our students and faculty are fortunate to have her with us this semester as the John Hope Franklin visiting professor."

A Distinguished Lecturer for the Organization of American Historians, Davis directs the Black Sexual Economies Project at Washington University's Center for the Interdisciplinary Study of Work and Social Capital. She also founded and co-directs the Law, Identity & Culture Initiative.

Davis is the past recipient of a Bellagio Fellowship from the Rockefeller Foundation and two research grants from the Ford Foundation on such topics as black women and labor, and women, slavery, sexuality, and religion. She is past chair of the Law and Humanities Section of the Association of American Law Schools and served on the editorial boards of several prestigious journals. She clerked for Judge A. Leon Higginbotham Jr., of the U.S. Court of Appeals for the Third Circuit. ♣



Professor Adrienne Davis

### WARD '09 NAMED DIRECTOR OF START-UP VENTURES CLINIC

**A**FTER THREE SUCCESSFUL YEARS providing legal assistance to start-up entrepreneurial ventures, Duke Law's Start-Up Ventures Clinic is moving forward under the leadership of Jeff Ward '09. Ward, a former supervising attorney of the Law School's Community Enterprise Clinic, has advised small businesses, start-up entities, and corporate clients over the course of his career. He began serving as clinic director in July.

The clinic, founded in 2011, offers students an experience that combines the Law School's commitment to entrepreneurial education with a chance to gain valuable practical training. Clinic clients are seed and early stage ventures that have not yet raised significant amounts of outside capital. Students work on a variety of legal matters including new entity formation, founder equity and vesting, shareholder agreements, intellectual property assignment and licensing agreements, and other issues that new enterprises face in their start-up phase.

Jeff Ward '09, director,  
Start-Up Ventures Clinic



Kip Johnson '94, who directed the clinic through its launch phase, continues to teach courses in the Law and Entrepreneurship curriculum, mentor students, and advise on enriching the business law offerings at the school.

"The Start-Up Clinic has been a great success, and we could not have gotten to this point without Kip," said Clinical Professor Andrew Foster, director of the Duke Legal Clinics. "I thank him deeply for his leadership in this work. And because of the range of his experience, and because of his enthusiasm and leadership, I think Jeff Ward is the right person to continue the success of the clinic."

After earning a JD/LLM in International and Comparative Law from Duke Law School, where he graduated *magna cum laude* and Order of the Coif, Ward served as a Public Interest Law Initiative (PILI) Fellow at the Community Economic Development Law Project of the Chicago Lawyers' Committee for Civil Rights Under Law, Inc. He counseled small businesses and nonprofit organizations regarding corporate structure, intellectual property matters, real estate transactions, personnel and employment issues, and contractual matters, and, in partnership with the City of Chicago Department of Business Affairs, he provided legal and planning advice to start-up entrepreneurs.

As an associate with the Chicago office of Latham & Watkins, Ward focused on mergers and acquisitions and capital markets transactions.

Upon his return to Duke Law, Ward worked as supervising attorney for the Community Enterprise Clinic, where he supervised projects for entrepreneurial clients and organizations devoted to community economic development. He also maintains his own law practice, counseling start-ups and offering corporate and transactional legal services to for-profit and nonprofit business entities.

Students who have participated in the clinic have worked with a wide variety of clients, many of them from the Research Triangle, which is a hub for entrepreneurship. Ward's goal is to fully integrate the Start-Up Ventures Clinic into "the innovation ecology" at Duke and in the Triangle, he said.

"Eventually, I'd hope for the state of North Carolina to count the clinic among its most valuable resources for energetic entrepreneurs." ♣





Professor Stuart Benjamin, left

## BENJAMIN TESTIFIES ON FCC REFORM BEFORE HOUSE COMMERCE SUBCOMMITTEE

**S**TUART BENJAMIN, the Douglas B. Maggs Professor of Law and co-director of the Duke Law Center for Innovation Policy, addressed proposals to reform Federal Communications Commission (FCC) procedures during testimony on Capitol Hill on July 11.

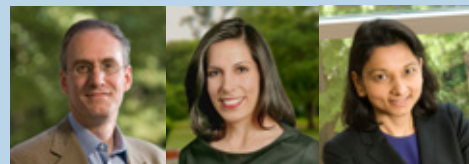
Benjamin, an expert in telecommunications law, administrative law, and the First Amendment, testified before the House Commerce Subcommittee on Communications and Technology, which is considering legislative reforms of FCC processes.

From 2009 to 2011, Benjamin served as the inaugural Distinguished Scholar at the FCC. He is the co-author of *Telecommunications Law and Policy* (Carolina Academic Press, 3d ed., 2012), a leading casebook, as well as numerous scholarly articles.

Saying that he shares many of the concerns that underlie the reform proposals in question as well as some of the proposed changes to agency processes, he expressed his reservations about the bill as drafted, addressing matters relating to merger review, the FCC's rulemaking process, reductions in the powers of the chairman, and, in this excerpt, litigation.

"The bill will create many new standards that are subject to judicial review and that lack either agency or judicial precedents. Each of the new requirements in § 13(a), for example, creates a basis for a legal challenge beyond the existing ability to challenge the rule itself. This will likely open the door to years of litigation and uncertainty. And limiting the new standards to the FCC will increase this period of uncertainty. With new standards applicable to only one agency, establishing a set of agency practices and set of judicial standards will take many years.

"Particularly unfortunate, in my view, is the invitation to litigation and unpredictability where other options are available. ... I support cost-benefit analysis of all proposed regulations, including FCC regulations. The Office of Information and Regulatory Affairs (OIRA) currently performs such analysis for executive agencies' proposed regulations, using standards similar to those in the bill. OIRA thus specializes in cost-benefit review and engages in it routinely. ... Rather than build on these practices, the bill directs the FCC itself to undertake the cost-benefit analysis, and it opens the door to judicial review of such analysis. This greatly reduces predictability and confers little benefit. In my view, an approach like that in the Independent Agency Regulatory Analysis Act from the 112th Congress (S. 3468), authorizing OIRA review of independent agencies' proposed regulations, makes much more sense." ♣



## BRADLEY, FARAHANY, AND RAI ELECTED TO ALI

**P**ROFESSORS Curtis Bradley, Nita Farahany, and Arti Rai have been elected to membership in the American Law Institute (ALI).

Bradley is the William Van Alstyne Professor of Law, Professor of Public Policy Studies, and Senior Associate Dean for Faculty & Research, whose scholarly expertise spans the areas of constitutional law, international law, and foreign relations law. He currently serves as a Reporter on the ALI's Fourth Restatement of The Foreign Relations Law of the United States. His latest book, *International Law in the U.S. Legal System* (Oxford University Press, 2013), was recently the focus of a weeklong *Opinio Juris* online symposium.

Farahany is a leading scholar on the ethical, legal, and social implications of biosciences and emerging technologies, particularly those related to neuroscience and behavioral genetics. She holds a joint appointment in Duke University's Institute for Genome Sciences & Policy, where she directs a new initiative in science and society that includes all activities in the IGSP pertaining to genome ethics, law, and policy, and a secondary appointment in the Department of Philosophy. She has served on the Presidential Commission for the Study of Bioethical Issues since 2010. In March, Farahany received the Federalist Society's Paul M. Bator Award, which honors an academic under the age of 40 who has demonstrated excellence in legal scholarship, a commitment to teaching, and a concern for students, and who has made a significant public impact. She also was featured, in September, in the PBS documentary series on neuroscience and law, "Brains on Trial," hosted by actor and science journalist Alan Alda.

Rai, the Elvin R. Latty Professor of Law, is an internationally recognized expert in intellectual property law, administrative law, and health policy. From 2009 to 2010, she served as the administrator of the Office of External Affairs at the U.S. Patent and Trademark Office (USPTO), leading policy analysis of the patent reform legislation that ultimately became the America Invents Act, and working to establish the USPTO's Office of the Chief Economist. Rai co-directs the new Center for Innovation Policy at Duke Law School. ♣



#### LONGEST HONORED AS WATER CONSERVATION ALL-STAR

**C**LINICAL PROFESSOR Ryke Longest was honored by the North Carolina Wildlife Federation with its 2013 Governor's Conservation Achievement Award for Water Conservation in September. "As professor of water resources law at Duke University and director of Duke's Environmental Law and Policy Clinic, Longest shapes conversations about water issues from uranium mining to water quality permits to brownfield contamination," the federation said in a statement. ♪

#### LEMOS HONORED BY DBA WITH DISTINGUISHED TEACHING AWARD

**T**HE DUKE BAR ASSOCIATION honored Professor Margaret Lemos with its Distinguished Teaching Award in April. DBA President Ruben Henriquez '14 read excerpts from Lemos' nominations in presenting the award: "Every day she is on top of things, and is incredibly sharp. The entire class stays engaged. She also makes the material incredibly interesting, and is not afraid to interject her own opinion from time to time regarding cases we are discussing. I could not recommend taking a class with her highly enough."

Lemos, a scholar of constitutional law and legal institutions who teaches Civil Procedure and courses relating to legislation and statutory interpretation, came to Duke Law in 2011 from the Benjamin N. Cardozo School of Law where she was named "best first-year teacher" in 2010 and in 2011. ♪



#### RICHMAN TESTIFIES BEFORE HOUSE JUDICIARY SUBCOMMITTEE ON HEALTH CARE REFORM, COMPETITION



**P**ROFESSOR BARAK RICHMAN testified on Capitol Hill on Sept. 19 on competition in the health care market and how it might be affected by health care reform.

Richman, the Edgar P. and Elizabeth C. Bartlett Professor of Law and Professor of Business Administration, testified before the Subcommittee on Regulatory Reform, Commercial and Antitrust Law of the House Judiciary Committee in its hearing titled "The Patient Protection and Affordable Care Act, Consolidation, and the Consequent Impact in Competition in Health Care." An expert in antitrust and health care policy, Richman has researched and written extensively on the problem of provider monopolies in the health care market. An excerpt of his testimony follows:

"Whatever the PPACA may achieve, its legacy and cost to the nation will depend largely on whether market actors, regulators, and antitrust enforcers can effectively address the provider monopoly problem and instill desperately needed competition among providers. Aggressive antitrust enforcement can prevent further economic harm and perhaps can undo costly damage from providers that in error were permitted to become monopolists. But ultimately, creative market and regulatory initiatives will be needed to unleash the competitive forces that consumers need. Where there is danger, there is opportunity, and competition-oriented policies can and should yield substantial benefits both to premium payers and to an economy that badly needs to find the most efficient uses for resources that appear to become increasingly limited." ♪



## Pamela Gann '73 The leader

**P**AMELA GANN '73, who served as dean of Duke Law from 1988 to 1999, stepped down as president of Claremont McKenna College in June after serving in the role for 14 years.

Gann left as impressive a legacy at the Southern California liberal arts college as she did at Duke Law. She oversaw the hiring of 65 percent of the current faculty and raised over \$600 million for the school (the most of any fundraising campaign by a U.S. liberal arts college). She helped start three new research institutes, established the Robert Day School of Economics and Finance, added \$200 million in new buildings, and instituted a no-loan, need-blind admissions program.

As dean of Duke Law, Gann developed an international network for the LLM and

JD programs, established the summer international programs in Europe and Asia, expanded the public law program, and made interdisciplinary connections with the Nicholas School of the Environment and the Fuqua School of Business by prioritizing environmental studies and starting the global capital markets program. She led the Law School's first capital campaign, which raised more than \$17 million, initiated the second capital campaign, and oversaw the first phases of the Law School's renovation. Gann's leadership was honored by alumni, faculty, and friends of Duke Law with the establishment of an endowed professorship in her name; it is currently held by tax law scholar Lawrence Zelenak.

Gann gives a great deal of credit to Duke for her success. Following two years in

private practice, she returned to Duke as a junior faculty member in 1975 and taught tax and international law for 15 years before accepting a nomination to be dean. "I grew up at Duke," she says, "from being a student, to a young professional to being a leader. I was there 27 years — it was a great part of my life."

Gann felt an immediate connection between her experience at Duke and the role she began in 1999 at Claremont McKenna, she says. "Great law schools are like liberal arts colleges taken to the professional level. One feels at home at a school of arts and sciences after being at a great law school." As a professor of tax law and international business transactions, Gann was also attracted to Claremont McKenna for its unique concentration on academic subjects that mirrored



## Profiles

Claremont McKenna College Magazine devoted its spring 2013 issue to the “transformative tenure” of Pamela Brooks Gann as president. In an interview with the magazine, Gann reflected on the similarities between a legal and a liberal arts education: “I believe that a great legal education among the top law schools is really an extension of an undergraduate education, combined with important, interesting, and necessary professional education. I recall my first case in Property class my first year; it was two pages long, and set in England 400 years ago. It took me two hours to work through it with *Black’s Law Dictionary*. The legal history of England was totally critical to understanding my first case in law school. The importance of history, the founders, microeconomics, and political philosophy — just to take a few examples — arise every day in an elegant law school education.” ♣



her own interests. Claremont McKenna is a broadly defined liberal arts college with a focus on developing leaders in business, the professions, and public affairs. Majors include economics, government, international relations, math, and science.

“Claremont McKenna is quite serious about leadership,” says Gann. “And to that end we have a focused mission on training students through the leadership program who want to be ‘in the arena’. We bring liberal arts and pre-professionalism together — we’re training students we’d want at Duke Law.”

Legal training, says Gann, has been vital to her as a leader, as was math, her undergraduate major at the University of North Carolina at Chapel Hill. She says it is not a coincidence that women like Susan Hockfield, who recently stepped down as the first women president of the Massachusetts Institute of Technology, and German Chancellor Angela Merkel, have backgrounds in math or science.

“Math is exceptional at developing critical thinking skills,” Gann says. “These skills, along with structured problem-solving train you to think like a leader. Math makes your thinking crisp. If you can’t write out a problem in a logical way, you haven’t thought it through hard enough. Math training provides discipline and an outline to the process of thinking through issues.”

While Gann was the first woman to lead Claremont McKenna, a college that accepted only men until 1976, she is by no means defined by this iconic role. “I’m focused on

a different range of issues at this point,” she says. “We’ve never had more women better educated in our history. Women now make up about 45 to 50 percent of the classes at the top U.S. law and medical schools, and around 35 to 40 percent of business schools. Notwithstanding, we have a significant way to go to see a proportionate number of women in major leadership roles. I’d like to see something that would accelerate that.” Gann attends conferences on developing women leaders, using her positive experiences as law school dean and college president to “encourage and inspire young women with the rewards of these positions.”

Gann relished her role leading Claremont McKenna, but felt it was the right time to move on. “At good, private colleges, leaders are stable and have the privilege of helping the college set its own course. There is a natural cycle: it makes sense to stay about ten years, then I think it is time to step down. During my time, we had a strategic direction — the \$600 million ‘Campaign for Claremont’ — we accomplished it, and now it is time for someone new to take over. I think a community is inspired by fresh leadership.”

After a year’s sabbatical, Gann will return to Claremont McKenna as Professor of Legal Studies and Kravis Leadership Institute Senior Fellow to teach courses at the intersection of law, economics, and public policy, incorporating areas of her expertise such as international political economy and foreign policy. She is also

interested in developing a class on the law and public policy of the nonprofit sector. In addition to teaching, Gann will continue to pursue her involvement with numerous organizations, including the Committee for Economic Development, the International Women’s Forum, and as an elected member of the Board of Directors of the Council on Foreign Relations and the American Law Institute.

Just as Gann thinks it is important to use her status to inspire women and undergraduate students, she knows how vital it is to give back financially to the communities she has helped build. She started her scholarship endowment fund at Duke while she was dean of the Law School and has continued to increase this fund annually. Recently, she made a generous bequest in recognition of her 40th Duke Law reunion.

For Gann, there are two main reasons for supporting academic institutions.

“I think it’s important to give back intergenerationally,” she says. “I had a wonderful scholarship as a law student at Duke and I’m personally grateful. Now, as a leader, I have seen how important it is to have the freedom to run meritocratic institutions where great students can come regardless of background. A school can never have enough financial aid to offer its students. It makes all the difference in the world for these fine institutions to have the ability to shape their classes with a need-blind eye.” ♣  
— Caitlin Wheeler ’97

## Terry Collingsworth '82 Fighting for workers' rights around the world

**T**ERRY COLLINGSWORTH '82 traces his interest in workers' rights to the five years he spent operating a crane in a Cleveland copper mill during the 1970s.

Fighting for the rights of workers around the globe became his life's work when, as a professor at Loyola Law School in Los Angeles, he received a grant to look at working conditions in some American-owned factories in Asia. He found them deplorable. He saw workers crowded into unsafe buildings and working amid filth. As a rule, their payment depended on daily quotas that were impossible to make.

"I began looking for a solution to the problems I saw. Something needed to change," says Collingsworth, who joined Conrad & Scherer's Washington, D.C., office in 2008 and now serves as managing partner while continuing his longtime service as executive director and general counsel of the nonprofit International Rights Advocates. "The ultimate goal is to have an international regime that regulates what these companies do."

Representing workers overseas and fighting for their human rights means negotiating numerous hurdles, he says. "There are a lot of challenges, including the issue of trust. For example, when I first started practicing, the Cold War was still going on. So there were still anti-American sentiments and people were suspicious of an American wanting to help. So gaining trust was an important challenge, as this line of work requires close working relationships.

"And there's always a challenge with resources. In my work, I am going against multinational corporations that have lots of resources," he says.

Collingsworth has constructed many cases around the Alien Tort Statute (ATS), which allows U.S. courts to hear human-rights cases brought by foreign citizens for conduct committed outside the United States. In *Roe v. Unocal*, which took nearly a decade to litigate, he represented a group of Burmese plaintiffs who brought multiple claims relating to their construction of a gas line, including forced labor and wrongful death. Ultimately, the case was settled, paving the way for a system that provided compensation for victims.

"There's a challenge with using the Alien Tort Statute because it's only 16 words long and was written in 1789," says Collingsworth, who has also initiated cases against Coca-Cola, ExxonMobil, Drummond Coal, Chiquita, and Walmart, among other prominent multinational



corporations. "You need to have three elements: an alien plaintiff, a violation of the laws of nations, and a tort. Early on, it was only used for dictators and war crimes. But that is changing, though there's a lack of certainty working with it because there's a lot of ambiguity with the act."

With the Supreme Court's recent decision in *Kiobel v. Royal Dutch Petroleum*, plaintiffs may face new challenges when it comes to Alien Tort claims; the Court held that a strong connection to the United States is required for a claim to be successful. But Collingsworth seems unfazed by the ruling.

"The key to the decision is that this was absolutely not an across-the-board holding that the ATS never applies extraterritorially," he says. "The ATS cases that we are working on in my practice mostly involve U.S. companies that engaged in substantial conduct here in the U.S., in sharp contrast with the facts of *Kiobel*."

Collingsworth's career has taken him around the world. Though his work is exhausting and constantly pits him against some of the world's biggest corporations, there's nowhere he would rather be than lending a hand to those in need, he says.

"Every day I feel blessed that I'm able to use the law in a positive way.

"I get to work for the good of humans. When I talk to law students, I tell them not to give up, because a lot of them think that once they graduate they can only work in a life of corporate drudgery. There are so many challenges in the world that can be solved just by using the law, from environmental issues to economic problems. It feels really good to wake up every day and then go out and help people." ♡

— Andrew Clark

## Profiles



### Chris Bryant '14

**A**T DUKE LAW, Chris Bryant '14 is a William Louis-Dreyfus Scholar, a member of the Moot Court Board, an executive officer of the Black Law Students Association, and the editor in chief of the *Duke Law Journal*. Away from academics, he is an accomplished musician, an acoustic-guitar playing singer-songwriter whose thoughtful songs about community and opportunity are somewhat reminiscent of Ben Harper. It was music, in fact, that indirectly led Bryant first to teaching and then to law.

Music was a constant for Bryant as he grew up “all over the place,” with stops in Wisconsin, Missouri, and Illinois. He started with piano, learned saxophone, and sang in his high school’s chorus. He dreamed of singing in an *a cappella* group in college. The son of two engineers, he also loved math and science, and found an outlet for all of his interests at Duke, where he arrived as a bioengineering major and joined the university’s venerable “Pitchforks” *a cappella* ensemble.

The music stuck — he eventually became the Pitchforks’ president — but the science did not. At the end of his sophomore year, Bryant switched his major to economics, which allowed him to put his math skills into practical play. After spending the summer in New York, however, Bryant ruled out a career in investment banking. So he was pleased when, back at Duke, he found an opportunity to move in a decidedly different direction: teaching.

Bryant remained active in the Duke Chapter of the National Society of Black Engineers even after he changed majors. Continuing a project that began in his freshman year, he worked with the group’s faculty advisor, Professor Jeff Forbes, to develop a program to train college students how to teach middle school students to program robots.

“It was great,” says Bryant. “They programmed the robots to play soccer and to dance and accomplish ‘rescue missions’. The kids loved it.” During his senior year, he served as the first teaching assistant for a Duke undergraduate computer science class inspired by the program, Teaching with Robotics.

The work led Bryant to join Teach for America after graduation. He chose to stay in Durham, which, he says, felt like home after spending his childhood moving from place to place. Through Teach for America, he worked for two years as a special education teacher and soccer and baseball coach at a public middle school. He found it exhausting and emotionally difficult. “In my first three months, I was the first adult responder to six fights, two of which involved blood,” he says. But he was fascinated by teaching, and signed up to teach math and special education for an additional year at a charter school for elementary and middle-school students.

Having always found emotional respite in music, Bryant put his talents to work by implementing the school’s first music program. He found that music also made a difference to his students. “I find that it helps kids loosen up. I like to think it helps them develop their independent, creative thinking skills.”

At the same time, music provided Bryant with a more personal form of expression. Self-taught on guitar, he performed at clubs and cafes throughout the Triangle and came out with a CD to benefit his school’s music program, leading to a feature interview on WUNC’s popular “The State of Things”. Many of his songs reflect his teaching experiences. One, titled “Already Lost,” addresses a sentiment expressed by both teachers and students he has known.

“There was a student who asked me why he should study extra after school in order to pass sixth grade exams and make it into seventh — he’d failed the fifth grade exams and they had put him in sixth anyway,” Bryant recalls. “And I had colleagues who wanted to know ‘Why should I even try? I’m compensated the same way if I kill myself working as if I just show movies all day long.’”

Bryant decided he wanted to work on the systemic problems in public education he was observing and exploring in his songs. “When you see it every day, there’s only so much you can do from within the classroom as a teacher,” he says. “I figured if there’s an answer, it’s going to come through a legal channel.” By this point feeling rooted in Durham — and with a fiancé studying law at the University of North Carolina — Bryant returned to Duke for law school, to try to figure it out.

“I loved the Law School right away” he says. “I had a flexible schedule one summer, and I thought Civil Procedure sounded interesting. So I sent an email to Professor [Thomas] Rowe, asking if I could unofficially audit the class. He wrote right back to say I’d be welcomed. I liked the almost mathematical rules and the structure of the law. Professor Rowe was great, and I enjoyed hanging out with the summer students.”

Bryant finds law school to be “easy” compared with teaching in the public schools. “As a teacher, there was a sense that if I did my best I could positively influence kids’ lives. At law school, if I do badly, it’s just me. I’m not letting down a classroom of kids.” Not that he has slacked off; he has given up his late-night musical gigs in order to concentrate on classes and work long hours on the *Duke Law Journal*’s 63rd volume.

Still thoroughly engaged with education matters, Bryant spent his 2L summer at O’Melveny & Myers in Washington, D.C., and in Parker Poe’s Charleston, S.C., office. After graduating from Duke he will clerk first for Judge James Wynn on the U.S. Court of Appeals for the Fourth Circuit, and then for Judge Richard Gergel on the U.S. District Court for the District of South Carolina. And he is certain there will always be time for a little music on the side. ♪

— Caitlin Wheeler '97



## Conor Reardon '14

IF IT TAKES composure, resilience, and a fearless work ethic to succeed in law school, Conor Reardon '14 arrived at Duke particularly well prepared. He first honed those skills in sports, playing baseball at Brown University and fighting back from a debilitating injury to become an All-American standout. And he perfected them trying to connect with economically challenged middle school students as a member of the Teach for America corps.

Reardon is clearly succeeding at Duke, where he is a notes editor for the *Duke Law Journal* and has lined up two post-graduate clerkships in his home state of Connecticut, the first with U.S. District Court Judge Robert Chatigny, and the second with Judge José Cabranes of the U.S. Court of Appeals for the Second Circuit.

Reardon was home in Branford, Conn., for Thanksgiving during his sophomore year at Brown when he was struck by a car in his driveway. He was in the hospital for three weeks, one leg so badly damaged that his doctors considered amputation. To save it, Reardon endured four operations and was on crutches for months. He missed the rest of his fall semester and had to take extra classes to catch up in the spring.

"It was a rough time," Reardon says. "Looking back, I know the extra work was good for me. I learned a lot about discipline — a 19-year-old boy can stand to learn a lesson or two about hard work."

The hard work involved more than academics. Reardon's doctor told him that he would be lucky to be fully mobile again, and that he certainly wouldn't return to baseball. Nonetheless, he worked hard at strengthening his leg, and finally saw progress just before his senior year. That fall, friends from the baseball team convinced him to walk down to the field with them.

"I was just messing around, taking a little batting practice," Reardon says. "I was surprised to find I could still hit the ball." The coach was impressed enough to suggest he suit up for the next game. Reardon did, hoping he would get a chance to pinch hit. Instead, he played the whole game as designated hitter, with two hits in four at bats. "Fall baseball is pretty low key," he says with a laugh. "No one cared that I couldn't run."

In the spring, he did have to run. "Luckily, baseball is a meandering kind of sport," he says. "There are very few times where an all-out sprint is required." He ended up starting every game as the designated hitter and finished the season with a .395 average; before his injury, his batting average was .286. He made *ESPN The Magazine's* second team Academic All-American and was named the Brown Bears' MVP.

Reardon's "Award of Valor" from the Eastern College Athletic Conference could just as easily apply to his three years after college when he taught history and literature at a Title I middle school in Bridgeport, Conn., as a Teach for America recruit.



"Standing up in front of those rowdy middle school kids was a challenge," he says. "You couldn't do the 'whack-a-mole' thing, constantly trying to control every student who acted out." Instead, Reardon aimed to develop a relationship with every student, so that each one would want to do the right thing, putting in extra hours before school, after classes, after school and during detention to make this work. "It turned out to be the most valuable initial work experience I could have had," he says. "It was totally draining, but never dull."

As a follow-up, Reardon chose law, a profession he had been exposed to early on. Growing up in Branford, his father, an inspector with the State's Attorney's Office, would take him to baseball games with a group of story-telling state attorneys. "Criminal justice seemed interesting but opaque," he says.

Now, Reardon finds that the impenetrable nature of law is exactly what attracts him to the legal profession. "I love studying cases," Reardon says. "In each case, there's so much going on at so many different levels — applicable case law, statutory history, judicial opinions about policy. All of that, and then the case is decided because of a specific set of facts — sometimes absolutely egregious facts, and endlessly fascinating. Proximate cause in torts is just weird." Reading cases for torts class made Reardon reflect on his own accident. "But," he says, "that was not interesting factually. It was pretty straightforward."

If his accident was pretty straightforward from a legal point of view, Reardon was so engaged by the facts of a case he came across working in the New Haven District Attorney's Office during his 1L summer that he used it as the basis for a *DLJ* note. A woman who filmed a bar fight and subsequent scuffle with arresting officers had her cell phone camera confiscated by the police for 10 days. "At the time, I looked into whether it was legal for the cop to take the camera, and the Fourth Amendment says yes, it was fine," Reardon says.

But he kept thinking about the case, and back at Duke he decided to further explore a possible conflict with the First Amendment right to free speech. In his note, he proposes that in similar cases the First Amendment should inform Fourth Amendment issues.

Reardon looks forward to studying a wide variety of cases during his two clerkships, after which he plans to work at a law firm in Boston. He hopes to write more articles in any extra time he finds. "When you happen upon an interesting topic, the paper almost writes itself," he says. ♡ — Caitlin Wheeler '97

# Alumni Notes

## 1949

**Charles Blanchard** has been named president emeritus of the North Carolina Advocates for Justice.

## 1952

**E. Norwood Robinson** has received the John B. McMillan Distinguished Service Award from the North Carolina State Bar. The award is presented to attorneys who have demonstrated exemplary service to the profession and their communities throughout their careers. Norwood has served as co-managing partner of Robinson & Lawing in Winston-Salem for more than 50 years. **BOV**

## 1953

**Val Brooks** has retired after more than 50 years with the chief counsel of the Internal Revenue Service. In 2008 in Atlanta at the first and only CLE of the entire legal staff, he was honored as a distinguished alumnus and featured in an opening video and as a plenary speaker. During his career, he worked in both the national office and the district counsel's office in Nashville, Tenn.

## 1964

**Stephen Crawford** has been named to the Mobile, Ala., board of directors and executive team of ServisFirst Bank. He is a litigator at the firm of Hand Arendell and has been named to the *Best Lawyers in America* for over 20 years in the fields of corporate and banking law.

**Ted Todd** has retired and taken senior status after 24 years as a judge on the Fifth Judicial Circuit in Madison, Ind. Before his elevation to the bench, Ted was a practicing attorney in the Madison area for more than two decades.

## 1966

**Reece Bader** retired on Dec. 31 as a partner with Orrick, Herrington & Sutcliffe after 45 years with the firm, the last five of which were in the firm's offices in Paris, Frankfurt, and Munich.

**James Faris** has retired from his solo estate planning practice in Washington, D.C., to Hilton Head, S.C.

**James Maxwell** has been named to the N.C. High School Athletic Association's list of top 100 coaches in its 100-year history. Jim was the volunteer head swimming coach at Durham's Jordan High School for 29 years, coaching both the men's and women's teams which, under his leadership, won five state championships. He also directed regional swimming and diving championships for 19 years and the N.C. state meet for 15 years. Jim practices law at Maxwell Freeman & Bowman in Durham, and is a volunteer coach for Duke Law's moot court teams. **BOV**



**Stephen Phillips** has been named to the 2013 Ohio "Super Lawyers" list for estate planning and probate. He is a partner in the Cincinnati office of Porter Wright.

## 1968



**Robert Maxwell**, a partner at Keating Muething & Klekamp in Cincinnati, has been named a 2013 Ohio "Super Lawyer" in the fields of employment and labor law.

**Robert Simpson** has a solo practice in Guéthary, France. He specializes in acquisitions, arbitration, and international law.



**Ernest Torres** has been named to the board of directors of The Rhode Island Foundation, that state's largest funder of nonprofit organizations. He is the retired chief judge of the United States District Court for Rhode Island. **BOV**

## 1969



**Charles Becton** has been named interim chancellor of Elizabeth City State University in Elizabeth City, N.C. He completed a 10-month assignment, in June, as interim chancellor of North Carolina Central University in Durham.

**John Canning**, co-founder and chairman of Madison Dearborn Partners in Chicago, was one of 11 people selected to receive the 2013 Horatio Alger Award. John was offered the award "for demonstrating courage in the face of personal challenges and for utilizing opportunities afforded through higher education and the American free-enterprise system to achieve success." His philanthropic work includes providing 100 scholarships for inner-city children for parochial schools through his family foundation. In June, John was elected chairman of the board of The Museum of Science and Industry in Chicago. **BOV**



**Jeffrey Lewis**, dean emeritus and professor at Saint Louis University School of Law, received the 2012 Robert J. Kutak Award from the American Bar Association's Section of Legal Education and Admissions to the Bar for his significant contributions toward increased cooperation between legal education, the practicing bar, and the judiciary.

## 1971

**Doug Bellis** has co-authored "How Federal Statutes are Named," in 105 *Law Library Journal* 1 (2013). Doug is senior counsel, Office of Legislative Counsel of the U.S. House of Representatives.

**Randolph May's** most recent book, *Communications Law and Policy in the Digital Age: The Next Five Years*, has been published by Carolina Academic Press (2012). This is the fifth book he has edited or authored. Randy is the president of The Free State Foundation in Potomac, Md. **BOV**

**David Sigler**, a principal of Sigler & Raglin in Lake Charles, La., was confirmed, in March, as Louisiana state chair-elect of the American College of Trust and Estate Counsel, beginning in 2014.

## 1972

**Karla Simon** has authored *Civil Society in China: The Legal Framework from Ancient Times to the 'New Reform Era'* (Oxford University Press, 2013). Karla is Research Professor of Law at the Columbus School of Law, Catholic University of America. She is also an affiliated scholar at the NYU US-Asia Law Institute.



**John Wester**, a litigation partner with Robinson Bradshaw & Hinson in Charlotte, is included in the second annual edition of *Benchmark Appellate*, a reference guide that recognizes leading appellate litigation firms and attorneys. He is one of 10 attorneys identified as Fourth Circuit litigation stars in North Carolina for 2012. **BOV**

This section reflects notifications received by May 25, 2013.

**BOV** indicates membership on Duke Law School's Board of Visitors.

**News to share? Tell us at: [law.duke.edu/alumni](http://law.duke.edu/alumni)**

## 1973

**Pamela Gann** completed her 14-year tenure as president of Claremont McKenna College in June. After a yearlong sabbatical, she will return to the Claremont faculty as Professor of Legal Studies and Kravis Leadership Institute Senior Fellow. (Read profile, Page 33.)

**John Hancock** has been named a Top Lawyer in Metro Detroit 2013 by *DBusiness* magazine. He is a shareholder at Butzel Long where he practices in the area of civil rights law.

**Bruce Johnson** has been named CEO, president, and a director of Sears Hometown and Outlet Stores Inc. Bruce, who had served as interim CEO of the parent company from 2008 to early 2011, was most recently the executive vice president of the company's off-mall businesses and supply chain. **BOV**

**Raeburn Kennard** retired on June 30, 2012, after 38 years with Kirton McConkie in Salt Lake City.

**Jeffrey Nickloy** opened a new law firm in Noblesville, Ind., on Feb. 12, 2013, Nickloy Law, where he is continuing his practice of business and employment law, civil litigation and legal ethics, in partnership with his oldest son, Alex Nickloy. Jeff retired from his prior firm after 36 years on Feb. 11.

**Kenneth G. Starling** has retired as a partner of DLA Piper (U.S.) and is pursuing an LLM degree at the University of Cambridge. His spouse, **Susan Parker Starling '72**, is also engaged in continuing education in Cambridge.

## 1974

**Roger Ferlund**, head of the environmental and natural resources law group in the Phoenix office of Quarles & Brady, received the 2012 Distinguished Alumnus Award from Lewis & Clark College. He was also named by *Southwest Super Lawyers* magazine as among the top five percent of environmental attorneys in Arizona for 2013.

**Ronald Janke** has retired from Jones Day in Cleveland, where he has spent his entire legal career. Ron was named a Super Lawyer by *Super Lawyers Magazine* from 2004-12. He specialized in environmental law and environmental litigation.

**David Lowden**, special counsel at Stroock & Stroock & Lavan, received the Lawyers Alliance for New York's 2012 Cornerstone Award, which honors outstanding pro bono legal services to nonprofits. Since first partnering with Lawyers Alliance in 2001, David has guided five nonprofit clients through the incorporation and tax exemption process, and assisted 11 established organizations with corporate legal needs. He currently chairs the Committee on Non-Profit Organizations of the New York City Bar.

## 1976



**Jack Beeler**, of Porter Wright in Columbus, Ohio, has been named to the 2013 Ohio "Super Lawyers" list for business and corporate.

**Dean Cordiano** retired in June from Day Pitney in Hartford, Conn., where he has been a partner practicing commercial and environmental litigation since 1984. He remains at the firm as of counsel and works on a part-time basis as general counsel of Loureiro Engineering Associates in Plainville, Conn. Dean also has continued his work as a special master in federal and state courts; as an adjunct professor at the University of Connecticut Law School; and as a private mediator and arbitrator for commercial disputes.

**Ralph Everett** received an honorary doctor of laws degree from Virginia State University in Petersburg and delivered the fall 2012 commencement address at the ceremony on Dec. 15. Ralph is president and CEO of the Joint Center for Political and Economic Studies, a leading think tank for policy analysis and research on issues of concern to African Americans and other people of color. **BOV**

**Allan Windt** is the author of *Insurance Claims and Disputes*. The sixth edition of the three-volume textbook was published in May 2013 by Thomson Reuters (West). The first edition was published in 1982 and Allan has prepared a set of pocket parts, or a new edition, every year since. Allan is an insurance consultant in Ardmore, Pa.

## 1977

**Lea Courington** has joined the law firm of Stewart Strong Dugger Dean Kulwicki Slater & Johnson in Dallas, where she focuses her practice on commercial and products liability litigation and white collar criminal defense in the health care and antitrust fields.



**Michael Ellis** of Porter Wright in Cleveland, has been named a 2013 Ohio "Super Lawyer" for mergers and acquisitions.



**C. Thomas Work**, a shareholder and member of the estates and trusts practice group at Stevens & Lee in Reading, Pa. has been honored with the 2013 Thun Award for his long record of civic service in Berks County, Pa. The Berks County Community Foundation presents the award annually to a resident "who has made significant contributions of civic service, and who exhibits an enduring sense of commitment to the community."

## 1978

**Michael Dockterman**, a partner in Edwards Wildman's litigation department in Chicago, has been selected as the exclusive winner in the category of "Litigation – Illinois" by the Client Choice Awards 2013. These awards survey senior corporate counsel only, and nominees must be nominated by corporate counsel. Michael specializes in complex civil and criminal business litigation, securities and derivative litigation, and in advising clients on matters of corporate governance and compliance. **BOV**



**Christopher Kay** was named CEO and president of the New York Racing Association in June. Chris previously was COO for The Trust for Public Land, where he oversaw the land conservation organization's headquarters and 37 field offices. **BOV**

## 1979

**Mark Thimke** has been named a leading lawyer in his field in 2013 by *Chambers USA*. Mark specializes in natural resources and environmental law as a partner at Foley & Lardner's Milwaukee, Wis., office.

## 1980

**Eric Holshouser** has been named Jacksonville's 2013 Employment Law — Management Lawyer of the Year by *Best Lawyers*. Eric is a shareholder at Fowler White & Boggs.



**Doug Kingsbury**, a partner at Tharrington Smith in Raleigh, has been named to the 2013 edition of *Best Lawyers* in the areas of commercial litigation, bet-the-company litigation, and white collar criminal defense.



**Justin Klimko** has been named a Top Lawyer in Metro Detroit 2013 by *DBusiness* magazine. He is also a winner of the International Law Office and Lexology's 2013 Client Choice Award for mergers and acquisitions. Justin is a shareholder at Butzel Long where he practices in the areas of business, corporate governance and compliance, mergers and acquisitions, and securities law.

**Leslie Thiel** has been named to the 2013 edition of *Best Lawyers* in the field of immigration. She is a founding partner of the international practice group at Whiteman Osterman and Hanna in Albany, N.Y., and leads the firm's immigration practice group.

## 1981

**Glenn Cravez** has been named to *Best Lawyers in America 2013* for practice in mediation. Glenn chairs the Alaska Bar Association's alternative dispute resolution (ADR) section, and has a solo practice in Anchorage.



## Alumni Notes

**Art Pope** was named budget director for N.C. Gov. Pat McCrory in January.

**David Tarshes** has joined Seattle's Northwest Justice Project as an attorney on its foreclosure consequences advocacy team. He was previously a litigation partner at Davis Wright Tremain where he worked for 29 years. David is also immediate past president of Washington Appleseed which is part of a network of 16 Appleseed Centers across the United States and Mexico. Each center functions as an independent organization linked by the shared mission of advancing social justice and promoting social change.

### 1982



**Thomas Logue** was sworn in as a judge on the Third District Court of Appeal of the State of Florida on Oct. 26, 2012. The Third District hears appeals of cases that arise from the state trial courts in the south Florida counties of Miami-Dade and Monroe. Classmate **Mitchell Horwich** attended Tom's investiture.

### 1983

**M. Brett Gladstone** has joined Hanson Bridgett in San Francisco, as a partner. He specializes in real estate development, permit and land use, and real estate transactional matters.

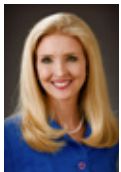
**Rob Krausz** married Monica Stein on Aug. 31, 2012, in Covington, Ky. Classmates **Jeff Anders** and **Scott Rassler** attended. Rob teaches at the LaGuardia High School for the Performing Arts in New York City.



**Bruce Ruzinsky** has been selected for inclusion in the 2013 edition of *Chambers USA* in the area of bankruptcy/restructuring. Bruce is a partner in the Houston office of Jackson Walker.

**Jeffrey Schloemer**, a partner in the Cincinnati office of Taft, Stettinius & Hollister has been named a "Leading Lawyer" in the areas of commercial and contracts by *Cincy* magazine.

### 1985



**Janet Ward Black's** Greensboro, N.C.-based personal injury law firm, Ward Black Law, was named a "Best Law Firm" by *Best Lawyers* for the second consecutive year. Janet has also been selected for inclusion in the 2013 edition of *N.C. Super Lawyers*, in the specialty area of personal injury litigation and as one of the "Top 50 Women Attorneys" in the state. This is her ninth consecutive year being named in the publication.



**R. Dan Douglass** has been named a 2013 Super Lawyer in the areas of construction/surety by *Georgia Super Lawyers* magazine. Dan is a member of the construction services group at Stites & Harbison in Atlanta.

**Arthur Howe** has been named a 2013 Top 100 Illinois "Super Lawyer." Art is a partner at Schopf & Weiss in Chicago, where he has extensive experience in complex business litigation, including employment, antitrust, contract, business tort, products liability, and toxic tort cases.

**James Moxley** delivered the commencement address at the graduation ceremonies of the Glenelg School of Abu Dhabi in the United Arab Emirates in June 2012. James is past chair of Glenelg Country School, works in real estate development, and is a director of The Columbia Bank.

**Aaron Watson** has joined Barnes & Thornburg in Atlanta as of counsel in the governmental services and finance departments. Aaron previously practiced law in his own firm. Since 2009 he has served as Post 2 at-large council member for the Atlanta City Council.

### 1986

**Susan Bysiewicz** has joined the firm of Pastore Shofi & Dailey as counsel. She leads the firm's Glastonbury, Conn., office where she practices corporate law and finance, banking, securities, and contract negotiation. Susan served as Connecticut's Secretary of State from 1999 to 2011.

**David McKean** was named director of the Policy Planning Staff at the U.S. State Department on Feb. 19, 2013. He joined the State Department in April 2012 as senior adviser to then-Secretary of State Hillary Clinton. David served as chief of staff to Sen. John Kerry from 1999 to 2008 and became Kerry's first staff director on the Senate Foreign Relations Committee in 2009. In 2011, he joined the Woodrow Wilson International Center for Scholars as a public policy scholar. He also has served as CEO of the John F. Kennedy Library Foundation in Boston, and is the author or co-author of three books of American political history.

**Richard Seamon** has co-authored *The Supreme Court Sourcebook* (Aspen, 2012) with Joseph Thai and Kathryn Watts. Rich is a professor at the University of Idaho College of Law where he teaches administrative law, constitutional law, and federal courts.

### 1987

**Scott Cammarn** was named "Lawyer of the Year" in the area of banking and finance law in the 2013 edition of *Best Lawyers*. Scott is a partner at Cadwalader, Wickersham & Taft in Charlotte.



**Chris Petrini** of Petrini & Associates in Boston was named by *The American Lawyer* magazine as one of the top rated attorneys nationally in construction for 2012. His firm is currently town counsel for the towns of Framingham, Medway, Sherborn, and West Brookfield, and represents various other cities and towns as special counsel in public construction litigation and other litigation matters.

**Julie O'Brien Petrini**, vice president and general counsel of operations at Microsoft, has been chosen as a 2013 "In-House Leader" by *Massachusetts Lawyers Weekly* and *New England In-House*. She was honored at an event in March.

**Harlan I. Prater IV** was recognized by Samford University's Cumberland School of Law as a special "Friend of the Law School" during its 2013 Reunion Weekend in April. He was cited for his generosity and tireless volunteer efforts. Harlan is a partner at Lightfoot Franklin in Birmingham, Ala., where his civil trial work focuses on product liability, pharmaceutical and medical device litigation, and business litigation.

**Christopher Rudd** has co-founded the C2 Law Group in Encino, Calif. The firm specializes in complex trial work, business transactions, and intellectual property protection.

**Cecelia Smith** teaches constitutional law to undergraduates at Tallahassee Community College. C.C. also serves as panel judge for oral arguments of law students at Florida State University School of Law as part of the first-year legal research and writing curriculum.

### 1988

**Brian King** has been appointed chancellor of Los Rios Community College District in Sacramento, Calif. Brian had served as president/superintendent of Cabrillo College in Aptos, Calif., since 2004. The Los Rios District is the second largest in the state and enrolls more than 80,000 students at its four colleges — American River, Cosumnes River, Folsom Lake, and Sacramento City.

**John Minier**, a partner with Yates, McLamb & Weyher in Raleigh, has been named a 2013 North Carolina *Super Lawyer*. John is a medical malpractice defense litigator.

**Carolyn Zezima** is the president of NYC Foodscape and a consultant in the nonprofit sector. She also serves on several New York City food policy organizational committees and boards.

### 1989

**Wendy Sartory Link** has been named by Gov. Rick Scott to the Board of Governors of the State University System of Florida. Wendy is the managing partner of Ackerman, Link & Sartory in West Palm Beach.



**Allen Nelson** has been selected as a Fellow of the American Bar Foundation and has joined the Board of Trustees of the Woodruff Arts Center in Atlanta. Allen received the 2013 Revolutions Award for Outstanding Nonprofit Board Leader

for his service with the Atlanta Ballet, where he is chairman of the board and has overseen the execution of the largest and most successful capital campaign in the company's history. He is executive vice president, general counsel, corporate secretary, and chief administrative officer of Crawford & Co., an independent provider of claims management solutions.

**Paul K. Sun** has received an award from the Office of the Federal Public Defender of the Eastern District of North Carolina for "exceptional service." Paul's practice at Ellis & Winters in Raleigh focuses primarily on business litigation and appeals. He teaches a section of deposition practice during the Law School's Wintersession.

## 1990



**Karen Cashion** is a founding partner of the new firm, Hipes & Belle Isle in Alpharetta, Ga., where she focuses on corporate and technology law. She is a former assistant general counsel for Earthlink, and also ran her own practice, Cashion Law.

**Terrill Johnson Harris** has been named a 2013 "Top Attorney" by *North Carolina Super Lawyers* magazine. Terri practices in the health care practice group of Smith Moore Leatherwood in Greensboro.

**Donald Nielsen** has been named to the 2013 class of North Carolina's Legal Elite — Environmentally by *Business North Carolina* magazine. Don practices environmental and land use law at Bell, Davis & Pitt in Winston-Salem.

**Mark Redmiles** has joined the Executive Office of the U.S. Attorney's Office of Legal and Victim Programs as the assistant director for asset recovery staff. He is responsible for overseeing asset forfeiture, bankruptcy, and financial litigation programs. He also has been appointed professorial lecturer in law at The George Washington University Law School, where he teaches a course on creditors' rights and consumer protection.

**Michele Woods** is serving a two-year term as director of the Copyright Law Division for the Culture and Creative Industries Sector of the World Intellectual Property Organization in Geneva, Switzerland. Prior to her WIPO appointment in May 2012, she served as associate register for policy and international affairs at the U.S. Copyright Office.

**John Wright** has opened a solo practice in Melbourne, Fla., focusing on business law, contracts, and estate planning.

## 1991

**Douglas Nazarian** was appointed by Gov. Martin O'Malley in December 2012 as a judge on the Maryland Court of Special Appeals. Doug previously served as chairman of the state's Public Service Commission.

**Andrew Slutkin** was voted by his peers as one of the top 10 attorneys in Maryland according to *Super Lawyers* for 2013. He is a partner at Silverman Thompson Slutkin & White in Baltimore, where he specializes in catastrophic injury cases.

## 1992

**Jay Bilas** has authored *Toughness: Developing True Strength On and Off the Court* (Penguin Group USA, 2013). Jay is of counsel at Moore & Van Allen in Charlotte and a basketball game and studio analyst for ESPN's SportsCenter and College GameDay.

**Robert Chang** has been elected to membership in the American Law Institute. Bob is professor of law and associate dean for research and faculty development at the Seattle University School of Law. He writes primarily in the areas of race and inter-ethnic relations.



**John Jay Hoffman** has been named acting attorney general of New Jersey by Gov. Chris Christie. John was previously executive assistant attorney general under Attorney General Jeffrey Chiesa before Chiesa was appointed to fill the U.S. Senate seat of the late Sen. Frank Lautenberg.

**Steven Marks** has been promoted to the newly created position of chief, digital business & general counsel at the Recording Industry Association of America. He previously served RIAA as executive vice president & general counsel.

**David Park** has joined Bloomberg L.P. in New York as competition counsel. He was previously special counsel at Willkie Farr & Gallagher in New York.

**Brad Tribble** joined the Cordstrap Group in The Netherlands as CEO, in October 2012. Brad is responsible for the company's global operations.

## 1993



**Jeffrey Benson**, a partner in the Raleigh office of Kilpatrick Townsend, was selected for the 2012 edition of *Chambers USA: America's Leading Lawyers for Business* in the area of real estate.

**Rob Marcus** has been named a top attorney for 2013 by *North Carolina Super Lawyers* magazine. He focuses on complex commercial and appellate litigation in the Charlotte office of Smith Moore Leatherwood.

**Susan Mac Cormac** has been named to the *Daily Journal's* annual list of California's top female lawyers. A partner in the San Francisco office of Morrison & Foerster, she was recognized for her work advising clients in the areas of energy, sustainability, the environment, and health. Susan serves as co-chair of the firm's cleantech group and private equity and venture investment practice.

**Lennaert Posch** founded the Dutch firm of Rutgers & Posch on Jan. 1, 2013, with six other partners from preeminent international law firms. Lennaert specializes in corporate and financial transactions.

**David Steinberg** wrote and produced the romantic comedy film, "Miss Dial," released in early 2013.

## 1994



**Ted Edwards**, a partner at Smith Moore Leatherwood in Raleigh, was elected to the North Carolina State Bar Council for a three-year term which began in January. He has also been appointed to serve on the NCSB Ethics and Authorized Practice Committees for 2013, and has been named a Legal Elite — Construction by *Business North Carolina*.

**Dwayne Fulk** has been elected incoming president of the Springfield (Mo.) Metropolitan Bar Association; he will take office in January 2014. Dwayne is a shareholder with Polsinelli Shughart where his practice focuses on business, real estate, technology, and international law.

**Kevin Lally**, along with two of his colleagues in the U.S. Attorney's Office for the Central District of California in Los Angeles, has been named a recipient of the California Lawyer of the Year award for 2013 by *California Lawyer* magazine in the category of criminal law. They were cited for successfully obtaining racketeering convictions of four high-ranking gang members.

**Russ Miller** has co-authored the third edition of *The Constitutional Jurisprudence of the Federal Republic of Germany* (Duke University Press, 2012). Russ is professor of law at Washington and Lee University, where his teaching and research focuses on comparative law theory and methods, comparative constitutional law, German law and legal culture, and public international law.

**L. Elizabeth Patrick** and her husband, Dr. Bill Linderman, announce the birth of their son, Henry Patrick Linderman, on Sept. 26, 2012.

**Lisa P. Sumner**, a partner at Poyner Spruill in Raleigh, was honored by the ABA's Business Bankruptcy Committee with the Kathryn R. Heidt Memorial Award, which recognizes the importance of bankruptcy education and mentoring within the committee and the bankruptcy profession. Lisa also focuses her practice on commercial litigation.



## 1995

**Tucker Fitzpatrick** is senior vice president and associate general counsel at Allianz Asset Management in Newport Beach, Calif.

**Cynthia Johnson Walden**, trademark and copyright practice group leader at Fish & Richardson in Boston, has received gold and silver band designations in Massachusetts and the U.S., respectively, for both enforcement/litigation and prosecution/strategy by *World Trademark Review 1000*.

## 1996

**J. Eric Berry** joined Mallinckrodt in St. Louis as vice president of environmental law. Mallinckrodt is the pharmaceuticals business of Covidien, a global healthcare products company based in Dublin, Ireland.



**Laura Brandt Blasberg** has been named a tax partner at Meltzer, Lippe, Goldstein & Breitstone in Mineola, N.Y., where she is involved in all aspects of tax law, including structuring real estate transactions, business tax planning, estate planning, state and local taxation, tax controversy, and providing tax counsel to charitable organizations.

**Deidre Call** has opened a solo practice in Henderson, Nev., where she handles business, transactional, and real estate matters.

**Richard Davis** has been named to the 2013 edition of *Alabama Super Lawyers* in the area of general litigation. Rick is a shareholder in the Birmingham office of Maynard Cooper & Gale.

**Stacey Friedman** has been named general counsel of JP Morgan's recently formed corporate and investment bank division in New York. She was previously a litigation and regulatory partner at Sullivan & Cromwell.

**Julian Hammar** has joined Covington & Burling in Washington, D.C., as special counsel. He practices in the firm's corporate, securities, and energy regulation groups.

## 1997

**Bob Ghoorah** and **Sarah Solum '98** welcomed their third child and second daughter, Dylan Hope Ghoorah, on May 27.

**Robert McCarthy** and his wife, Johanna, welcomed their first child, Eleanor Hope, on Feb. 6, 2013. Rob is an analyst/portfolio manager at UBS O'Connor in New York City.

**Shami Patel** has joined Clean Pacific Ventures as a venture partner. A San Francisco-based venture capital fund, Clean Pacific focuses primarily on early-stage clean technologies related to energy, water, agriculture, and materials. [BOV](#)

**Erik Rickard** and his wife, Brandy, welcomed a daughter, Brynnyn Gramercy, on June 4, 2013. Erik is a partner specializing in real estate at Squire Sanders in Columbus, Ohio.





Professor Tom Metzloff with 1L “Pin-itive Damages” team members, L-R: Grant Hodges, Lucas Tesoriero, Nate Jones, Kathryn Betts, Tim Singer, and Pete Letteney

## A decade-long tradition!

**P**rofessor Tom Metzloff helped launch the Duke Law bowling league a decade ago. In the fall 2013 semester, students, faculty, and staff are competing on 21 teams with such names as “Torts Illustrated,” “Motion to Strike,” “Pin-itive Damages,” and Metzloff’s “Pro Bowlo.” They gather every Wednesday evening at the AMF Durham Lanes.

“It’s a great way to socialize outside of school, and to meet other students and staff,” 3L Nick Atallah, a league organizer, recently told *Duke Today*. ♣ (Photos: Marsha A. Green)

**Steve Sonne** recently left the Silicon Valley office of O’Melveny & Myers to join priceline.com as its senior vice president and associate general counsel responsible for corporate governance, securities, and mergers and acquisitions.

**Clay Wheeler** has been appointed to a two-year term on the Board of the Raleigh-Durham Airport Authority. Clay litigates complex criminal and civil matters as a member of the special investigations and white collar crime team at Kilpatrick Townsend in Raleigh, where he is a partner. He was named to *Business North Carolina’s* 2013 list of “Legal Elite” for criminal law, and named a “Future Litigation Star” among North Carolina attorneys by the *Benchmark Litigation* guide.

### 1998

**Caryn Becker** and her partner, Kerry Becklund, welcomed the arrival of their son, Ezra Amos Becklund on June 15, 2012. Caryn is policy counsel at the Center for Responsible Lending in Oakland, Calif.

**Rob Bryan** has been elected to represent District 88 in the N.C. House of Representatives. He is a member of the real estate development practice team at Womble Carlyle Sandridge & Rice in Charlotte.

**Fred Ebrahemi** has been promoted to senior vice president and deputy general counsel at Platinum Equity, a private equity firm located in Beverly Hills, Calif.

**Seth Jaffe** has been named chief of the Ethics Law & Policy Branch of the U.S. Office of Government Ethics, the federal agency charged with setting a comprehensive ethics policy for the executive branch of the federal government.

**Rachel Kent**, and her husband, Sean Michael Shannon, welcomed their third child on Feb. 8, Patrick Kent Shannon. He joins sisters Claire and Isla.

**Naho Kobayashi**, a partner in McGuireWoods’ debt finance group in Charlotte, has been recognized by the National Asian Pacific American Bar Association as one of its 2012 “Best Lawyers Under 40.” The annual list honors individuals within the Asian Pacific American (APA) legal community under the age of 40 who have achieved prominence in their respective areas of law and have demonstrated a dedication to the APA community.

**Lee Ann Wheelis Lockridge**, the David Weston Robinson Professor of Law at the Louisiana State University Law Center in Baton Rouge, has been elected to membership in the American Law Institute. Her primary teaching and research interests are intellectual property and advertising law.

**Aslaug Magnúsdóttir** delivered the keynote speech, “Launching a Fashion E-Commerce Business,” at Penn Fashion Week on April 3. Aslaug is co-founder and CEO of Moda Operandi, a women’s luxury fashion retailer.

**Sarah Solum** and **Bob Ghoorah ’97** welcomed their third child and second daughter, Dylan Hope Ghoorah, on May 27, 2013.

### 1999

**Christian Broadbent** has been named senior adviser to the chairman at the U.S. Securities and Exchange Commission. He and his wife, Kelly, welcomed the birth of Isabella Audrey on April 18. Isabella joins brothers Ethan and Austin and sister Ava.

**Les Carnegie** has been elected partner at Latham & Watkins in Washington, D.C., where he focuses on export controls and international trade.

**Brian Fowler** has joined Millennium Laboratories in San Diego as assistant general counsel-litigation. He previously practiced with Troutman Sanders in Richmond, Va.

**Rut Ley** is serving as an adviser to the German Ministry of Justice, in Berlin. She previously was a war crimes prosecutor in Bosnia.

**Thomas Loeser** has been promoted to partner at Hagens Berman Sobol Shapiro in Seattle. His practice focuses on class actions, False Claims Act and whistleblower cases, consumer protection, and identity-theft/privacy.

**Amy Buckley Monahan** has been honored with the American Law Institute’s Young Scholars Medal which encourages and acknowledges practical academic work with the potential to have a positive influence on the law. Amy is professor of law and Solly Robins Distinguished Research Fellow at the University of Minnesota, where she teaches and writes in the areas of federal taxation and employee benefits law.

**Monty Sarhan** has been named general counsel and senior vice president at WWE, an integrated media global entertainment group, headquartered in Stamford, Conn. Monty also serves as the corporate secretary to WWE’s Board of Directors. He previously was senior vice president of business and legal affairs for Viacom Media Networks.



**Seth Watkins** and **Marion Rucker Watkins** and big brother Giacomo Simon Henry welcomed three girls to the family on Dec. 11, 2012, born one minute apart: Alessia Caroline Elizabeth; Lorenza Martha Nell; and Marcella Claire Evelyn. Seth is of counsel at Steptoe & Johnson in Washington, D.C. Marion is counsel to Sen. Bob Dole at Alston & Bird.

**Michael Zaino** has joined GH Partners in New York City as a managing director.

## 2000

**Scott Dodson**, professor of Law at the University of Hastings College of Law in San Francisco, has published *New Pleading in the Twenty-First Century* (Oxford University Press, 2013). Scott teaches and writes in the areas of civil procedure and federal courts.

**Felipe Guzman** is general counsel of Arauco, a Chilean company with operations in Chile, Canada, United States, Brazil, and Argentina.

**John Inazu** and his wife, Caroline, welcomed their third child, Samuel Byrd, on Jan. 11, 2013. John is associate professor of law and political science at Washington University in St. Louis. His first book, *Liberty's Refuge: The Forgotten Freedom of Assembly* (Yale University Press, 2012), seeks to recover the role of assembly in American political and constitutional thought. On March 8, John participated in a debate, "Is the Supreme Court Threatening Religious Groups?" at the University of St. Thomas School of Law.

**Andy Patrick Roberts**, founder of the Roberts Law Group in Raleigh, has been named a top-100 trial lawyer in North Carolina by The National Trial Lawyers.

**Brian See** came out as transgender last year and has changed her name to **Rachel See**. She splits her time between Washington, D.C., and Richmond, Va., where she lives with her wife of over 12 years, Jennifer, and their four children. Rachel is the lead technology counsel for the National Labor Relations Board.

## 2001

**Nan Ball** has been named assistant circuit executive for legal affairs at the Third Circuit, located in Philadelphia.

**Carolyn Heyman-Layne** has been appointed by Gov. Sean Parnell to the Alaska Mental Health Board. Carolyn is an attorney with Sedor Wendlandt Evans & Filippi in Anchorage, specializing in health care, nonprofit, and corporate law. She is a recipient of the Alaska "Top 40 under 40 Award."

**Faye Rodman Barbour** has been promoted to senior counsel at Turner Broadcasting System, Inc. Faye handles labor and employment law matters for Turner Sports, CNN, HLN, Turner Ad Sales, and Turner Network Sales. She and her husband, Chris, reside in Austell, Ga., with their children, Solomon and Nadia.

**Will Haddad** has accepted a partnership at the Boston firm of Beck Reed Riden, where his practice focuses on securities litigation.

**Rawn James** is the author of *The Double V: How Wars, Protest and Harry Truman Desegregated America's Military* (Bloomsbury Press, 2013). The book explores the history of integration in the U.S. military. Rawn is a civilian attorney for the U.S. Navy.



**Peter Tomasi**, a partner in the Milwaukee office of Quarles & Brady, has been named a 2012 Wisconsin Rising Star by *Wisconsin Super Lawyers*. Peter's practice focuses on environmental permitting and environmental litigation, and he recently completed his firm's specialty training in executive management in collaboration with the Mendoza School of Business at Notre Dame.

## 2002

**Adam Di Vincenzo** has been elected partner in the Washington, D.C., office of Gibson Dunn & Crutcher. His practice involves antitrust and regulatory enforcement matters and litigation, including civil antitrust litigation. Adam currently serves as an editor of the ABA's *Antitrust Law Journal*. Adam and his wife, Ginger, welcomed their son, Andrew, on June 10, 2012.

**Pedro Perez** announces that his law firm, Carmigniani & Perez, has merged with Corral & Rosales, creating Corral, Rosales, Carmigniani & Perez, with 34 practitioners and offices in Quito and Guayaquil, Ecuador.

**Mark Pryor** has recently published three books: *The Bookseller: The First Hugo Marston Novel* and *The Crypt Thief: A Hugo Marston Novel* (Seventh Street Books, 2012 and 2013), and *As She Lay Sleeping: A Shadowy Figure, a Brutal Murder, an Anonymous Tip, Will Justice Prevail? – A True Story* (New Horizon Press, 2013). Mark also writes an award-winning blog, *D.A. Confidential*. He is a district attorney for Travis County in Austin, Tex.

**James Seagroves** has been named to Law 360's "Nationwide Rising Star" list of top attorneys under age 40 in recognition of his national health care litigation practice. James is a senior associate in the Washington, D.C., office of Proskauer Rose.

**David Shuford** has been elected to a three-year term on the N.C. Bar Association's International Law & Practice Section Council. David practices at Robinson, Bradshaw & Hinson in Charlotte in a broad range of corporate and transactional areas with an emphasis on the legal, business, and policy challenges faced by global businesses.

**Jennifer Tomsen** was elevated to shareholder at Greenberg Traurig in Houston. Her practice focuses on securities litigation and arbitration and commercial litigation.

## 2003

**Dhamian Blue** and his wife, Jenna Turner Blue, welcomed their daughter, Kelsey Ann, on Aug. 16, 2012. Dhamian is a partner at Blue Stephens & Fellers in Raleigh, where he focuses his practice on complex commercial litigation.

**Matthew Bonness** is an associate at Berk Law in Washington, D.C., where his practice focuses on consumer-protection, class actions, and whistleblower lawsuits.

**Dana Ziker Buschmann** has joined the University of Texas Medical Branch at Galveston as a patent management attorney specializing in intellectual property management strategies, particularly patent procurement.

**Bud Ervin** and his wife, Helai Ervin, welcomed their son, Paul Revere Ervin IV, on Dec. 4, in Dallas.

**Jeff Gnecco** has joined Furman Gregory Deptula in Biddeford, Maine, where his practice focuses on business and bankruptcy matters. He and his wife, Kate Gaudet, welcomed their daughter, Marina Sarah Gaudet Gnecco, on Sept. 9, 2012.

**Karla McKanders**, an associate professor of law at the University of Tennessee College of Law, was awarded the college's Bass, Berry and Sims Award for Outstanding Service to the Bench and Bar in February 2012, for providing training sessions and clinics for the bar on immigration issues. She also received the Gardener of Change Award from Community Shares of Knoxville, which recognizes an educator who fosters social justice and critical thinking among her students. Along with her faculty post, Karla is a fellow at the UT Center for the Study of Social Justice.

**Guillermo Plate** has joined RBC Wealth Management as manager of trust business development, with a primary focus in Latin America. He is based in Barbados.

**Amy Schoenhard** has been named partner at Arent Fox. She is a member of the intellectual property practice in the firm's Washington, D.C., office.



**Sonia Macias Steele** has joined the corporate, employment and tax practice at Goulston & Storrs' Boston office. She was previously assistant vice president and counsel for MassMutual Financial Group.

**Caroline Wainright** and her husband, Colby Schwartz, welcomed the birth of their daughter, Elinor Avery Schwartz, on Aug. 15, 2012.

## 2004



**Joshua Bryant** has been elected partner at Smith Anderson in Raleigh. He practices in the areas of taxation, mergers and acquisitions, commercial transactions, and exempt organizations.

**Thomas H. Godwin** has co-founded Godwin Tauler, a Los Angeles commercial litigation boutique. The firm focuses on domestic, international, and multi-jurisdictional matters, including business disputes, class action defense, real estate, securities, unfair competition and trade practices, and intellectual property. Thomas was previously a commercial litigator at Greenberg Traurig in Los Angeles.

**Jong Bum Kim** has joined the faculty of the Graduate School of International Studies at Yonsei University in Seoul, Korea, where he teaches international trade courses.

**Darcy Walker Krause** has joined The Center for Grieving Children in Philadelphia as executive director. The center provides free grief counseling to children who have lost a loved one and their families. Darcy previously worked as the sibling bereavement project coordinator at Peter's Place in Radnor, Pa., and spent five years in private practice.

**Allyson Jones Labban** and her husband, Jeff, welcomed the birth of their daughter, Harper Elizabeth, on Nov. 17, 2012. Allyson is a member of the health care group at Smith Moore Leatherwood in Greensboro, and has been named a 2013 "Rising Star" by *North Carolina Super Lawyers* magazine and as one of the *Triad Business Journal's* "40 Leaders Under 40."

**Cindy Levine** earned an LLM at New York University's tax program in May. She is now a senior associate in tax conservancy at KPMG.



**Lance Oliver**, an associate in the Charleston office of Motley Rice, has been named to the 2013 list of "South Carolina Rising Stars" in the area of securities litigation. Lance represents unions, public pension funds and other institutional investors in securities fraud class actions in federal court at both the trial and appellate levels.

**Andreas Onetto** graduated with an MBA from the Kellogg School of Management in 2011 and joined Citigroup, where he works with the project and infrastructure finance team in New York.

**Jenifer Anderson Schultz** and her husband, Wilhelm, welcomed their daughter, Elinor (Ellie) Anna, on Feb. 18, 2012, in Johannesburg, South Africa.

**Jesse Smallwood** has been elected partner at Williams & Connolly in Washington, D.C., where his practice focuses on complex civil litigation, criminal defense, and government investigations.

**DongJu Song** has been promoted to partner at Wachtel Lipton Rosen & Katz in New York, where his practice primarily focuses on mergers and acquisitions, and corporate and securities law matters.

**Dalia Topelson** has joined Harvard Law School as a clinical instructor at the Cyberlaw Clinic, which is housed at the Berkman Center for Internet and Society in Cambridge, Mass. She was previously in-house counsel at Amazon.com.

**Walter Wood**, an attorney with Martin & Jones in Raleigh, has been named a "2013 Rising Star for Personal Injury – Plaintiff" by *North Carolina Super Lawyers*.

## 2005

**Suzanna Stoffel Martins Albano** has authored "Civil Union: A Right Still Not Granted to Many," which was published in the May/June 2013 issue of the peer-reviewed *Brazilian Journal of Family Law*.

**Gretchen Bellamy** has joined Walmart in Bentonville, Ark., as assistant general counsel for diversity relations. She previously was director of international public interest programs at the University of Miami School of Law. Her work with the African Probate & Policy Initiative was featured in a Nov. 1, 2012 *ABA Journal* article.

**Brian Brook** and **Matt Peed** have merged their respective firms, Brian C. Brook & Associates and Clinton & Peed, to form Clinton Brook & Peed, with offices in both New York City and Washington, D.C. Matt and Brian focus their practices on litigation matters, both criminal and civil.

**Christopher Farmer** joined gategroup in January 2012. After serving as corporate counsel for the Americas, he has moved to gategroup's Singapore office as acting general counsel for Asia Pacific and the Middle East. He previously was an associate at Weil, Gotshal & Manges.

**Sam Forehand** married Yasmin Al-Shibib in June 2012. They welcomed their first child, William Marshburn Forehand, on April 15, 2013. Sam has graduated from the N.C. Bar Association (NCBA) Leadership Academy, and was elected to three-year terms on the board of governors of the NCBA and board of directors of the NCBA Foundation. He has a solo practice in Raleigh.

**Kylie Inman Holladay** and her husband, **Bryan Holladay '06** welcomed their second daughter, Ellen Hensley, on Oct. 30, 2012.

**Jeffrey Imerman** has launched Imerman Cake Company, an online retailer and wholesale supplier of organic coffeecakes. The company is based in Bloomfield Hills, Mich. Its website is [imermancake.com](http://imermancake.com).

**Kara Moorcroft Kapke**, was elected partner at Barnes & Thornburg in Indianapolis, effective Jan. 1, 2013. Kara is a litigator and a member of the firm's toxic tort practice group and media practice group.

**Stephen Kessing** was named a partner at Cravath, Swaine & Moore, effective Jan. 1, 2013. He is a member of the firm's corporate department and is based in New York.

**Lori Lorenzo** has joined the Leadership Council on Legal Diversity as deputy director, in Washington, D.C. Previously, Lori served as director of diversity and inclusion, and JD adviser at the University of Miami School of Law.

**Lei Mei**, managing partner of Mei & Mark in Washington, D.C., was interviewed before an international audience on CCTV America's "Biz Asia America" on March 7, regarding IP-related U.S.-China trade issues. CCTV America is a division of CCTV News, China Central Television's English-language news channel.

**Julie Parish Parker** and her husband, Cleve, welcomed their son, Grayson Cleveland, on Feb. 17, 2013.

**Meredith Robinson** has joined the Federal Trade Commission. She previously was an associate in the antitrust and financial services practice at Dickstein Shapiro in Washington, D.C.

**Sarah York** and her husband, Jason, welcomed their son, Calvin Jackson, on Jan. 3. Sarah is a senior associate in the corporate practice group at Baker Botts in Dallas.



**Abizer Zanzi** has been named an income partner at Franczek Radelet in Chicago, where he represents companies, higher education institutions, nonprofit organizations, and public sector employers in all aspects of labor and employment law.

## 2006



**Wells Bennett** became the first managing editor of the national security blog *Lawfare*, in April, after spending a year as a special correspondent. A longtime contributor to *Lawfare*, Wells has written hundreds of posts that have ranged from real-time military commission coverage to careful analysis of proposed legislation and recent habeas decisions.

**Tyler Friedman** has joined New York Gov. Andrew Cuomo's Executive Chamber and is serving as chief of staff to the Elizabeth Glazer, the deputy secretary for public safety.

**Alyssa Greenwald** and her husband, Ted Wittenstein, welcomed their son, Thomas (Tommy) Harry Wittenstein, on May 3, 2013. Tommy joins big sister Lily. Alyssa is an associate general counsel for Yale University.



**Audra Heagney** is now an associate in the nonprofit organizations and associations group at Venable in Washington, D.C.

**Bryan Holladay** and **Kylie Inman Holladay '05** welcomed their second daughter, Ellen Hensley, on Oct. 30, 2012.

**Amanda Lacoff** joined the staff of the Law School in January as dean's fellow to Dean David F. Levi. She previously clerked for Judge James Wynn of the U.S. Court of Appeals for the Fourth Circuit.

**Matt Leerberg**, an attorney in Smith Moore Leatherwood's Raleigh office, recently received the firm's inaugural McNeill Smith Pro Bono Lawyer of the Year Award for his significant pro bono work in 2012. This included an appeal to the Supreme Court of North Carolina, where the court reversed the Court of Appeals 7 to 0. Matt is also an adjunct professor at the Norman Adrian Wiggins School of Law at Campbell University where he teaches Federal Courts. He was recently named a 2013 "Rising Star" by North Carolina *Super Lawyers* magazine.

**Regina Lennox** is serving as the Westerfield Fellow and legal writing professor at Loyola University New Orleans College of Law.



**Brent Lorentz**, a shareholder at Minneapolis-based Winthrop & Weinstine, has been named a leading practitioner by *Chambers USA* in the fields of intellectual property, employment, and complex commercial litigation.

**Sarah Powell's** book, *Biglaw: How to Survive the First Two Years of Practice in a Mega-Firm, or, The Art of Doc Review*, was published by Carolina Academic Press in March. Sarah practiced litigation as a senior associate at Covington & Burling in Washington, D.C., before joining Duke Law's legal writing faculty in July. In *Biglaw* she offers advice for achieving success as a large law firm associate.

**Tomer Schwartz** is practicing with the firm of Meitar Liquornik Geva & Leshem Brandwein in Ramat Gan, Israel. His practice focuses on the areas of acquisitions, technology and science, and investments.

## 2007



**Alicia Brewster** has joined the Atlanta office of Cantor Colburn as an associate. She focuses her practice on patent application drafting and prosecution.

**Rebecca Dixon** married Steven Breyman on Aug. 13, 2012. Rebecca is a member of the Empire State Executive Fellow Program.

**Jamie Markham**, an assistant professor of public law and government in the University of North Carolina School of Government, won the 2012 C. Felix Harvey Award to Advance Institutional Priorities, a campus-based honor that included \$75,000 to fund his project. Jamie is developing a mobile app to improve the accuracy and consistency of North Carolina's criminal sentencing process; the app will help legal practitioners identify the correct sentence that should be given to an offender under the state's structured sentencing law.

**Ryan McLeod** has returned to Wachtell Lipton in New York City as a litigation associate, after working for a year in Wilson Sonsini Goodrich & Rosati's Delaware office. Ryan also teaches a seminar on corporate litigation at Columbia Law School and in Duke Law's Wintersession.

**Brandon Robinson** married Brandi McGarity on Oct. 20, 2012 in Birmingham, Ala. Brandon practices energy and utilities law with Balch & Bingham, with a particular focus on smart grid technologies, renewables, and NERC reliability compliance matters.

**Sabine Van de Mosselaer** has joined the firm of Marx, Van Ranst, Vermeersch & Partners in Brussels as an intellectual property lawyer. She is also a legal researcher at the Centre for Intellectual Property at Catholic University of Leuven.

## 2008

**Natalie Hirt Adams** has joined the Office of the U.S. Attorney for the Middle District of Florida, in Tampa, as an assistant U.S. attorney in the asset forfeiture section.

**Yuo-Fong "Benni" Amato** has been promoted to senior counsel at Gordon & Rees. She practices intellectual property law in the firm's San Diego and Philadelphia offices.

**Meredith Whigham Caiafa** is an associate at Morris Manning & Martin in Atlanta where she is a member of the firm's employment, benefits and compensation, and litigation groups.

**Kristina Johnson** has been selected as a legal protection junior professional officer with the United Nations High Commissioner for Refugees (UNHCR). Having completed a two-year posting in Darfur, Sudan, she is moving to a post at the Dollo Ado refugee camp on the Somalia/Ethiopia border.

**Semih Metin** has joined DLA Piper as of counsel in its Istanbul, Turkey office.

**Timothy Shih** is general counsel of DMG Entertainment in Beijing.



**Crystal Williams** of Barnes & Thornburg's Indianapolis office has been named a 2013 member of the Leadership Council on Legal Diversity (LCLD) Fellows class. An associate in the firm's litigation department and food, drug, and device law practice group, Crystal joins 160 others nationally to take part in the program, which identifies, trains, and advances the next generation of leaders in the legal profession.

## 2009

**Thallen Brassel** has joined Burr & Forman's tax law practice in Nashville, Tenn. Thallen was previously an associate with Milbank, Tweed in New York. Her practice focuses on tax transactions.

**Matthew Levy** and his wife, Jill Kalish Levy, welcomed their daughter, Hannah Celia, on Jan. 25, 2012. Matthew is an associate with Simpson, Thacher & Bartlett in New York.

**Denise Mayo** is an associate at Greenberg Traurig's litigation department in Los Angeles where her practice focuses on general commercial litigation and appellate practice.

**Michele Okoh-Bernis** is now a prosecutor in Judicial District 7 in Wilson, N.C.

**Boris Volodarsky** has joined the Washington, D.C., office of Orrick, Herrington & Sutcliff, where he is a structured finance associate.

**Jianbin Wang** has joined Linklaters in Beijing, where he focuses his practice on banking and finance.

## 2010

**Lindsay Andrews** has joined Sard Verbinen & Co. in San Francisco where she focuses on corporate and crisis communications.

**Catherine Brewer** and **Daniel Singer** were married on May 26, 2013. Catherine is a litigation associate at Rouse Hendricks German & May in Kansas City. Daniel practices at Shamburg Johnson & Bergman in Kansas City, where he focuses on medical malpractice, automobile/trucking accident, and qui tam litigation.

**Slavik Gabinsky** has joined Sberbank, in Moscow, as chief international counsel. He previously was an associate at Sidley Austin in London.

**Michael Gilles** and his wife, Kate, welcomed their son, Sebastian David, on Dec. 12, 2012. Mike is an attorney-adviser at the U.S. Department of State in Washington, D.C.

**Cam Hosie** is a principal at 8 Rivers Capital in Durham, where he works on commercial development and legal management of the firm and its portfolio companies.

**Emily Johnson** has been honored with a 2013 "Commitment to Justice Award" for pro bono work by inMotion, an organization that provides free legal services to low-income women in New York City. Emily is an associate in the restructuring and finance department of Wachtell Lipton Rosen & Katz.

**Javier Martinez** has been appointed legal manager at Fox Head, Inc. Fox Head designs and manufactures performance action sports apparel; its new European and Middle East headquarters is located in Barcelona, Spain.

**Veronica Allen McClendon** has opened Toussaint McClendon Law, with offices in Atlanta and Macon, Ga. The firm focuses on issues affecting children and people with disabilities, with an emphasis on special education, school discipline, juvenile delinquency, child personal injury, child custody/welfare, and disability discrimination. Prior to opening her Macon-based practice, Veronica received the Skadden Fellowship to work with the Macon Regional Office of Georgia Legal Services Program, where she represented families in school enrollment, special education, and school discipline cases.

**Patricia Richman** and **Christopher Leach** were married in Baltimore on March 23, 2013. Patricia is an associate at Williams & Connolly in Washington, D.C. Chris is an associate at Gibson Dunn.

**Adam Sanders** has joined Baker, Donelson, Bearman, Caldwell & Berkowitz in its Chattanooga office. Adam is practicing in the firm's advocacy department. He previously clerked for Chief Judge **Curtis L. Collier '74** in the U.S. District Court for the Eastern District of Tennessee.

**Tommy Thekkekandam** has relocated from the Charlotte office to the New York office of McKinsey and Company where he is a senior associate.

**Ryan Thompson** has joined the Charlotte office of Winstead as a real estate finance associate. His practice is focused on debt financing representation of both lenders and borrowers.

## 2011

**Ben Baucom** has joined the New York office of Simpson Thacher & Bartlett where he is an associate in the capital markets and securities, and corporate practice groups. Ben completed a clerkship with Justice **Don Willett '92** on the Texas Supreme Court.

**Diego Brandao** has relocated with Chadbourne & Parke to Sao Paulo from New York. Diego's practice concentrates on representing international clients in connection with corporate transactions, finance, securities, derivatives, and international trade.

**Bilge Mersin** is engaging in post-graduate research at the University of Sheffield School of Law.

**Adam Schupack** and his wife, Rachel, welcomed the arrival of their first child, Theodore Max, on March 15, 2013. Adam is an associate in the Chicago office of Kirkland and Ellis.

## 2013

**Benjamin Philip Collins-Wood** and **Johanna Ruth Collins-Wood** were married on Oct. 13, 2012 at Duke Chapel.

## In Memoriam

### Class of '45

**Hazel Collings Poe**

Oct. 21, 2012

### Class of '47

**Wilford L. "Whit" Whitley**

Jan. 29, 2013

### Class of '49

**Hugh Alfred Lee**

Dec. 02, 2012

### Class of '50

**Arthur L. Alexander**

Nov. 01, 2012

### Class of '51

**Russell Douglas Foster**

Feb. 24, 2013

### Class of '52

**William A. Thornhill**

Jan. 02, 2013

**Wallace Ted Marlowe**

Feb. 27, 2013

### Class of '53

**Edward L. Williamson**

Feb. 10, 2013

### Class of '54

**James Frank Young**

Jan. 06, 2013

### Class of '59

**John J. Jack**

Jan. 27, 2013

**Jack Terry Emerson**

Sept. 19, 2012

### 1962

**Michael Troy**

April 09, 2013

**J. Marne Gleason**

March 30, 2013

### Class of '65

**Geoffrey Randolph Myers**

April 05, 2013

### Class of '66

**Burton Lee Albert**

June 19, 2013

### Class of '67

**James Franklin Heinly**

Nov. 07, 2012

### Class of '70

**Glenn Haase**

Jan. 01, 2013

### Class of '71

**John J. Witmeyer III**

July 31, 2013

### Class of '74

**William "Page" Montgomery**

Feb. 28, 2013

**John V. Dwyer Jr.**

April 08, 2013

### Class of '13

**Andrew T. Katbi**

March 31, 2013

This list reflects information received by the Duke Law Alumni and Development Office by July 31, 2013





Justice Samuel Alito Jr., right, with students in his seminar on constitutional interpretation  
Below: Justice Alito and Dean David F. Levi



## IN CLASS WITH JUSTICE ALITO

**S**UPREME COURT ASSOCIATE JUSTICE Samuel A. Alito Jr. visited Duke Law for a week in mid-September. In addition to teaching a seminar titled Current Issues in Constitutional Interpretation to 15 second- and third-year students, the justice shared highlights and insights from his life and career in public service and on the bench with an overflow student audience during a Sept. 19 “Lives in the Law” conversation with Dean David F. Levi.

Conor Reardon '14 praised Alito's collaborative and conversational approach to guiding his students through complex questions of constitutional interpretation during the seven classes they had with him.

“Classroom discussion centered around situating the opinions we read within broader constitutional theory, with plenty of talk about how the strengths and weaknesses of different approaches play out in particular cases,” said Reardon. “Justice Alito devoted himself chiefly to pointed questioning that pushed us to confront issues that transcend individual controversies: the proper role of theory in deciding constitutional questions, the capacity of various adjudicative approaches to cabin judicial discretion, the appropriate role of the judiciary in a representative democracy. In short, he taught the class like a law professor — and a very good one. I think each of the students left the course with, if not all the answers, a healthy appreciation for the weight and complexity of the questions.”

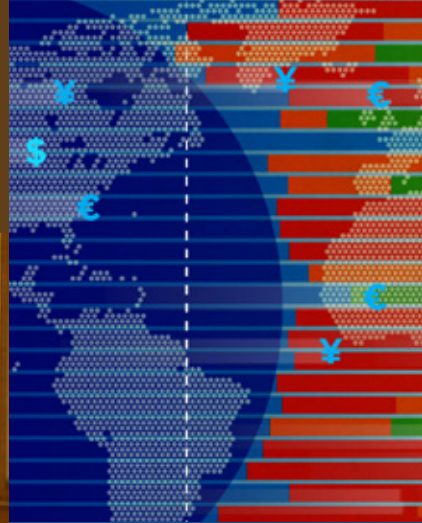
Alito has taught Current Issues in Constitutional Interpretation annually at Duke Law since 2009. ♪



**Oct. 21:**

**Lives in the Law with Justice Clarence Thomas**

Dean David F. Levi interviewed Clarence Thomas, Associate Justice of the Supreme Court of the United States, about his life and career in law.



**Oct. 31:**

**The Changing Landscape of Global Banking Regulation**

A conversation with Manuel Sager '85, Switzerland's Ambassador to the United States. Sponsored by the Global Financial Markets Center

**Nov. 7:**

**Slavery: Beyond the Pure Property Paradigm**

Adrienne Davis, the John Hope Franklin Visiting Professor of American Legal History delivered the Robert R. Wilson Lecture

# SELECTED FALL EVENTS

**Nov. 22-23:**

**Well-Being and Public Policy conference at Duke Law**

Sponsored by the Center for Law, Economics and Public Policy



**Nov. 22:**

**New Approaches and Incentives in Drug Development**

Inaugural conference of the Duke Law Center for Innovation Policy  
At the National Academy of Sciences Building, Room NAS120, Washington, D.C.



**DukeReads**

Join an online book club for Duke Alumni

This Fall: *One L*, by Scott Turow  
Presented by Neil Siegel, the David W. Ichel Professor of Law and Political Science  
The discussion will be ongoing through November and December

» Register at <http://dukealumni.com/Join-DukeReads>

"The book is helping me to reconnect with the anxiety and excitement that I felt when I was beginning law school, and to reflect on how much the general experience has changed. I hope my students would agree that it's better to be at Duke Law School now than at Harvard Law School then."

— Professor Neil Siegel

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# *Join Us! for Reunion*

**April 11 to 13, 2014**

<http://law.duke.edu/alumni/reunion/>

