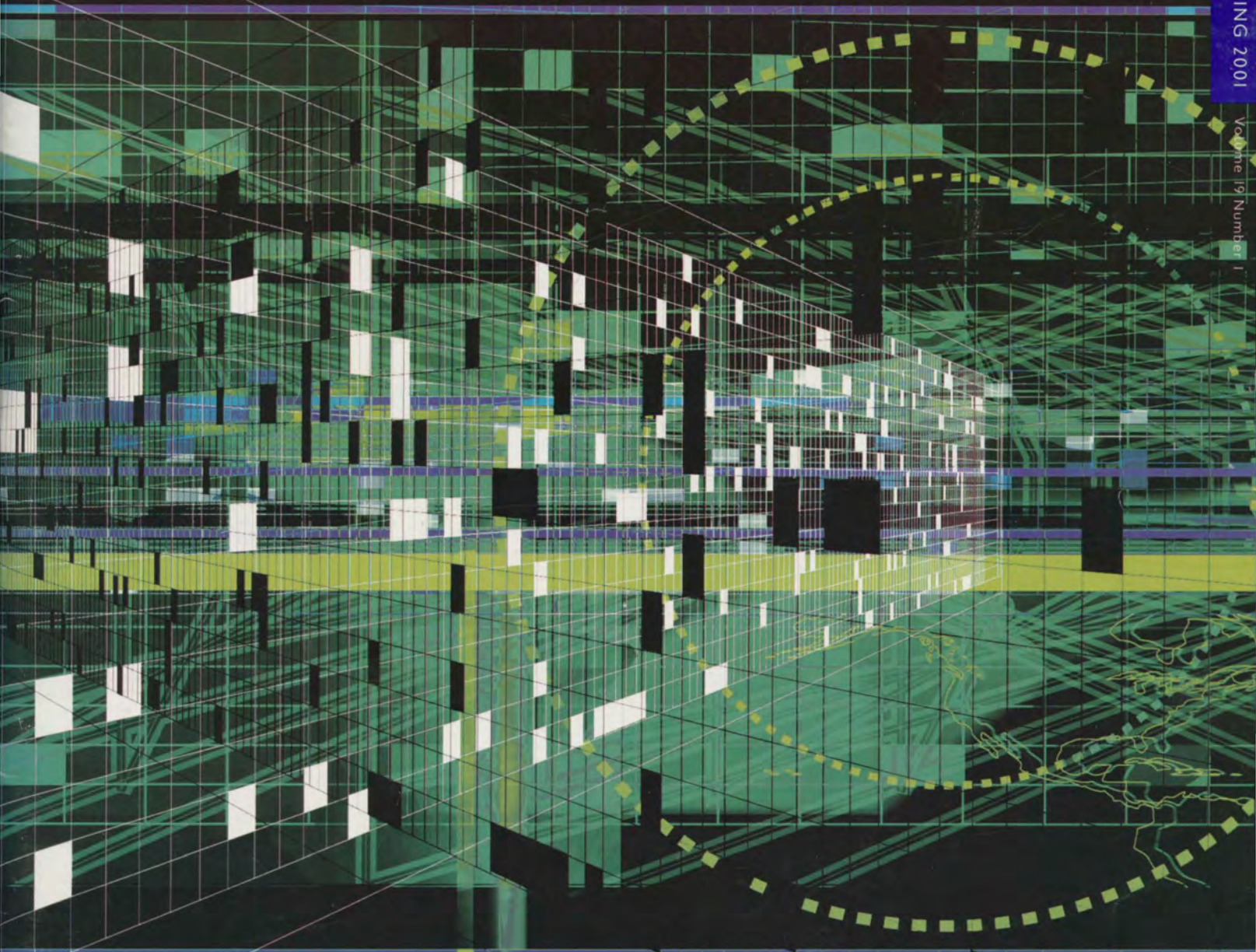




DUKE LAW

M A G A Z I N E



SPRING 2001

Volume 19 Number 1

inside

LAWYERING IN THE 21ST CENTURY

How the Technology Revolution Is Shaping the Future of the Legal Profession

plus

DESIGNING A GREAT CLASSROOM

Duke Law School's Millennium Renovation

from the dean



Having completed my first year as dean of Duke Law School, I am increasingly in awe of the talents and diversity of our community. This year's presidential election provided an occasion to view these qualities. Alumnus Frank Hunger '65 was in the thick of the action as one of Al Gore's closest advisers. At the same time, the five weeks following the Nov. 7 general election gave law faculty throughout the country, including our own

professors William Van Alstyne, Christopher Schroeder, Jeff Powell, Thomas Rowe and Robert Keohane, the opportunity to help guide the public through an unsettling constitutional moment. As one would expect, Duke Law faculty presented a variety of perspectives and intellectual analyses, both in local "teach-ins" and in national coverage in *The New York Times*, *The Washington Post* and "The NewsHour" with Jim Lehrer.

While this election season was especially intense, Law School faculty and alumni kept pace with a variety of intellectual conferences and symposia in other areas of public law. In July, the Law School sponsored a blue-ribbon line-up of judges, scholars, practitioners and alumni in Geneva, Switzerland, who studied comparisons between the U.S. class action suit and other mechanisms for addressing mass torts. The Law School hosted a standing room only crowd in September for "The Great Debate," in which noted U.S. judges and attorneys—including F. Lee Bailey, Kenneth Starr '73, Brendan Sullivan and Eugene Sullivan—debated their British counterparts on the differences between U.S. and British jury laws. An October conference gathered top constitutional law scholars to discuss recent trends in Supreme Court constitutional jurisprudence, and a conference in November assembled some of the world's most distinguished scholars on the subject of international corruption. In December, an interdisciplinary conference evaluating the Environmental Protection Agency after 30 years brought together leading environmental scholars and policymakers for an exciting two days of intellectual collaboration.

In addition to updating you on Law School events and news about alumni, faculty and students, this issue of *Duke Law Magazine* features some of the developments at the Law School relating to technology. On many technological fronts, we believe that Duke Law School is the most advanced of this country's top law schools. All classrooms at Duke are outfitted with computer hook-ups. You will read in this magazine about three special new classrooms that bring to our educational enterprise state-of-the-art teaching technologies, including SMARTboards and other high-tech equipment. All

Law School publications are published electronically, and our newest law journal, the *Duke Law and Technology Review*, is published only online. Many faculty are making creative use of technology in their classrooms to teach students, and electronic communication with students outside of class supplements face-to-face exchanges, which continue to be the foundation of a Duke Law education. Some students are interviewing for jobs at out-of-state law firms through teleconferencing; by using the same technology, some faculty are bringing international scholars into their classrooms to "sit" at the seminar table as if they were physically here at Duke. And we are communicating increasingly with you, our alumni, online. If you have not already subscribed to Duke Law E-News, I hope you will do so by visiting www.law.duke.edu/alumnile-news.html.

As the Law School makes its investment decisions in technology, it is important to note that it views technology as a vehicle for more effective teaching and research, not an end in itself. Webcasting is not a high-priced computer game, but a medium for bringing the Law School's exciting conferences to alumni and other interested audiences. Last fall, both "The Constitution in Exile" conference and "The EPA at 30" were Webcast. In November, we also were able to combine our Webcasting capabilities with Duke Law E-News to bring a faculty forum on the presidential election to alumni over the Internet, an event that has been called our "first experiment with continuing education at a moment's notice." Similarly, Professor John Weistart's project to reconceptualize how to teach contracts is designed not to add entertaining bells and whistles to this most basic of all courses, but to assist instructors in teaching the subject more effectively and reaching a deeper level of analytical understanding. This sense of purpose informs our entire approach to technology. On the near horizon is the Law School's investment in distance learning. There, too, you can be sure that the Law School will approach the new challenge with not only an eagerness to experiment, but also an insistence that everything we do improves our ability to educate, conduct research and strengthen ties with our alumni.

I hope that each of you will have an opportunity to visit us, either in person, through our Web site or one of our Webcast conferences. As I hope you will learn from this issue of *Duke Law Magazine*, there is too much going on to keep it all to ourselves. ♪

A handwritten signature in black ink that reads "Katharine T. Bartlett".

Katharine T. Bartlett
Dean and A. Kenneth Pye
Professor of Law



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LETTERS TO THE EDITOR

If you want to respond to an article in *Duke Law Magazine*, you can e-mail the editor at kossoff@law.duke.edu or write: Mirinda Kossoff, *Duke Law Magazine*, Duke University School of Law, Box 90389, Durham, NC 27708-0389

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'Great Debate' Pits F. Lee Bailey, Ken Starr '73 Against British

Attorney F. Lee Bailey and Judge Kenneth Starr '73 took on the British in an Oxford-style debate in September in "The Great Debate V," sponsored by the Law School and its Program on Complex Dispute Resolution. The event, hosted by Dean Katharine T. Bartlett and Professor Robinson Everett, drew nearly 600 participants to Fuqua's Geneen Auditorium.

In addition to Bailey and Starr, the American team featured noted attorney Brendan Sullivan, senior partner at Williams & Connolly, and Judge Eugene Sullivan of the U.S. Court of Appeals for the Armed Forces. The English team included The Hon. Mr. Justice Tucker, Master Michael McKenzie, Judge Neil Denison and Judge James Rant.

The debate tackled two issues of judicial procedure that differ between the two countries: whether a majority

verdict by a jury in a criminal trial should be permissible and whether a jury's deliberations should remain secret after trial. In the United States, criminal convictions require a unanimous 12-0 verdict, while in England, a majority verdict (10-2) is allowed. Jurors are free to discuss deliberations once a trial has ended in the United States, but in England, jurors are prevented by law from ever discussing their deliberations.

Two debaters from each team argued each of the two issues, with about five minutes to present each argument. The audience voted immediately after the debate by Oxford Rules: Those voting in favor of the British left through a door with the British flag; those voting for the Americans left through a door with the American flag. By a narrow margin, the American argument prevailed on both issues.

Before coming to Duke, the Great Debate was argued in Washington, D.C., at the Georgetown Law Center and, afterward, at the U.S. Embassy in London. ▽

F. Lee Bailey (left) and Judge Kenneth Starr '73 matched wits and witticisms with the British. ▽



Master Michael McKenzie, of the British team, was more than a match for his American opponents. ▽



Caracas 2000: Fifth Year Reunion for '95 International LL.M.s

On Oct. 22, nearly a dozen international LL.M.s met and vacationed together for seven days in Venezuela, rendezvousing in Caracas and traveling by chartered plane to Los Roques, a group of tropical islands, where they snorkeled and swam.

From Los Roques, the group made their way, via a smaller chartered Cessna, to Sapito Falls and ultimately to a fly-over of Angel Falls, the world's highest waterfall. LL.M.s from Austria, the Netherlands, Switzerland, New York and Mexico traveled to Venezuela for the reunion, organized by Andres and Maria Halvorsen. ▽

▽ The class of '95 reunion group spent several days at Canaima National Park, where they hiked across the jungle to Sapito Falls. From left, Oene Marseille, Annegien Krugers, Niels Mulder (all from The Netherlands), Sascha Cizek (Austria), Maria and Andres Halvorsen (Venezuela) and Carl Koller (Mexico). Tour guides Priscilla and Juan are in the foreground.

Duke Law Professors Face Off in Supreme Court Argument

Long-time Duke Law professors Walter Dellinger and Robinson Everett argued opposite sides of North Carolina's redistricting case in the U.S. Supreme Court on Nov. 27. Everett, who first brought suit against the state nine years ago over its design of congressional districts, argued that the shape of North Carolina's 12th Congressional District amounts to racial gerrymandering. Dellinger, who spoke on behalf of the state, contended that the legislature, in drawing the district's boundaries, had been motivated by politics, not race. "These are reliably Democratic precincts in what otherwise is a Republican area of North Carolina," Dellinger said.

The November hearing was the fourth time in eight years that North Carolina's 12th District has been used as the model in U.S. Supreme Court hearings about the objective of state legislatures in drawing congressional districts. Before a series of court challenges changed its configuration, North Carolina's 12th District stretched 160 miles through the state, in some places measuring no wider than the highway. Currently, the district is 46 percent black, down from an earlier configuration that included a 57 percent black population.



Professor Robinson Everett believes districts based on race "divide rather than unite."

Professor Walter Dellinger contended that the North Carolina legislature was motivated by politics, not race, in drawing its 12th District.



"Since March of 1992, I've been battling against the bizarre gerrymandering of the 12th District," Everett said. "We're still trying to finish the job."

Regarding his tenacity in challenging the state's reconfiguration of the 12th District, Everett said: "I still believe in a truly color blind society. Districts based on race divide rather than unite and are designed to favor political parties rather than the voters.

"I have the greatest respect for Walter Dellinger," Everett added. "I expect we've set a record for two members of the same law faculty to have argued twice against each other in the U.S. Supreme Court. It's a very important case, although our argument was overshadowed by the then-pending argument on the Florida recount. Walter is certainly a very worthy adversary, and despite our legal battles, we're still friends." ♣

Law School Turns Out for Dedicated to Durham

More than 100 students, faculty and staff from the Law School volunteered with local organizations Aug. 18 as part of the School's semi-annual community service event, "Dedicated to Durham."

The event paired participants with organizations throughout Durham to perform a variety of community service projects. This year's activities included clearing nature trails in the Duke Forest with the Triangle Land Conservancy; planting trees with SEEDS; doing housework at Concern of Durham's homes for boys and girls; and rehabilitating farmland with the Eno River Association.



It was a hot day for pulling weeds and mulching plants in the SEEDS Community Garden.



Duke Law students haul a steel girder deep into the forest for a foot-bridge on land owned by the Nature Conservancy.

"The theme this year was outdoors and environmental work," said David Kim '02, community service chairman of the student-led Duke Bar Association, which organized the event. "Local organizations really want to find eager, young, enthusiastic workers for these projects, and we're able to provide that."

Dedicated to Durham, which was launched during dedication events for the Law School's building addition in 1995, is organized in the fall and spring each year. The fall event is held in conjunction with the Law School's first-year student orientation, designed to involve entering students in community service projects early on. Now in its sixth year, Dedicated

to Durham has benefitted more than 20 local organizations.

"Dedicated to Durham helps us build community within the Law School and with our neighbors in Durham," said Professor Jonathan Wiener, who founded the event at Duke after helping to launch similar projects in Boston and Washington, D.C. "It's a fun and fulfilling way to get to know our colleagues and our community. And it reminds us that the life of every lawyer can be a life of public service—a life of making a difference."

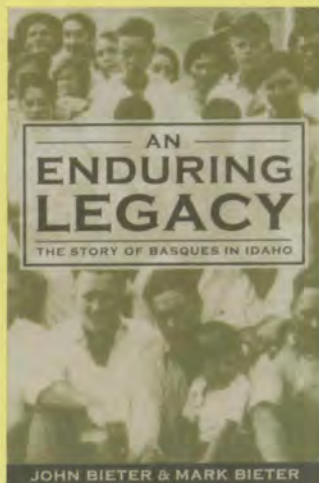
Dedicated to Durham is underwritten by Lexis-Nexis, a computer-assisted legal research service provider. ♪

**Professor Robinson Everett '59
Receives ABA Award for Contributions
to Law and National Security**

Professor Robinson Everett, former chief judge of the U.S. Court of Military Appeals, received the Morris I. Leibman Award on Dec. 1 from the American Bar Association's Standing Committee on Law and National Security, honoring him for more than 40 years of distinguished scholarship and service in law and national security. The award was presented by Attorney General Janet Reno in conjunction with the ABA's 10th annual National Security Law conference, held in Washington, D.C.

The award honors individuals who have demonstrated a sustained commitment to the field of law and national security. In his teaching career at Duke, Everett pioneered courses in military and national security law, providing models for dozens of courses now widely taught at the nation's law schools. In 1993, he founded the Law School's Center on Law, Ethics and National Security, which supports teaching, research, publications and conferences on national security.

Established in 1997, the award honors the memory of Morris I. Leibman, a lawyer and co-founder of the ABA Standing Committee on Law and National Security, and recipient of the Presidential Medal of Freedom. The award has only been given once before. At its meeting in November, the committee took the unusual step of deciding to give two awards this year: one to Everett and the other to Mark M. Richard, a distinguished Justice Department attorney who is currently counselor for criminal justice matters at the U.S. Mission to the European Union. ♣



3L Co-authors Book on Idaho's Basques

Mark Bieter '01 admits that the title of his book, *An Enduring Legacy: The Story of Basques in Idaho* (University of Nevada Press, 2000), might puzzle the average reader. "You wouldn't normally put 'Boise' and 'Basques' together," he says.

Nevertheless, today's Basque population in Boise, Idaho, hovers around 15,000, a number that has grown steadily since Basque immigrants first came to the United States in the 1890s for farm-labor and herding jobs. The group has since become one of the West's most successful ethnic minorities, but Idaho's Basques are also among the most active groups in preserving and cultivating their heritage.

"People tend to grab onto something that gives them an identity in what can be a very 'vanilla' American culture," says Bieter, who co-wrote the book with his brother, John. "But even if you don't care about Idaho, or about the Basques, that search for an identity is something familiar that we see in many cultures."

The brothers began work on the book eight years ago with a grant from the Basque government, conducting more than 100 interviews and poring through newspapers, books and personal letters to gather information. Born and raised in Boise to a Basque mother, the boys spoke Basque at home and were familiar with the culture and landscape. The family traveled often to Spain's Basque region, where the boys' father started a program for American students who wanted to study Basque history and language.

The book was published in August, and the first-time authors have received a positive response. Interview tapes from the project were donated to the Basque Museum in Boise, which is transcribing the tapes for an oral history, and the Duke Law Library formally inducted the book into its collection in early March.

"Basques appreciate the fact that we took the time to do this, especially since many of the older people we interviewed for the book died over the course of the project," says Bieter. "Many Basques now look at our book as a collective family history, and that's been pretty satisfying." ♣



Duke Law Journal Turns 50

The *Duke Law Journal* celebrates its 50th birthday in 2001, with two of its founding members, Carlton Fleming '51 and Arnold McKinnon '51, returning to Durham in April to serve as their reunion co-chairs. A third founding member, James Booker '51, died in September (see obituary, p. 56).

The journal began as the *Duke Bar Journal* in March 1951 and was renamed the *Duke Law Journal* in 1957. The *Duke Law Journal* adopted its current format in 1958, printing articles as well as student comments and notes, and moved to a quarterly publication schedule that year. In 1967, the journal moved to a bi-monthly schedule. Today, the *Duke Law Journal* is published in print as well as online at www.law.duke.edu/journals/dlj/.

The Law School will commemorate the journal's golden anniversary with a display in the Law Library and a formal recognition of the surviving original staff members during the April reunion. ♪

International Alumni Gather for December Reunion in Manhattan

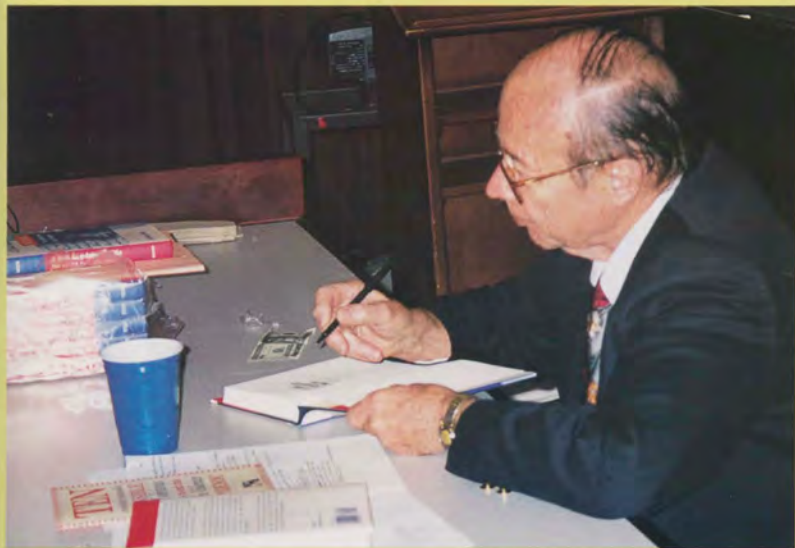
Nearly 50 LL.M. and J.D./LL.M. alumni and their guests gathered December 9th at the Times Square restaurant, John's Pizzeria, to share stories, reminisce and catch up on each other's careers in a reunion hosted by the Law School's International Studies Program. Duke law professors Donald Horowitz and

Amy Chua joined the group as did Judy Horowitz, associate dean for international studies, and Jennifer Maher, director of international studies. Alumni traveled from Philadelphia, Chicago, Washington, D.C., San Francisco and as far away as Zurich, Switzerland, to attend the event.

Fall Semester Speaker Highlights

- David Ross, associate general counsel, Office of the United States Trade Representative, on "The Law and Politics of International Trade."
- Professor Paul Bergman, the author of *Reel Justice*, which explores how American films have portrayed lawyers.
- Daniel Rothenberg, author of *With These Hands: The Hidden World of Migrant Farm Workers Today*.
- Professor Brice Dickson, chief commissioner of the Northern Ireland Human Rights Commission on "Human Rights in Northern Ireland: A Status Report."
- William Weir, author of *A Well Regulated Militia: The Battle Over Gun Control*.
- Professor Guy Goodwin-Gill, professor of international refugee law, Oxford University, on "International Refugee Law and Migration."
- Professor Andrew Taslitz, visiting professor from Howard University School of Law, on "The Jury and the Common Good: Synthesizing the Insights of Modern and Postmodern Legal Theories."
- Professor Walter Dellinger on "The Supreme Court: The 2000 Term."
- Professor Antonio Viego on "Racial Classification and Latinos."
- Clint Bolick, vice president of the Institute for Justice, and Dr. Helen Ladd, professor of economics, on "Promise or Peril? Debating the Merits of School Choice."
- Commissioner Bradley Smith of the Federal Election Commission on "Campaign Finance Reform: A First Amendment Perspective."
- Dr. Edward Kwakwa, assistant legal counsel at the World Intellectual Property Organization in Geneva.

- Franz Werro, professor of law, University of Fribourg, Switzerland, on “The Spirit of the Civil Law.”
- Judge Nicholas Forwood, Court of First Instance of the European Communities, on “The Judicial Architecture of the European Union: Challenges and Changes.”
- Jayashree Watal, Center for International Development, Harvard University, on “Negotiating Strategies for Developing Countries in the WTO: Lessons from Punta del Este and Seattle.”
- Jeremy Carver, CBE, partner and head of Public International Law Group, Clifford Chance, London, on “The Practice of International Law: An Insider’s Perspective.”
- Regan Ralph, executive director of the Human Rights Watch Women’s Rights Division, on “Domestic Violence and the Trafficking of Women.”
- Professor Anne-Marie Slaughter, Harvard Law School, on “International Relations and International Law.”
- Pamela Gann ’73, president, Claremont McKenna College, on “The Importance of International Studies.”
- Cameron Stracher, author of *Double Billing: A Young Lawyer’s Tale of Greed, Sex, Lies, and the Pursuit of a Swivel Chair*.
- Law professors Andrew Taslitz, Howard University, and Michael Gerhardt, College of William & Mary, and Michael Lieberman ’81, Washington counsel for the Anti-Defamation League, on a panel, “The Future of Hate Crimes Legislation,” moderated by Duke Law Professor Sara Beale.
- Chief Justice Henry Frye, first African-American chief justice of the North Carolina Supreme Court, on his legal career.
- Bishop Peter Storey, former president of the South African Council of Churches, on “Without Truth, No Healing; Without Forgiveness, No Future.”
- Senior Lecturing Fellow Lauren Dame on “The Impact of Genetic Information on Health Insurance.”
- Verna Williams, head of the Education Division of the National Women’s Law Center, on melding public interest and large firm experience.
- Dr. Douglas Kelly, on “In God We Trust? Organic Law and the Meaning of the First Amendment.”
- Bud Welch, father of a victim of the Oklahoma City bombing, on “Restorative Justice.”



William Weir, author of *A Well Regulated Militia: The Battle Over Gun Control*, told his Duke Law audience that countries with a wide disparity in wealth—like South Africa, Mexico, Russia and Brazil—have higher gun-related homicide rates than the U.S.

Professor Anne-Marie Slaughter of Harvard Law School outlined several models for the use of international law in international relations.



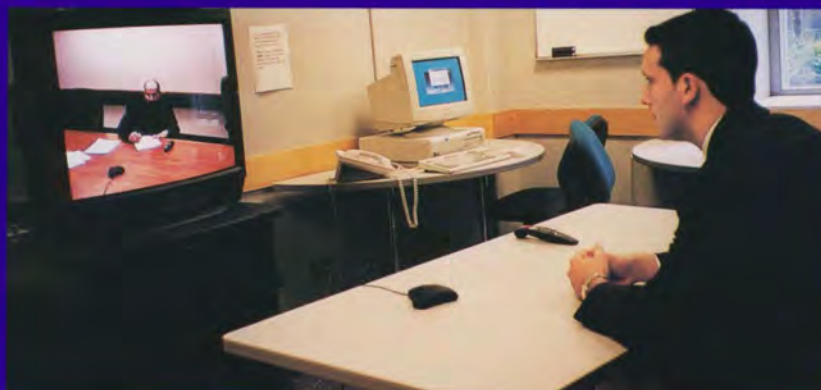
Videoconferencing Expands Job Options

The Office of Career Services put a new twist on face-to-face interviewing this year, bringing recruiters and student job-seekers together via live video technology.

"Videoconferencing allows distant firms that don't normally recruit at Duke to talk with Duke Law students in a way that's surprisingly personal and more cost-effective than flying cross-country," said Robert Smith, assistant dean for career services.

Response was positive on both ends, and the Law School will continue using videoconferencing to increase the number and variety of firms interviewing Duke Law students.

"The experience was valuable," said Eric Spencer '02, one of the first students to use the new technology. "I was looking at Phoenix as one of my main cities, and only five Phoenix firms come to Duke—so getting to interview with four more by teleconferencing was really helpful." ♪



Neil Wolitzer '02 interviews with an associate at Tonkon Torp of Portland, Ore.

At Conference, Scholars Debate Status of the U.S. Constitution

Top constitutional scholars gathered at Duke in October to debate the state of the U.S. Constitution in the wake of recent Supreme Court decisions that limit the scope of federal authority and emphasize the doctrine of state sovereignty.

"The Constitution in Exile" was the second in an annual conference series sponsored by the Law School's Program in Public Law, which was established in 1998 by generous gifts from Marcy and Richard Horvitz '78 to broaden public understanding of the laws that govern the U.S. and affect the lives of its citizens.

Professor William Van Alstyne was the keynote speaker, and proceedings were Webcast via the Law School's Web site.

"Webcasting the event enabled many alumni and other scholars to participate 'virtually,'" said Professor Christopher Schroeder. "I have received nothing but positive reactions, and we plan on making the Webcast a standard feature of our public law events." ♪

Webcasts Deliver Education 'At a Moment's Notice'

Professors Christopher Schroeder, William Van Alstyne, Jefferson Powell and Tom Rowe discussed the legal issues surrounding the presidential election and the disputed Florida vote in December, in an open forum with students, faculty, staff and an alumni

audience who watched the proceedings via a live Webcast.

The discussion was the second program to be Webcast this year, following a broadcast of the Program in Public Law's "Constitution in Exile" conference in October. Streaming video of the program, titled "Election 2000: What Happens Next?" is available through the Law School's Web site at

www.law.duke.edu/webcast/.

The discussion, broadcast from one of the Law School's newest "smart" classrooms, was part of a regular lunch series sponsored by the Program in Public Law. ♪

International Law and Corruption Workshop

A small group of scholars and practitioners from the fields of law, economics and political science met in Durham in November for a workshop to discuss the international fight against corruption. Among the distinguished participants were Jeremy Carver, partner & head of Public International Law Group, Clifford Chance, London; Peter Clark, deputy chief of Fraud Section, U.S. Department of Justice; Serena Moe, counsel, Citigroup, Inc., New York City; Hamid Sharif, counsel, Asian Development Bank, Manila, Philippines; David Small, general

counsel, Organization for Economic Cooperation & Development, Paris, France; Frank Vogl, vice-chairman, Transparency International, Washington, D.C.; and James Spinner, general counsel, Inter-American Development Bank, Washington, D.C. Duke faculty participants included Sara Beale, Francesca Bignami, Michael Byers, Steven Schwarcz and Laura Underkuffler as well as S.J.D. student Alejandro Posadas.

The workshop, hosted by the Duke Program in International and Comparative Law and the Duke Global Capital Markets Center and sponsored by the Josiah Trent Foundation, incorporated

interdisciplinary discussion among experts from public and private practice, as well as scholars from a number of different disciplines.

"Although the issue of corruption is attracting ever greater attention from practitioners and scholars of international law, relatively little sustained discussion of the issue has taken place between practitioners and scholars," said Professor Michael Byers, who also organized the workshop. "Even less discussion has occurred among scholars from different academic disciplines. The workshop grappled with and responded to this practical challenge in a fully interdisciplinary way." ▽

Program in Public Law Sponsors a Review of EPA at Agency's 30th Anniversary

The Program in Public Law and Duke's Center for Environmental Solutions examined "The EPA at 30: Evaluating and Improving the Environmental Protection Agency" in December, bringing together top environmental scholars and practitioners to evaluate the 30-year-old government agency. The conference follows a highly successful event held at Duke 10 years ago, which examined the EPA at the 20-year mark.

The two-day conference, which was Webcast live to alumni and other outside audiences, looked at how the EPA takes both science and economics into account in its internal decision-making, as well as how it incorporates issues of distributional fairness into those decisions. The conference also examined the EPA's institutional setting including its interactions with the courts, Congress, and with state, tribal and local authorities with a look ahead to identifying ways in which policymakers can successfully respond to emerging environmental problems.

Professor Christopher Schroeder organized the event with the help of Professor Jonathan Wiener, along with Richard Lazarus of Georgetown University and Robert Percival of the University of Maryland.

"It was the perfect time for a review and forecast of the EPA's strengths and weaknesses," said Wiener. "With 'The EPA at 20,' and now 'The EPA at 30,' this conference solidifies Duke's role as a leading source of analysis of our most important environmental institution."

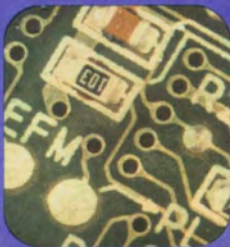
Streaming video of the conference is available through the Law School's Web site at www.law.duke.edu/webcast/. ▽

From left, professors Jeff Powell, Christopher Schroeder, William Van Alstyne and Tom Rowe talk to a packed classroom and an Internet audience about the legal complexities of the 2000 presidential election and the December stand-off in Florida.



Lawyering in the 21st Century

How the Technology Revolution Is Shaping the Future of the Legal Profession
by Kari J. Croop





In the wake of a year that saw Microsoft and Napster face off in court and AOL and Time Warner leap merger hurdles, the legal profession is undergoing its own transformation. Today's lawyers meet via videoconference rather than face-to-face and e-mail each other rather than talk by phone. How is technology affecting the future of the legal profession? And what do these changes mean for the way we practice law?

In a recent *Legal Times* survey of 22 law firms, nearly every firm surveyed had either just installed a new program, was about to switch applications, or was in the midst of evaluating new software or hardware for its computer network. Increasingly, firms are offering extranets to their clients who want to be able to tap into documents and other shared information for specific cases, and technology spending is eating up a larger chunk of firm budgets, upwards of \$6.2 million at bigger firms. It's now common for firms to teleconference and videoconference with distant clients.

Many firms are starting to provide all of their lawyers—not just partners—with laptop computers to use both in and out of the office. Since using laptops allows lawyers more flexibility and greater freedom from the office and desktop, *Legal Times* says the trend will probably continue.

Globalization and Increased Communication Efficiency

Bob Pringle '69, a partner at Thelen Reid & Priest in San Francisco, says the globalization of his practice has been one of the biggest changes in the last 10 years. "Our practice is now a worldwide practice," he says. "When I arrive in the morning and turn on my computer screen, I may have legal questions from as far away as Tokyo, and I will be responding via e-mail or by sending an attached document. I may not even talk to the client, which allows me to assist clients worldwide in a very seamless fashion. It's a more efficient use of my time and theirs."

Ron Frank '72, a partner at Pittsburgh's Reed Smith Shaw & McClay, shares a similar perspective. "We closed a deal in Buenos Aires recently, and no one traveled," he says. "We did everything by e-mail documents and conference calls."

Both Frank and Pringle say their firms use videoconferencing to cut down on travel costs and that using extranets allows for more efficient communication between firms and their larger clients. "When you have a lot of conflicts and a lot of people involved, it helps having a network where people can easily check the status of a given project," Frank says.

Pringle also notes that technology saves a practice time and money. "Just imagine: How long does it take to get your secretary to set up a call to Tokyo, where she talks to your client's secretary, who in turn talks to the client? You could go through five calls to do that," he says. "With technology, you avoid all that cost, and your client has an immediate hard copy of a document waiting in his e-mail in-box."

Diversification of Clients, Lawyers

Along with globalization and more efficient communication, technology is bringing diversification to the practice of law. "When I started with the firm 30 years ago, we were representing all the 'old industry' clients—large aluminum and steel companies, and financial institutions," says Pringle. "Of course now, a huge amount of our work relates to technology companies."

Many established firms are having to reorganize their teams of lawyers to tackle the burgeoning case-loads created by the new economy. "These days, it seems like all anyone is doing are Internet-related cases," Frank says. "We have a whole team devoted to that."

Since 1995, Debra Kelly's * solo practice, Digital Counsel Associates, has focused exclusively on providing legal and business solutions to technology and Internet-related companies. "I was in a great position to really see how the



“The younger associates just demand that you use the technology. Nothing scares them.”

Ron Frank '72

Internet was going to change the way communication was transacted,” says Kelly '90. “The work I did was basically made up of three things: What’s in my head, what I do with clients over the phone, and the research and writing I can do with my little laptop. I worked 90 to 95 percent on the Internet.”

When Kelly first came to Duke Law School as a student, only a fraction of companies were involved in Internet-related technologies. “Ten years ago, the market for what I’m doing now was very, very small,” she says. “But over the past five years, it has revolutionized to the point where anyone who has any kind of Web presence is a potential client for me because they have to be concerned with the new legal and business problems that arise out of technology.”

There is also a move toward a more interdisciplinary lawyer, and law firms are seeking young associates with backgrounds in business, science and research—not just legal expertise. “Law, technology and business are really coming to a place where each is affecting the other in a very revolutionary way,” says Kelly.

For Smaller Firms, It’s A Whole New Ball Game

For smaller firms, technology isn’t just a way to increase communication between firms and their clients, says Pringle, whose Thelen Reid is one of San Francisco’s largest law firms. It’s also a way for smaller firms to fight for their livelihood and remain competitive in a cutthroat marketplace.

“Small firms are using technology to cut costs and stay competitive,” he says. “They’re able to move to a less costly working space and have access to a wealth of information through the Internet and computer databases that in the past they couldn’t have touched, because they couldn’t afford to create it. Today’s technology makes small firms

all the more competitive and efficient, and large firms have to respond to that.”

Increased competition from other firms means that firms of all sizes are re-examining the way they do business, and re-evaluating how efficiently they operate.

“Every law firm is having to rethink its business,” Pringle says. “Law firms are no different than their clients: Up and down the supply chains for goods and services, there is pressure for everyone to be more efficient because the client demands it.”

Frank agrees. “We get more pressure from clients to keep up our speed than from any other law firm,” he says. “You have to be able to do business as they do business.”

A decreased need for physical space is also helping firms of all sizes stay competitive. Thelen Reid recently moved its offices from a facility built in 1972 to a more modern space with a library about half its original size. “Most of our lawyers do their research online, and all the volumes of California law are now available on CD-ROM,” Pringle says. “There’s just not a need anymore to go to the stacks and look it up in a book.”

Re-examining Quality-of-Life Issues

While technology brings a decidedly faster pace to the profession, it also brings increased flexibility, allowing some lawyers to place quality-of-life issues higher on their list of priorities. No longer tied to their desks, or to the centrality of a large city, many lawyers are moving to suburban locations, even working from their homes, practicing law where they can telecommute and be more efficient on their own time.

“There’s tremendous flexibility built into it,” says Kelly, whose small practice enabled her to be more mobile.

“Geographically, I’m not forced into one location. I travel a lot, and it allows me to do all of my client work, regardless of where I’m physically located.”

With the added availability of legal information online, a mobile lawyer with a laptop can be just as effective as a lawyer who prefers working from an office desk, Pringle says.

“Almost all the major courts are releasing their opinions in digital format, and you can get up-to-the-second case law online. You have immediate access,” he says. “There’s no longer a need to be tied to a physical location.”

Young vs. Seasoned: Is There a Digital Divide?

As more and more young lawyers leave law school with a mastery of the technology that is transforming their craft, more seasoned lawyers are recognizing that technology is the way of the future.

“That’s a given,” says Frank. “The younger associates just demand that you use the technology—you never see them writing anything out longhand. Nothing scares them.”

Adding Duke Law to the Equation

Duke Law School has kept an eye on the future of the legal profession for years, staying ahead of its peers in harnessing technology for use in the classroom and in legal research. One of the few law schools to require every entering student to own a laptop, Duke Law boasts wired Internet access throughout the building—in classrooms, lecture halls, in the library and other common areas throughout the school—and a new wing of classrooms and a state-of-the-art moot courtroom include some of the most cutting-edge technology available.

“I got a tour of the new facilities when I was visiting Duke this year,” says Kelly, who hadn’t been back to the

Law School since 1994. "What I saw was some of the most advanced equipment that I've seen anywhere, including not only schools of higher education but also some Fortune 500 businesses. It was absolutely state-of-the-art in terms of Internet access, teaching tools and basic communications. Very impressive."

The Law School's newest "smart" classrooms are completely networked, featuring support for audio and video, built-in videoconferencing and Webcasting capabilities. Two of the new seminar rooms have rear-projection SMARTboards, which allow professors to take notes, highlight text or emphasize a point directly onto a surface that resembles a large television screen.

"I remember when I thought bringing colored chalk into the classroom was pretty exciting, but these days we're to the point where I routinely use audio, video, the Internet and PowerPoint applications in my classes to illustrate a lesson," says Professor Thomas Metzloff. "There are definite advantages: If I've prepared something ahead of time, it's going to be clearer, it's going to be brighter, and it's going to be more understandable for my students. Once you break out of the box, there's lots of potential."

Other Law School faculty are embracing the new technology. Professor John Weistart is now working with contracts professors from Duke and Georgetown Law School to develop multi-media materials for teaching the basic first-year contracts course, which will replace the hardcover casebooks used in traditional law courses. And Professor David Lange's students are using the Law School's new Margaret Scheinman Media Laboratory—a gift from vice president of legal affairs at Cisco Systems, Dan Scheinman '87—to create and edit their own videos illustrating legal issues in entertainment and telecommunications law. In the future, students will be applying these same techniques to produce re-enactment

videos for use in mock trials and other class projects.

The Law School's global network of alumni also has reaped the benefits of the new technology, with recent Webcasts of high-profile Law School conferences and events. A lively discussion between Professors William Van Alstyne, Thomas Rowe, Jeff Powell and Christopher Schroeder on the aftermath of the presidential election in December drew media attention and a large physical audience at the Law School, as well as a virtual audience of alumni who joined the proceedings via their computer screens. Increasingly, the School is also using two-way videoconferencing technology to bring in legal experts and renowned scholars from across the globe, and students have used that same technology this year to interview with far away law firms for jobs and summer internships.

Duke Law students not only do most of their legal research online using Westlaw,[®] Lexis-Nexis[®] or the Web, but rely on the Law School network and Web site to register for classes, access curriculum information and discuss class assignments online through Web discussion boards and list-serves. Duke Law School is the first law school to make all of its academic journals available online and will this year launch the *Duke Law and Technology Review*, an all-electronic journal focusing on the intersections of law and technology.

"The goal at Duke Law School has been to spread the technology around the building to form a natural environment," says Richard Danner, senior associate dean for information technology. "The result is that Duke Law students have a heightened comfort with technology and go out into the working world with a distinct advantage over their peers from other law schools.

"We're responding to the fact that, more and more, students are most comfortable finding their information online," says Danner. "Our students come away from Duke with the ability to effectively use technology in their practice—without the handicap of a big learning curve."

What's Next?

Duke gets high praise from its alumni, who say that the School is leading the charge in incorporating technology into legal education and research. The School's small size and agility also allow it to quickly respond to emerging technologies and suggestions from alumni who are working in the field.

"Duke's doing a terrific job in preparing its law students. The people who have come out of Duke in the last four years have been immensely better prepared," says Pringle, whose firm has consistently hired Duke lawyers. "They're savvier and much more knowledgeable."

Kelly applauds the Law School's approach, and notes that the legal profession, over time, increasingly will use technology. "Law is going to become more and more multimedia oriented," she says. "It's no longer going to be you and your law books—or even you and Westlaw and Lexis. It's becoming more of a profession that relies on related studies, related expertise and not just legal precedent. The number of tools used for the art of persuasion are increasing phenomenally.

"To be viable in this changing marketplace," she says, "I think more law schools will be going in that direction, but Duke has really embraced the technology trend earlier than most. That should be an advantage, both for the Law School and for its students."

Many lawyers won't prognosticate about the specific directions the law will take, but most are willing to speculate that it won't be the same old ball game.

"I don't think law firms have been technological leaders, but once the first firms show they can get leverage from technology, then the dam will break," says Frank. "It's nothing but an exciting time to be in." ♣

** Kelly was hired in January by Duke Law School as a contract consultant for information technology initiatives.*



RETHINKING THE CLASSROOM: Duke Law School's Millennium Renovation

by Thomas Metzloff and Richard Danner



(Left)
Students use the new courtroom during the annual intensive trial practice weekend in January.

(Right)
Professor Thomas Metzloff, standing by the touch screen, says "Working on this project was a labor of love; it's gratifying to walk by these new rooms and see our students and faculty so engaged."



Duke Law School just completed the third most significant building project in its history: a series of two new seminar rooms, a classroom and a new courtroom, all designed to make use of the most advanced technologies in teaching law students and preparing them to enter the high-tech professional world of the 21st century.

The first of the School's major building projects was the construction of the new law school on its current site in the 1960s. The second was the addition of the new faculty wing in the 1990s. This year's project, dubbed the "millennium renovation," did not

change the building's exterior, but dramatically modified the Law School's teaching space. More than bricks and mortar, the most recent change symbolizes both how the teaching of law is evolving as well as Duke's commitment to being a leader in legal education.

It was not that long ago that, for law professors, being "high tech" in law teaching meant using colored chalk and, if truly innovative, overhead transparencies. While some faculty continue to rely primarily on lectures and Socratic discussions without the aid of any teaching tools, many regularly use PowerPoint or other visual aids to

teach more dramatically and effectively. Others show video clips to illustrate important points. A majority of Duke faculty now post reading assignments, class notes, past exams, articles of interest or student discussions on Web course home pages.

But these impressive innovations are just the beginning. Recent improvements in teaching technologies promise more. Advances in videoconferencing link Durham to the world. No longer restrained by having to have a guest speaker physically present in the classroom, faculty can invite noted experts, practitioners, judges, or statesmen from

around the world to be virtual participants in class. In addition, the formidable information and resources of the Web can be brought directly into the classroom—if the classroom can support that sort of creativity.

In undertaking such a major renovation, the School had to address the question: What should the 21st century law school classroom look like?

The Background

The Law School has occupied its current building since 1963. The building was designed for a student body of fewer than 300 students. As the Law School grew and added faculty and

programs, it became increasingly clear that additional space was essential. By the mid-1980s, the School came up with a plan to renovate and expand the existing structure in three phases.

Phase one, completed in 1989, involved a \$1.6 million renovation to the library, which added compact shelving and created new space for student seating and computer access.

Phase two, begun in 1992 and completed in late 1994, was a \$17 million dollar expansion of the building that added more than 84,000 square feet, most of which constituted a new wing to house the faculty and administration. The polished granite facade of the new

wing created a completely different architectural look. In addition to faculty and administrative offices, the new wing created useful public space between the existing and new wings, including a tree-lined courtyard, now called the Alumnae Courtyard, which will be dedicated during alumni weekend in April.

As successful and important as phase two was, it did not include much-needed renovations of existing classrooms. Phase three would have incorporated classroom improvements, along with a distinctive new entrance to the building, with a facade to integrate the old and new building exteriors. Because of cost

A STUDENT PERSPECTIVE

by Daniel Rosenthal '02

Seven years ago, when I left home for college, I remember my father mentioning how we could stay in good touch via something called e-mail. I gave him the typical adolescent response and figured that would be the last I'd hear about this strange communication device. Little did I know: We now live in an age when even my nine-year-old cousin incessantly sends e-mails and surfs the Net.

Now, at Duke Law School, it's exciting for me to see that the School has embraced technology development as a high-priority institutional goal. The new fourth-floor classrooms are impressive and quickly have become a source of pride for students giving building tours to visiting family and friends.

More substantively, professors increasingly use the technology to bring to life even old cases with mundane facts. In a matter of seconds, a professor can examine an issue in a PowerPoint presentation, play a video to illustrate a point, and draw—yes—draw on the video monitor to highlight particular topics. This is not to say all professors have made the transition to using the new technology in their teaching. Nevertheless, those who have done so are some of the most exciting and successful teachers we have.

The new technology made a major difference in one of my classes last year. Before I came to Duke, several friends who'd

gone to different law schools warned me that first-year civil procedure would be boring. When I went to the bookstore and flipped through the pages of *Federal Rules of Civil Procedure*, I saw what they meant. But my experience at Duke was altogether different. I learned civil procedure from a professor who produced all his notes on PowerPoint slides and then gave us copies of the slides themselves. This allowed us to use class time to discuss the issues, rather than focus on taking notes. He also used movie clips from the serious "Civil Action" to the humorous "My Cousin Vinny" to illustrate how the federal rules are applied. We learned the reasons behind the rules from movie scenes and other visual aids, instead of simply memorizing text to cram for a final exam. I came away from that course remembering more about civil procedure than about most of my other first-year courses, and I think that was because the professor used technology in a creative way.

Since Duke is on the leading edge of applying technology to legal education, I envy future Duke Law students, who will likely enjoy learning the law in an even more innovative environment.



(Above)
Senior Associate Dean Richard Danner (right) was a key member of the planning group for the new classrooms.

(Below)
Student Affairs deans Richard Ford and Elizabeth Gustafson '86 get a demonstration of the touch-screen technology in the football room.



and other considerations, the School abandoned plans for phase three.

At the same time, however, the School was adding new courses in such important areas as intellectual property and international law. It was also moving forward in technology. Students and faculty increasingly were using computers for communicating about courses, taking notes in class and doing research, and faculty were committed to using new technology in creative ways to improve teaching. To meet the need for more technologically sophisticated teaching space, from 1995-1999, the Law School retrofitted three large classrooms with state-of-the-art projection systems that permit faculty to make PowerPoint and Web-based presentations.

As important as these upgrades were, the School needed to do more. In 1999, the Law School undertook a major project to renovate the courtroom and classroom area on its fourth floor. That project resulted in what are

now referred to as the millennium renovations.

The Project

In planning the renovations, The Law School faced several major issues. The courtroom was the biggest challenge. Many law schools have large, richly appointed ceremonial courtrooms. By comparison, Duke's courtroom needed—and got—a major overhaul. With its handsome, wood paneling, the room is now intimate and elegant as well as technologically capable of providing for Webcasting and videoconferencing. Attorney Don Beskind, who teaches trial practice at the Law School, says of the new courtroom: “Teaching this semester in a technologically advanced room has been a great pleasure. Everything has worked wonderfully, particularly the remote monitoring facilities for jury deliberations.”

Since the School has been offering a growing number of seminars, it also

needed quality seminar rooms with technology and seating arrangements that would encourage lively class discussions. In offering more small sections, writing courses and smaller upper-level courses, the School had reached the saturation point with its existing classrooms, hence the need for one additional mid-sized classroom.

Most Duke students and alumni wouldn't have noticed the area that was so successfully renovated: Behind the old courtroom was a long hallway that had served as the designated smoking area until smoking indoors was banned in 1999.

The key to the new design was to turn the old smoking hallway into a classroom and two seminar rooms with windows by creating a hallway behind the courtroom away from the exterior windows. Through careful design, three superb teaching spaces replaced one windowless classroom and a couple of underutilized offices.




Designing a Great Classroom

Designing a great classroom is not a simple matter. It results from the interaction of three diverse elements: architecture, technology and understanding how law teachers use a classroom.

Carefully designed lighting is essential, since faculty routinely project either documents (through a document camera), PowerPoint slides, video images, guest speakers through video-conferencing or Web images. In the past, a lecturer would turn off all the lights to project an image, which made it difficult for students to take notes or see the lecturer. The new classrooms solve this problem by containing several banks of lights, which can be separately controlled. When the projector is on, the lights near the screen are turned off, but a different set of lights continue to illuminate the instructor. Carefully aimed lights over the student desks can be dimmed but still provide excellent light for note-taking.

Appropriate seating also is an important aspect of classroom design, so that students can discuss topics with each other as well as with the faculty. One of the two new seminar rooms has been designed with circular seating and quickly earned the moniker "the basketball room." The other seminar room has a more oblong seating design and, appropriately, is nicknamed "the football room." The new classroom has arched seating for superb site lines. Each seat in the seminar rooms, the classroom and the courtroom has power outlets and data access to the Law School computer network.

Cameras in each of the rooms permit any class or special presentation to be broadcast elsewhere. For example, in fall 2000, Professor Christopher Schroeder organized two major conferences in the new classrooms, both of which were Webcast. The video equipment permits distance learning experiments in which Duke classes are run simultaneously with classes elsewhere.

Faculty continue to experiment with the myriad possibilities offered by these new facilities. The Law School has seen the future and is embracing it. 

** Professor Thomas Metzloff is senior associate dean for academic affairs; Professor Richard Danner is senior associate dean for information technology. Both were centrally involved in the design of the new classrooms.*

“You know, I’m a very close friend—who just happens to have been a lawyer for 35 years.”

—Frank Hunger ’65

Family Ties Kept Frank Hunger ’65 in the Thick of 2000 Presidential Race

by Kari J. Croop

It’s December—a Wednesday morning in Washington, D.C., less than 12 hours after the U.S. Supreme Court effectively quashed any hopes for an Al Gore presidency, and Frank Hunger is in his office fielding calls from reporters.

His phone manner is good natured, but firm, delivered with a deep Mississippi drawl. “You know, at this point I don’t have anything to say,” Hunger advises the reporter on the other end of the line. “But I can tell you this,” he adds, “This is just one sad day in history.”

On a day that will make the history books, Hunger’s comments are a hot commodity. Hunger, the vice president’s brother-in-law, is one of Gore’s closest and most trusted advisors. He was there on the convention stage in August when Gore accepted the Democratic Party’s nomination. He was there in the Nashville hotel room when Gore narrowed his list of running mates. And he was there with the Gore family and an intimate group of aides on election night, anxiously waiting for late-night returns.

During election season, the media noted the bond between Hunger and Gore. *The Washington Post* and *The New York Times* both ran stories on Hunger last year, reporting on his unique relationship with the vice president and

billing him as “The Man Behind Al Gore.” To Gore’s children—and even to his campaign staff—Hunger, whose light-hearted manner helps loosen up the famously wooden Gore, is affectionately known as “Uncle Frank.”

Hunger’s corner office on Pennsylvania Avenue is lined with photographs of famous friends and family members. There are pictures of Hunger with Al Gore, Bill Clinton, Janet Reno—and there are two smaller pictures of his late wife and Gore’s only sibling, Nancy, who died of lung cancer in 1984. “I like having these around,” he says, smiling. “They make me feel good.”

In a town not known for its good manners, Hunger extends his Southern hospitality to guests, pointing out his favorite photos from among the office collection. “This was taken at the very moment we found out we won the White House in ’92,” he says, motioning to the black-and-white framed picture on the wall with the inscription that reads, “‘Frank, we did it!’—Thanks, Al.” In the photo, the two men—in shirt sleeves and neck ties—trade congratulatory back-slaps.

The tall, lanky Hunger is easy to recognize, with his long stride, thatch of brilliant white hair and dark eyes. He’s among the last to comment on policy matters, but the first to defend the vice president’s public image. “I think he has been tremendously mischaracterized by the press,” he says emphatically. “He’s a great guy. I’ve never met a person in

my life with more integrity, more honor, thoughtfulness or warmth. We’ve been through long roads together—some difficult times as well as extremely happy times. We are very close.”

Hunger, often mentioned as a potential attorney general in a Gore administration, campaigned with Gore in his run for the Senate in 1984 and 1988, and for the vice presidency in 1992. In the 2000 presidential election, he took an unpaid leave from his position as a member of the litigation and dispute resolution team at the D.C. law firm of Long, Aldrich and Norman to travel with Gore during the last few months of the campaign.

“I was with him practically every day,” he says. “We’ve been all over the U.S. together.”

He characterizes the aftermath of the presidential election as a roller coaster ride. “Well, how do you describe it?,” he says. “There were a lot of ups and downs, and I think we’ve stayed on that same ride up until today.”

Hunger is quick to clarify his role in the legal battles that followed the election. “I’ve been a friend and an adviser, and I’ve participated in many meetings. That’s all,” he says. “You know, I’m a very close friend—who just happens to have been a lawyer for 35 years,” he adds with a wink.

A dry cleaner’s son, Hunger grew up in Winona, Miss. (population 3,000), one



Frank Hunger is a veteran Al Gore campaigner: In addition to the 2000 presidential campaign, he worked the trail with Gore in his run for the Senate in 1984 and 1988, and for the vice presidency in 1992.

of 27 students in his high school graduating class. He attended the University of Mississippi to study business, and after a tour of duty with the Air Force that took him to Taiwan, he returned to Ole Miss for law school in 1961—the same year the university began the process of desegregation.

“That first year was a year of turmoil,” he says. “I’m trying to say this as delicately as possible, but I thought it was absolutely nuts. The university should have been more open-minded to what was taking place. I was very disappointed in its reaction.”

Hunger met Nancy Gore during his Air Force stint, while visiting a friend at Vanderbilt University.



Frank Hunger '65 likes to give office visitors a tour of his photo collection, which includes photos of his late wife and sister to Al Gore, Nancy, who died of lung cancer.

“I was sitting in front of the steps when Nancy walked out the door,” Hunger recalls. “My eyes caught her right away. She was one of the most attractive people I’d ever seen; I can still tell you what she had on that day.”

After transferring to Duke Law School, Hunger flourished in his new environment. “At Duke, people were terrific. People there were bright, energetic.” He fondly remembers professors Hodge O’Neil, Jack Latty, Melvin Shimm and Francis Paschal. (“Paschal taught me civil procedure and used to scare the bejeezus out of me.”) He’s also proud to point out that he was in the first class that Professor William Van Alstyne taught at Duke. He still has a soft spot for the Law School and has attended every reunion of his class, except for one, he says.

With his eye on trial work, the young Hunger clerked for J.P. Coleman, a former governor of Mississippi and judge on the U.S. Court of Appeals for the Fifth Circuit in New Orleans. He began his practice in Greenville, Miss., at Lake, Tindall, Hunger & Thackston, a small firm of three lawyers. He eventually became partner and enjoyed a successful litigation practice.

With Clinton and Gore in the White House in 1992, Hunger left his firm to join the Clinton administration as the assistant

attorney general over the Department of Justice’s civil division, the department’s largest litigating division. In his new post, he oversaw approximately 700 attorneys and a docket of more than 20,000 cases and claims.

Although Gore initially helped him to get the job, his work there over six and a half years proved his worth to colleagues and

earned him admiration for his judgment in a variety of cases, including the government’s defense of FDA efforts to regulate tobacco. The case was ultimately toppled in a 5-4 ruling in the U.S. Supreme Court, but it was friend, colleague and Duke Law Professor Walter Dellinger who argued the case the first time around in the 4th circuit.

“I think I served and survived longer in that position than anyone else,” Hunger laughs. “It’s the best job I’ve ever had. To call it a job doesn’t even do it justice.”

In contrast to his buttoned-down professional life, Hunger likes a bit of physical challenge in his personal life: For his 60th birthday, he made an 11,000-foot parachute jump from an airplane.

Next to Al Gore, Hunger’s allegiances lie with Duke. “I have no greater love for an institution than Duke Law School. Were it not for my education there, I wouldn’t be where I am today,” he says. He stays in touch with friends like Dellinger and professors Christopher Schroeder, Tom Rowe, Francis McGovern and Dean Katharine Bartlett, among others.

So what’s in Hunger’s future? In the aftermath of a tumultuous political season, no one in Washington can say for sure. But Hunger is convinced that he’s not ready to pack in it yet. “Here I am at this point in my life,” he says, “and I’m still looking forward to new adventures. It’s a great place to be.”

“My parents always taught me that you’re supposed to give back.”

-Elizabeth Kuniholm '80

Elizabeth Kuniholm '80 Bests HMOs in Trial Against Abusive M.D.

by Laura Petelle '03

Elizabeth Kuniholm '80 took on more than 20 health care companies that failed to protect female patients from a doctor who molested them—and won. Slim and stylishly-dressed, Kuniholm hardly looks much older than the fresh-faced law students she teaches in her trial practice class at Duke.

But Kuniholm garnered national attention as the attorney for a group of 15 women who were sexually molested by Dr. Wallace Evans, a family physician who practiced in Cary, N.C.

She says she's not a hero. The real heroes, she avers, are the women who stepped forward.

“It took incredible courage to do what they did,” she says. “It is infinitely easier to be the lawyer than to be the plaintiff.”

In recognition of their work in exposing Evans' abusive behavior, Kuniholm and her 15 clients were presented the Steven J. Sharp Public Service Award last July from the Association of Trial Lawyers of America. The North Carolina Academy of Trial Lawyers also honored Kuniholm with its Walter Clark Award for extraordinary service to justice and the academy.

Evans' name first surfaced two years after Kuniholm started her own firm, focusing on medical malpractice. “In 1993 a woman came to me and reported having been molested by her doctor during a physical exam. She was very concerned about it, and had reported it to her HMO and the medical board and was not getting much of a response,” Kuniholm recalls. “She wanted to make sure that he didn't do it to anyone else. At that point, I told her that I thought it would be very difficult, that at the end of the day, it was hard to predict what a jury would award, and whether it was worth the financial or emotional cost.

“I turned her away,” Kuniholm says, “and told her to pursue her complaints with her HMO.”

Kuniholm didn't revisit the incident until a second woman walked through her door a year and a half later.

“A second woman reported similar conduct on the part of the doctor that occurred two and a half years after the first woman's reported abuse,” says Kuniholm. “At that point I had enough experience that it was apparent to me that this was someone probably engaged in a pattern of abusive conduct.”

The two women, with Kuniholm as their lawyer, sued Evans, the HMO and several other corporations they identified as responsible for the doctor's conduct, practice and licensing.

The Raleigh *News & Observer* soon picked up the story. After it ran, “I got 65 calls from other women who had had similar issues with the same doctor,” Kuniholm recounts. “Virtually every one of them had thought she was the only one, and they were calling because they wanted to make sure that everybody knew it was true: That he, in fact, did these things. Some of them had complained to the medical board; some of them had complained to HMOs, and there was absolutely nothing to indicate that anyone had done anything to stop the doctor.”

Eventually Kuniholm went forward with 15 plaintiffs and sued a group of defendants that included Maxicare, Blue Cross/Blue Shield of North Carolina and a collection of doctor-run managed care companies based in Calif., which had purchased Evans' practice in 1994.

The defendants asked the judge to bifurcate and sever “everything from everything,” Kuniholm remembers. While the judge did not give the defendants exactly what they had asked for, he did separate the punitive and compensatory damages issues, and severed the doctor from the corporate defendants.

In December 1999, Kuniholm and six plaintiffs who belonged to Blue Cross/Blue Shield of North Carolina won their case against the doctor and his practice, but the case was appealed.

Several days later, all the plaintiffs and defendants settled all claims. A confidentiality agreement covers the terms of the settlement.

"These women have done what the medical community failed to do: They have stopped Dr. Evans," Kuniholm was quoted as saying in *The News & Observer* on Jan. 14, 2000.

But Kuniholm is not completely satisfied with her victory.

"Two things trouble me," Kuniholm says. "We were able to put together a case that survived summary judgment against the HMOs based on documents that they produced indicating that they had complaints about [Evans] ... We got those documents back in 1997. Shortly after we got the documents, the North Carolina legislature passed a law that extended to HMOs the peer review privilege that applies to hospitals. Once that law was passed, we never would have been able to discover those documents, because they would have been protected by a peer review privilege.

"The second thing," she continues, "is that North Carolina effected a cap on punitive damages and changed the punitive damages law. Because most of the claims involve emotional distress damages, that kind of a claim is pretty uncertain in terms of what a jury will give you. The cap is \$250,000 or three times compensatory damages, whichever is greater. We were under the old law in our case."

Kuniholm says it would have been impossible to bring such a case under the new law. "We wouldn't have had access to the documents that proved Evans was a danger to patients, that the HMOs knew about it, and it would have been impossible to sustain the case with the potential recovery being uncertain or insignificant. And I believe that if we had not brought the case that he would still be practicing medicine."

A long-time resident of Durham, Kuniholm moved to the city from Hamden, Conn., in 1962 when she was 15; her father had accepted a position at Duke as the chairman of the physics department.



Elizabeth Kuniholm '80 came by her crusading spirit early on. She discovered the law could be a potent vehicle for positive social and policy change.

"It was an incredible time to be thrust into the South," she recalls. "I came from a multiracial, multi-ethnic community, and I'd had black teachers who'd been some of my favorite and best teachers. Coming to Durham was a real shock. My sister became very involved in the civil rights movement. Within two years, the Civil Rights Act was passed, and there was this incredible change that occurred in the first few years. It was a fascinating time to be a young person, so I think that was very formative for me."

After earning her undergraduate and law degrees at Duke, as well as a master's in public policy, Kuniholm clerked a year for The Honorable J. Dickson Phillips of the 4th Circuit Court of Appeals. Then she went to the Raleigh firm of Tharrington, Smith and Hargrove as an associate. "I got into litigation there and started doing

some plaintiffs' medical malpractice," she says.

"My parents always taught me that you're supposed to give back, that you're supposed to do things that will make the world better," she explains. "And I've been tremendously fortunate in the opportunities I've had.

"I think the law is a powerful instrument for change," she says. "I've seen it happen in the years that I've been involved in medical negligence cases; I've seen policies and procedures change in hospitals to protect patients. I was inspired in law school when I read about *Brown v. The Board of Education* and the lawyers who essentially worked their whole lives for the changes the law finally required."

“ Obviously being around him for 14 years, he’s so much a part of who I am.”

—Quin Snyder '95—about 'Coach K'

In First Season as Coach, Quin Snyder '95 Takes Missouri Tigers To NCAA Tournament

by Joel Israel '03

You could say Quin Snyder '95 has followed the usual career path for a graduate six years out of law school.

He became an associate with a prestigious firm right away, gained experience in the courts and moved on within a few years to lead his own firm. His stock around the country is rising, and he loses less and less the 30 or more times per year he goes to court.

The difference: That first prestigious firm was the Duke basketball program under Mike Krzyzewski, and the court where he earns his keep has basketball rims and thousands of fans in the Midwest. Today, Snyder is in his second season as head coach of the Missouri Tigers.

In reality, Snyder's experiences over the last 15 years have been anything but typical, with Duke being one of the only constants throughout. As a Duke undergraduate from 1986-89, Snyder had no thought of coaching or law school. Instead he was the steady point guard, helping Duke to three Final Fours in his four years as a player, while accumulating the third-highest assist total in school history and earning Academic

All-American honors in the process.

Only late in his senior year did Snyder begin to think about law school.

“I didn't know who I was or what I wanted to do next,” he recalls. “I was really burnt out on basketball at that point. I talked to a few people in the Law School—John Weistart, Jerome Culp—and it just sounded to me like a great step in my life.”

Snyder took a year off before starting law school in 1990 and returned to Duke thinking he would practice law. But by Christmas-time, Snyder had applied to the Fuqua School of Business and began a joint law-business degree program the following year.

The four-year program was spread out over five; Snyder spent the middle year in Los Angeles as an assistant coach for the NBA's Clippers, and made a serious foray into the field of venture capital, where he unsuccessfully pursued a job with a leading business foundation. “I still remember getting the rejection letter in the Law School parking lot,” he says.

But an admitted lack of experience in the venture capital arena was not matched on the basketball court. Snyder began working as an administrative assistant with the Duke men's basketball team during his last two years of law school. As graduation

approached, he thought more and more about coaching. In February 1995, he decided to pursue coaching full time and mailed his resume to coaches around the country.

He didn't have to travel far, because his timing meshed perfectly with Duke's situation. In April 1995, assistant Mike Brey left Krzyzewski's bench for Delaware and Snyder moved seamlessly from the classroom to the sidelines in Cameron Indoor Stadium, where he was once a player.

It was a clean break from the law but not a departure from the academic benefits he gained, benefits that Snyder says extend well beyond the classroom.

“More than anything, you changed your limits,” he says of his law school experience. “I had never been challenged that way academically. It took me a while to figure out how to be on time; some would say I never learned.

“In the end, I had a different agenda [than becoming a lawyer],” he adds. “I valued the analytical aspects and the thinking involved.”

Over the next four years, Snyder says he learned a lot from Krzyzewski. The relationship between the two evolved naturally from coach/player to coach/protégé, and Snyder quickly rose to become Krzyzewski's top assistant in 1998-99, when the two guided Duke to



With a joint law and business degree, Quin Snyder '95 was set to go in a number of career directions. But the lure of basketball proved greater, and with Duke's famed "Coach K" as mentor, Snyder's path from player to coach was a natural.

the national championship game. As that season wound down, continuing hip pain forced Krzyzewski to hand over to Snyder more responsibility than usual.

"He was careful to allow me the freedom to explore and quick to encourage innovation," Snyder said of Krzyzewski. "Obviously being around him for 14 years, he's so much a part of who I am."

Snyder became known at Duke as a coach who connected well with his

players, including stars such as Elton Brand, William Avery and Chris Carrawell. His reputation helped convince a number of high school recruits to choose Duke.

By the end of the 1999 season, Snyder was a hot prospect for head-coaching jobs throughout the country, and his name surfaced with almost every opening. When Norm Stewart retired from Missouri, Snyder was able to take over a program that has a long

tradition and plays in an elite conference, the Big 12.

"I'm as hungry as it gets," Snyder said in April 1999, when he was hired, "and looking in the eyes of some of our guys, I don't think they've eaten for a while either."

The Tigers pulled out an 18-13 record and earned an NCAA Tournament berth in Snyder's first season at the helm, and recruiting success has Missouri poised to break back into the top-25 this year.

"We're on track," Snyder says. "I'll tell you, though, there are no shortcuts to it."

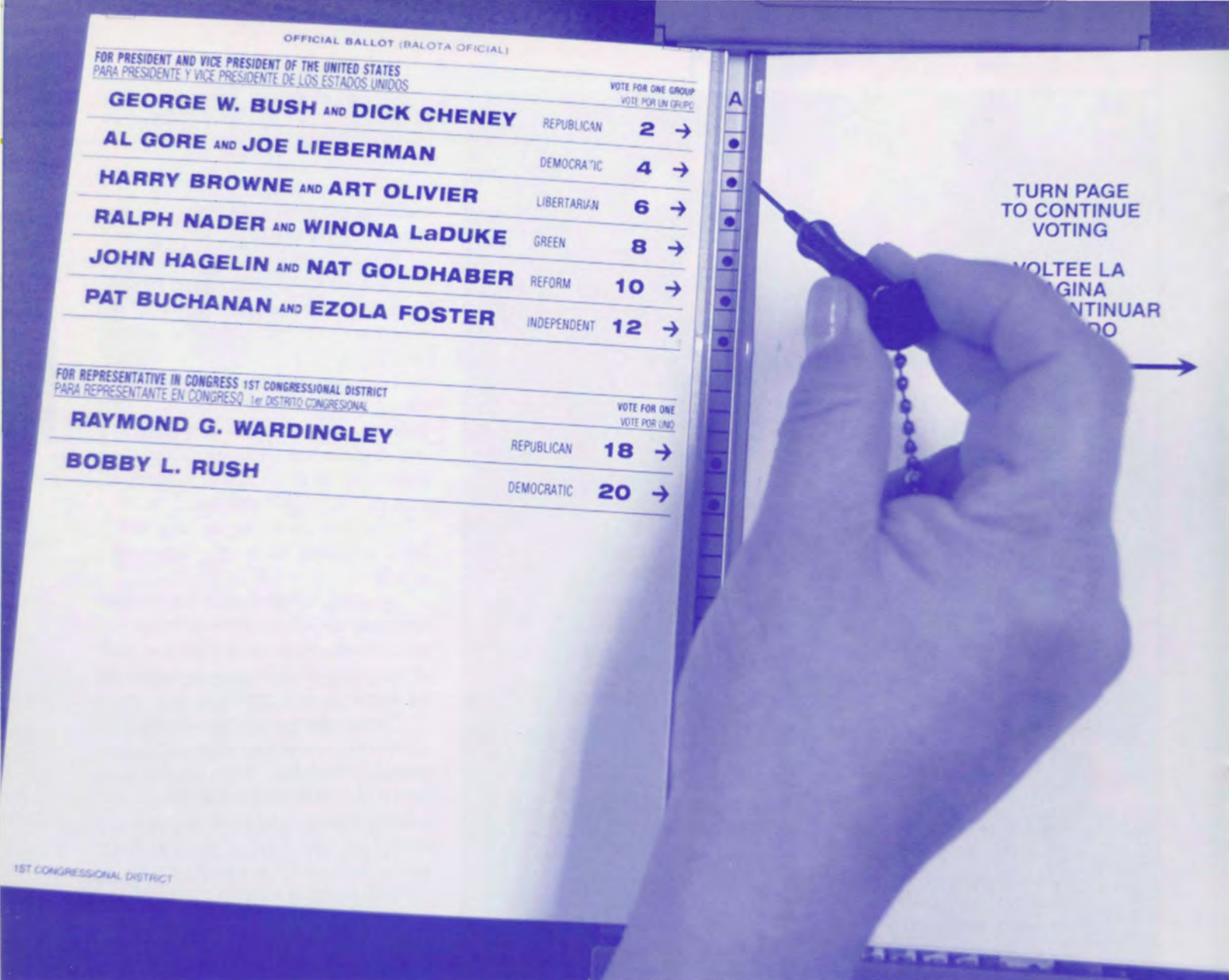
Spending 14 years under Krzyzewski obviously influenced the way Snyder runs his own program. But he says both of his professional degrees have changed his approach to the game as well.

"We've tried to take an incredibly analytical approach to teaching the game," he explains. "What I'm doing now is akin to an entrepreneurial job. I'm running a program; I hired 10 people when I got here. A lot of what I'm doing comes from what I learned in school."

And every bit helps in a job and field that Snyder admits is extremely competitive. He married his wife, Helen, in September 1999, and with basketball in the mix as well, he says there is little room for anything else. "You're unconscious of the time," he says, a description that could fit many recent law graduates working long hours as they climb the legal ladder.

In the coaching fraternity, Snyder's ascension has indeed been remarkable, and there's little doubt in his mind that Duke has had a big impact on his career.

"Law school is something I always thought I'd want to do," he explains. "I never thought I'd coach. But I'm so vested in it now, and this is really where I want to be." 🐅



THE UNITED STATES AS THIRD WORLD COUNTRY: WHAT TO DO ABOUT CHAD

by Professor William Van Alstyne

Chad, as everyone knows, is an impoverished country just south of Libya, along the northern African coast. We do not take much interest in how this very poor country conducts its elections. But this much is certain: Its elections can hardly be more pathetic than the way we have just conducted our own.

For this was how it was with us, as the world watched on CNN, days after the November 7th election. After the millions of dollars lavished on the presidential campaign, it came down to this: hunched groups of grim-faced party designees caught on camera, turning pieces of paper this way and that against the light, frowning, arguing, checking ballots in search of hanging, dangling, or dimpled chad. Unbelievable, yet true.

In fact, however, the farcical follies of the chad in south Florida were less an exception and more the rule. Though not as much noted on television news, for example, the election in New York also had its own chad follies. Indeed, in terms of sheer numbers of affected voters and their votes, more things went wrong in New York than in Florida.

In New York, the kind of chad that defeated many voters were not tiny bits of semi-detached paper on ridiculously unreliable ballots. What defeated many voters was more mechanical chad—the “chad” of voting machines that too often just didn’t work, though voters came to the polls assuming they would.

Why didn’t they work? According to *The New York Times*, it is just because, as New York election officials themselves acknowledged, breakdowns of these 40-year-old machines during voting are virtually routine. It’s no big deal. Instead, they say, it’s just the way things are. There is no lobby, no special interest with clout, to secure better equipment or even to press to maintain the machines in good repair. So, of course lots of votes will go uncounted, and of course voters will queue up only to give up after interminable waits. So goes the presidential election in the

Empire State. It’s chad, New York style.

In other states, voters were stymied by still another kind of chad. In a number of states, the voting machines come complete with an optional “party lever.” But contrary to the casual voter’s impressions, on some machines these party levers do not actually register a vote for every office identified with a party candidate. In fact, unless one had paid close attention, one might not have noticed that if one meant to vote for president of the United States, it would require a separate pull on a different handle somewhere else on the machine.

Predictably, as it turned out, thousands of people (especially people who were first-time voters not familiar with these odd types of machines) left the voting booth November 7th supposing they had cast their vote for someone for president, only to learn from the evening news that there was an “undercount” in the votes registered for president. Not having noticed the separate lever, the vote they thought they cast for the presidency didn’t register at all.

In fact, because of these and other kinds of “chad,” we now know an important if dismal truth; that whatever the reported vote not just in Florida but nationally, it cannot come within a million votes of telling us how many people this year tried to vote but couldn’t. It won’t tell us the number who voted but whose votes weren’t counted, or whose votes (and how many) didn’t make the count or who actually did receive the most votes for president of the United States. Why? Because of old-fashioned corruption and crime? No, it would be a relief if this were the explanation. The explanation is not this good. It is because the system, as illustrated by Florida, is utterly unreliable, nearly broken down.

Is there anything constructive that might be rescued from this embarrassment of our presidential election? Absolutely. And it lies not in the aimless calls to amend the Constitution in some new ways (e.g., to abolish the Electoral College). It is simply to use the powers

the Constitution already provides us to “take out the chad” that now frustrates our elections, that demoralizes those who only want to vote as they have been encouraged to do and that invites ridicule from abroad. Here is all that is required.

As most Americans already know, the Constitution vests in Congress an ample power to prescribe the “time” of the holding of our national elections. Indeed, Congress has usefully invoked that power to assure us of a uniform day, to be respected in every state, for elections for national offices. And we are all doubtless better off than had it failed to act in just this way.

Less well known (if just because this power has been less used), the Constitution also vests in Congress an ample power not only to prescribe a uniform time, but also to prescribe a uniform “manner” of holding elections in which members of Congress are chosen. Here, however, Congress has largely been in default. In fact, it has made very little provision to govern the ease of voting in our national elections; virtually no provision to guarantee a uniformity of ballot form; and nothing to establish the character, features, repair, or reliability of the equipment used in these elections, how it is set up, supervised, or anything else in processing votes. It now needs to exert itself, constructively, as the Constitution provides it suitable power to do.

The steps it should take are not complicated. First, Congress should immediately establish a nonpartisan commission charged with a single task: to submit recommendations for a uniform, clear, error-free, standardized format of ballots to be used in national elections; the equipment to be used; standards of maintenance; and all other incidental measures appropriate to facilitating accurate returns. Then, with that report in hand and with such comments as anyone may want to provide as part of the specific recommendations for consideration, promptly enact all necessary and proper legislation to carry it into effect. ▽

Catherine Admay

Lectures and Addresses

- "Legal Fictions: The Work of Working Assumptions in the Law," Venice International University.
- "The 'Authority' of International Law in South African Constitutional Jurisprudence," University of Cape Town, South Africa.
- "Losing the Commons in the Name of Saving It: The Case of the Straddling Stock Agreement," Duke Environmental Research Working Group.

Other

- Continues to serve Law Reform Programme of Ministry of Environment, South Africa.

Katharine Bartlett

Lectures and Addresses

- Debate participant (v. Barbara Bennett Woodhouse) on grandparents' visitation rights in the series "Justice Talking," American Public Policy Center, University of Pennsylvania.
- Keynote Speaker, "Conference on Non-Traditional Child Custody and Visitation: An Interdisciplinary Exploration of Law and Process," Syracuse University College of Law.
- Speaker, "Family Law Code Changes in the 21st Century," Family Law Superstars and Symposium on the 21st Century Family, Tampa, Fla.

Other

- Guest on National Public Radio's "Talk of the Nation," on divorced parents and joint child custody.

faculty notes

Francesca Bignami

Lectures and Addresses

- "Transnational Civil Society Dialogues," Thirteenth Annual Meeting of the Academic Council on the UN System, Oslo, Norway.
- "The Reformation of EC Comitology," Law Department, University of Oslo.
- "The WTO Asbestos Panel Report," Science and International Trade Conference sponsored by Boston College Law School and Suffolk Law School.

Publications

- "Transatlantic Civil Society Dialogues" (with Steven Charnovitz) in Mark A. Pollack & Gregory Shaffer, eds., *Transatlantic Governance in the Global Economy* (forthcoming Rowman & Littlefield Publishers, 2001).

Sara Beale

Lectures and Addresses

- "The History of the Grand Jury," Department of Justice's national training seminar for prosecutors.
- "Crime: The Nature and Extent of the Federal Role," to the newly elected members of the House of Representatives, orientation program sponsored by the House and by the Congressional Research Service of the Library of Congress, Williamsburg, Va.
- "Guns, Crime and Punishment," conference on the unexpected consequences of increasing federal gun penalties, sponsored by the University of Arizona Law School.
- "The Effects of Increasing Federal Gun Penalties," faculty workshop, Georgetown University.
- "The Effects of Federalizing Crime," faculty workshop, Ohio State University.

Herbert Bernstein

Lectures and Addresses

- "Strasbourg, Germany and Europe: A Distant Past," "The Reich(s) that

Failed" and "A European German," to Duke alumni on a trip in Germany.

Publications

- "Foreword: Small World," *10 Duke Journal of Comparative & International Law* 275 (2000).

James Boyle

Lectures and Addresses

- "Between the Leviathan and Cryptography," Conference on Trust, Fuqua School of Business, Duke University.
- "Digital Initiatives," MacArthur Foundation, Chicago.
- "Preservation of the Public Domain," Ford Foundation, New York.
- "Moral Rights and Utilitarian Property," French Senate Conference, Paris.

Publications

- "Cruel, Mean or Lavish?: Economic Analysis, Price Discrimination and Digital Intellectual Property," *Vanderbilt Law Journal* (forthcoming 2000).
- "The First Amendment and Cyberspace: The Clinton Years," *63 Law and Contemporary Problems* (forthcoming 2000).

Michael Byers

Lectures and Addresses

- "International Politics and the Making of International Law," British International Studies Association Annual Conference, Bradford, United Kingdom.
- "The Politics of International Law," Canadian Council of International Law Annual Conference, Ottawa, Canada.
- "The Single Superpower in International Law," Institute for International Law, University of Göttingen, Germany.
- "International Law from a Political Science Perspective," British Political Science Association Annual Conference, London School of Economics and Political Science.
- "The Making of International Law

in a Single Superpower World," Annual Conference of the American Society of International Law, Washington, D.C.

- "Global Governance and American Democracy," Conference on Trends in Global Governance, American Enterprise Institute.
- "The Law and Politics of the Pinochet Case," *Virginia Journal of International Law* 40th Anniversary Conference, University of Virginia School of Law.
- "The Law and Politics of the Pinochet Case," faculty workshop, University of North Carolina at Chapel Hill School of Law.
- "Woken up in Seattle," Symposium on International Law and the Dilemma of Accountability, University of Virginia School of Law.
- "Strategy and the Making of International Law," faculty workshop, Washington University School of Law.

Publications

- "The Law and Politics of the Pinochet Case," (2000) 10 *Duke Journal of Comparative & International Law*.
- "International Law and the American National Interest," (2000) 1 *Chicago Journal of International Law*.
- "Back to the Cold War?" (June 22, 2000) *London Review of Books*.
- "Woken up in Seattle" (January 6, 2000) *London Review of Books*.
- Editor, *The Role of Law in International Politics: Essays on International Relations and International Law* (Oxford: Oxford University Press, 2000).
- Wilhelm G. Grewe, *The Epochs of International Law* (translated and revised by Michael Byers) (Berlin: Walter De Gruyter, 2000).

Paul Carrington

Publications

- "Teaching American Civil Procedure Since 1779," *Legal Canons* (J.M. Balkin & Sanford Levinson eds., New York University Press, 2000).
- "A Mother's Day Eulogy for Margaret Walker Wythe," 3 *Green Bag*

2d. 255 (2000) (with Kelley).

- "Big Money in Texas Judicial Elections: The Sickness and Its Remedies," 53 *SMU Law Review* 263 (2000).
- "Tocqueville's Aristocracy in Minnesota," 26 *William Mitchell Law Review* 485 (2000).
- "Recent Efforts to Change Discovery Rules: Advice for Draftsmen of Rules for State Courts," 13 *Kansas Journal of Law & Public Policy* 456 (2000).
- "Two Letters to Judge Eaton," 37 *Court Review* 14 (Summer 2000).
- "The Obsolescence of the United States Court of Appeals," 15 *Law & Politics* 515.
- "Tanking the Rankings: Thoughts on Law Schools Rankings by the Media," republished at 2000 *Uwyo* 30.

Awards and Recognitions

- Elected Fellow, American Academy of Arts and Sciences.

Legal Consultation or Testimony

- Amicus brief, *Circuit City Stores, Inc. v. Adams*, U.S. Superior Court.

Other

- Gastprofessor of Law, Albert Ludwigs Universitat Freiburg, summer 2000.
- Panel chair, Program in Complex Litigation, Geneva, Switzerland.
- Panel chair, National Academy of Sciences Panel on Law and Science.

George Christie

Publications

- "Torts" (from the American perspective), *Common Law/Common Values/Common Rights: Common Law Principles for the 21st Century*, published in July 2000 in conjunction with the American Bar Association's Millennial meeting in London.

Other

- Participated in a conference at Vanderbilt University to discuss, with the Reporters, the draft provisions of the *Restatement of Torts (3d)*, *General Principles of Tort Law*.

Charles Clotfelter

Lectures and Addresses

- "Are Whites Still 'Fleeing'? Racial Patterns and Enrollment Shifts in Urban Public Schools, 1987-1996," Harvard Public Economics Seminar.

Legal Consultation or Testimony

- "Do Lotteries Hurt the Poor? Well, Yes and No," House Select Committee on a State Lottery.

Publications

- "Public School Segregation in Metropolitan Areas," *Land Economics* 75, 487-504.
- "Taxes and Philanthropy Among the Wealthy," Gerald E. Auten, Charles T. Clotfelter and Richard L. Schmalbeck, in Joel Slemrod (ed.), *Does Atlas Shrug? The Economic Consequences of Taxing the Rich* (New York: Russell Sage Foundation and Harvard University Press, 2000), 392-424.

James Coleman

Lectures and Addresses

- "The Death Penalty from Woodson to Moratorium," keynote address, "A Town Meeting: The Death Penalty Moratorium Movement in North Carolina," sponsored by North Carolina Central University School of Law and The North Carolina Academy of Trial Lawyers.
- Moderator, panel on "Racial Justice and the Bill of Rights," Presidential Showcase series: "To Secure the Blessings of Liberty: The Bill of Rights and Core Constitutional Guarantees in the New Millennium," New York.
- Panelist at ABA Section Officers Conference, "Taking Charge When You're in Charge," Chicago.
- Panelist, "Symposium on the Death Penalty," Wake Forest University School of Law.
- Panelist, "Talk Back," following performance of "Never the Sinner" sponsored by Raleigh Ensemble Players and the Wake County Coalition for a Moratorium Now.
- Moderator, discussion, strategies for

protecting the pipeline of minority students into colleges and graduate programs, Association of American Law Schools, Task Force on Racial Diversity, Washington, D.C.

Other

- Member of planning committee and moderator, panel, "ABA Call to Action: A Moratorium on Executions," Atlanta.

James Cox

Publications

- Supplement 2000 to *Securities Regulations: Cases and Materials*, 2nd Edition (with Hillman '73 and Langevoort).
- Supplement to *Corporations* (with Hazen).

Other

- Participated in consultative group for *Restatement Third of Agency* in Philadelphia.
- Continue as consultant to Kingdom of Saudi Arabia.
- Completed special investigation for Waste Management Inc.
- Chair, Board of Trustees, Durham Academy.
- Organizer and participant in the National Association of Corporate Directors, Directors College for the N.C. Research Triangle.

Richard Danner

Publications

- "Electronic Publication of Scholarly Information in Law: A View from the United States," 28 *International Journal of Legal Information* 464-482 (2000).
- "Focus on Information Literacy," *National Law Journal*, July 17, 2000, at C1.

Other

- Continues as member of Association of American Law Schools Advisory Group on Electronic Publishing.
- Continues as director of communications and member of executive board for International Association of Law Libraries.

Deborah DeMott

Lectures and Addresses

- "Restating Agency: Competing Bases for Accountability for the Actions of Others" Faculty Workshop at Pepperdine University School of Law.

Publications

- Preliminary Draft No. 4, *Restatement Third, Agency*.

Other

- As Reporter for *Restatement Third, Agency*, met with project's Advisers and Member's Consultative Group.

Diane Dimond

Lectures and Addresses

- "Advanced Writing Skills for Attorneys," U.S. Department of Justice, Office of Legal Education, National Advocacy Center, Columbia, S.C.
- "Negotiation Skills for Use In and Out of Mediation," N.C. State Bar Continuing Legal Education Seminar: "Advanced Negotiation and Advocacy in Mediation."

Robinson Everett

Lectures and Addresses

- Dinner Speaker and Guest of Honor, 50th Anniversary of Tuesday Night Club, Officers' Club, Ft. Leslie J. McNair, Washington, D.C.
- "Personal Vignettes of the Development of the UCMJ," The Walter T. Cox, III Military Legal History Symposium (MALC-2000) at Spates Hall, Ft. Myer, Va.
- "Solving the Redistricting Puzzle and Related Election Issues," The Federalist Society of Greater Charlotte.
- "National Security Law Update," Eleventh Annual Festival of Legal Learning, University of North Carolina School of Law, with Scott Silliman.

Legal Consultation or Testimony

- Lead counsel for appellees in U.S. Supreme Court case *Hunt v. Cromartie*, concerning redistricting.

Publications

- "Redistricting in a New America,"

forthcoming in the *North Carolina Law Review*.

Other

- Moderator at Duke Law School's "The Great Debate: England v. The United States."
- Continues to sit as senior judge for the Court of Appeals of the Armed Forces.

Martin Golding

Publications

- "My Philosophy of Law," *The Law in Philosophical Perspectives; My Philosophy of Law* (Dordrecht; Kluwer Academic Publishers, 1999) 47-67.
- Excerpts from *Legal Reasoning, "Principled Decision-Making and the Supreme Court," Constitutional Theory* 2nd ed. (Lexus Publishing, 2000) 23-25 and 30-32.
- Excerpts from *Philosophy of Law in Introduction to the Study of Law*, 2nd ed. (Anderson Publishing Company, 2000) 97-116.

Other

- Consulting editor for four journals: *Social Philosophy and Policy*, *Law and Philosophy*, *International Journal for the Semiotics of Law* and *Res Publica: A Journal of Social and Legal Philosophy*.
- Articles referee for *Ethics*.
- Member of editorial board, *Law and Contemporary Problems*.

Michael Hannon

Lectures and Addresses

- "Beyond HTML: Extensible Markup Language (XML)," American Association of Law Libraries Annual Meeting, Philadelphia.

Clark Havighurst

Lectures and Addresses

- "Vicarious Liability: A Proposal to Relocate Legal Responsibility for the Quality of Medical Care," Duke University Medical Center Humanities in Medicine Seminar.
- "The Backlash Against Managed

Care and What to Do About It," Indiana University School of Law, Indianapolis.

- "On Vicarious Liability," Grand Rounds, Department of Medicine, Indiana University.
- "Class Actions," a managed care topics luncheon, Indiana University.

Awards and Recognitions

- Received the McDonald-Merrill-Ketchum Award and Lectureship from Indiana University.

Publications

- "American Health Care and the Law—We Need to Talk!" *Health Affairs*, July-August 2000, 84-106.

Donald Horowitz

Lectures and Addresses

- "The Deadly Ethnic Riot," Duke University luncheon for chaired professors.
- "Paths to Conciliation: Northern Ireland and the World of Severely Divided Societies," the Opsahl Memorial Lecture, Queen's University, Belfast, Northern Ireland.
- "Some Realism About Peacemaking," plenary session, conference on "Facing Ethnic Conflicts: Perspectives from Research and Policy-Making," University of Bonn, Germany.
- "Institutional Design: International Influences and Internal Processes," Pacific Basin Research Center annual meeting in Laguna Beach, Calif.
- "The Deadly Ethnic Riot," Social Science Colloquium series, Bucknell University, Lewisburg, Pa.
- "Can the World Cope? The Challenge of Ethnopolitical Conflict," panelist at the University of Pennsylvania Steinberg Symposium.

Publications

- *The Deadly Ethnic Riot* (Berkeley and Los Angeles: University of California Press, 2000).
- "The Northern Ireland Agreement: Consociational, Maximalist, and Risky," in John McGarry, ed., *Northern Ireland and the Divided World* (Clarendon: Oxford University Press).

- "Constitutional Design and the Problem of Adoption: Proposals Versus Processes," in Andrew Reynolds, ed., *Constitutional Design, Conflict Management, and Democracy in the Late Twentieth Century* (forthcoming Oxford University Press, 2001).
- "Constitutional Design: An Oxymoron?" *NOMOS*, Vol. 42, *Designing Democratic Institutions* (2000) 253-84 and forthcoming in *Democratic Culture*, Vol. 3 (2000).
- "Provisional Pessimism: A Reply to Van Parijs," *NOMOS*, Vol. 42, *Designing Democratic Institutions* (2000) 321-28.

Robert Keohane

Lectures and Addresses

- "Governance in a Partially Globalized World," presidential address, American Political Science Association, Washington, D.C.

Publications

- *Power and Interdependence*, with Joseph S. Nye, Jr. (3rd edition, 2001).
- Co-editor, special issue of *International Organization* (54:3, summer 2000), on "Legalization and World Politics." Co-author of the introduction and two other articles in the issue.

Appointments/Elections

- President, American Political Science Association, 1999-2000.

David Lange

Lectures and Addresses

- "Problems in the Ownership of Intellectual Property in the Academy," Ohio State University Law School conference, "Intellectual Property and Technology."
- "Internet Distribution of Music," Ohio State University Law School conference, "Intellectual Property and Technology."
- "Intellectual Property and the First Amendment," *Vanderbilt Law Review* conference, "Taking Stock: The Law and Economics of Intellectual Property Rights."

Publications

- Teachers Manual, *Intellectual Property Casebook*.

Other

- Continues as member of the board of trustees of the Copyright Society of the United States.
- As member of Provost's Committee on Intellectual Property, drafted an intellectual property policy for Duke University.
- Chair-elect of the AALS Section on Intellectual Property.

Film and Video

- "Nuestra Hernandez" (a video reflection on the ownership of culture), produced with Jennifer Jenkins and Catherine Hasenzahl for initial screening at the New York University Law School Conference, "Alternatives to Ownership in the Digital Environment."

Fiction and Poetry

- "Willing the Child to Return," accepted for inclusion in an anthology of short fiction based on the Vietnam War Memorial (the Wall).

Carolyn McAllaster

Lectures and Addresses

- "Legal Issues in the Millennium," "Renewing Hope for Communities: North Carolina's Response to the HIV/STD Epidemic" Conference.

Publications

- "Issues in Family Law for People with HIV," *AIDS and the Law* (2000 Cumulative Supplement), with Jeffrey Selbin, (Aspen Publishers, Inc., 2000).

Madeline Morris

Lectures and Addresses

- "Being Particular About Universal Jurisdiction," symposium, "Frontiers of Jurisdiction," University of Chicago Legal Forum, Chicago.
- "Universal Jurisdiction in a Divided World," conference on "Universal Jurisdiction: Myths, Realities and Prospects," New England School of Law Center for International Law and Policy, Boston.

- “In the Interests of Justice: The Purposes and Beneficiaries of International Criminal Law,” International Law Weekend, American Branch of the International Law Association, New York.

Publications

- “Being Particular About Universal Jurisdiction,” forthcoming, *University of Chicago Legal Forum*.
- “Universal Jurisdiction in a Divided World,” forthcoming, *New England Law Review*.
- “High Crimes and Misconceptions: The ICC and Non-Party States,” 63 *Law and Contemporary Problems*.
- “In War and Peace: Rape, War, and Military Culture,” *War’s Dirty Secret*, (Anne Barstow ed.).

Other

- Provide consultation to U.S. State Department, Office of War Crimes Issues, on international criminal jurisdiction.
- Chaired panel, “How Would the ICC Affect the Conduct of American Justice?” conference, “The International Criminal Court and U.S. National Security,” American Academy of Arts and Sciences, Washington, D.C.
- Special editor, 63 *Law and Contemporary Problems*, symposium issue on the International Criminal Court.

Robert Mosteller

Publications

- *Problems in Evidence* (West 4th ed. 2000) (with Broun & Billionis).
- “The U.S. Perspective on the Judicial Role in Sentencing: A Story of Small Victories and a Call for Partial Solutions in a Difficult Environment,” *Proceedings of Belfast Conference on the Judicial Role in Criminal Processes* (J. Jackson & S. Doran eds., 2000).

Other

- Chair, Association of American Law Schools Evidence Section.

Theresa Newman

Lectures and Addresses

- “Advanced Writing Skills for Attorneys,” U.S. Department of Justice, Office of Legal Education, National Advocacy Center, Columbia, S.C.
- “Tips for Persuasive Writing on Appeal,” N.C. State Bar Continuing Legal Education Seminar: “Appellate Advocacy.”

Tom Rowe

Lectures and Addresses

- “Alternative Strategies for Reform of Damage in Class Actions,” with Deborah Hensler, Complex Litigation Conference, Naples, Fla.
- Panelist, “Managing Discovery Under the New Rules,” Third Circuit Judicial Conference, Hershey, Pa.

Publications

- *Constitutional Theory: Arguments and Perspectives*, co-author (2nd edition, Lexis, 2000).

Other

- Organized international conference on “Debates Over Group Litigation in Comparative Perspective,” co-sponsored by the Duke Law School and the University of Geneva Faculty of Law, Geneva, Switzerland.
- Member, board of editors, *Federal Courts Law Review*, the Web-based journal of the Federal Magistrate Judges Association.
- Continues as president of the Board of Directors of the North Central Legal Assistance Program.
- Continues as chair of the University’s Faculty Hearing Committee.

Richard Schmalbeck

Lectures and Addresses

- “Prospects for Repeal of Federal Wealth Transfer Taxes,” Southeastern Association of American Law Schools Meeting, Captiva Island, Fla.
- “Appropriate Excess Business Holdings De Minimis Rules under IRC sec. 4943,” Joint Committee on Taxation staff, Washington, D.C.

- “Does the Death Tax Deserve the Death Penalty?” conference on “The Death of the Death Tax?” Cleveland State University.

- “Impact of Repeal of Wealth Transfer Taxes on Charitable Organizations,” meeting of Ad Hoc College and University Taxation Committee, San Francisco.

Publications

- “Avoiding Federal Wealth Transfer Taxes,” *University of Michigan Office of Tax Policy Research Working Paper Series*, No. 2000-8.

Christopher Schroeder

Lectures and Addresses

- “Causes of the Recent Turn in Constitutional Interpretation,” 2nd Annual Duke Public Law Conference, Duke University.
- “Regulating the Automobile,” Duke environmental research working group.
- “Clean Air, Autos and American Citizens: Can These Three Just Get Along,” at the conference: “Ten Years After the 1990 Amendments to the Clean Air Act: Have We Cleared the Air,” St. Louis University School of Law.
- “EPA and the Courts,” at the conference: “EPA at 30,” Duke University.
- “The Electoral College and Close Election,” lunch program address, Program in Public Law.
- “Election 2000: What Does It Mean?” University Open Forum, Sanford Institute.

Legal Consultation or Testimony

- Prepared and filed amicus brief for the Clean Air Trust in *American Trucking Associations v. Browner*, 99-1426, in the Supreme Court of the United States, Sept. 11, 2000.

Other

- Organized two public law conferences: “The Constitution in Exile: Is It Time to Bring it in From the Cold?” and “EPA at 30: Evaluating and Improving the Environmental Protection Agency.”
- Continued work under Smith

Richardson Foundation grant evaluating the Environmental Protection Agency.

- Continue as director, Program in Public Law.

Steven Schwarcz

Lectures and Addresses

- “The Role of Rating Agencies in Global Market Regulation,” University of Cambridge Faculty of Law conference on “The Challenges Facing Financial Regulation,” Cambridge, England.
- “Intermediary Risk in a Global Economy,” and “Sovereign Debt Restructuring: A Bankruptcy Reorganization Approach,” University of Oxford Banking Forum conference on “The Future of Global Financial Regulation in the Digital Era,” Kuala Lumpur.
- “Intermediary Risk in a Global Economy,” faculty workshops at Washington and Lee University School of Law and George Mason University School of Law.
- “Cross-Border Insolvency,” University of Hong Kong conference on “Chinese Insolvency Law,” Hong Kong.

Publications

- “Intermediary Risk in a Global Economy,” 50 *Duke Law Journal* (forthcoming April 2001).

Scott Silliman

Lectures and Addresses

- “America in the New Millennium: The Need for a Consistent and Well-reasoned Approach in Foreign Relations,” Shaftesbury Society Discussion Group (John Locke Society).
- “The Law of War and Accountability of Commanders for War Crimes,” the JFK Special Warfare Center, Fort Bragg, N.C.
- “National Security Law Update,” Eleventh Annual Festival of Legal Learning, University of North Carolina School of Law, with Robinson Everett.

Other

- Continues as member of the Advisory Committee of the American Bar Association’s Standing Committee on Law & National Security and the Board of Directors of the Triangle World Affairs Council.
- Co-organizer for Tenth Annual Review Conference, co-sponsored by the ABA Standing Committee on Law and National Security; the Center for National Security Law at the University of Virginia School of Law and the Center on Law, Ethics and National Security at Duke University School of Law, held at the Capital Hilton, Washington, D.C.

Janet Sinder

Lectures and Addresses

- “Legal Research on the Internet,” conference of the Illinois Office of the State Appellate Defender, Springfield, Ill.
- “Law Librarians in Strange Lands,” SEALL Annual Meeting, San Juan, Puerto Rico.

Martin Stone

Lectures and Addresses

- “The Possibility of Corrective Justice,” The New School for Social Research, New York.
- “Skepticism and the Law,” Amsterdam Center for Critical Theory, Amsterdam.

Publications

- “Wittgenstein on Deconstruction,” in A. Crary and Rupert Reed, eds., *The New Wittgenstein* (Routledge, 2000).
- “The Significance of Doing and Suffering” in J. Postema, ed., *Philosophy and Tort Law* (Cambridge, 2000).

Laura Underkuffler

Lectures and Addresses

- “Vouchers, Individual Choice, and State Neutrality: Hidden Dangers for Religious Freedom,” Mercy School of Law, University of Detroit.

- “The Idea of Property,” faculty workshop, University of Pennsylvania Law School.

Publications

- “When Should Rights Trump?: An Examination of Speech and Property,” 52 *Maine Law Review* 2 (2000), (Godfrey Endowed Lecture).
- “Religion, History, and the Constitution,” forthcoming, *Journal of Religion and Law*.
- “State Support of Religious Education: Challenges and Dangers in Increasingly Pluralistic Societies,” forthcoming, *Oxford Review of Education*.
- “The Price of Vouchers for Religious Freedom,” forthcoming, *University of Detroit Mercy Law Review*.

Appointments and Elections

- Visiting Professor, University of Pennsylvania Law School, 00-01 academic year.

Neil Vidmar

Lectures and Addresses

- “The ‘Scandalized’ American Jury,” and “Jury Systems Around the World: A Comparative Perspective,” Grant Sawyer Center for Justice Studies, Reno, Nev.
- “Preliminary Findings of the Pima County Civil Jury Project,” Continuing Legal Education Course, Tucson, Ariz.
- “Trial Lawyers’ Perceptions of Science,” and “Product Liability Awards and Post-Verdict Adjustment of Those Awards,” Law & Society Association, Miami Beach, Fla.
- “Judging Social Science,” Judging Science Program, Duke University.
- “Performance of the American Civil Jury,” Bench Bar Conference of the Supreme Court of Delaware, Wilmington, Del.
- “Assessing Civil Jury Reforms in Arizona,” Annual Conference of Chief Justices of State Supreme Courts and State Supreme Court Administrators, Rapid City, S.D.
- “Juries and Expert Evidence,” conference on “The Jury in the Twenty-First Century: An Interdisciplinary

Conference," Brooklyn Law School.

- "Judging Science," Florida Conference of District Court of Appeal Judges, St. Augustine, Fla.
- "Problems of Jury Bias, Jury Selection and Jury Competence: A Cross-National Perspective," the Legal Research Foundation and the Criminal Bar Association, Auckland, New Zealand.
- "A Comparative Perspective on the Criminal and Civil Jury," the University of Victoria, Wellington Faculty of Law, Wellington, New Zealand.
- "A Comparative Perspective on Pre-Trial Prejudice," the New Zealand Ministry of Justice (Criminal Justice Section), Wellington, New Zealand.
- "How Civil Juries Think," conference "A Jury Summit," Sponsored by National Center for State Courts, New York.
- "The Blindfolded Jury," conference on "Evidence in the Twenty-First Century," University of Virginia School of Law.

Publications

- "Retribution and Revenge," *Justice and Legal Institutions* (J. Sanders and L. Hamilton, eds.).
- "The Jury: Selecting Impartial Peers," *Psychology and Law: Canadian Perspectives*, (R. Schuller and J. Ogloff, eds.).
- "Juries," *Legal Systems of the World: A Political, Social, and Cultural Encyclopedia*, (Herbert Kritzer, ed.).
- "Jury's Comprehension of Scientific Evidence," U.S. Dept of Justice and National Institute of Justice, *National Conference on Science and the Law* (July, 2000).

Other

- Editorial Board, *Law and Society Review*.
- Consultant to The Law Foundation, University of New South Wales.
- Academic Advisor: Center for Justice and Democracy, Suffolk University School of Law.

Stephen Wallenstein

Lectures and Addresses

- "Venture Capital and Private Equity," Training Workshop for Securities Regulators, Duke Global Capital Markets Center & China Securities Regulatory Commission, Shanghai Stock Exchange, Shanghai, China.
- "Venture Capital and Private Equity," Training Workshop for Securities Regulators, Duke Global Capital Markets Center & Thailand Securities and Exchange Commission, Thailand Stock Exchange, Bangkok, Thailand. Moderated panel, "Comparative Corporate Governance," alumni reception, Simpson Thacher & Bartlett, New York.
- Commentator, "The Impact of Technology on Market/Regulatory Structure for Debt Securities," "Reexamining the Regulation of Capital Markets for Debt Securities," Global Capital Markets Center conference, Washington, D.C.

Awards and Recognition

- Duke Provost Common Fund Award to develop undergraduate course on Global Capital Markets.
- Hartman Center Award to develop a cross-listed Fuqua School of Business/Duke Law School course on "Venture Capital and Private Equity."

Publications

- "Foreword," *10 Duke Journal of Comparative & International Law*.
- "Training Workshop on the Standardization and Development of Securities Markets: An Introduction," with James D. Cox, *China Securities Regulatory Commission*, forthcoming.
- "Venture Capital & Private Equity," *China Securities Regulatory Commission*, forthcoming.
- "Beyond Bond Markets 2000: The Electronic Frontier and Regulation of the Capital Market for Debt Securities," *63 Law and Contemporary Problems*.

Other

- Participant, "Global Corporate Governance Forum," World

Bank/OECD, Washington, D.C.

- Organizer, "Associate Training Program" for Lehman Brothers, New York.
- Symposium organizer, "Sovereign Debt Restructuring: A Bankruptcy Reorganization Approach," Duke University.
- Conference organizer, North Carolina Bar Association, International Section, "E-Commerce," Fuqua School of Business, Duke University.
- Conference organizer and panelist, "Research, Risk and Regulation in the Hedge Fund Industry," Duke University.
- Conference organizer and commentator, "Reexamining the Regulation of Capital Markets for Debt Securities," Washington, D.C.
- Press conference with Chinese media representatives, Duke Global Capital Markets Center Training Workshop for Securities Regulators, Shanghai, China.

John Weistart

Lectures and Addresses

- Moderator, Panel, "Conflicts Between Athletics and Academics in Higher Education," the John Locke Society.
- "Rethinking Legal Education," Duke Law alumni, Palo Alto, Calif.

Other

- Executive producer, "A New Era at Duke Law School" (video tape on instructional technology).
- Project head, contracts video project (with professors Jeff Powell and Gerry Spann).

Jane Wettach

Lectures and Addresses

- "Troubleshooting and Advocating for Public Benefits Clients," statewide training for Legal Services of North Carolina.
- "Legal Issues for People with HIV," "Living In Hope" Conference, a statewide conference for people living with HIV.

- “Public Benefits for the Elderly,” trainer for N.C. Division of Aging program, Seniors Plus.

Jonathan Wiener

Lectures and Addresses

- “Something Borrowed for Something Blue: Legal Transplants in Global Environmental Law,” Georgetown Law School.
- “Comparing Precaution in the U.S. and Europe,” Cornell Law School.
- “Right to Know—How Far Does It Go?” The Harvard Conference on the Internet & Society.

Publications

- “Policy Design for International Greenhouse Gas Control,” *Climate Issues Brief No. 6, Resources for the Future* (RFF), Washington, D.C. (July 2000).
- “Toward Sustainable Governance,” *Policy Matters* 00-8, AEI-Brookings Joint Center on Regulatory Studies (June 2000).
- “Regulatory Improvement Legislation: Judicial Review of Provisions Regarding Risk Assessment and Cost-Benefit Analysis,” 10 *Duke Environmental Law & Policy Forum* (2000).

Other

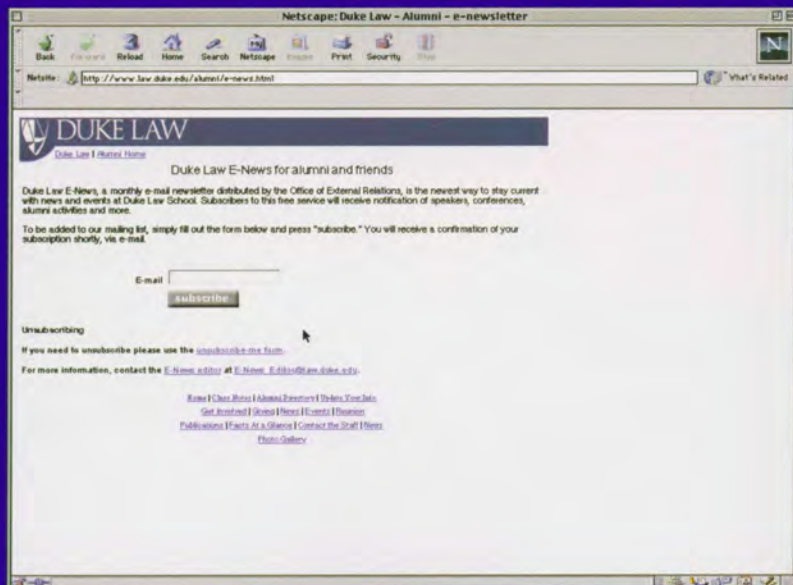
- Launched the Duke Center for Environmental Solutions, November 2000.



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faculty in the news
and on the election

"It's especially disturbing to me that these are the same justices who declare acts of Congress unconstitutional because they tread too much on states' rights."

Professor Christopher Schroeder in *The News & Observer* (N.C.), on the U.S. Supreme Court's ruling that ended the 2000 presidential race.

"It's a lot like practicing law. A problem pops up that hasn't been on your radar screen, but you have to get up to speed on it in a very short period of time."

Professor Christopher Schroeder in Duke University's *Dialogue*, on keeping pace with legal developments in this year's presidential election.

"The Florida Supreme Court may end up making no difference."

Professor Thomas Rowe in *The Herald-Sun* (N.C.), on the Florida Supreme Court ruling that Florida Secretary of State Katherine Harris had to accept manual recounts past the deadline established by state law.

"Historically, it's always been counted, but historically, it's never mattered,"

Professor William Van Alstyne in *The Herald-Sun* (N.C.), on counting presidential votes from state electors who may switch their electoral votes.

"That's one of life's 'can't helps.' There's no way to recreate the vote on Nov. 7."

Professor William Van Alstyne in *The News & Observer* (N.C.), on reported confusion over the Palm Beach County ballot in the presidential election.

"In the past, there was only one position on the death penalty in North Carolina that mattered, which was that you supported it, period. There was no room for discussion. That's why I find what is happening now both extraordinary and encouraging."

Professor James Coleman in *The New York Times*, on the Charlotte City Council's approval of a resolution favoring a moratorium on executions in North Carolina.

"How can we say our justice system is working when we see one class of people—older, white, upper-middle-class citizens always sitting in judgment of the other classes of people?"

Professor Neil Vidmar in *The Dallas Morning News*, on a survey that shows Dallas courts are relying on a jury system that fails to meet a key legal standard of fairness.

"He has been portrayed as one of the great war criminals of the 20th century. Letting him go would be such a serious blow to international law and human rights that the long-term costs would far outweigh the benefits."

Professor Michael Byers in *The Globe & Mail*, on former Serbian President Slobodan Milosevic.

"Courts may have gone too far to try to achieve equality at the expense of the best interests of the child. They got caught up in this sense of how important it is for men and women to be treated equally and took their eye off the ball of what's in the child's best interests."

Dean Katharine Bartlett on National Public Radio's *"Morning Edition,"* on a Massachusetts judge's order that a 5-year-old boy spend alternating years with his mother and father in the name of equal time.

"Both Silicon Valley and La-La Land are turning their attention to Washington because Washington has the ability to significantly mess things up."

Professor James Boyle in *Investor's Business Daily*, on the growing federal role in the debate over who controls intellectual property in the Napster age.

current adjunct and visiting faculty

Jean Cary teaches family law. She has been a professor at Campbell University School of Law since 1991, teaching family law, family law planning, trial advocacy, advanced trial advocacy and pretrial litigation. Since 1988 she has served as director of the National Institute for Trial Advocacy Southeast Deposition Program and during 1999 served as director of the National Institute for Trial Advocacy Southeast Regional Program. As an adjunct professor at the University of North Carolina School of Law and North Carolina Central School of Law, she has taught evidence and appellate and trial advocacy. Cary is a *magna cum laude* history graduate from Duke, and received her J.D. from Georgetown University Law Center.

Don Cowan teaches trial practice. A partner at Smith Helms Mulliss & Moore, in Raleigh, N.C., Cowan litigates in the areas of medical and pharmaceutical devices and products, intellectual property and defense of state death penalty cases. Cowan received his B.A. and J.D. with honors from Wake Forest University, where he was editor-in-chief of the *Wake Forest Law Review*. He was president of the North Carolina Bar Association from 1992-1993 and president of Legal Services of North Carolina from 1998-1999. He is a fellow in the American College of Trial Lawyers and the American Academy of Appellate Lawyers.

Walter Cox teaches military justice with Professor Robinson Everett. In 1984 Cox was nominated by President Reagan, and confirmed by the Senate, to serve as a judge of the United States Court of Appeals for the Armed Forces for a 15-year term. In 1995, he became chief judge of the court and retired in 1999. Judge Cox earned his B.S. from Clemson University and his J.D. *cum laude*, graduating first in his class, from the University of South Carolina School of Law. He served as a second lieutenant in the Army and worked as liaison officer to the minister of justice

for the State of Bavaria and as the liaison officer to the American Embassy in Austria. He also has served as an acting associate justice of the South Carolina Supreme Court, a hearing officer of the Judicial Standards Commission and on the Judicial Council of the Circuit Court Advisory Committee.

Jeffrey Coyne '79 teaches corporate reorganization. He is currently chair of the Board of Directors, Valu-Net International Ltd., a Toronto based Internet related business, chair of the Board of Directors and CEO of Rebel Asset Management Ltd., operator of companies in financial distress, and the former chair of the Board of Directors and CEO of Divi Hotels Inc. He has served as a partner and head of the creditor's rights departments with the international firms of Coudert Brothers and Graham and James and served as lead counsel for the FDIC on the largest asset in their portfolio; lead counsel for the Industrial Bank of Japan; counsel for debenture holders in the bankruptcy proceedings of Eastern Airlines, De Laurentis Films, and Fairfield Communities; counsel to lenders on the Bankruptcy of Pan American Airlines; counsel to the Bank of China and counsel to China International Trust. Coyne received his B.A. from the University of California at Berkeley and his J.D. from Duke University School of Law.

Lauren Dame teaches a bioethics seminar. She is an associate of the Center for the Study of Medical Ethics and Humanities at Duke University Medical Center. Dame received her A.B. (Phi Beta Kappa) in human biology from Stanford University, her J.D. from Harvard Law School and her M.P.H. from Harvard School of Public Health. She has served as a visiting lecturer in law at Yale Law School and as the staff attorney for Public Citizen's Health Research Group in Washington, D.C. Her areas of interest include bioethics, the rights of individuals and the needs of the community, children and medical decision-making, health care reform, insurance law, hospital reimbursement

issues, genetics, and the effects of technology on privacy.

Hampton Dellinger teaches the rules regulating American campaigns and elections, open to students in both the Law and Public Policy schools. Dellinger has served as deputy attorney general and special counsel to the attorney general in the North Carolina Department of Justice. He also has worked for law firms in Raleigh and Washington, D.C. Dellinger received his B.A. with honors from the University of Michigan at Ann Arbor and his J.D. from Yale Law School, where he was a senior editor on the *Yale Law Journal*. After graduating from Yale Law School, he clerked for federal appeals court Judge J. Dickson Phillips. Dellinger has worked in numerous statewide and federal campaigns, served as legal counsel to North Carolina's Better Campaigns Commission, drafted legal briefs in campaign finance cases and written about North Carolina's corporate contributions ban.

Kip Frey '85 teaches the legal dynamics of the start-up environment with Professor David Lange. Frey heads the Siebel Scholars Program, which provides \$1.375 million a year in scholarships and is funded by Siebel Systems, an e-commerce software company. Frey was vice president and general manager of Dynamic Commerce Applications for Siebel Systems. Before that, he was CEO and president of OpenSite, Technologies Inc., named the North Carolina Electronics and Information Technologies Association Software Company of the year in 1999. Prior to OpenSite, Frey was president of Accipiter Inc. and negotiated and closed the sale of Accipiter to CMGI Inc.; he also was executive vice president of Ventana Communications Group and negotiated and closed the sale of Ventana to the Thomson Corporation. Frey has held legal and executive positions at Turner Broadcasting System Inc., and practiced law privately in Beverly Hills, Calif., and the Research Triangle Park. He teaches a course on the business and legal aspects

of the media industry at Duke University's Sanford Institute for Public Policy Studies. In 1999, *Digital South Magazine* named Frey the top CEO in the Southeast in its annual list of the most influential people in the New South's New Economy.

Robert Glenn teaches pretrial practice. A partner in Glenn, Mills and Fisher in Durham, N.C., Glenn specializes in general civil litigation, including medical and legal malpractice, will caveats and commercial class actions. He is board certified by the National Board of Trial Advocacy, has been listed in *Best Lawyers in America* and is an associate in the American Board of Trial Advocates. He also serves as a commissioner of the Durham Housing authority and the Open Space and Trails Commission.

Robert Hart '69 teaches the securities regulation II seminar. He is senior vice president and general counsel of Alleghany Corporation, a New York based diversified international holding company. Prior to joining Alleghany in 1994, Hart was co-chair of the corporate department of Donovan Leisure Newton & Irvine in New York, and his practice involved representing public companies and financial institutions in mergers and acquisitions, joint ventures, public offerings, private financings, development of new financial products and other capital market related matters. He has served on the Federal Securities Regulation Committee of the American Bar Association and the Association of the Bar of the City of New York and is a member of the American Law Institute. Hart received his J.D. from Duke University School of Law, where he served on the *Duke Law Journal* and was selected as a member of the Order of the Coif.

Allan Kanner teaches business torts with Professor Francis McGovern. A member of Allan Kanner & Associates in New Orleans, he has a national practice representing individuals and corporations in environmental, toxic

tort and commercial fraud litigation. His landmark cases have been featured in numerous national publications including *Business Week*, *The American Bar Association Journal*, *The Washington Post*, and *The National Law Journal*. Since 1990, he has been an adjunct professor of law at the Tulane Law School. Kanner is the author of *Environmental and Toxic Tort Trials* (Michie Co.), as well as scores of articles on complex litigation, commercial fraud, RICO, evidence, trial practice, environmental justice and other topics. He lectures nationally for the American Bar Association, The American Law Institute and other professional groups. He serves on the Louisiana Supreme Court's Complex Litigation Committee and helped draft the new Louisiana Judges' Complex Litigation Bench Book (1997). Kanner earned his B.A. at the University of Pennsylvania and his J.D. at Harvard Law School.

Ted Kaufman teaches a course titled "The Congress: Business, Government and the Global Economy," and teaches a second course titled "The Congress" with Professor Christopher Schroeder. Kaufman also is co-chair of Duke Law School's Center for the Study of the Congress. He is president of Public Strategies, a political and management consulting firm in Wilmington, Del., providing assistance on strategy, planning, personnel and fund raising to corporations and political campaigns. For 22 years, Kaufman worked as a top staff person for U.S. Senator Joseph R. Biden Jr. and was chief of staff and treasurer for Biden's presidential campaign. Kaufman was nominated by President Clinton and confirmed by the Senate as a charter member of the Broadcasting Board of Governors, established in 1994 to direct and supervise the non-military, international broadcasting activities of the U.S. government. Kaufman received his B.S.M.E. degree from Duke and an M.B.A. from the Wharton School at the University of Pennsylvania.

Joseph Lookofsky teaches comparative torts and contracts with

Professor Herbert Bernstein. He is a professor of private and commercial law at the University of Copenhagen. He received his B.A. in economics from Lehigh University, and his J. D. from New York University School of Law. He was staff attorney for United Artists' Corporation and has been a member of the New York State Bar since 1971. After matriculation in the United States, he moved to Denmark, where he received his Doctor Juris from the University of Copenhagen. Lookofsky also has served as a consultant to Danish advocates since 1973, is a leader and teacher of the Danish Bar Association CLE courses, and has been a visiting professor and guest lecturer on a global basis since 1984.

Martin Lybecker teaches financial services law and financial holding companies. He is partner and co-chair of the Financial Services Practice Group in the Washington, D.C.-based firm of Ropes & Gray. He received his B.B.A. (in accounting) and J.D. degrees from the University of Washington and two LL.M. degrees, one in taxation from New York University and one from the University of Pennsylvania, where he was a graduate fellow of the Center for the Study of Financial Institutions and the Securities Markets. Lybecker is co-chair of the Committee on Developments in Investment Services and the Long Range Planning Subcommittee of the Banking Law Committee. Lybecker is a member of the American Law Institute, a member of the editorial board of *The Investment Lawyer*, and a member of the advisory board of the Duke University Global Capital Markets Center.

Karen Magri '96 teaches biotech and chemical patent law. She is an associate with Myers Bigel Sibley & Sajovec in Cary, N.C., specializing in preparing and prosecuting patent applications for inventions in the biotechnology arts—including inventions related to molecular and cellular biology, virology, immunology, food sciences, growth factor biology, combinatorial libraries, gene therapy and microbiological diagnostics;

prosecuting re-examination proceedings; conducting patentability, validity and infringement investigations; performing legal research for litigation matters and counseling clients regarding protection of intellectual property. Magri received her Ph.D. in biology from Syracuse University and her J.D., with highest honors, from Duke Law School. Her publications include topics ranging from articles in textbooks on intellectual property to publications in scientific journals on cell biology, medical biology and endocrinology.

Thomas Maher teaches trial practice and the criminal litigation clinic at Duke. A partner in Rudolf, Maher, Widenhouse & Fialko, with offices in Chapel Hill and Charlotte, N.C., Maher represents clients in civil trials and appeals as well as in state and federal criminal matters, from trials through appeals and post-conviction proceedings. He received his J.D. from the University of North Carolina School of Law. After clerking for the United States Court of Appeals for the Seventh Circuit, Maher returned to private practice in North Carolina.

Alice Mine teaches a seminar, "Ethics in Action," with Professor Thomas Metzloff. She is assistant executive director of the North Carolina State Bar. Moseley practiced law in Durham, concentrating in the areas of employment law and transactions, until she joined the staff of the North Carolina State Bar in 1993 as assistant executive director. In this capacity, she is staff counsel to the Ethics Committee, director of the Board of Legal Specialization, and director of the Board of Continuing Legal Education. She holds a bachelor's degree in social work, *summa cum laude*, from North Carolina State University and a J.D. from The University of North Carolina School of Law.

David Rudolf teaches a criminal litigation clinic. He is a criminal defense lawyer from Chapel Hill, N.C., and focuses his practice on defense of complex criminal cases, primarily in federal court. He has successfully

represented businessmen, attorneys, doctors and other professionals charged with criminal offenses. Rudolf is the former chair of the Criminal Law Section of the North Carolina Academy of Trial Lawyers, and is listed in *The Best Lawyers in America*.

Karen R. Sage teaches white color crime. Her practice areas are intellectual property, environmental law, white collar crime, tort liability and various regulatory matters. She has served as a litigation attorney for O'Melveny & Myers in Los Angeles and New York, as chief counsel to Los Angeles Mayor Richard J. Riordan, as law clerk for the Honorable Kim McLane Wardlaw, Central District of California, and since 1998, as assistant United States attorney for the Eastern District of New York, Business and Securities Fraud Unit, Criminal Division. Sage received her B.A. in Theater Arts and her J. D. *cum laude* from the University of Minnesota.

Marc Shapiro teaches food and drug law. He is the managing attorney of the Raleigh-Durham office of the Washington, D.C., firm of Hyman, Phelps and McNamara, where he specializes in the practice of food and drug law. Prior to joining Hyman, Phelps and McNamara, Shapiro was associate general counsel at Glaxo Wellcome Inc. and head of the department's FDA Regulatory Section. He has served on numerous committees of the Pharmaceutical Research Manufacturers Association (PhRMA) and was chair of PhRMA's FDA Legal Regulatory Group. He received his B.A. from the University of North Carolina, where he was *Phi Beta Kappa*, and his J.D. from the University of Virginia School of Law.

Nancy Shaw '73 teaches trusts and estates, and estate and gift taxation. She also developed courses in advanced issues in estate planning and ethical issues in gratuitous transaction as well as an advanced tax seminar. She serves as counsel to the North Carolina firm of Poyner & Spruill with offices in Charlotte and Raleigh, N.C. She is a frequent speaker at continuing legal

education programs for practicing attorneys and is a member of the Council of the North Carolina Bar Association's Probate and Fiduciary Law Section. She holds a J.D. from Duke University School of Law.

Kenneth Sibley '85 teaches advanced patent law and a seminar on patent claim drafting. He is a founding partner of Myers Bigel Sibley & Sajovec, a boutique patent firm of 23 lawyers in Cary, N.C. Sibley is editor of *The Law and Strategy of Biotechnology Patents*, 1994 (Butterworth Heineman), and has authored numerous articles relating to patent law. He received his B.A., *magna cum laude*, in biology and psychology from Lycoming College, his M.A. in neurobiology from the University of Rochester and his J.D. from Duke University. Sibley is active in the North Carolina Bar Association Intellectual Property section, is an associate member of the Association of University Technology Managers and is a member of the American Intellectual Property Law Association. He has counseled clients in broad areas of pharmaceutical technology and biotechnology, including cloned genes, human gene therapy, transgenic plants, combinatorial chemistry and drug screening systems.

Allen Siegel '60 teaches collective bargaining. He practices law with Arent Fox in Washington, D.C., focusing on collective bargaining and labor law related to the Taft-Hartley Act. He also has experience in issues stemming from the Fair Labor Standards Act, civil rights laws and "unjust termination." Siegel is a director of the Private Adjudication Center, which is associated with Duke Law School. He established the Rabbi Seymour Siegel Memorial Moot Court Competition, an intercollegiate event open to law students from all major law schools and administered by Duke Law School. He received his B.B.A. from the College of the City of New York and his LL.B. from Duke University School of Law.

Terry Southwick '85 teaches advanced copyright law. She has been a

sole practitioner since 1996, representing clients on domestic and international intellectual property legislation and policy issues, with particular emphasis on copyright and new technologies. She was a member of the U.S. Delegation to the World Intellectual Property Organization (WIPO) Diplomatic Conference on Certain Copyright and Neighboring Rights Questions in Geneva, 1996. Prior to 1996, she was with the U.S. Patent and Trademark Office as attorney-advisor, serving as a member of the White House Information Infrastructure Task Force/Working Group on Intellectual Property Rights. Southwick also served as associate general counsel and director of royalty administration for the Recording Industry Association of America. She has taught at Georgetown University Law Center and at the Columbus School of Law at Catholic University. She graduated with a B.J. from the University of Missouri School of Journalism and received her J.D. from Duke Law School.

Charles Verrill Jr. '62 teaches international business transactions. He is a partner and head of the international trade law and policy practice group of Wiley, Rein & Fielding, in Washington, D.C., where he regularly represents clients on all aspects of international trade law and policy, including import and export regulation, import trade remedies, international negotiations, both bilateral and multilateral, international arbitration, mediation in commercial disputes, and regulation of foreign investment in the United States and abroad. Verrill has served as a trustee of the International Law Institute since 1981, and also has taught at Georgetown University Law Center, where he was named the Charles Fahy Distinguished Adjunct Professor in 1993. Verrill received his B.A. from Tufts University and his J.D. from Duke University School of Law, where he served on the *Duke Law Journal* and was selected as a member of the Order of the Coif.

William Zoffer teaches food and drug law. He is senior counsel at Glaxo

Wellcome Inc., where his practice focuses on compliance with laws and regulations administered by the United States Food and Drug Administration and the Consumer Product Safety Division. Zoffer also worked as a trial attorney with the Office of Consumer Litigation of the United States Department of Justice, where he was responsible for litigating criminal and civil cases, and conducting grand jury investigations. He is a graduate of Harvard Law School and Harvard College.

legal writing adjunct faculty

Denise Cline teaches legal research and writing. A partner in Moore & Van Allen in Raleigh, N.C., Cline focuses her practice in the areas of employment and health care law. In 1997, she became a Superior Court certified mediator and is a volunteer with the Equal Employment Opportunity Commission Mediation Program. She also serves on the board of the Wake County Smart Start. Cline received an A.B. in English from Davidson College and her J.D. from the University of North Carolina, where she was on the staff at the *North Carolina Law Review* and served on the Holderness Moot Court. Cline clerked for chief justices Joseph B. Branch and Burley B. Mitchell Jr. on the North Carolina Supreme Court. She has spoken and written for a number of legal and trade groups, largely in employment and health care areas.

Christine Evans teaches legal analysis, research and writing for international students. Evans is currently an assistant attorney general with the North Carolina attorney general's office and represents and advises the North Carolina Department of Transportation in railroad and public transportation issues. She earned a B.A. in economics from Denison University, an M.A. in education from Columbia University and her J.D. from the University of North Carolina School of Law, where she was articles editor on the *North Carolina Law Review* and co-chair of the Women-in-Law Association.

Joan Magat teaches legal analysis, research and writing. She has taught literature and composition in a number of places and has served as a law clerk for several justices on the North Carolina Supreme Court. She holds a B.A. in literature from Scripps College, an M.A. in literature and a Ph.D. in American literature from Northwestern University. She earned her J.D. from the University of North Carolina School of Law, where she was on the *Law Review*.

Jo Ann Ragazzo teaches legal analysis, research and writing. Since 1984, Ragazzo has been in private law practice as an associate and partner in Durham and Chapel Hill, N.C., with an emphasis on civil dispute resolution, including jury trials, bench trials, arbitrations and mediation. She has represented parties in state and federal courts in cases involving medical malpractice, personal injury law, a variety of real property disputes as well as residential and commercial construction. She also represents children and parents in Orange County Juvenile Court, and serves as guardian ad litem for minors in a variety of court proceedings. Ragazzo is a graduate of East Carolina University and received her J.D. with honors from the University of North Carolina School of Law, where she was a member of the *Law Review*. Ragazzo is a mediator certified by the North Carolina Dispute Resolution Commission and an arbitrator for 15-B Judicial District.

visiting faculty

John Conley '77 is a visiting professor from the University of North Carolina School of Law, where he is a William R. Kenan Professor of Law. His principal research and teaching interests have been in law and social science and intellectual property law. At Duke he teaches a seminar on law and anthropology. Conley received a B.A. in classics from Harvard and a J.D. as well as a Ph.D. in anthropology from Duke. At Duke Law School, he was editor-in-chief of the *Duke Law Journal* and was elected to the Order of the Coif. He also

practiced law in Boston and in Charlotte, N.C., specializing in civil litigation.

Wilson Freyermuth '87 is a visiting professor from the University of Missouri-Columbia School of Law and is teaching property law. He received a B.S. in business administration from the University of North Carolina at Chapel Hill and a J.D. with highest honors from the Duke University School of Law. After clerking with the Hon. John D. Butzner Jr. of the United States Court of Appeals for the Fourth Circuit in Richmond, Va., Freyermuth worked as an associate with the Raleigh, N.C., office of Womble Carlyle Sandridge & Rice.

Allan Ides is a visiting professor from Loyola Marymount University Law School. He teaches constitutional law and advanced constitutional law. Ides is a graduate of the University of California at Los Angeles; he has an M.A. from Loyola Marymount University and a J.D., *summa cum laude*, from Loyola Law School. Ides served as a law clerk to the Hon. Clement F. Haynsworth, Jr., chief judge of the United States Court of Appeals for the Fourth Circuit, and then clerked for the Hon. Byron R. White, associate justice of the United States Supreme Court. He also worked as an associate with Hufstедler, Miller, Carlson & Beardsley. At Loyola, he served as associate dean for academic affairs from 1984-87. From 1989-1997, Ides was a member of the law school faculty at Washington & Lee in Lexington, Va. He returned to Los Angeles and to Loyola in 1997.

William Sage is a visiting professor from Columbia Law School. He teaches ethics and the law of lawyering, and regulation and public policy. His areas of interest are health law, regulatory theory and professionalism. Sage received his A.B. from Harvard and his M.D. and J.D. from Stanford University. From 1990-1995 he was on the President's Task Force on Health Care Reform. In 1998, he received the Robert Wood Johnson Foundation Investigator Award in Health Policy

Research. His recent publications include "Accountability Through Information: Disclosure Laws and American Health Care," *Columbia Law Review*; "Physicians as Advocates," *Houston Law Review*; and "Enterprise Liability and the Emerging Managed Health Care System," *Law and Contemporary Problems*.

Andrew Taslitz is a visiting professor from Howard University School of Law and is teaching evidence, criminal procedure and an advanced evidence course titled, "Lessons from the O.J. Trial." A *cum laude* graduate of the University of Pennsylvania Law School and a former prosecutor, Taslitz has been teaching, writing and lecturing about issues of evidence, criminal procedure and criminal law for over a decade. He has published three books, *Rape and the Culture of the Courtroom* (N.Y.U. Press 1999), *Evidence Law and Practice* (Lexis 2000), and *Constitutional Criminal Procedure* (Foundation Press 1997). He also has two forthcoming books, *Law on the Street: Search and Seizure, Race, and Respect in American Life* (N.Y.U. Press 2001), and an anthology, *Racial Profiling Writ Large: From Driving While Black to No Judges of Color Need Apply* (2001). Taslitz has written numerous articles on such topics as feminist approaches to evidence law, hermeneutics and the Federal Rules of Evidence, the wisdom and constitutionality of hate crimes legislation, the relevance of the law of slavery to modern criminal discovery practices, and the role of human emotions in the substantive law of rape. Taslitz is the former chair of the ABA Criminal Justice Section's Committee on Race and Racism and currently a member of that section's *Criminal Justice Magazine* Editorial Board. He also served as chair of the racial profiling subcommittee for the ABA Council on Racial and Ethnic Justice's 1999 Los Angeles Conference on racial justice. He is the corresponding secretary for the AALS Evidence Section and the secretary for the AALS Criminal Justice Section and a member of the American Academy of Forensic Sciences. He is also a former member of

a National Academy of Sciences anti-terrorism committee appointed in the wake of the Oklahoma City bombing.

visiting scholars

Mark Hall is professor of law and public health at Wake Forest University School of Law and the School of Medicine, where he specializes in health care law and public policy. He received his law degree with highest honors from the University of Chicago and was previously on the faculty at Arizona State University. He also has completed a Robert Wood Johnson Foundation Health Finance Fellowship at Johns Hopkins University and has recently been a visiting professor at the University of Pennsylvania. His present research interests include doctor/patient trust, managed care regulation, health care rationing, genetics and insurance market reform. He is the author or editor of 10 books on health care law and policy, including the four-volume series *Health Care Corporate Law* (Aspen), *Making Medical Spending Decisions* (Oxford University Press) and *Health Care Law and Ethics* (5th ed., Aspen).

Girardeau Spann, who is working with professors John Weistart and Jeff Powell to develop online materials for the first-year contracts course, is professor of law at the Georgetown University Law Center, where he specializes in administrative law, constitutional law, the Supreme Court and race relations. Spann received his law degree from Harvard University and served as a staff attorney for Ralph Nader's Public Citizen Litigation Group before joining the Georgetown faculty in 1979. He has authored several books and articles concerning race and the nature of legal reasoning, including *The Law of Affirmative Action: Twenty-five Years of Supreme Court Decisions on Race and Remedies* (New York University Press) and *Race Against the Court: Supreme Court and Minorities in Contemporary America* (New York University Press). ♪

The Notion of an Ideal Audience in Legal Argument

by George C. Christie

Kluwer Academic Publishers, 2000; 232 pages; \$104

reviewed by Professor Martin P. Golding

Professor George Christie's new book is a model of clarity and good sense. In a dozen relatively short chapters, Christie takes up a variety of basic issues in jurisprudence and legal philosophy: statutory interpretation, affirmative action, the defense of necessity, the tort of invasion of privacy, judicial discretion and factor analysis. Christie's discussions, always accompanied by apt examples from cases, will be of great interest to readers for whom the philosophical aspects may be less appealing.

The book's underlying theoretical motif is to extend the notion of an ideal or universal audience, developed by the late Belgian philosopher Chaim Perelman, to legal argumentation. Perelman's "new rhetoric" attempts to defend a theory of argumentation that is a middle way between deductive demonstration from indisputable truths and values (whose existence he denies) and sheer subjectivism and emotive appeal. Perelman, who also trained as a lawyer, intends his theory to apply to some standard philosophical problems and to practical reasoning in the realm of norms and values, including the law. Argumentation is always directed to an audience, and Perelman developed the notion of an ideal or universal audience to whom reasons for belief and actions would be directed, an audience of competent and rational individuals who are always ready to attend to their interlocutors and are prepared to reconsider and revise their views in the light of criticism. Essential features of such an audience are sincerity, saying what one believes, eschewing force, and accepting the requirement of consistency.

Christie begins by emphasizing that in legal argumentation the ideal

audience is a "construct," a construct that is to some degree subject to change. He doesn't maintain that there is some single, unitary ideal audience to which all legal (and moral) arguments are directed, though he speculates about such a possibility toward the end. Rather, throughout the book, as he examines particular disputed issues, he seeks to find the ideal audience presupposed by the contending parties.

Different legal cultures may have different ideal audiences, as determined by their expectations and their generally accepted style of legal argumentation. Christie explores this point particularly in the discussions of statutory interpretation and judicial discretion, where comparisons and contrasts are drawn between common and civil law systems. There is also an incisive critical analysis of Ronald Dworkin's treatment of judicial discretion and his views on the ideal form of legal argument.

Christie shows how differing conceptions of the purposes of the state and differing conceptions of the common good (as an aggregate of individual goods or as something more) affect legal argumentation. The latter conceptions show up in a lucid examination of the notorious Trolley Problem (may an out-of-control trolley be diverted, so that one person is killed rather than having five people killed?), much discussed in the philosophical literature; the lesser evil defense is among the items treated. Competing visions of the good are also relevant to other cases of necessity; for instance, destroying private property to save a human life. Professor Christie here maintains that the universal audience would agree that there is no duty to compensate the owner for his loss.

One chapter that specifically concerns the ideal audience considers the argument for restrictions on political speech advanced by such philosophers and jurists as John Rawls, Cass Sunstein and Owen Fiss. All this is in the name of "better" speech, for the sake of creating the ideal speech situation. These restrictions would not only place limits on campaign expenditures but would also, in effect, limit political discourse to the expression of certain points of view; namely, those grounded on what Rawls calls "public reason." Other expressions (e.g., those grounded on a religious outlook) would be excluded. Although I sense that Christie is somewhat sympathetic toward the secular liberalism of these writers, he demonstrates that they have an elitist distrust of rough-and-tumble democratic politics. In my opinion, Christie demolishes the position of these writers. The ideal or universal audience, he maintains, does not require such restrictions.

Because this book builds on Perelman, I would like to have seen more defense of the universal audience approach. Critics have argued that Perelman does not satisfactorily reconcile the objective or intersubjective aspects of reason-giving with his acceptance of "the pluralism of incompatible values." Successful treatment of this problem would have enhanced Professor Christie's own elaboration of the ideal audience in legal argumentation. ♣

Free Speech on Campus

by Martin P. Golding

Rowman & Littlefield, Inc., 2000; 118 pages; \$50

Reviewed by Professor William Van Alstyne

"This book is concerned with free speech on campus," Martin Golding declares in the preface to his worthy book, "but it is not about the First Amendment to the U.S. Constitution." Professor Golding's broad disclaimer is, no doubt, sincere but unwarranted. It seriously understates the formidable First Amendment learning Golding brings to bear as he cuts through thickets of campus speech codes adopted by colleges and universities during the last decade-and-a-half. There is a great deal of First Amendment philosophy (and law) one may usefully absorb from the pages of this highly readable book.

Indeed, though the First Amendment is not at the center of this book, as Professor Golding notes, it is also true that nearly a dozen campus speech codes have "gone to court" this past decade, pursuant to challenges on First Amendment grounds. And so what happened? The university nearly always lost. In several (including cases against Stanford and the University of Michigan), moreover, the rebuke in the courts was especially embarrassing: The codes were held void on their face.

More than 350 institutions enacted such codes during this period. Had they acted differently and taken more of the calm, seasoned perspective Golding offers, gained from four decades of academic experience, they needn't have stumbled into humiliation in the courts. Indeed, even now, their faculties and administrations, like the reader of this magazine, might profit greatly by spending an evening or two with this wise and informative book.

A brief listing of a few of the topics reviewed in *Free Speech on Campus* is a good heuristic device to summarize the

objects of Golding's concerns. He begins with this classic academic concern: "The Exclusion of Ideas from the University."

Of course, we say, universities do not "exclude" ideas. Rather, we in the academy like to say we hold them up for critical examination. Virtually everyone in higher education agrees that it is one of the most essential tasks of universities to conduct themselves in just this way.

Though this is what universities declare of themselves, in the section headed "Campus Speech and Unacceptable Ideas," Golding documents the ways in which a large number of campus speech codes have been drafted effectively to put certain ideas off limits, lest one be drawn into proceedings where one must defend what one has presumed to say, and how one presumed to say it—to do so, that is, in a manner and to a degree others are not subject to answer to for their ideas and their expressions (namely, those ideas and expressions the university approves) in any similar fashion at all. It is in fact this tilt and bias the dark shadow of "thought control" courts have found to be lurking within the provisions of a number of university campus speech codes that has brought them into collision with the courts and with the First Amendment itself. Golding shows in just what way this has happened, and why, in his own view, these courts have generally gotten the matter right.

Free Speech on Campus, however, is not in any sense a one-sided book. It is far from being a polemic against university efforts to insure reasonably civil treatment of university employees by faculty and students, of students by faculty,

and, finally, of students among themselves. Golding is too sensitive to the dismal reality of a large number of actual episodes of crude behavior on campuses to take a pious view that it must nonetheless all be endured, because principles of free speech or academic freedom somehow require it. These principles do not leave the university defenseless from the brutal; several of Golding's chapters show how and why that is so.

Nor does Golding dismiss the notion of "verbal harassment" as a fake concern of the merely politically correct. As he is careful to observe, the university must set some fair boundaries on the quality of treatment and civility one may be expected to observe in his or her interactions with others, whether they be employees, fellow students, faculty or the administration. No short review such as this can do justice to Golding's examples of balance in these matters; it is better simply to encourage the reader to see the discussion provided in the original work.

There are useful lessons for universities to learn from the rich materials Golding provides in his new book. Among them unfortunately a lesson still not welcome in some locations is this: Speech codes and other devices that do little more than "instruct" the faculty and students on what points of view virtually as such will not be tolerated, at least not if expressed openly, will continue to run headlong into First Amendment barriers. It is surely ironic that courts appear to be more willing to secure protection for free speech on campus than the universities themselves are willing to provide. I suspect Professor Golding may agree. ▽

World Jury Systems

by Neil Vidmar (editor)

Oxford University Press, 2000; 464 pages; \$74

Reviewed by Professor Herbert Bernstein

One of the most distinctive features of American law is an institution of mythical dimensions—the trial jury. Americans are inclined to think that a country without juries cannot be a democracy. It comes as a surprise to most Americans when they learn that the civil jury has been all but eradicated from the English legal system and that, in fact, with the exception of some Canadian provinces, no Common Law country outside the United States allows for jury trial in civil cases.

World Jury Systems sets the record straight. It results from the painstaking research of 15 authors, under the guidance of editor Neil Vidmar, on jury systems in all five continents. The most striking insight this research offers, especially to American readers, is the amazing variety of jury rules and models throughout the Common Law world. Americans tend to view the American jury, an icon portrayed and idolized in movies and TV shows, as the paragon of juries everywhere. In fact, the institution of the jury has undergone many shifts over time and space.

The jury in criminal cases, which is the more fruitful subject for comparative studies because of the virtual demise of the civil jury in most countries, operates quite differently in the various Common Law systems surveyed in this book. The size of the jury can be larger or smaller than 12. Unanimity is by no means a universal rule. Involvement of juries in the sentencing phase of a criminal case is quite unknown outside of the United States. *Voir dire*, as practiced in this country, finds no counterpart elsewhere. Rules permitting peremptory challenges also vary. England and Australia grant the prosecution ‘stand by’ privileges

that other systems have never known or have abolished. Differences rather than uniformity abound.

The diverse jury models this study presents may be confusing and unsettling to some. The ideal reader, however, should find it exciting and stimulating. Comparative research often teaches us to be more modest and cautious. Before we claim our own system to be superior to others, we should make a serious effort to learn and understand comparable institutions in other parts of the world. In the past comparative law tended, and to some extent still tends, to proceed on the premise that a great divide exists between Common Law and Civil Law countries. More recently, comparatists have been focusing on convergence of certain systems across the traditional “great divide,” for example, in Europe, and also on differences within the Common Law and the Civil Law orbits.

World Jury Systems includes two Civil Law systems, Spain and Russia, where criminal juries of the Common Law type have been introduced or recently reintroduced. While these transplants certainly deserve our interest as an example of convergence, from an American reform perspective, comparisons of jury systems within the Common Law family, which most of the essays in this book allow us to make, are more promising. It is much harder to reject insights to be gained from intra-Common Law comparisons as irrelevant to American reform discussions on the ground of their completely “alien” environment. This kind of argument is all too frequently used to dismiss comparative studies of Civil Law institutions in Common Law

countries, more often than the reverse would happen in Civil Law countries with respect to Common Law institutions.

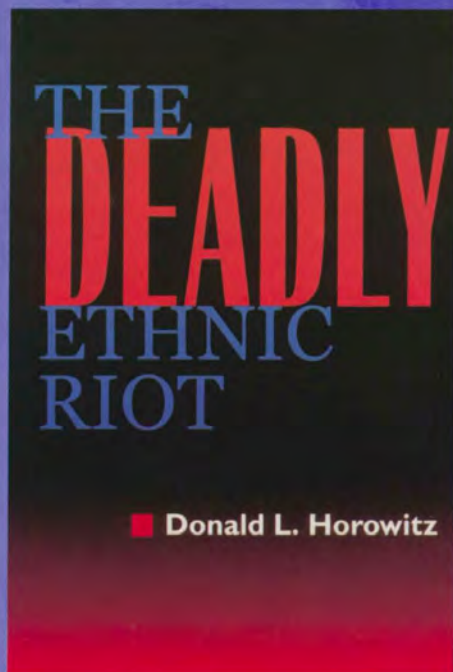
Of course, the existence of different political, social and economic conditions among Common Law countries cannot be denied and may, to some extent, explain diverse jury practices and rules. In the introductory and concluding chapters of this book, Vidmar carefully analyzes all of these possible explanations of varying jury practices within the Common Law group. But such deterministic rationales have only limited application. Generally speaking, political, social and economic conditions within the Common Law orbit are similar enough to view this group of legal systems as a huge laboratory (an image once used with respect to the various states of the United States). In this perspective, the forms and models of juries to be observed throughout the Common Law world are simply experiments producing results which can greatly enrich our knowledge and stimulate reflection on the need as well as the chances for improving any currently existing system. Such reform efforts based on the demonstrable experience of others should certainly include the jury system in federal and state courts in the United States. *World Jury Systems* represents an invaluable source of information and analysis to this end. ▽

The Deadly Ethnic Riot

By Donald L. Horowitz

University of California Press, 2000; 565 pages; \$35

Introduction and interview by Mirinda J. Kossoff



In *The Deadly Ethnic Riot*, Professor Donald Horowitz examines and defines what he terms “the most common form of collective violence, by some estimates the form that took more lives than any other in the 20th century.” His is the first full-scale comparative study of the deadly ethnic riot—an intense, sudden and lethal attack by civilian members of one ethnic group against civilian members of another ethnic group. Recent and poignant examples have involved the Hutus and Tutsis in Rwanda and the Serbs and Croats in the former Yugoslavia.

With this book, Horowitz differentiates ethnic riots from other forms of ethnic violence and explains how and why ethnic riots are unique, emotional entities with their own patterns of timing, targeting and location. In the following interview, Horowitz elaborates on some of the issues raised by his timely and probative book.

*Q: How did this book grow out of your other work on ethnic conflict, such as your 1985 book, *Ethnic Groups in Conflict*?*

*A: It's really an extension of *Ethnic Groups in Conflict*. That book deals with the whole subject of ethnic conflict in all of its manifestations, peaceful and violent, so it's broader in scope. This one focuses like a laser on a specific phenomenon that is clear-cut, widespread and yet still mystifying, in the sense that it's hard to understand how streets that are peaceful on day one can, by day two, be controlled by gangs of people bent on killing their ethnic adversaries in the most merciless way possible.*

Q: How much of your data on ethnic riots comes from field research and interviews with individual aggressors versus an array of other sources?

A: Most of my data is from official and unofficial reports, memoirs and accounts, but on particular topics there's a substantial interview base. For example, there were interviews with rioters in Malaysia that convinced me a lot of this rioting is only very weakly and ephemerally organized. Interviews with victims in Romania showed that the Romanian phenomenon was not a riot but a hybrid closer to a lynching. The interviews really helped to sharpen up some of the underlying mechanisms and also the boundaries between the rioting phenomena and related events.

Q: This is a prodigious book. In it, you examine approximately 150 riots in 50 countries, plus 50 control cases. How did you select which countries and which riots to examine? And how and why were the controls selected?

A: I searched extensively for data on every deadly riot on which I could find something good. I screened out some on which the data were thin or unreliable. The control cases were chosen because I was looking for near-misses—that is, almost-riots, ethnic fights, non-recurring riots and alternatives to riots. All of these are situations where you might have expected riots and you got something else—or nothing. It's not possible to study peace, so you have to study something close to violence.

Q: As you began your research for this book, what was the primary question in your mind?

A: The big mystery with which this book began was why, in an ethnically plural society, group A recurrently targets group B and doesn't target group C, D or E, because targeting is recurrent.

Q: What was your most striking finding?

A: I would say that two stand out. First, I found that because this is emotional violence, those who have an interest in organizing it can only do so when the requisite emotions are already present, and so a lot of this violence is more spontaneous and less well organized than we would like to think. Second, I saw that there is the strangest mixture of passion and reason in these events—that rioters are determined to kill and mutilate people in a kind of frenzy, but as they go about it they are coolly rational about their choice of targets. They don't make mistakes, for the most part, and they're also rational about making sure they take no risks for themselves; the result is that this is a low-risk enterprise for the rioters and the casualty counts reflect this. The B's are overwhelmingly the victims; few if any rioters are killed. Few, if any, C's, D's and E's are killed.

Q: In your book, you write that ethnic riots are not random events, that they have patterns and that rioters tend to attack strong targets at weak moments. How do rioters know when their targets are weakened?

A: There are often intended or unintended official signals that authorities are, or would be, tolerant or acquiescent if violence were to occur. The victims, therefore, are often unprotected by authorities and/or by the police.

Q: One of the striking features of your research is that there is no remorse on the part of rioters for the murder and mutilation perpetrated against their targets. You explain that rioters justify their violence as a means of self-preservation or that the targets deserved what they got. Is this some kind of psychological defense mechanism at work—to protect the psyche of the aggressor from the enormity of the brutality committed—or do you think it's simply a reversion to atavistic instinct? And what about women and children? How do rioters justify killing children?

A: Mostly their targets are adult men, but not exclusively. Their rationale is two-fold: that the victims are very dangerous and that they are defending themselves or retaliating against dangerous actions that the victims have already taken. The immediate precipitating events that we see as the causes of violence, the rioters see as an ongoing attack that demands a response. As in a war, an attack demands a response. As in a war, the response is justified.

Q: You end the book by explaining why ethnic riots are no longer common in the West, i.e. the rise of cosmopolitanism and ethnic tolerance, a distaste for killing after the losses in two world wars and an aversion to face-to-face mass killing. You say this development is not likely to happen outside the West. The only deterrents in other parts of the world would be political stability and the ability of governments to manage ethnic change. How can societies prone to ethnic riots manage change, and what solutions to this problem would you propose? Will this be the subject of your next book?

A: Yes, right now I'm working on a book on constitutional designs for divided societies. ▽

class notes

1955

John Carnahan retired from private practice and as partner at Arter & Hadden in Columbus, Ohio. He serves as part-time, in-house counsel for The Excello Specialty Company in Cleveland.

1966

E. Jeremy Hutton has served as assistant inspector general for legal affairs at the U.S. Office of Personnel Management since 1999, where the majority of his work relates to healthcare and retirement fraud. He supervises the Federal Employees Health Benefits Program's administrative sanction program, serves as the inspector general's congressional liaison and provides legal advice and support to the inspector general and his auditors and investigators. With this position, Hutton was accepted into the Senior Executive Service, the highest rank in the career civil service.

Robert W. Spangler retired from the federal government after 32 years of service, primarily as an attorney with the Federal Communications Commission. He has joined a small consulting firm in Washington, D.C., specializing in telecommunications law and policy. He and his wife, Carol, live in Columbia, Md., where they recently celebrated their 13th wedding anniversary.

1967

Robert Johnson will release an illustrated book, *On Becoming a Painter*, this spring. The book will contain more than 100 color reproductions of his work. A collection of his paintings was also on display at The Atlantic Gallery in Washington, D.C., in December.

Thomas A. Jorgensen was named a charter fellow of the American College of Employee Benefits Counsel. He also serves on the college's board of governors.

1968

Charlie Rose received the annual Futrell Award in September, given to Duke University alumni who have demonstrated excellence in the field of communications and journalism. He also delivered a lecture at the Sanford Institute of Public Policy on "The Art of the Interview," in which he discussed insights from years of experience as the host of his nationally syndicated "Charlie Rose" talk show.

1969

Thomas Murray was named executive vice president and manager of the trust and investment management division of National Commerce Bankcorporation, headquartered in Memphis, Tenn. Murray will maintain his office in Durham, N.C., with Central Carolina Bank and Trust Company, an NCBC subsidiary.

Alex Newton transferred to Haiti to serve as deputy mission director for USAID. His wife, Betsy Wagenhauser, and his children, Nicola, 6, and Simon, 1, will accompany him. He previously was in Kazakhstan for four years, where he headed the U.S. Agency for International Development's program promoting democratic reform in Central Asia.

1972

Richard Salem created a political action committee, Enable America, which will fund and support national candidates who commit to reducing the unemployment rate among people with disabilities. He is a founding partner in the Tampa, Fla., law firm of Salem, Saxon and Nielsen and a director of the National Organization on Disability.

1973

Kenneth Paul Adler was re-elected chairman of the alternative dispute resolution section of the Idaho State Bar in September.



Paintings by
Robert Johnson '67

1974

Philip Boesch represented former *Playboy* Playmate Anna Nicole Smith in her court battle with the son of her late husband over his \$1.6 billion estate. A federal bankruptcy judge awarded Smith \$449 million in damages in September.

Brett Schlossberg rejoined the Philadelphia office of Dechert as a resident partner in the firm's business and litigation practice groups.

1975

Martina L. Bradford is corporate vice president for public affairs at Lucent Technologies Inc., where she leads all advocacy efforts for the corporation's public policy initiatives worldwide. Bradford was previously corporate vice president in AT&T's federal government affairs organization.

Allan Hawkins created YouKnowItAll.com, an online CLE business that brings continuing legal education to lawyers over the Internet.

Thomas P. Miller is director of health policy studies at the Cato Institute in Washington, D.C. He and his wife, Mary, live in Alexandria, Va.

1976

Robert C. Weber was named one of the country's top 10 trial lawyers by *The National Law Journal* in August. He is a partner in the Cleveland office of Jones Day Reavis & Pogue and head of the firm's product liability and regulation practice.

1977

Michael A. Ellis was elected chairman of the corporation law committee of the Ohio State Bar Association. Ellis serves as chair of the corporate and securities practice group of Kahn, Kleinman, Yanowitz & Arnson Co. in Cleveland. He also serves as adjunct professor at the Cleveland-Marshall

School of Law, where he teaches a course on mergers and acquisitions.

Jeanne Trahan Faubell is the library manager for the Federal Retirement Thrift Investment Board in Washington, D.C. She and her husband, Capt. P. David Faubell, have two children: Elizabeth, 12, and Jonathan, 10. She also is a member of the McLean Symphony Orchestra and serves on its board.

D. Ward Kallstrom moved his practice to the San Francisco office of Sonnenschein, Nath & Rosenthal in June after 23 years at Lillick & Charles. He continues to specialize in ERISA and other employee benefits litigation and advice, within a practice area focus on labor and employment law. He was selected as a charter fellow of the American College of Employee Benefits Counsel, serves as a governor of the college and is a member of the Board of Governors' Selection Committee, responsible for nominations in the western United States. He also serves as a senior editor of the treatise *Employee Benefits Law* (2d ed.), which was published in December by BNA, and of its annual supplements. Additionally, he has been appointed management co-editor of the newsletter for the labor and employment law section of the American Bar Association

Christian J. Mixter was named partner in the Washington, D.C., office of Morgan, Lewis & Bockius. Before joining Morgan Lewis, he served as chief litigation counsel of the Division of Enforcement of the Securities and Exchange Commission.

David E. Morrison was named partner at the Dallas office of Fulbright & Jaworski, where he continues his corporate and securities law practice. He was previously a partner of Thompson & Knight, also in Dallas.

1978

David William Clark married Sandra Ann Vorse on Sept. 2 in Palm Beach, Fla. Clark is a corporate attorney at Oxbow Corp. in West Palm Beach and a city councilman for Palm Beach Gardens.

Evans Fisher was named counsel to the firm of Patrick, Harper & Dixon in Hickory, N.C.

Christopher Kay was named executive vice president - general counsel for Toys "R" Us. Kay, a founding partner of the Orlando, Fla., law firm of Kay, Gronck & Latham, is first-ever general counsel for Toys "R" Us.

Leslie P. Klemperer is vice president, associate general counsel and assistant secretary for the legal division at Delta Air Lines. He joined Delta in 1978 as an attorney.

Norman P. Stein was named a charter fellow of the American College of Employee Benefits Counsel.

1979

Sara S. Beezley was elected vice-president of the Kansas Bar Association board of governors.

Robert T. Harper was named to the 2000-2001 edition of *The Best Lawyers in America*. He serves as chairman of the corporate and business law department and health law section at Klett Rooney Leiber & Schorling in Pittsburgh. He also chairs the Duke University Library Advisory Board.

Jeffrey Ritter was named partner at Kirkpatrick & Lockhart in Washington, D.C. He practices technology licensing, electronic commerce, joint ventures, commercial law and mergers and acquisitions. Before coming to Kirkpatrick & Lockhart, Ritter was founder and director of ECLIPS, a nonprofit that studies the laws and policies governing cyberspace.

Hubert Paul van Tuyl is a professor in the department of history and anthropology at Augusta State University in Augusta, Ga.

Nita Stormes was appointed federal magistrate judge in the Southern District of California in San Diego in January 2000.

1980

Alan Mitchel married Margaret Kimble in February 1998 and is living in Mercer Island, Wash. He returned to practicing business and securities law and is now of counsel with Garvey Schubert & Barer in Seattle.

1981

David Addington, a former general counsel for the Department of Defense, was named counsel to Vice President Dick Cheney in December. Addington has served as an assistant general counsel with the Central Intelligence Agency. In addition, he has served as Republican staff director, chief counsel or counsel of four different congressional committees. During the Reagan administration, he served as special assistant and later deputy assistant to the president for legislative affairs. Under President Bush, he served as special assistant to then-Secretary of Defense Cheney.

Sharad K. (Bobby) Sharma has joined Shartsis, Friese & Ginsburg in San Francisco as a litigation associate.

1982

Larry D. Irick was named corporate secretary of Western Resources in Topeka, Kan. He joined the company in 1999 and was formerly executive director of law.

1984

Paul Levenson is executive director of the Central Massachusetts Symphony Orchestra in Worcester, Mass. He is a partner with Schnader Harrison Segal & Lewis in Boston, where he is a member of the business services department and the intellectual property and real estate practice groups.

Audrey McKibbin Moran was named managing director and special counsel for the Jacksonville Economic Development Commission in Jacksonville, Fla. She was formerly the city's downtown development authority chairwoman. Her husband, John, is a county court judge, and the couple has four children: Caitlin, 11; Jack, 9; Mary Kelley, 8; and Michael, 5.

1985

Kip A. Frey stepped down as vice president and general manager of Dynamic Commerce Applications for Siebel Systems Inc., the company that acquired Frey's OpenSite Technologies Inc. in May 2000. He will head the Siebel Scholars Program, which provides \$1.375 million a year in scholarships and is funded by Siebel Systems.

Marshall D. Orson and Peggy Orson announce the birth of a daughter, Claire Marshall Orson, Feb. 5, 2000. The family lives in Atlanta.

1986

Pamela Gronauer Hill and her husband, Al, announce the birth of a son, Brian Donahoe, March 27, 2000.

Elizabeth Martin married Michael Joseph Bowe on June 24 in Hanover, N.H. *This is a correction to the announcement in the spring 2000 issue of Duke Law Magazine. We regret the error.*

Gwynn Swinson has been named secretary of the Department of Administration by N.C. Gov. Mike Easley.

Lisa D. Taylor and her husband, Lindsey, announce the birth of a son, Lee Edward, Aug. 5.

1987

Carl Birman continues to work as a grant writer in the Flatbush area of Brooklyn, N.Y. He volunteered with the George W. Bush presidential campaign in the fall of 2000.

Neil Fowler is an assistant U.S. attorney in Raleigh, N.C. He previously spent 10 years as a trial attorney at the Department of Justice.

David Jones and his wife, Lynn, announce the arrival of a son, Andrew Sergei Jones. Andrew was born Oct. 21, 1998, and adopted on Oct. 9, 2000.

1988

Erik Autor and his wife, Ariadne, announce the birth of a son, Christian Alexander, April 18.

Mark Califano and his wife, Margery Feinzig, announce the birth of a daughter, Olivia Rose, July 14.

Kodwo Gharthey-Tagoe was appointed to Virginia State University's board of visitors. He is a partner at McGuireWoods in Richmond, Va.

Barbara G.H. (Heggie) Stewart clerked with the New Hampshire Supreme Court for seven and a half years and taught appellate advocacy at Franklin Pierce Law School. She and her husband, Dave, recently bought a 250-year-old New Hampshire farmhouse, where they will raise their two children: Madeleine, 5, and Axel, 3.

1989

Gary Ansel relocated to Phoenix, where he works for Snell & Wilmer, focusing on antitrust, class action, product liability and commercial litigation. He married his college sweetheart, Yvette, and has three sons: Nick, 10; Sam, 8; and Joe, 5.

Christopher Arfaa was appointed vice president and associate general counsel for strategic regulatory and wireless initiatives at Verizon Communications. He married Allison Marie Goff on Oct. 3, 1998, in Villanova, Pa.

Carol (Barry) Bellon and husband, Paul, announce the birth of a son, Samuel Milton Bellon, Oct. 5 in Austin, Texas. He joins twin sisters, Alena and Julia, who were adopted from Moscow, Russia, in April 2000.

Wally Griffith is a producer for CNBC Business News in Fort Lee, N.J. He previously spent two years practicing corporate and securities law at Thompson Hine & Flory in Cleveland, and six years as a television news reporter, also in Cleveland. He and his wife, Rose, have two children, Alexandra and Jack.

Elizabeth A. Michael and her husband, Russell Armstrong, announce the birth of their second child, Matthew Michael Armstrong, on Oct. 1, 1999, in Melbourne, Australia.

Gary H. Pilnick has joined Kellogg Company as vice president and deputy general counsel. He formerly was with Sara Lee Corporation, where he served most recently as vice president and chief counsel for Sara Lee Branded Apparel - North and South America.

Paul Sun is a founding member of Ellis & Winters, a new law firm in Cary, N.C.

1990

Claude A. Allen was nominated as a member of the board of directors of the African Development Foundation, an independent, bi-partisan, non-profit government corporation founded to provide self-help initiatives to poor populations of Africa. Allen, who lives in Richmond, Va., is serving his third year as the secretary of health and human resources for the Commonwealth of Virginia. Prior to his current position, Allen was deputy attorney general of the civil litigation division in the Office

of the Attorney General for the Commonwealth of Virginia.

Robert Anderson married Naomi Johansen on July 15 at the Duke Chapel in Durham, N.C.

John Sabine DeGroot has been named chief litigation counsel to KPMG Consulting in McLean, Va. He and his wife, Hillary, have relocated to Great Falls, Va.

Victoria J. Franklin-Sisson is a partner at Gorham & Waldrep in Birmingham, Ala. where she concentrates in the areas of litigation and appeals.

Brad Furber was named one of Seattle's "92 Best Attorneys" by *Seattle Magazine* (2001) and one of Washington state's "Superlawyers" by *Washington Law & Politics* (1999 and 2000). Furber is co-founder of Van Valkenberg Furber Law Group, a boutique business law firm, and president of VVF & Co., a seed stage venture capital firm. He resides in Bellevue, Wash., with his wife, Sabina, and two children, Bo and Isabella.



Jill Greenwald moved in-house and joined ABC Inc. as senior counsel for legal and business affairs. She focuses on the business-related legal work generated by ABC News, ABC Television Network, ABC Radio Networks, ABC's owned and operated television and radio stations, enhanced television, national television sales, and promotions and marketing.

Michael Kabat has joined the Atlanta firm of Altman, Kritzer & Levick as partner, where he leads the firm's labor and employment practice. He lives in Atlanta with his wife, **Nancy Stoll Kabat MS '89**, and two children, Matthew and Rachel.

Scott Kaufman was named partner at Brobeck, Phleger & Harrison in the firm's New York office. He specializes in business and technology matters.

Heather MacKenzie and Charles Rawlings announce the birth of twin boys, Andrew and William. MacKenzie continues to work in her immigration and nationality law practice in Winston-Salem, N.C.



Andrew and William (MacKenzie) Rawlings

class notes

Mary Lou Mobley, a trial attorney for the U.S. Department of Justice's disability rights section and civil rights division, received the Attorney General's Award for Excellence in Information Technology in July.

Kip Plankinton joined ExxonMobil Production Company in Houston as counsel in August. He previously was senior attorney with Texaco Inc. in Denver.

Patrick Sutton's interior design firm, suttondesign, opened expanded offices in Old Town Alexandria, Va. The firm was featured in *Real Life Decorating* (Linda Hallam, Ed.), under the *Better Homes & Gardens* imprint.

Michael J. Songer joined Brobeck, Phleger & Harrison in the firm's Washington, D.C., office. He specializes in intellectual property litigation and counseling, and will practice in the intellectual property group.

Rhonda Joy Tobin and her husband, **R. Jeffrey Smith T'75**, announce the birth of a son, Dylan Andrew, June 20. Dylan's big brother, Benjamin, is 2.

James Wheeler has accepted a position to rejoin the firm of Powell, Goldstein, Frazer & Murphy in Atlanta.

Michele Woods, a former 10-year associate with Covington & Burling, joins Arnold & Porter's Washington, D.C., office as of counsel and will represent clients in copyright litigation matters.

1991

Douglas L. Brooks has opened the firm of Douglas L. Brooks in Atlanta.

Melissa Engelberth joined the Chicago office of Foley & Lardner as special counsel in the broker dealer practice group. Prior to her move she was assistant general counsel at the Chicago Board of Trade.

Maurice O. Green was named general counsel for the Charlotte-Mecklenburg Board of Education in Charlotte, N.C.

Adam Milani continues to teach at the Mercer University School of Law in Macon, Ga. The *Wisconsin Law Review* will publish his article "Go Ahead. Make My [90] Day[s].: Should Plaintiffs Be Required to Provide Notice to Defendants Before Filing Suit Under Title III of the Americans with Disabilities Act?" in March 2001. His article "'Oh, Say, Can I See - And Who Do I Sue If I Can't?': Wheelchair Users, Sightlines Over Standing Spectators, and Architect Liability Under the Americans with Disabilities Act" was published in the summer 2000 issue of the *Florida Law Review*.

Erich Schuttauf is executive director to the American Association for Nude Recreation. Founded in 1931 and based in Kissimmee, Fla., the association provides public relations, government affairs and other assistance to more than 50,000 nudists and their families in 230 clubs throughout the U.S. and Canada.

Andrew Slutkin has merged his firm, Slutkin and Rubin, into the law firm of Snyder Weiner Weltchek in Baltimore. The firm now is known as Snyder Weiner Weltchek Jacobs and Slutkin. Slutkin is the partner in charge of the firm's medical malpractice cases.

Josh Thorpe married Kelly Gwynn in June.

Xian Ping Wang was named in the 2001-2002 edition of *National Register's Who's Who in Executives & Professionals*. Wang is managing director of GKMG Consulting Services Inc. in Arlington, Va.

1992

Samuel Braverman opened his own practice, The Law Office of Sam Braverman, specializing in criminal defense in New York and New Jersey state courts and in federal courts nationwide. He also works in real estate

and estate planning in New York and New Jersey.

Douglas Hsiao, in August 1999, was named assistant general counsel of Rhythms NetConnections, a telecommunications company in Englewood, Colo.

Douglas Jackson joined Lehman Brothers' Chicago office in the global mergers and acquisitions group, where he will concentrate on the industrial and consumer sectors. He and his wife, Lynn, have a daughter, Katie, 1.

Tony Jeffries, his wife, Carrie, and their son, Will, are living in Palo Alto, Calif. Jeffries is a partner at Wilson Sonsini Goodrich & Rosati, with a practice focused on venture capital financings, initial public offerings and mergers and acquisitions transactions for a variety of technology companies.

Norbert Knapke and his wife, Molly, announce the birth of their third son, Philip John McGinnis, July 29. Philip joins brothers Sam, 5, and Jack, 2. In September, Knapke relocated from Fort Wayne, Ind., to Chicago, where is practicing at Kirkland and Ellis doing venture capital and private equity with **Jim Rowe '91**.

Bradford Tribble and his wife, **Jolene Sinke-Tribble**, announce the birth of a son, Thomas Friso Willem, June 30, in Bangkok, Thailand. Bradford is president of Sara Lee Thailand and Jolene works for Allen & Overy in Bangkok.

James C. Worthington and his wife, Annalee, moved with 1-year-old son Jay to Louisville, Ky., where James practices law as counsel in the trusts and estates section at Stites & Harbison.

1993

Adam Cohen is partner at Weil, Gotshal in New York.

Kelly Capen Douglas and her husband, J.D., announce the birth of a son, Collin Jeffrey Douglas, May 12;

daughter Courtney is 3. The family lives in San Diego, where Douglas continues to practice labor and employment law at Luce, Forward, Hamilton & Scripps.

Alex M. Gonzalez has been named partner in the Miami office of Holland & Knight. A member of the litigation department, Gonzalez focuses his practice on international litigation, general commercial litigation and maritime and aviation litigation matters.

Gordon Kessler was named partner at Frommer, Lawrence & Haug, an intellectual property boutique in New York. He handles all types of intellectual property matters but specializes in electronic, Internet and computer arts.

David Lender is a partner at Weil, Gotshal in New York.

Estee Levine married David D. Little on Sept. 23, in Hewlett Harbor, N.Y. She was named director of the Office of Congressional and Intergovernmental Affairs of the U.S. Securities and Exchange Commission, where she was principal counsel to SEC chairman Arthur Levitt on legislative and interagency issues. The couple lives in Arlington, Va.

Lee B. Rauch was appointed vice-chair of the automobile law committee within the tort and insurance practice section of the American Bar Association. Rauch is a member of the litigation department at Tydings & Rosenberg in Washington, D.C.

David Ross gave a lecture, "The Law and Politics of International Trade," at the Law School in September. The event, sponsored by the International Law Society, was part of the University Seminar on Globalism and International Law. Ross is assistant general counsel in the Office of the General Counsel, Office of the U.S. Trade Representative.

Philip Stein was named partner at Alston & Bird in Atlanta. He is a member of the firm's antitrust and investigations practice group, where he deals with

corporate governance, white-collar criminal defense and securities cases.

Philip Strauss and **Simona Gurevich '96** married Nov. 5 in Calistoga, Calif. The couple lives in Palo Alto, Calif., where Philip is corporate counsel with Brio Technology and Simona is an associate at Simpson Thacher & Bartlett.

1994

Brian Kennedy married Angela Babineck on Sept. 23. The couple resides in Washington, D.C. Brian is an associate at Piper, Marbury, Rudnick & Wolfe in Washington.

Silvina Leone left Shearman & Sterling in New York and is working toward a master's degree in world history at New York University.

Douglas B. Neu has rejoined Powers, Kinder & Keeney, a management-side labor and employment law boutique in Providence, R.I., as partner. He and his family live in Canton, Mass.

Hazel Landwehr Porter and her husband, Greg Porter, announce the birth of a daughter, Lauren Elizabeth Porter, July 18. Hazel is law clerk to U.S. Magistrate Judge Jeff Kaplan in the Northern District of Texas, Dallas division.



David Reid

David W. Reid joined the Dayton, Ohio, office of Thompson Hine & Flory. Reid will work in the firm's personal and succession planning practice group.

Sean Schickedanz founded Sunflower Capital, a San Francisco venture capital firm investing in Internet-related companies at the seed stage.

Jack Todd joined the Charlotte, N.C., office of Morris, Manning & Martin as an associate. He previously worked with Kennedy Covington Lobdell & Hickman, also in Charlotte.

Caroline Verbruggen married Bernard Segers on Oct. 2, 1999. She is an associate with Coudert Brothers in Brussels, following the merger of Coppens Van Ommeslaghe & Faures with Coudert Brothers.

1995

Stephen E. Erickson married Suzanne Hofmann on Nov. 18. Erickson is an associate in the corporate and securities section of the Austin, Texas, office of Wilson Sonsini Goodrich & Rosati. The couple resides in Austin.

Phyllis Vinson Leslie and her husband, Philip Leslie, announce the birth of their first child, Kennedy, Feb. 2, 2000.

Erika King is a senior associate in the food and drug group at Covington & Burling in Washington, D.C.

Pierre E. Noel married Sophie Charles in September. Pierre joined the European Investment Bank, the European Union's financing institution, in Luxembourg. Sophie is a consultant with Andersen Consulting.

Alejandro Posadas is an S.J.D. candidate and lecturing fellow at Duke Law School.

Anita Terry announces the birth of a daughter, Johanna Letson Harding, Aug. 6.

Fred Williams and his wife, **Mary Newcomer Williams '96**, announce the birth of a daughter, Isabel Freeman Williams, May 1.

class notes

Brian Wyatt joined Proskauer Rose as an associate in the firm's health care department in New York, focusing on transactional matters for health care providers as well as health e-commerce and health information technology.

Andrew Lane Zivitz is an associate in the Philadelphia office of Drinker Biddle & Reath. He is a member of the firm's litigation department, practicing in the environmental law group. He was previously an associate with Klehr, Harrison, Harvey, Branzburg & Ellers, also in Philadelphia.

1996

Paul Brathwaite was appointed deputy assistant secretary of the Employment Standards Administration (ESA) in the U.S. Department of Labor. He is responsible for overseeing both the budgetary and programmatic day-to-day operations of the four major programs in the agency. The ESA is an enforcement agency with jurisdiction over workers' wage and hour issues; anti-discrimination issues in the Office of Federal Contract Compliance Programs; the federal government's worker's compensation program; and the Office of Labor-Management Standards, which promotes labor union democracy.

Elena Rambalacos Couvaras left Alston & Bird and is now an in-house associate general counsel at Genuine Parts Company in Atlanta. She married Basil Couvaras, founder of the Atlanta Bread Company, on May 28.

Marc David Fitoussi joined the Fantine Group Ltd. in Tel Aviv, Israel, in October 1999 as an analyst. He was recently nominated to business development manager of the company's French operations.

Matthew Giffuni graduated from the University of Chicago's Graduate School of Business with an MBA in June.

Randall Lehner married Renanah Kaufman on Sept. 17 in Chicago. He is an associate with Grippo & Elden in Chicago, practicing commercial litigation.

Christine Cecich Lehr recently joined the Raleigh, N.C., office of Alston & Bird. She will practice in the capital markets group, focusing on corporate law, mergers and acquisitions, securities and venture capital.

Michael Mueller works with KirchGruppe, a media company in Munich, Germany.

Scott Schiefelbein married Rebecca Houghtaling on Nov. 11. The couple lives in Portland, Oregon. Schiefelbein has taken an associate position in the tax department of Lane, Powell, Spears, Lubersky in Portland.

Pierre Tourres married Catherine Pachtod in October 1999. Pachtod is an attorney and a graduate of the College of Europe in Brugge, Belgium. The couple also announces the birth of a daughter, Celine, Oct. 17.

1997

David Buchsbaum joined Fisher & Phillips in Fort Lauderdale, Fla., as an associate.

Kerrie Dunstan was promoted to senior attorney at Venture Law Group in Menlo Park, Calif.

Matt Kirsch and **Kerri Stroupe '98** announce the birth of a daughter, Eliza Jean, July 14. The family lives in Pensacola, Fla., where Matt is an assistant U.S. attorney and Kerri practices part time in a small firm.

Enrique Loncan is with the law firm of Bruchou, Fernandez Madero, Lombardi & Mitrani in Buenos Aires.

Gerald Meek has limited his practice to psychiatric and psychological malpractice at Simpson and Meek in Dallas.

Robert Christopher O'Leary married Jennifer Kay Umphress on Oct. 7 at Holy Spirit Church in Atlanta. **Chris Bass** was a groomsman, and **Tommy Koltis** and **Rich Palmer** were

readers in the ceremony. **Peter Dosik**, **Barry Alexander**, Teri Allen (wife of **Phillip Allen**), **Scott Seewald** and his wife, Stacy, and **Geoff Krouse** attended the wedding and performed several karaoke songs during the rehearsal dinner celebration.

Leif W. Reinstein is an associate with Bloom, Hergott, Diemer & Cook in Beverly Hills, Calif., where he focuses his practice on entertainment law.

Lt. Aaron C. Rugh is associate professor at the U.S. Naval Academy in Annapolis, Md.

Kathleen M. Sellers married George H. Gardner III on Aug. 12 in Buffalo, N.Y. Sellers is an associate with Hodgson, Russ, Andrews, Woods & Goodyear in Buffalo.

Jillion (Stern) Weisberg joined the business development team at Commerce One in Cupertino, Calif.

1998

Heather Bell Adams is a business litigation associate in the Raleigh, N.C., office of Hunton and Williams. Her husband, Geoffrey Adams, is a corporate associate with Smith Anderson, also in Raleigh.

Karel D'Hulst is senior associate in the Brussels office of Hogan & Hartson. He married Jing Shen in Kortrijk, Belgium, on Sept. 15. Shen is an associate in the Brussels office of Oppenheimer, Wolff & Donnelly.

Mary Beth Flaherty married **Westin Lovy** on Sept. 3 in New Canaan, Conn. **Jeffrey Morgan Smith** was best man, **Barry Rothberg** was a groomsman, and **Robin Whitlock Smith** and **Susan Shelton** were bridesmaids. The couple resides and practices law in New York City.

Henrik C. Fredback is working in the London office of Mackrell Turner Garrett.

Santiago R. Parra began working with Rodner Martinez & Asociados in Caracas, Venezuela, as junior partner in May. The firm works as local counsel for international banks, including investment banks, multinational agencies and multinational corporations.

Theodore Charles Parsons married Margaret Donovan on May 20 in Kenwood, Ohio. He is an attorney with Vorys, Sater, Seymour & Pease in Columbus.

Heather Reed married Sven Bioren on Oct. 7. **Jill Steinberg** was a bridesmaid. Reed is an associate on the litigation team of Godfrey and Kahn in Milwaukee.

Lee C. Robinson joined the Washington, D.C.-based law firm of Hogan & Hartson in the firm's Boulder, Colo., office. He focuses his practice on business and technology litigation.

Richard Rogers joined the Washington, D.C., office of McDermott, Will & Emery as an associate in the trial department. His practice will focus on complex litigation, insurance coverage and intellectual property.

Benjamin Waller and his wife, Carrie, moved to Chapel Hill, N.C., from Birmingham, Ala. Benjamin clerks for Judge James Andrew Wynn Jr. on the North Carolina Court of Appeals. He sat for the North Carolina bar exam in February, and plans to practice locally.

Darren Wallis married **Alison Hoyle** in October 1999. Darren works as an associate in the mergers & acquisitions department at Sullivan & Cromwell in New York. Alison is an associate in the corporate department at Fried, Frank, Harris Shriver & Jacobson, also in New York.

Talley Wells has joined the Atlanta Legal Aid Society.

1999

Michael Anstett is working in private practice at Fried, Frank, Harris, Shriver & Jacobson in Washington, D.C. He recently completed a clerkship with Judge Kenneth Ripple on the United States Court of Appeals for the Seventh Circuit.

David Bowsher completed a clerkship for Judge William H. Yohn Jr. on the Eastern District of Pennsylvania in Philadelphia, and has started working in the corporate group at Wilmer, Cutler & Pickering in Washington, D.C.

Christian Broadbent has joined the law firm of Hale & Dorr in Washington, D.C.

Les Carnegie completed a clerkship with **Judge Gerald Tjoflat '57** of the U.S. Court of Appeals for the Eleventh Circuit in Jacksonville, Fla. He joins the Washington, D.C., firm of Covington & Burling as an associate.

Augusto F. Cauti works with Estudio Luis Echeopar Garcia, one of Peru's largest law firms, located in Lima. He focuses on international corporate and business transactions.

Howard Cohen left Carlton Fields in Orlando, Fla., and joined Skadden Arps Slate Meagher & Flom's corporate restructuring department in the firm's Wilmington, Del., office.

Javier Dominguez-Torrado returned to work with Ritch, Heather & Mueller in Mexico City after one year of working with the New York firm of Debevoise & Plimpton as a foreign associate. He focuses on international financial transactions and mergers and acquisitions.

Robert Gall finished a clerkship with Judge Karen Williams on the United States Court of Appeals for the Fourth Circuit, and has joined Smith Helms Mullis & Moore in Charlotte, N.C., as a litigation associate.

Lisa Glover is an assistant attorney general for the state of North Carolina, providing guidance on environmental issues to the N.C. Department of Transportation.

Chris Holland has transferred to Clifford Chance's Hong Kong office.

Laura Levey married **Dean Davidov** L '99, F '99 on Nov. 25.

David Ledermann moved to the corporate department of Lenz & Staehelin in Geneva and is now dealing full time with venture capital and private equity transactions.

Hideki Nasu returned to work at the Industrial Bank of Japan after graduating from Purdue University's Krannert School of Management in August. He works in the bank's New York office as vice president of the Americas division and the project finance department.

Varun Sahay is working with Caatoosee ag, a start-up Internet firm in Germany, after working with Gleiss Lutz Hootz Hirsch in Stuttgart, Germany.

Jennifer Sullivan joined the Cleveland firm of Calfee, Halter & Griswold as an associate in the firm's litigation group.

Jeffrey Welty joined the Raleigh, N.C., office of Poyner & Spruill. He will work in the areas of white-collar criminal defense and commercial litigation.

2000

Francis Chin joined the Washington, D.C., office of Hale and Dorr.

Jill Dash is a labor and employment associate with Akin, Gump, Struass, Hauer & Feld in Washington, D.C.

Judson Dean is clerking for newly appointed Judge Jim Fuller on the North Carolina Court of Appeals in Raleigh, N.C.

Elizabeth Holt is a labor and employment associate with Akin, Gump, Strauss, Hauer & Feld in Washington, D.C.

Eric J. Johnson has joined the firm of Squire, Sanders & Dempsey in Cleveland, Ohio as an associate. He focuses his practice on general labor and employment matters.

Melissa Marler is clerking for Judge Susan H. Black at the U.S. Court of Appeals for the Eleventh Circuit in Jacksonville, Fla.

Joanne Rotondi has joined the environmental law team at Hogan & Hartson in the firm's Washington, D.C., office.

Frederic Tenney joined the Washington, D.C., office of Foley & Lardner, where he focuses on intellectual property matters, including patent prosecution and infringement litigation.

Barry Uhrman is an associate in the labor and employment department in the Phoenix office of Bryan Cave.

Jeremy Veit married **Julie Ottoboni** on Oct. 21.

Amy Welch married **Jason Murphy** on Aug. 19. After completing her clerkship with Judge William L. Osteen of the Middle District of North Carolina, Amy will join the tax department at Mayer, Brown & Platt in Charlotte, N.C.

Yana Yanovsky is clerking for Judge Lourdes Baird, United States District Court for the Central District of California in Los Angeles.

Have personal
or professional
news of your own?



You can send us your class notes at
alumni_office@law.duke.edu
or visit us online at
www.law.duke.edu/alumni/classnotes.
Photo submissions are also welcome.

1932

George W. Sanders Jr., 90, of Druid Circle, Fla., a retired president and chairman of the board for Heritage Federal, died Nov. 28, 1999, at Memorial Hospital-Ormond Beach. Sanders, an Army veteran of World War II, was a native of Jacksonville, Fla. He was a member of the Halifax River Yacht Club, the United Way, Halifax Kiwanis Club, Daytona Beach Chamber of Commerce and the American Cancer Society. Survivors include his wife, Dorothy.

1941

Thomas W. Harvey, 82, an attorney who worked for Commerce Department agencies for 16 years before retiring in 1977 as deputy administrator of the Economic Development Administration, died Sept. 22 of heart disease and diabetes at his home in Chevy Chase, Md. His Commerce Department assignments included director of the Appalachian Assistance Program and general counsel of the Area Redevelopment Administration. Harvey was a native of Huntington, W. Va., and graduated from Marshall College in Huntington. He served as a pilot in the Army Air Forces during World War II and received a Bronze Star and Air Medal for combat duty in the South Pacific. After the war, he returned to Huntington, where he opened a private law practice and was a Democratic Party activist. He served as an assistant prosecutor in Cabell County before joining the Kennedy administration in 1961. Survivors include his wife, Fann Harvey of Chevy Chase; three sons, Thomas Harvey of Rockville, Md., William Harvey of Olney, Md., and John Harvey of Russell, Pa.; a sister, Ida Harvey of Chevy Chase; six grandchildren; and five great-grandchildren.

1947

Carl Horn Jr., 78, of Charlotte, N.C., died Aug. 5 at Carolinas Medical Center. Horn practiced law in Charlotte for seven years and in 1954 joined Duke Power Company's legal department. He was named general counsel and elected to the Duke Power board of directors in 1959. In 1971, he was elected president and chief executive officer, and in 1975 was named chairman of the board. In 1977, *Financial World* magazine named Horn the outstanding chief executive of the year in the public utilities industry. *Financial World* honored him again in 1980, naming him one of the 10 outstanding chief executives of major U.S. organizations. In 1982 the *Wall Street Transcript* named him the top CEO of the electric utility industry. During World War II, he served in the U.S. Army in the Pacific theater, climbing from the rank of private to captain. Horn also served on countless boards and charitable institutions. Survivors include his wife, Virginia Johnston Horn; four children, Carl Horn III of Charlotte, Claire Horn of San Francisco, Calif., Kathrine H. Garcia of Atlanta and Thomas E. Horn of High Point, N.C.; and 14 grandchildren. He was preceded in death by his first wife, Frances Emmet Horn.

Jack C. Woodall, 76, of Hillsborough, N.C., died Nov. 8 in his home. He was born in Durham, N.C., and attended Durham High School and Duke Law School, where he was a member of the wrestling team. He practiced law in Durham and moved to Columbia, S.C., to become a lawyer with the Federal Land Bank. He was a judge in the American Bantam Association. Woodall was a member of the First Baptist Church in Hillsborough, where he served as a Sunday School teacher for the Clayton Class and was on various committees. He was a World War II veteran, serving in the U.S. Navy. He is survived by his wife, Ruth P. Woodall; and a brother, Don McAuliffe of Albion, Mich.

1948

Frederick H. Stone, 79, of Springfield died Sept. 22 at St. John's Hospice in Springfield, Ill. Stone was senior vice president and general counsel at Franklin Life Insurance Co., retiring in 1986. He had previously been a partner with the Gillespie-Burke-Gillespie Attorneys. He was a member of First Christian Church; a member and past president of the Sangamon County Bar Association; a member of the Illinois and American Bar associations; a member of the Elks Club, the Illini Country Club, the board of directors at Franklin Life Insurance Co.; and a fellow of the International Academy of Trial Lawyers. He was a veteran, serving in the U.S. Air Force during World War II. Survivors include his wife, Jeanne; two sons, William D. Stone of Belleville, Ill., and Lawrence L. Stone of Springfield; two daughters, Suzanne McKay of Slocan Park, British Columbia, Canada, and Kim DeMichiel of Mechanicsburg, Ill.; and seven grandchildren.

1949

James Barnett Stephen, 75, retired administrative judge for the 14th Circuit, died Dec. 18 in Spartanburg Regional Medical Center. A native of Pacolet, S.C., he graduated from the University of South Carolina and Duke Law School. He served in the U.S. Naval Reserve from 1943 to 1946, and retired as a lieutenant commander. His active duty was in the Pacific arena during World War II. He began his private law practice in Spartanburg, S.C., in 1949 and served in the South Carolina House of Representatives from 1961 to 1968, and the South Carolina Senate from 1969 to 1979. He was elected Circuit Court judge in 1979 and served continuously until his retirement in 1992. He was a member of the South Carolina and Spartanburg County bar associations, belonged to the Palmetto Club and Spartanburg County Club

and was a member of St. Andrew's Society of Upper South Carolina and the Daniel Morgan chapter of The Retired Officers Association. He was also a member of St. John's Lodge 333. He had achieved Scottish Rite 32nd degree and was a Shriner. He belonged to the American Legion and Veterans of Foreign Wars and was a member of Episcopal Church of the Advent. He is survived by his wife, Virginia "Ginger" Lutz Stephen; two daughters, Susan Stephen Bergmann of Columbia, S.C., and Katherine Stephen McCart of Spartanburg; a son, James Goodwin Stephen of Stockton, Calif.; a stepson, William Burney Belser of Hill AFB, Utah; a stepdaughter, Elizabeth Belser Kistler of Spartanburg; two sisters, Betty Ruth Stephen Walker of Spartanburg and Mary Stephen Duryea of Bennettsville, S.C.; and seven grandchildren. He was predeceased by his first wife, Sarah Goodwin Stephen of Spartanburg.

1951

James Jackson Booker died Sept. 3 at Hospice of Winston-Salem, N.C. He was a veteran of World War II and served with a naval dive bomber squadron from the U.S.S. Ticonderoga. He was a special agent of the Federal Bureau of Investigation in New York City from 1951-1954 and had a general law practice in Winston-Salem for approximately 32 years. He was elected to the board of aldermen in 1961 and served for two years. In 1989 he was appointed as the first Republican Resident Superior Court judge in Forsyth County, N.C. In 1991, he became chairman of the N.C. Industrial Commission and lived in Raleigh, N.C., for five years before returning to Winston-Salem. He was formerly secretary of the Forsyth County Bar Association; a member of the N.C. Bar and the Federal District Bar Association; past president of the Forsyth County Junior Bar Association; and state chairman of the Society of Former Special Agents

of the FBI. He was chairman of the Forsyth County N.C. GOP Lawyers Association and the Forsyth County Republican Party and member of the N.C. GOP Executive Committee. He was past president of the Twin City Sertoma Club, past president of the Winston-Salem Sertoma Club, chairman of the Citizens Advisory Council and a member of the board of trustees of Forsyth Memorial Hospital. He was chairman of the board of deacons and a Sunday School teacher at Knollwood Baptist Church. Survivors include his wife, Anne Elmore Booker; two children, Dorothy Booker Moore of Gastonia, N.C., and James Booker, Jr. of Charlotte, N.C.; four grandchildren; a brother, John Booker of Fort Myers, Fla.; and a sister, Dorothy O'Dendhal of Centerreach, N.Y.

Arthur Vann II, 78, died Dec. 2 at Brookshire Manor Nursing Center in Hillsborough, N.C. A double-Duke graduate, Vann practiced law in Durham, N.C., until his retirement in 1998. Vann was one of the founders of the Blue Devil Club and a charter member of the Iron Dukes. He played on the 1942 Rose Bowl team. Vann was a member of the Duke baseball team and earned the title of Southern Conference Batting Champion. He was a captain in the U.S. Army Air Corps from 1942 to 1944 and served as a bombardier in England, receiving the Purple Heart, Distinguished Flying Cross and the Air Medal. Vann was a member of Calvary United Methodist Church for more than 50 years and taught the Woodall Sunday School Class for 40 years. He was a member of the Exchange Club of Durham for 50 years, serving as president in 1962. He was the recipient of the Exchange of the Year Award in 1963 and served as president of the North Carolina District Exchange Clubs in 1966. He was instrumental in the formation of the Durham Exchange Club Sheltered Workshop. Vann was also active in the North Carolina Young Democrats

Club, serving as president in 1958. He was a visionary, founder and charter member of the Century Club of Durham. Vann served as the first athletic director for the City of Durham and was the driving force in building the Durham County Stadium, as well as renaming the Duke University football stadium in honor of Coach Wallace Wade. Vann is survived by his wife of 56 years, Joanne Gmaz Vann; 11 children, Cynthia Vann of Houston, Susan Hoag of New York, Ellen Crews of Southern Pines, N.C., Sarah Wyne of Raleigh, N.C., Gooche Stricklin of Raleigh, Liza Vann Smith of New York, Woody Vann of Durham, Peter Vann of Asheville, N.C., Amy Efland of Efland, N.C., John Vann of Durham and David Vann of Durham; a brother, Mordecai Vann Jr. of Hillsborough, N.C.; a sister, Ann Vann Dickens of Dunn, N.C.; 15 grandchildren; and four great-grandchildren. Vann was preceded in death by a son, Arthur Vann III.

1954

Frazier Thomas Woolard Jr. died Dec. 14 in his North Carolina home. He was 80. He attended the College of William and Mary in Williamsburg, Va., and worked with the Alcohol, Tobacco and Firearms Unit after graduating from Duke Law School. He set up a private law practice in Washington, N.C., and in 1959 was elected recorder's court judge of Beaufort County, where he served for two years. He went on to practice as an attorney until his retirement in 1997. Woolard enlisted in the Navy in 1939 and was stationed in Hawaii, during the Dec. 7, 1941, attack on Pearl Harbor. He traveled extensively while in the Navy and later spent several years in the Merchant Marines. Woolard researched military events relating to the build-up of the attack on Pearl Harbor and eventually self-published a book relating to his research. He donated many of his personal papers to Duke University's library. He is survived by

his wife, Betty; a son, Byron Craig Woolard; two daughters, Ginger Woolard Williamitis and Suzanne Woolard; and four grandchildren. He was predeceased by a son, Frazier Thomas Woolard III.

1961

John Darnall Fite, 67, of Belleair, Fla., died Nov. 27 at home under the care of Hospice of the Florida Suncoast. He was an attorney and partner in the firm of Richards, Gilkey, Fite, Slaughter, Pratesi & Ward in Clearwater, Fla. Fite also was active in banking and real estate and served on the boards of Second National Bank, Great American Banks and First Florida Banks. He graduated cum laude in 1955 from Davidson College in Davidson, N.C., where he was a member of Phi Beta Kappa. He was drafted into the Army in 1956 and served in the Panama Canal Zone. He graduated with honors from Duke Law School, where he was elected to the Order of the Coif. He was a member of the Law Alumni Association and contributed toward the construction of the computer instruction room in the Law School library, which was dedicated in 1996. He also funded the John D. Fite Mordecai Scholarship and has provided posthumous funding for four additional scholarships at the Law School. He was a member of the Episcopal Church of the Ascension in Clearwater. He is survived by a son, William Neal Fite of Hernando County, Fla.; two sisters, Elizabeth Steele of Tangerine, Fla., and Mary Helen Bohman of Winter Park, Fla.; and a companion, Richard E. Guest of Belleair.

1965

Robert E. Young of Homeland, Md., a partner in the Piper & Marbury law firm and civic activist, died Nov. 15 of cancer at Gilchrist Center for Hospice Care. He was 59. Young began his legal career as a captain in the Air Force, serving as a staff judge advocate from 1966 until 1969, when he joined Piper & Marbury. He became a partner in 1976 and worked on many of the firm's real estate transactions, including large planned communities in Connecticut and New York. In civic endeavors, he was chairman of the advisory board and legal adviser of the Salvation Army Baltimore Command, and for 12 years was a trustee of the Samuel Ready Scholarships Inc., which provides scholarships to private schools for girls from disadvantaged families. In 1994, Young retired from practice to devote more time to his two daughters, Caroline and Mary Emma. He volunteered regularly in the Bryn Mawr School library and became an avid supporter of the school's athletics program. Young is survived by his wife, Susan Gillette; two daughters; and his parents, H. Edward and Emma Young of Towson, Md.

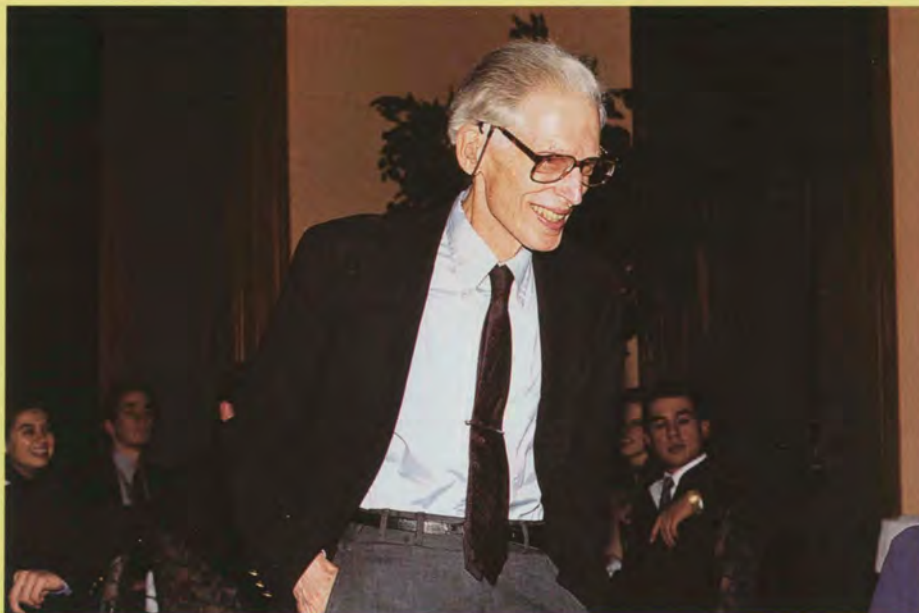
1966

Earle Lyman Brooks II, 59, of San Diego, an attorney and real estate law specialist, died July 25 of injuries sustained in a fall at his home. After graduating from Duke Law School, Brooks was licensed to practice law in Ohio and California. During the Vietnam War, Brooks was commissioned an ensign in the U.S. Naval Reserve and served at the Nuclear Weapons Training Center in Coronado, Calif. After his honorable discharge, Brooks worked as an assistant district attorney for San Diego County, served as a public defender and eventually established his own law practice in San Diego. In more recent years, he specialized in real estate law and land development, and operated his own commercial property appraisal

business. Brooks, who never married, is survived by a brother, Chapin Cole Brooks of Las Vegas; two sisters, Cynthia Brooks Armstrong of New York and Diane Brooks Hamilton of Westhampton Beach, N.Y.; and a stepbrother, David Paul Ristau of Sarasota, Fla.

1973

George M. Kingsley Sr., chief counsel for the Baltimore District of the Army Corps of Engineers, died June 2 of melanoma at Howard County General Hospital in Columbia, Md. He was 55. Kingsley was chief counsel in Baltimore since 1995. He began his career with the corps in Wilmington, N.C., in 1974 and held positions with the agency in Winchester, Va., and Saudi Arabia. He began his legal career with the General Accounting Office in Washington, D.C., in the early 1970s and was briefly in private practice. Kingsley earned his bachelor's degree from Cornell University. An avid bicyclist, he participated in Cycle Across Maryland and Bike Virginia tours. He was a communicant and member of St. John's Episcopal Church in Ellicott City, Md. Kingsley is survived by his wife, Sally Betts Kingsley; two sons, George M. Kingsley Jr. and Stephen D. Kingsley, both of Richmond, Va.; a daughter, Elizabeth B. Kingsley of Ellicott City; his parents, George D. Kingsley and Constance R. Kingsley of Hicksville, N.Y.; and three brothers, Glenn Kingsley of Brooklyn, N.Y., Edward Kingsley of Boston and Christopher Kingsley of New Hamburg, N.Y.



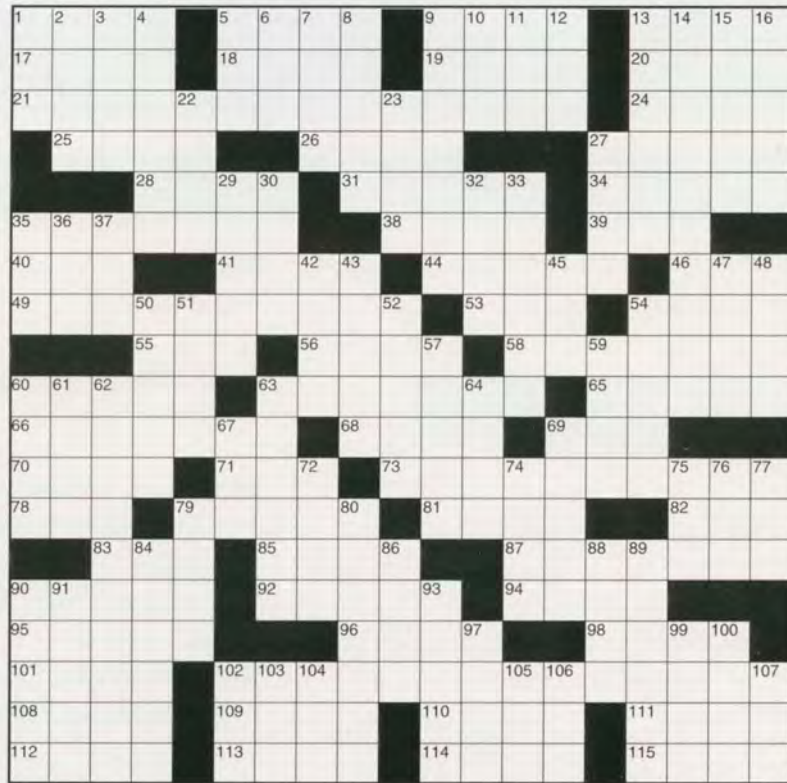
Former Duke Law Professor

Robert Kramer, 87—former professor at Duke Law School, dean of the George Washington University National Law Center and assistant attorney general of the United States during the Eisenhower administration—died Feb. 1 of natural causes at his home near Washington, D.C. Kramer graduated from Davenport Central High School in 1931, from Harvard College *cum laude* in 1935, and from Harvard Law School *magna cum laude* in 1938, where he was legislation editor of the *Harvard Law Review*. As a young attorney he joined the National Labor Relations Board in its formative years (1938-40) and subsequently moved to the Anti-Trust Division of the U.S. Department of Justice (1941). From September 1940 to September 1941, and again from January 1942 to September 1945, he was legal adviser to the Chief of Ordnance in the Fiscal, Fiscal and Legal, and Legal Divisions

of the Army of the United States. After World War II, Kramer and his family moved to New York, where he was an associate at Paul, Weiss, Wharton & Garrison from 1946-47, before joining the faculty of Duke Law School (1947-59). He edited *Law & Contemporary Problems* (1947-56), the *Journal of Legal Education* (1948-55), and was American editor of *The Business Law Review* (1952-55). He also co-authored (with C.L.B. Lowndes and J. McCord) the standard treatise *Federal Estate and Gift Taxes* (West Publishing Company, 1956, 1962, 1974), in addition to many articles in diverse fields, particularly administrative law, conflict of laws, jurisprudence, and federal taxation. Between 1959 and 1961, Kramer was assistant attorney general, Office of Legal Counsel, in the Department of Justice, in which capacity he prepared opinions for the late William P. Rogers as attorney general and, at his own request, argued various cases for the United States before the U.S. Supreme Court. In 1961 he became professor of

law and dean of the George Washington University National Law Center. At his retirement in 1979, George Washington President Lloyd H. Elliott paid tribute to Kramer's achievements over nearly two decades in transforming a largely part-time service school into a law school of national standing, raising academic standards and attracting a first-rate faculty, energizing the alumni association, creating an endowment, and building a new law library. Kramer was a life member of the American Law Institute, which he was invited to join in 1948. He served on the executive committee of the Association of American Law Schools. He was also a long-time member of the Cosmos Club and of the University Club of Washington, D.C., and served on the Board of Vestry of Christ Episcopal Church. He is survived by three children, Robert G. Kramer of Annapolis, Md.; Elizabeth K. Helsing of Chicago; and Lucy Keefe of Boston; and nine grandchildren.

FRIDAY SOLDS exam



(Hint: All clues in bold are taken from articles in this issue of *Duke Law Magazine*.)
by Fred Piscop and Kari J. Croop

Across

- 1 Summer getaway
- 5 Humorist Bombeck
- 9 **Vidmar's "World ___ Systems"**
- 13 Wiener wrapping
- 17 Big Apple stage award
- 18 Ring out
- 19 Metal-bearing minerals
- 20 Perry and Della's creator
- 21 **Law School publication, est. 1951**
- 24 Sea of ___ (Don River outflow)
- 25 Garr or Hatcher
- 26 January 1 title word
- 27 "Funny Girl" composer Julie
- 28 "Born Free" lioness
- 31 Sweeties
- 34 Talent agent Swifty
- 35 **"Free Speech on Campus" author Martin**
- 38 Prefix meaning "within"
- 39 Secure, as a victory
- 40 Shirt with a slogan
- 41 Shamu or Willy
- 44 Did some darnin'
- 46 U.K. loos
- 49 **High IQ teaching tool**
- 53 Pronoun for a boat
- 54 Whey-faced
- 55 Dawn goddess
- 56 Fab Four name
- 58 Skagway resident
- 60 Poe subject
- 63 **A way to repair a spider's broken home?**
- 65 Fridge forays

- 66 Body between Kazakhstan and Uzbekistan
- 68 Reliever's success
- 69 Off one's feed
- 70 Whitney gadgets
- 71 Quick to learn
- 73 **Fuel for new economy**
- 78 Critic ___ Louise Huxtable
- 79 Uses a swizzle stick
- 81 Shift-8, on a keyboard
- 82 Arthur of "The Golden Girls"
- 83 Director Spike
- 85 The best
- 87 Virtual ___ (computer-generated environment)
- 90 Port of Iraq
- 92 **Home state to many U.S. Basques**
- 94 Just lying around
- 95 Rite place
- 96 Emulates Eminem
- 98 Pre-1917 autocrat
- 101 Department store section
- 102 **Penner of "Notion of an Ideal Audience in Legal Argument"**
- 108 "Snowbird" singer Murray
- 109 Wheel shaft
- 110 Fence component
- 111 ___-bitty
- 112 Sax player's buy
- 113 Pigeon-___
- 114 Some are liberal
- 115 Consult the crystal ball

Down

- 1 New England cape
- 2 Share a border with
- 3 He caught Evander's ear
- 4 Used a spyglass
- 5 **Clean-air org.**
- 6 VCR button
- 7 Naked Goya subject
- 8 One way to think
- 9 Air ___ (pricey sneakers)
- 10 Subject of a Keats ode
- 11 "The Crying Game" star Stephen
- 12 Designer monogram
- 13 Washington State airport
- 14 **The "K" in Coach K**
- 15 Massey of old films
- 16 "When pigs fly!"
- 22 1953 Leslie Caron role
- 23 1997 Peter Fonda title role
- 27 Eluded the tag
- 29 Nose-in-the-air types
- 30 Soil: Prefix
- 32 Numbered rds.
- 33 "Who cares?"
- 35 Sporty autos
- 36 Computer reseller, for short
- 37 Pastoral place
- 42 Batman's garb
- 43 Iraqis and Qataris
- 45 Slithery sort
- 47 **A ballot punch, or an impoverished country**
- 48 Thesaurus entries: Abbr.
- 50 Walks like an inebriate
- 51 Shipping units
- 52 Admission requirement
- 54 Fast ___ get-out
- 57 Takes a bath
- 59 Folksy Guthrie
- 60 Shankar tune
- 61 Bone-dry
- 62 **Duke Law election panel speaker William**
- 63 North American elk
- 64 Religious faction
- 67 Chow down
- 69 "The Woman ___" (Gene Wilder film)
- 72 Walked all over
- 74 Mata ___
- 75 Geisha garment
- 76 Understand
- 77 "Whoopee!"
- 79 Affix a brand to
- 80 Practiced with a pug
- 84 Wiped away
- 86 Thick carpet
- 88 Height: Prefix
- 89 Stanford's cyberlaw scholar Lawrence
- 90 Elephant of children's lit
- 91 Sans company
- 93 Wagnerian work
- 97 Dueling memento
- 99 "___ boy!"
- 100 Cracker brand
- 102 Gangster's gun
- 103 Outer: Prefix
- 104 Corrida cheer
- 105 Batting average fattener
- 106 "Kidnapped" author's monogram
- 107 Potato feature

Thursday, April 19, 2001

6:00 p.m.

Reception and Dinner for Board of Visitors,
Law Alumni Council

Friday, April 20, 2001

8:30 a.m.

Board of Visitors Meeting

10:30 a.m. - 4:00 p.m.

Law Alumni Council Meeting

12:00 p.m. - 5:00 p.m.

Registration

Afternoon

Classes without Quizzes

11:10 a.m. - 12:25 p.m.

Complex Civil Litigation with Professor Tom Rowe,
guest speaker Judge Shira Scheindlin of the U.S.
District Court for the Southern District of New York

1:15 p.m. - 2:30 p.m.

Genetics and the Law with Professor Doriane Coleman

2:40 p.m. - 4:30 p.m.

Structuring Commercial & Financial Transaction with
Professor Steven Schwarcz

5:00 p.m. - 7:00 p.m.

Barrister Donor Society Reception

6:30 p.m.

Alumni Reception

7:30 p.m.

Alumni Banquet
Presentation of the Law Alumni Association Awards,
recognition of the career of Professor Emeritus Melvin G.
Shimm, and a celebration of the 50th Anniversary of the
Duke Law Journal

Saturday, April 21, 2001

8:00 a.m. - 12:00 noon

Registration

8:00 a.m. - 9:00 a.m.

Continental Breakfast

8:30 a.m. - 9:30 a.m.

Wealth Transfer Planning — Impact on Family and
Community

Michael Sholtz '88, Director of Planned Giving,
Duke University,
Kathleen McNally, Associate Director of
Planned Giving, Duke University

9:30 a.m. - 10:30 a.m.

The Internet and Intellectual Property:

The New Enclosure Movement.

Professors Jamie Boyle & Jerome Reichman, and
Kip Frey '85, Venture Partner, InterSouth Partners

10:30 a.m. - 12:30 p.m.

The Supreme Court and Election 2000

Professors William Van Alstyne, Christopher Schroeder,
Walter Dellinger, Tom Rowe, and Frank Hunger '65, advisor
to the 2000 Gore-Lieberman Presidential Campaign

10:00 a.m. - 12:30 p.m.

A Celebration of African American Alumni - Panel I
"Neither A Whisper Nor a Shout: African Americans and
the Quest to Build an Inclusive Law School"

11:00 a.m. - 12:30 p.m.

A Conversation with President Nan Keohane**

Page Auditorium, Duke University, West Campus

12:30 p.m. - 2:00 p.m.

Law Alumni Picnic & BBQ

1:00 p.m. - 2:30 p.m.

Golf at the Washington Duke Inn

Saturday, April 21 (cont.)

2:00 p.m.

The Duke Start-up Challenge

In its second year, the Duke Start-up Challenge is the largest University-run business plan competition with total prizes of \$100,000. See the final presentation of business plans and announcement of the winners. For more information on the program, visit their Web site at www.bplan.duke.edu.

2:00 p.m. - 4:00 p.m.

A Celebration of African American Alumni - Panel II
 "Neither A Whisper Nor a Shout: African Americans and the Continuing Struggle to Build an Inclusive Nation"

Afternoon Campus Activities

6:00 p.m. - 9:30 p.m.

A Celebration of African-American Alumni and the Black Law Students Association banquet, Ballroom, Durham Hilton
 The Honorable Curtis L. Collier '74, U.S. District Judge for the Eastern District of Tennessee, featured speaker

6:00 p.m. - 9:30 p.m.

A Celebration of Accomplishments,
 Class of 2000

6:00 p.m. - 9:30 p.m.

Reunion Class Receptions and Dinners
 International Alumni Dinner

10:00 p.m. - 1:00 a.m.

University Gala**
 Fireworks Display, Music and Dancing

Sunday, April 22, 2000

9:00 a.m.

Sunday Service for Alumni**
 Duke Chapel

10:00 a.m. - 12:00 noon

Champagne Breakfast in
 Sarah P. Duke Gardens**
 Boxed continental breakfast with Duke Wind Symphony performing

11:00 a.m.

Dedication of Alumnae Courtyard
 Refreshments served

** in conjunction with Duke University Alumni Weekend

CROSS exam answers

| | | | | | | | | | | | | | | | | | |
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| C | A | M | P | E | R | M | A | J | U | R | Y | S | K | I | N | | |
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| D | U | K | E | L | A | W | J | O | U | R | N | A | L | A | Z | O | V |
| T | E | R | I | A | U | L | D | S | T | Y | N | E | | | | | |
| E | L | S | A | D | E | A | R | S | L | A | Z | A | R | | | | |
| G | O | L | D | I | N | G | E | N | T | O | I | C | E | | | | |
| T | E | E | O | R | C | A | S | E | W | E | D | W | C | S | | | |
| S | M | A | R | T | B | O | A | R | D | S | H | E | A | S | H | Y | |
| E | O | S | P | A | U | L | A | L | A | S | K | A | N | | | | |
| R | A | V | E | N | W | E | B | C | A | S | T | R | A | I | D | S | |
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| G | I | N | S | A | P | T | T | E | C | H | N | O | L | O | G | Y | |
| A | D | A | S | T | I | R | S | S | T | A | R | B | E | A | | | |
| L | E | E | T | O | P | S | R | E | A | L | I | T | Y | | | | |
| B | A | S | R | A | I | D | A | H | O | I | D | L | E | | | | |
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| B | O | Y | S | G | E | O | R | G | E | C | H | R | I | S | T | I | E |
| A | N | N | E | A | X | L | E | R | A | I | L | I | T | T | Y | | |
| R | E | E | D | T | O | E | D | A | R | T | S | G | A | Z | E | | |

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Law Alumni Weekend

April 20-22, 2001