



DUKE LAW

M A G A Z I N E

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Ideas That Matter

Intellectual Life in High Gear
at Duke Law School

inside **Rules of Engagement**

Duke Law Faculty Provide Leadership on Issues Raised by the Events of September 2001

plus

As Chair of the Law School's Board of Visitors, Peter Kahn '76 Keeps Giving Back

from the dean



As this issue of *Duke Law Magazine* makes clear, the Law School is bursting with an increasingly diverse array of intellectually stimulating activities. It is a rare day when there is not an outside speaker, panel discussion, conference, symposium, “town meeting,” brown-bag lunch forum, faculty workshop or public lecture. On many days, more than one such activity takes place and it often occurs that two or more have to be scheduled at the same time. And this does not count the incredible number of major speakers, conferences and summits at the University level to which our students have access.

As the Law School becomes increasingly rich with such activities, it is important to keep in focus our core mission – to educate the next generation of lawyers to become leaders, professionals and guardians of this society’s precious legal system. The host of intellectual activities offered at Duke Law School is in part a deliberate strategy to nurture the values of leadership and professionalism. Many of the outside speakers and panels are sponsored by student organizations, such as the International Law Society, the Hispanic Law Students Association, the Public Interest Book Club, the Intellectual Property Law Society and the Law School’s scholarly journals. Supporting these and other student initiatives is one way we reward, and thus encourage, leadership values.

Besides enabling leadership, the rich intellectual life at the Law School stirs debate among students, which in turn invites students to formulate and take responsibility for their own ideas. Some speakers are especially inspiring role models for students, who can become

jaded by the all-too-visible signs of a loss of nobility in the profession they have chosen. Career service panels of distinguished alumni who have conquered such perceptions and pursued a variety of paths to success are enormously enlightening to students making choices about their own careers.

Still, it is important to understand that the increased opportunities for students to initiate, lead, debate, take responsibility and be inspired fall within the framework of the larger goals of the law school experience. To grow intellectually, ethically and professionally, students need both stimulation and time for study. Saving time and energy for course work to benefit from the excellent classroom teaching at Duke can be difficult with so many exciting distractions, but without sustained concentration on a topic and attention to rigorous development of a legal argument, as occurs in a student’s courses, a first-class legal education cannot take place. Fine-tuning ethical sensibilities, similarly, requires not only inspiration and the opportunity to apply principles to real-life experiences, but also an intellectual depth of understanding that comes with discipline and focus.

Our fine faculty faces similar challenges in trying to balance the fast-paced, highly stimulating experiences of workshops, media interviews, conferences and debates with the demands of deep thinking that make possible true scholarship. The academic conferences described in this *Magazine* provide the kind of intellectual exchange and challenge that can greatly enhance and improve scholarship. When those gathered at such events come from various backgrounds and work in different disciplines, as is the case with a high proportion of our conferences (including the Conference on the Public Domain), the opportunities for cross-fertilization are magnified.

We are proud of our faculty who take the time to share their expertise not only with students, but with the media and various community and professional organizations. Like our students whose extracurricular activities enrich the intellectual life of the Law School for other students and provide pro bono service for under-

served client populations, the faculty who respond to requests for their special knowledge from congressional committees, the media and other groups and organizations perform an important public service. That lawyers have a duty to educate and serve is one of the lessons we try to teach our students, and providing good models for this role is an important part of our teaching function. Beyond this function, it is simply the case that law professors, like all lawyers, share responsibility for transmitting to the broader society knowledge and understanding of the law and an appreciation of the values advanced by the rule of law.

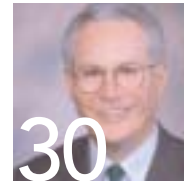
Of course, just as students need time for study and reflection, so faculty need sufficient time for research and examination. Thus law schools like Duke that want their faculty to be leaders in their respective fields must allow them sufficient research support to become distinguished scholars. And as with the effort to help our students achieve balance between curricular and extracurricular activities, at Duke the intellectual activity we promote is designed to enhance the research and teaching functions of our faculty, not detract from them.

As you learn of the exciting activities that are occurring at the Law School, be assured of our intentionality. We do not generate activity for its own sake, but because of its potential to develop and challenge the mind, and to further the leadership skills and professionalism of our students and the excellence of our faculty. In the meantime, we hope to share with our alumni as many of the events that occur at the Law School as possible. If you have yet to do so, I would encourage you to subscribe to E-news, our monthly electronic alumni newsletter, by visiting www.law.duke.edu/alumni/e-news.html. To view archived webcasts of the educational events discussed in this *Magazine*, please visit our website at www.law.duke.edu/webcast. ♡

A handwritten signature in black ink that reads "Katharine T. Bartlett". The signature is written in a cursive, flowing style.

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

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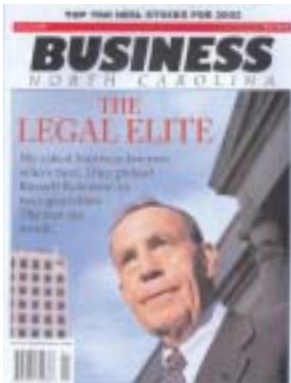


Letters to the Editor

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



Magazine names 16 Duke Law School Alumni as North Carolina's Legal Elite




Russell M. Robinson II '56 leads North Carolina's "Legal Elite," according to *Business North Carolina* magazine. The Charlotte-based magazine devoted its

January 2002 issue to the best business lawyers in the state, voted on by their peers. Robinson, a founding partner of the Charlotte law firm Robinson, Bradshaw & Hinson, earned top nods for the areas of business law and corporate counsel.

"As executives in North Carolina have known for decades, it pays to have Robinson on your side," wrote *Business North Carolina's* Irwin Speizer. "His peers voted him the state's best business lawyer and its best corporate counsel – the only lawyer to top two specialties in the Legal Elite."

Antitrust lawyers named Matthew Sawchak '89, who practices at Ellis & Winters in Cary, as the best in their field. In the magazine, Sawchak credited Professor Clark Havighurst, whom he called "an outstanding antitrust professor at Duke," with leading him to his specialty.

Editors at the magazine mailed ballots to more than 6,000 lawyers across the state and asked them to vote for the best practitioner in each field. Voters could not vote for themselves, but could vote for members of their firms – only if they also voted for someone outside their firms in those specialties. Outsider votes carried more weight than insider votes. To read more, visit www.businessnc.com. 

Fourteen other Duke Law alumni were also mentioned among the elite. They are, in order of class year:

Clarence W. Walker T'53 L'55
business law

Herbert O. Davis '60
business law

David L. Ward Jr. '62
antitrust law

James B. Maxwell '66
litigation

William A. Davis II '67
business law

George R. Mahoney Jr. '67
corporate counsel

Trawick H. Stubbs Jr. '67
antitrust law

Thomas C. Worth Jr. '69
estate planning

John R. Wester '72
litigation

C. Wells Hall III '73
taxes and estate planning

Kenneth W. McAllister '74
corporate counsel

Peter C. Buck T'69 L'76
business law

Edward T. Hinson Jr. '77
litigation

Susan F. Olive '77
patents and intellectual property law

"The Children's Education Law Clinic has really improved my sense of purpose while in law school, because it has enabled me to serve real people in need while learning a tremendous amount about the law and client interaction. For the first time I have begun to tap into the valuable practice experience of my professors, Jane Wettach and Brenda Berlin. It is in the real world of clients that they are able to share their experience and knowledge in a relevant context. As far as I am concerned, learning through experience is the most valuable kind of knowledge there is, and I am exuberant about gaining the opportunity to learn these skills while I am still at Duke Law School."

Darren Malhame '03

Children's Education Law Clinic Opens Doors


Duke Law School opened a Children's Education Law Clinic in Durham in January 2002. The clinic, located at 201 W. Main St., provides free legal advocacy for low-income parents and their children in cases involving issues of education law and government benefits. Ten Duke Law School students, supervised by Duke faculty Jane Wettach and Brenda Berlin, provide legal services to disabled children and their families through the Clinic.

Funds to start The Children's Education Law Clinic came from The Duke Endowment, the Mary Duke Biddle Foundation, and a planning grant from the Bussel Foundation, which also benefits Duke Law School's other clinic programs.

"This Clinic both provides much-needed services to children with special needs in the community, and gives our students hands-on opportunities to apply the law they learn in the classroom," said Dean Katharine Bartlett. "We are grateful to the Duke Endowment and the Mary Duke Biddle Foundation for their support of this program."

Duke Law School began planning the clinic in 1999 in response to law student interest in children's issues. A community survey revealed a significant need for lawyers with an expertise in education law who could represent low-income children, particularly disabled children, through the complex special education system. Early response to the Clinic is promising.

"Already our phone is ringing," said Jane Wettach, clinic director and a senior lecturing fellow at the Law School. "We are seeing an increase in referrals from other professionals in the community who provide assistance to children with disabilities. Our students are meeting with clients and are actively involved in community workshops that educate parents about the rights of disabled children."

The Children's Education Law Clinic joins the AIDS Legal Assistance Clinic as a true "in-house" clinic in which students represent clients under direct supervision of Duke Law faculty. Students at Duke can also obtain clinical experience through the Death Penalty Clinic, the Criminal Litigation Clinic, the International Development Clinic and a number of simulation-based courses in trial practice, litigation, negotiation and mediation, appellate practice and estate planning. 

Alumni Return to Duke Law as Visiting Faculty


Duke Law School welcomes back to Durham an impressive group of alumni as visiting faculty this year: **John Conley '77**, visiting professor from UNC-Chapel Hill, and **Garrett Epps '91**, visiting professor from the University of Oregon, are both at Duke Law School for the entire 2001-02 academic year. Professor Conley is teaching courses in civil procedure, ethics, and law and science, while Professor Epps is leading students through the study of constitutional law, and in the fall taught a course on the first amendment.

Tim Profeta '97 and **Doug Wheeler '66** have returned this spring to team teach a seminar on the Endangered Species Act. As Counsel for the Environment for Senator Joseph Lieberman (D-Conn), Profeta carries primary responsibility for

Lieberman's work on the Endangered Species Act. Wheeler is a partner with Hogan & Hartson who specializes in environmental law.

Len Simon '73 has returned to teach two courses on complex civil litigation. Simon is affiliated with the San Diego office of Milberg, Weiss, Bershad, Hynes & Lerach. Another San Diego attorney, **Candace Carroll '74**, is providing counsel to Duke Law students in the 2002 spring moot court competitions.

Donna Gregg '74 and **Mark Prak '80** have joined forces to teach a spring seminar in telecommunications law. Currently a partner with the law firm of Wiley, Rein & Fielding in Washington, D.C., Gregg previously served with the Federal Communications Commission as an attorney with the Cable Television

Bureau. Prak '80 is a partner with the firm of Brooks, Pierce, McLendon, Humphrey & Leonard, LLP in Raleigh, N.C. 



Visiting Professor Garrett Epps '91



Dale Whitman '66, Richard Danner Assume AALS Governance Positions

Dale Whitman '66 took office as the new president of the Association of American Law Schools (AALS) on January 3, 2002. Whitman is a professor at and former dean of the University of Missouri-Columbia School of Law. He teaches property, real estate finance and land use planning.

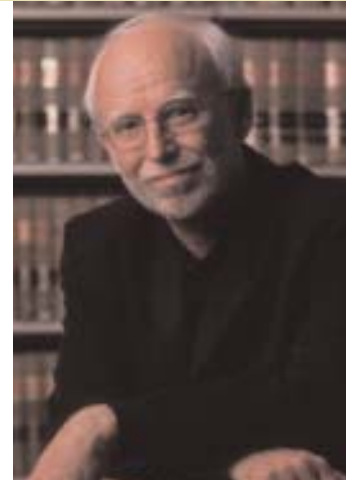
"I'm delighted to have this opportunity to try to provide leadership in the AALS,"




Dale Whitman '66

Whitman said. "Since we are the 'learned society' of legal education, we have a responsibility to advance scholarship and learning. This year, an important focus of my work will be the globalization of law – a field in which Duke Law School has long been a leader. Our annual meeting in January 2003 will emphasize this theme, and we are also planning several international and global conferences that will bring together law teachers and scholars from many nations. It's an exciting time for legal education."

Senior Associate Dean for Information Technology and Research Professor of Law Richard Danner was elected to a two-year term on the organization's executive committee, commencing in January 2002. The AALS House of Representatives, composed of one representative from each member school, elects the nine-member executive committee. The executive committee conducts the affairs of the Association between annual meetings, reviews membership applications and determines strategic directions for the Association.



Richard Danner

Professor Danner is the first librarian elected to the executive committee since 1988. Professor (and former Dean) Paul Carrington (1984-86) and former Dean Pamela Gann '73 (1997-99) were the most recent Duke representatives on the committee. Danner says that he is looking forward to working with President Whitman, especially regarding the Association's role in promoting the use of technology to improve scholarly communications in law. 

First-ever International Week a Great Success

Duke Law School's first-ever International Week, held in October 2001, featured a student-led forum on the ethical implications of military involvement in Afghanistan, an international food fiesta, and an LLM student panel highlighting unique aspects of practicing law around the world. Many student organizations participated in planning the week's events.

"The level of student participation in international week activities was very high," said Mary Beth Steele '02. "As we hoped would happen, students from

many different countries and backgrounds attended the events and interacted with one another. There really was something for everyone. For example, the audience for the forum on Afghanistan included students and faculty with a range of academic interests and viewpoints, and the student speakers facilitated a high-quality discussion on an important issue affecting all of us." (See page 24.)

Along with the informational activities, International Week offered some fun for the entire Duke Law School

community. The week kicked off with International Sports Sunday and continued with events such as Croissants et Café avec les Deans and International Film Night. The festivities culminated with an international food fiesta in the Law School's Alumnae Courtyard, which was colorfully decorated with streamers and a large piñata. The fiesta's large and enthusiastic crowd tasted 100 delicious dishes prepared by law students, faculty and staff. Winning the best overall dish award was Sang-Soo Jun '02, whose Korean barbecue station was a spectacular hit.

James E. Coleman Jr. Receives Community Betterment Award




James E. Coleman Jr.


James E. Coleman Jr., senior associate dean for academic affairs and professor of the practice of law, was presented with the Samuel DuBois Cook Society Community Betterment Award on February 13, 2002. His work as a civil rights advocate and his outreach efforts as a senior administrator at the Law School garnered him this prestigious award, which honors those whose daily activities exemplify the principled behavior and emancipating spirit of the interactive community envisioned by Dr. Cook, Duke University's first black faculty member.

"Jim is uniformly praised for his humility and genuine compassion for his students' welfare," said Jill Miller, assistant dean for student affairs. "He is driven by an unflinching work ethic that motivates him to work well into the evening hours and to hold special weekly discussion sessions with his students. The Community Betterment Award is a testament to Jim's unflinching commitment both to the Law School and the community at large."

After founding the Innocence Project at Duke Law School, a student-led organization that investigates the convictions of incarcerated persons claiming actual innocence, Dean Coleman has fostered a developing network of similar programs at other law schools. This work parallels the leadership he has shown in the American Bar Association, which two years ago at his initiative passed a resolution urging states to place a moratorium on the death penalty until the question of its unequal application to minorities was resolved. He currently serves on the blue-ribbon ABA Committee established to oversee implementation of this resolution. Beginning with his own state, Dean Coleman instigated efforts in North Carolina to address issues of fairness and quality in the implementation of the death penalty. He served as one of two public members of the North Carolina Legislative Research Commission appointed to review aspects of the North Carolina death penalty, which proposed legislation abolishing the death penalty for certain defendants, including mentally retarded offenders. This legislation has since been enacted. He is also the interim chair of the Board of Directors of the Fair Trial Initiative, a new organization designed to train young death penalty lawyers to more effectively represent capital defendants.

"The linkage between Jim's professional and teaching activities is much appreciated by his students and colleagues and provides an excellent model to them for taking responsibility for the quality of their communities," said Dean Miller. 

"What really struck me about the food fiesta was how much time the students put into preparing their dishes," said Steele. "As I made my way down the long rows of food stations, students proudly encouraged me to 'just try a little of this because you're going to love it.' Some displayed their dishes with elaborate decorations, and many offered to explain the cultural significance of their dishes."

To see photos from the week, visit www.law.duke.edu/internat/Gallery/index.htm. 



Jill Miller, assistant dean for student affairs, congratulates Sang-Soo Jun '02, who won best overall dish at the international food fiesta for his Korean barbecue.



Masato Sasaki '01 (left) speaks to Professor George Christie during the international food fiesta.



Deans Bartlett, Horowitz Spend a Week in Asia


Dean Katharine Bartlett and Associate Dean for International Studies Judith Horowitz visited Japan and South Korea October 15-22, 2001. Among the items on their fast-paced agenda: visit alumni and friends in these areas; strengthen existing relationships between Duke Law School and area universities; encourage outstanding young attorneys to consider Duke if they choose to study law in the United States; and enhance opportunities for summer internships for current students at Duke Law School.

In Tokyo, Deans Bartlett and Horowitz visited law faculty at Tokyo University and Waseda University, where three Duke Law School students are currently studying. They also toured several law firms and the Supreme Court

of Japan. Among the firms visited were Sakai Law Firm and Kuroda Law Firm, headed by alumni Hideyuki Sakai '82 and Kenji Kuroda '89, respectively. At Waseda University, Dean Bartlett addressed an overflowing auditorium of more than 500 students and faculty about "The Many Faces of Gender Equality in the U.S.: Family, Workplace, and Education." Another highlight of the visit was a reception attended by about 50 Duke Law School alumni living in Japan, and professors at the universities.

In Seoul, the deans visited several law firms, including Kim & Chang, and Bae, Kim & Lee. They also toured the Korea Foundation, the Korea Research Foundation, Seoul National University, and the Supreme Court of Korea. Dean

Bartlett spoke again on gender issues to a full audience of faculty, researchers and students. Duke Law School alumnus Ken Yun '88 provided much of the hospitality and arrangements in Korea. The visit included an elegant dinner reception attended by about 30 alumni and former visiting scholars.

"We were extremely well received and were delighted to have an opportunity to visit with our current students studying in these countries, and also with so many of our alumni, who accompanied us to interesting sites throughout the week," said Dean Horowitz. "Thanks to their kind attention and hospitality, it was a productive and enjoyable trip." 



Dean Bartlett gives welcoming remarks at an alumni reception in Seoul.



Dean Bartlett with Ken Yun '88 at the reception in Seoul.



Deans Bartlett and Horowitz photographed overlooking Seoul.



Attendees at the alumni reunion in Tokyo pose for a photo with the deans.



Hideyuki Sakai '82 (at right) presents a memento – a signed card and photo of all the people who attended the Tokyo reunion.

Spotlight on Public Interest and Pro Bono Activities

Recent developments in the programs and speakers series directed by the Office of Public Interest and Pro Bono have proven popular among students and alumni.

“Our office works closely with student groups to plan events that encourage professionalism and an interest in public issues,” said Carol Spruill, associate dean for public interest activities and special projects. “We strive to be creative and flexible in picking up on the energy of the student body to sponsor programs that demonstrate that a commitment to the public is an expectation of every lawyer and every future lawyer.”

Public Interest Book Club

What started out in 1993 as a wholly internal discussion of selected books recently has flourished into a popular author-speaker series. Five authors have spoken at the Law School this academic year as part of the Public Interest Book Club:

- Wendy Kopp, the founder of Teach for America and author of *One Day All Children*, who spoke about her experiences in creating a national organization that attracts college students to commit several years to teaching in the nation’s low-wealth public schools.
- Josh Sugarmann, the executive director of the Washington, D.C.-based Violence Policy Center and author of *Every Handgun is Aimed at You*, who spoke about handgun control.
- Duke alumnus and visiting professor of law Garrett Epps ‘91, who entertained a packed house speaking about his book, *To An Unknown God: Religious Freedom on Trial*.
- Professor Pat Sullivan, a fellow at the W.E.B. Du Bois Institute for Afro-American Research at Harvard University, who spoke about her book

Days of Hope: Race and Democracy in the New Deal Era.

- Duke Law alumnus and University of Richmond Law Professor Rod Smolla ‘78, who spoke on balancing first amendment concerns as expressed in his book, *Deliberate Intent: A Lawyer Tells the True Story of Murder by the Book*.

Faculty Lives in Public Service Series

Faculty Lives in Public Service, a new speaker series launched in the fall of 2001, gives students the chance to sit down with their professors outside of class and discuss ways that the professors have been able to use their legal training and skills to serve the public and their communities. This already popular series has featured four speakers this academic year:

- Senior Associate Dean of Academic Affairs James Coleman, who spoke about his work as a young lawyer representing an unpopular client – convicted killer Ted Bundy – on the appeal of his case.
- Professor William Reppy, who spoke of his pro bono work for the humane treatment of animals.
- Professor Sara Sun Beale, who talked about arguing cases before the U.S. Supreme Court for the government as a young attorney in the Office of the Solicitor General, and her work with several high-profile commissions on law reform efforts related to the federal government’s role in criminal justice matters.
- Professor Robert Mosteller, who spoke about his job with the Washington, D.C. Public Defender’s Office, and his more recent work as pro bono counsel for a man on North Carolina’s death row.

Public Interest Retreats

During an overnight retreat this January sponsored by the Office of Public Interest and Pro Bono, Duke Law students met at length with lawyers serving the public, including Washington, D.C. Superior Court Judge Neal E. Kravitz, who spoke about his work with the D.C. Public Defender’s Office and the U.S. Senate’s Whitewater Investigation. Alumnus Wes Powell ‘94, who works at Clifford Chance in New York City, talked of his work, over and above billable hours, on an amicus brief for the James Dale scoutmaster case decided by the U.S. Supreme Court last year. Barbara Moulton, assistant dean for public interest and community service at Georgetown Law Center, and three Duke Law School alumni, Mo Green ‘91, Erin Gaddy ‘97 and Michelle Nowlin ‘92, all talked about the unexpected twists and turns in their career paths in public interest and the messages that have guided them along the way.

If you are interested in additional information about these events and other developments in public interest and pro bono activities, please contact Carol Spruill, associate dean for public interest activities and special projects, at spruill@law.duke.edu, and see www.law.duke.edu/publicinterest.



Teach for America founder Wendy Kopp speaks about her memoir during a visit to Duke Law School’s Public Interest Book Club last fall.

Ideas That Matter

Intellectual Life in High Gear at Duke Law School



What do a rock star, an environmental scientist and a constitutional law scholar have in common?

They all made a visit to Durham in the fall of 2001 to attend academic conferences at Duke Law School.

From intellectual property to corporate finance to international law and issues of national security, today's most significant legal issues are being debated and developed by members of the Duke Law School community and a broad array of visitors who come to the Law School to advance their understanding.

"The increase in the intellectual feel at the Law School is truly palpable," said Peter Kahn '76, a partner with Williams & Connolly in Washington D.C. and the chair of the Law School's Board of Visitors. "Duke is a place where ideas matter, where differences of view are aired freely and

openly and where the mind can be stimulated on so many important and exciting topics."

In the fall of 2001, members of the Duke Law School faculty played host to the world's first-ever conference devoted solely to the topic of the public domain. Students and faculty organized a series of forums addressing legal issues arising from the aftermath of September 11th. Alumni returned to provide valuable perspectives on their experiences in the legal profession. Constitutional law scholars examined the political fallout of the *Bush v. Gore* decision in a conference sponsored by the Duke Program in Public Law. And environmental scientists, policymakers and scholars came to campus for an interdisciplinary program that discussed "certification institutions" and their effects on workers and the environment.

Already in 2002, Duke Law School has hosted the first in a new series of annual lectures in ethics sponsored by alumnus and Senior Lecturing Fellow Allen G. Siegel '60.



The Global Capital Markets Center hosted a panel discussion of issues surrounding the economic crisis in Argentina. Law journal boards and their staffs have been busy planning a series of events examining topics as diverse as intellectual property, terrorism and executive privilege. Public interest practitioners have shared their experiences with students, faculty and staff. Professors have opened their classrooms to students and opinion leaders across the world via the webcasting of their lectures.

In fact, thanks to the use of innovative educational technologies at the Law School, the vast majority of conferences and other instructional seminars held on campus are available for viewing via the web.

"The Law School has invested heavily in information technology, not for the bells and whistles, but in order to make new forms of interaction possible," said Wayne Miller, director of educational technologies. "Some say

that technology is isolating, but the immediacy of this technology extends the reach of the Law School beyond its physical bounds."

With its combined intellectual and technological expertise, Duke Law School consistently provides students, faculty, alumni and friends wide-ranging opportunities to engage in spirited debate about cutting-edge legal scholarship and theory.

"As a rich complement to our rigorous curriculum, these conferences and seminars enable our students, faculty and alumni to share their diverse legal talents and expertise on the important issues that are shaping our time," said Dean Katharine Bartlett. "This active exchange of ideas and opinions promotes the intellectual atmosphere within the Duke community, and signifies the ever-increasing impact that Duke Law School is having on the thinking of the greater legal community worldwide."

Intellectual Property

Who: Leading academics, musicians, scientists, filmmakers, recording industry executives

What: The Conference on the Public Domain

When: November 9-11, 2001

On November 9-11, 2001, Duke Law School hosted the first-ever conference devoted solely to the topic of the public domain.

The conference was sponsored by a grant from the Center for the Public Domain, a nonprofit foundation in Durham, N.C., founded by Bob Young and Marc Ewing, who also founded Red Hat Inc. Duke Law School Professors James Boyle, David Lange and Jerome Reichman led the conference, the largest ever at Duke Law School.

“It was particularly nice to have the conference at Duke,” Boyle said, “because it brought together contributions from each of us: Jerry’s work on science, databases, and computer software, my own work on the information society, on the idea of the public domain and the commons, and David’s work on protecting the public domain.”



A film crew for Japanese public television aims its camera at rock musician Jenny Toomey (at left, in hat) while Cathy Hazenzahl '01, and UNC professors Paul Jones and Lolly Gasaway exit a session.

Boyle believes that Duke has had a unique role in this area since 1981, when David Lange published his pioneering journal article, “Recognizing the Public Domain,” in *Law & Contemporary Problems*. “But the event wasn’t just a 20th birthday party for David’s ideas. It brought together people from many disciplines and many countries. It was wonderful to see appropriationist artists mingling with chemists and computer scientists, lawyers talking to filmmakers and historians, all finding that, in their different fields, they were confronting the same issues.”

Indeed, the conference drew together the preeminent figures across disciplines whose work impacts on how the public domain is defined and understood, including intellectual property and biotechnology scholars from the law schools at Columbia (Eben Moglen), Stanford (Larry Lessig), Berkeley (Pamela Samuelson), Penn (Arti Rai) and NYU (Rochelle Cooper Dreyfuss, Yochai Benkler); property and constitutional law scholars from Yale Law School (Amy Chua, Carol Rose, Jed Rubenfeld), as well as rock musicians (John Perry, lyricist for the Grateful Dead; Jenny Toomey) and recording industry executives (Cary Sherman).

“For a number of reasons, people have become more focused on the importance of the public domain as a component of creativity, as something that actually spurs creativity,” Boyle said. “This is the raw material – whether it’s ideas, or facts, or standard procedures in computer science, or

public domain genetic databases – that allows us to go forward and create. People have become more and more aware that the public domain is just as important to creativity as intellectual property is. They’re two sides of the same coin. We need to spend as much attention thinking about, defining, and protecting the public domain as we do thinking about, defining and protecting intellectual property.”

The event was not, Boyle cautioned, “something rooted in uncompromising hostility to intellectual property.” Quite the opposite: “This conference confirmed that the public domain plays a vital role in the intellectual property system, not just what’s left over after intellectual property is defined.”

It was also a turning point in intellectual property scholarship, according to two attendees.

“The conference was an immensely important event in the intellectual history of the public domain,” wrote NYU Law Professor Yochai Benkler via email. “It allowed people from a wide range of perspectives and disciplines to come together to talk about the role of the public domain and to place it at the center of our understanding of the information and cultural production system.”

Mark Rose, professor and chair of the English Department at the University of California-Santa Barbara, called the public domain a subject whose time has come.

“The Duke conference will go a long way toward crystallizing the need for what Boyle calls an “environmentalism” of the public domain, a political movement to make the public domain visible. I

Intellectual Property



An attendee at the Conference on the Public Domain checks out the Center for the Public Domain's information table.

think it's possible that the conference itself will come to be seen as a major turning point in intellectual property history, an event comparable to the publication of Rachel Carson's *Silent Spring* in 1962. At any rate, I hope this is the case."

The conference received positive reviews from various media. Patti Waldmeir of the *Financial Times* said the event brought together "an elite group of intellectuals and scientists," and Seth Shulman called the event "an extraordinary meeting," in a column in the March 2002 issue of *Technology Review* magazine.

"In attendance were an eclectic array of actors from distinct intellectual property battles," Shulman wrote. "It was fascinating to see the sparks of commonality among this diverse group. Warning that greed and shortsightedness threaten to despoil innovation the way a previous frontier-minded generation despoiled the natural environment, a series of speakers urged the group to consider itself as an environmental movement for the new millennium – guarding collectively against the encroachment of proprietary intellectual property rights."

Papers from the conference will be published in an upcoming issue of *Law & Contemporary Problems*.

Who: Senior Fellows William Friedman and Daphne Keller

What: IP Symposia

When: March 2002

The Conference on the Public Domain spurred much activity in the area of intellectual property.

William Friedman and Daphne Keller, both fellows in intellectual property at Duke Law School, each have organized conferences this spring.

Friedman has invited panelists to examine the role of the Federal Communications Commission in the digital era on March 25. Speakers include NYU Law Professor Yochai Benkler, Stuart Benjamin, law professor at the University of Texas, and Michael L. Katz, deputy assistant attorney general for economic analysis in the Antitrust Division of the U.S. Department of Justice.

"As the Internet grows in commercial and cultural importance, and media companies get larger, and telephone, wireless, satellite and cable companies compete to deliver the same services," said Friedman. "The panelists will each be asked to look into the future and suggest what the FCC will look like in the next few years."

Keller has organized The Music and Theft Conference on March 30. It will bring together artists and experts on the technological foundations and the artistic and cultural implications of sampling, along with experts on copyright law and licensing arrangements, to discuss ways in which the law does and should affect sample-based music. Among the expected speakers are Duke Music Professors Anthony Kelley and Scott Lindroth, historian David Sanjek and sampling artist D.J. Spooky.

Who: NYU Law Professor Yochai Benkler

What: The Second Annual Meredith and Kip Frey '85 Lecture in Intellectual Property

When: March 26, 2002

NYU Law Professor Yochai Benkler, an attendee and speaker at the Conference on the Public Domain, will deliver the Second Annual Meredith and Kip Frey '85 Lecture in Intellectual Property on March 26. He will explore the implications of the emerging technological-economic condition for the core values of liberal democracies in a lecture entitled, "Freedom in the Commons: Towards a Political Economy of Information."

Duke Law Professor James Boyle said that Benkler's talk will cover the relationship between the Internet and liberal democracy and the market.

"Most of the analysis in this field has been very simplistic," Boyle said. "Optimists have claimed that the Internet will make perfect democracy possible by allowing national business to be carried by virtual town meetings. Pessimists have claimed that it will separate us into insular communities, no longer linked by a national culture or a national media. Benkler's work is so interesting because he starts from the other end of the picture – he looks at the way that the Internet allows us to make things collaboratively, to organize information without there being any central agency that does the organization, to assemble volunteer workers and hobbyists and official sources into a web of information and productivity."

The Frey Lecture in Intellectual property was established in 2000 through a generous gift from Meredith and Kip Frey '85.

Public Law

Who: The Duke Program in Public Law

What: The Law of Politics Conference

When: October 11-12, 2001

The Duke Program in Public Law held its third annual conference in the fall of 2001, focusing on “The Law of Politics.” The event’s keynote address, held in conjunction with the Law School’s annual Alumni Leadership Weekend October 11 and 12, also served as the 35th annual Brainerd Currie Memorial Lecture.

Constitutional scholar Sanford V. Levinson T’62, professor of law at the University of Texas, delivered the Currie Lecture. He examined the constitutional fallout of the 2000 presidential election in a talk entitled “*Bush v. Gore* and the French Revolution: A Tentative List of Some Early Lessons.”

Professor Levinson used *Bush v. Gore* “as an entry-point into understanding American constitutional culture(s),” including the “the culture of the legal academy,” the “decidedly different culture presented by the

community of political scientists,” and “the most general constitutional culture, that is, the set of basic assumptions that structure for almost all of us, citizens as well as academics, our deepest understanding of what constitutes the American polity.” He concluded that “‘law’ as we ordinarily think of it, may be much less important than we might believe (or hope) with regard to controlling politics, but ... that law, as we rarely think of it, may have us gripped within a constitutional iron cage that makes it next to impossible to engage in a cogent discussion of what might ail the contemporary American polity and, concomitantly, what might be needed by way of reforms.”

Other speakers included Duke Law Professor Jeff Powell; John Ferejohn, senior fellow at the Hoover Institution, professor of Political Science at Stanford University and professor of law at New York University; and Elena Kagan, professor at Harvard Law School.

The conference examined the relationship between law and politics, and the many ways that each influences the other, said Christopher H. Schroeder, Charles S. Murphy professor of law and director of the Duke Program in Public Law.

“Politics influences law in ways both obvious and subtle, ranging from the changes that occur in the composition of the federal courts through the appointments process, to the impact that the political culture has on how



Constitutional scholar Sanford V. Levinson T’62 opens The Law of Politics conference with the annual Brainerd Currie Memorial Lecture.

judges – who are human beings, after all – think about the issues of governance that come before the court,” Schroeder said. “Less frequently noticed is that law also influences politics in obvious as well as subtle ways. Such influences include effects of elections and first amendment law on how campaigns are conducted, financed and administered, and also more subtle effects stemming from how legal ideas, such as the rule of law, have on what we expect of politics. The Law of Politics conference brought together political science and legal scholars to analyze these and other ways in which law influences politics.”

The Duke Program in Public Law is made possible by the generosity of Marcy and Richard Horvitz ’78.



Attendees at the Law of Politics conference confer between sessions: (from left) Elena Kagan, Harvard Law School; Bill Marshall, UNC School of Law; and Sam Issacharoff, Columbia University School of Law.

Ethics and Responsibility

Who: Harvard Law Professor David B. Wilkins

What: The inaugural Rabbi Seymour Siegel Memorial Lecture in Ethics

When: February 7, 2002

David B. Wilkins, Kirkland & Ellis Professor of Law and Director of the Program on the Legal Profession at Harvard Law School, visited Duke Law School in February 2002 to deliver the inaugural Rabbi Seymour Siegel Memorial Lecture in Ethics.

Entitled “Black Chicago Lawyers: Four Generations in the Struggle to Integrate the Corporate ‘Hemisphere’ of the Bar,” the lecture reported his follow-up research to two American Bar Association studies of Chicago lawyers, one in 1975 and the second in 1995.

The 1975 study of 875 Chicago lawyers showed that once you knew the type of client a lawyer represented – a corporate client or an individual – you could safely predict the lawyer’s religion, economic status, political affiliation, and more. The two resulting clusters of socioeconomic characteristics were then labeled the “corporate” and “personal plight (or individual)” “hemispheres” of the organized Chicago Bar.

The later ABA study undertook to review whether the “hemispheres” theory was still in play among Chicago lawyers. The results of the 1995 study supported the findings of the earlier study, but also revealed a startling shift of lawyers to the corporate hemisphere. Whereas in 1975, the corporate and individual hemispheres were nearly equal in size, each at about 50 percent of the total lawyer population, in 1995, nearly 61 percent of the Chicago lawyers were in the corporate

hemisphere, with only 29 percent in the individual hemisphere.

Looking at these two studies, Wilkins wondered how minority lawyers fit into the hemispheres analysis and how the shift to corporate law implicated the access to legal assistance for the general public, including people of lesser means and minority populations.

To answer these questions, Wilkins has spent the last few years interviewing more than 200 African-American lawyers in Chicago and across the country. He is currently writing a book about his findings. To date, he has learned that although African-Americans are now better represented in the corporate hemisphere, they seem largely to have been recruited from minority law firms after achieving a high level of success, rather than moving through the corporate law firm structure in the usual way. He suggested that this type of lateral hire might have resulted from pressure from the ABA to increase the number of minority partners at major firms. Despite this, Wilkins still recognized the potential benefit of having more minorities in decision-making roles in law firms, and speculated that this will have a positive effect on the firms’ minority hiring practices.

In addition, Wilkins reported, his research reveals troubling questions about what the shift in numbers, both generally and among black lawyers, means to the ability of low-income individuals to access legal representation. He noted that it is critical for lawyers

to connect with their communities to ensure the preservation of justice.

“‘Hemispheres’ do not have to challenge us if we recognize that more than being lawyers, we are people connected to deep and important communities,” he said.

The Rabbi Seymour Siegel Memorial Lecture in Ethics series is made possible by the generosity of Duke Law School alumnus and Senior Lecturing Fellow Allen G. Siegel ’60. It honors the memory of his brother, Rabbi Siegel, a noted scholar in the areas of medical and legal ethics, who died in 1988.



Professor David B. Wilkins discusses his interviews with more than 200 African-American lawyers in Chicago and across the country during the inaugural Rabbi Seymour Siegel Memorial Lecture in Ethics.

International Careers

Who: Duke Law alumni working abroad

What: International Career Videoconference Series

When: January-February 2002

Several Duke Law School departments, including the Office of Career Services, Department of Educational Technologies, Office of External Relations, the International Studies Department and the JD/LLM Program, combined forces to begin an International Career Videoconference Series in January and February 2002 that enabled students interested in international careers to speak “face-to-face” with alumni working overseas.

The series included three separate videoconferences featuring Erik Schmidt '97, an associate at Credit Suisse First Boston in Frankfurt, Germany; Charlie Broll '97, an associate at Hunton & Williams in Hong Kong; and Edward J. Flynn T'81, coordinator for Europe and North America in the Office of the U.N. High Commissioner for Human Rights in Geneva, Switzerland.



Charlie Broll '97 answers a question from a Duke Law School classroom from his office at Hunton & Williams in Hong Kong.



More than 40 students gather to hear Edward J. Flynn T'81 talk about his job at the Office of the U.N. High Commissioner for Human Rights in Geneva, Switzerland.

In the first two videoconferences, Schmidt and Broll each spoke for about 15 minutes, and then engaged in Q&A with the 20 students in attendance – a mix of students seeking JD, JD/LLM, and LLM degrees – who asked a diverse array of questions about the overseas work experience.

“Duke Law School is certainly ahead of the curve,” said Lisa Wechsler, director of special international projects for the Law School. “With the aid of technology, our students were able to watch as Erik, Charlie and E.J. gave very detailed advice on the international career search and also delved into the future prospects for law firms in Europe and Asia. This type of programmatic impact cannot be undervalued at a school that prides itself on progress.”

Duke Law School currently has almost 500 alumni working abroad.

“The International Career Videoconference Series provides a significant resource to Duke Law students by introducing in tangible form the different avenues and career paths available in the international arena,” said Garrett Wiener '04. “If not for this program, many of the interested students would not realize that these opportunities exist. It is hard to overestimate the effectiveness of this series, because there is no other reasonable substitute for speaking with and asking questions of a ‘real-world’ professional who can relate their experiences, as they are living them around the world.”

If you are interested in taking part in international alumni/student events such as these, please contact Lisa Wechsler, director of special international projects, at wechsler@law.duke.edu.

Enron

Who: Duke Law Professor Steven L. Schwarcz

What: A discussion of lessons learned from Enron

When: February 8, 2002

In February, Professor Steven L. Schwarcz opened his Duke Law School classroom to thousands of law and business students, faculty and professionals around the world for a live webcast of a special presentation examining issues surrounding Enron Corporation's use and abuse of special purpose entities (SPEs) and off-balance sheet accounting.

Schwarcz is regarded as one of the leading authorities in the field of innovative structured finance. His textbook, *Structured Finance: A Guide to the Principles of Asset Securitization*, just came out in its third edition in January 2002.

"Although Enron is a heavily discussed topic, there is little focus on the actual issues at the heart of the controversy. I therefore felt it was important to involve as many audiences as possible in our classroom conversation about these issues," said Schwarcz. "The way that Enron used and sometimes abused structured finance is at the heart of the current inquiry, with widespread implications."

Schwarcz, who was asked by Congress to testify as an expert in late January on a special area of inquiry surrounding Enron's bankruptcy, is currently writing an article on the use and abuse of special purpose entities in corporate structures, looking at Enron as one example. In his presentation, he reviewed the potentially manipulative transactions entered into by Enron through the misuse – fostered by

conflicts of interest – of off-balance sheet SPEs that were guaranteed, apparently without adequate disclosure, by Enron.

"The underlying problem is that Enron seemed to devote much more energy to creative accounting than to making a profit to account for," said Schwarcz.

In addition to members of the Duke community, students and, in some cases, faculty from Penn, Berkeley, Georgetown, Harvard, UNLV, Vanderbilt, Wake Forest and Yale tuned in live for Schwarcz's lecture, along with corporate finance lawyers and practitioners worldwide (informed of the lecture through an international listserv on structured finance) and members of the financial media.

"It's wonderful to have the opportunity to educate such diverse audiences from the classroom podium," continued Schwarcz. "People are looking for the lessons to be learned from Enron, and we were able to engage in a wide-ranging, but informed, discussion of that topic."

Among the lessons learned to date from Enron, Schwarcz questioned the rush to judgment of current corporate norms and structures.

"I don't believe that Enron represents a systemic problem," Schwarcz said. "The existence of fraud and bad judgment should not, in and of itself, be a basis to change the legal, financial and accounting infrastructure

of business that has – Enron aside – served us so well. To remain competitive in a global economy, we must favor flexibility over rigidity, innovation over consistency – even at the risk of another Enron."



Duke Law School Professor Steven L. Schwarcz, a top authority on innovative structured finance, speaks about Enron Corporation on February 8.



More than a full classroom heard Schwarcz's thoughts on Enron – his lecture was broadcast live over the world wide web.

Environmental Solutions

Who: The Duke Center for Environmental Solutions
What: Colloquium on Environmental Law & Institutions
When: December 7-8, 2001

In December, Duke Law School hosted the Duke Center for Environmental Solutions' Seventh Annual Colloquium on Environmental Law & Institutions.

This interdisciplinary conference brought together scholars, policymakers, business leaders and non-government organization activists to discuss the burgeoning new field of "certification institutions" and their effects on workers and the environment.

The conference examined the rapid emergence and impacts of certification programs, including the chemical industry's Responsible Care program, a variety of initiatives to certify forest products as "sustainably harvested," and the movement to ensure that clothing, coffee and other merchandise is not produced by sweatshop labor.

"Businesses are starting to provide much more information about the processes by which products are made overseas – processes that may not be visible to consumers and shareholders. These certification systems are potentially a new form of governance between traditional government regulation and market signals," said Professor Ronie Garcia-Johnson of Duke's Nicholas School of the Environment and Earth Sciences, who organized the Duke Project on Certification Institutions with faculty colleagues Gary Gereffi and Erika Sasser.

"This event enjoyed a terrific confluence of academic experts and practitioners to study a fascinating new trend," said Duke Law Professor Jonathan Wiener, who runs the annual Colloquium series and the Center for Environmental Solutions. "The Duke Project on Certification Institutions is contributing major new insights on how these certification systems are unfolding and changing the way companies do business."



(from left) Ann Florini, Michael Allen and Paul Rice Transfair talk during a session on the role of non-government organizations during the Duke Center for Environmental Solutions' Seventh Annual Colloquium on Environmental Law & Institutions.

Administrative Law

Who: *Duke Law Journal*
What: 32nd Annual Administrative Law Conference
When: March 29, 2002

The *Duke Law Journal's* 32nd Annual Administrative Law Conference on Friday afternoon, March 29, will examine executive privilege in the Clinton and George W. Bush administrations. Papers are to be presented by political scientists Mark J. Rozell and Louis Fisher.

The *Duke Law Journal* hosts a conference addressing a current issue in administrative law each year and the event has become one of the most prestigious scholarly forums devoted exclusively to administrative law. Past participants have included U.S. Supreme Court Justice Antonin Scalia, Judge Kenneth Starr '73, Judge Patricia Wald, Judge Abner Mikva, and law professors Walter Dellinger and Cass Sunstein.

This year's speakers, Rozelle, associate professor of politics at the Catholic University of America, and Fisher, senior research specialist in separation of powers at the Congressional Research Service of the Library of Congress, have authored numerous books on executive privilege. In his writings, Rozell advocates executive privilege as a legitimate presidential power, while Fisher believes that a more restrained approach, tempered by Congress through the exercise of its powers, is needed.

Supreme Court History

Who: The Honorable William H. Rehnquist and a host of Duke Law faculty and alumni

What: Alumni Weekend

When: April 12-14, 2002



William H. Rehnquist, Chief Justice of the United States, will speak to the Duke community during Alumni Weekend.

Participants offering commentary on the key papers are to include Christopher H. Schroeder, Charles S. Murphy professor of law at Duke Law School; Terry Sullivan, from the UNC-Chapel Hill Department of Political Science; and Michael C. Munger, chair of the Duke University Department of Political Science; and William P. Marshall, UNC School of Law.

“Focusing on executive privilege allows us to assess both the Clinton and Bush administrations through a number of analytical lenses – historical, legal, and political,” said Lisa Campoli ’02, executive editor of the *Duke Law Journal* and one of the conference organizers. “Mark Rozell and Louis Fisher are the foremost experts on executive privilege and we are especially excited that as political scientists, they will make our conference more interdisciplinary and more accessible to students, faculty and alumni throughout the Duke community.”

Included in the mix of activity at this spring’s Law Alumni Weekend are three star-studded academic programs.

In the first of a new series of lectures entitled “Great Lives in the Law” sponsored by the Duke Program in Public Law, The Honorable William H. Rehnquist, Chief Justice of the United States, will discuss the history of the Supreme Court, looking in particular at the role of the chief justice and the men who have held the position, from John Jay to Harlan Stone to Rehnquist himself.

The “Great Lives in the Law” series will feature this country’s most distinguished jurists, attorneys general and other high public officials, whose insights about great figures in the law, and about their own lives, are intended to deepen the understanding of the role of lawyers in this society, and to promote respect for law among law students, lawyers and the public. The Honorable Sandra Day O’Connor has accepted an invitation to visit Duke as part of this series in Spring 2003. Separately, the Honorable Anthony Kennedy is expected to visit the Law School in Fall 2002.

“Chief Justice Rehnquist’s own three decades on the Supreme Court have themselves constituted a ‘life in the law’ – richer, fuller, and more consequential for the nation and for the Constitution than nearly any comparable period in the life of the nation itself, since the time of John Marshall,” said Duke Law Professor William Van Alstyne. “There could be no more appropriate figure than he to inaugurate this new series of public lectures at Duke Law School. We are extraordinarily fortunate to have him.”

In addition to Chief Justice Rehnquist’s presentation, The Global Capital Markets Center is sponsoring a discussion of the legal consequences of the Enron inquiry, featuring Duke Law Professors Jim Cox, Deborah DeMott and Steven Schwarcz, and Duke Law alumnus Stephen Labaton ’86, regulatory agencies correspondent of *The New York Times*. Professors Cox and Schwarcz have participated in the national debate over Enron with contributions to *Time*, *Newsweek*, *The New York Times*, *Euromoney*, CNN, CNNfn and NPR. Professor Schwarcz submitted written testimony to Congress on a special area of inquiry surrounding Enron’s bankruptcy.

For those interested in a discussion about national security in the wake of September 11th, Professors Walter Dellinger and Christopher Schroeder and former White House Counsel A.B. Culvahouse will present a panel discussion entitled “Presidential Authority in a Time of Crisis: Executive Privilege, Secrecy and the Ability to Wage War,” examining executive privilege, foreign affairs and secrecy issues faced by the administration during a time of crisis.

RULES OF ENGAGEMENT



Duke Law faculty provide leadership on issues raised by the





events of September 2001



Terrorism • Mass Tort Compensation Military Tribunals • Civil Liberties

Since the tragedies of September 11, 2001, Duke Law School faculty have been extraordinarily active in helping to clarify the many challenging legal and political issues raised by the terrorist attacks. In numerous Law School and University forums and panels, and through innumerable contacts with local, national and international media, a number of Duke faculty has shared their experience with students, colleagues, alumni, and worldwide audiences.

Well before the Bush administration's announcement of its intention to establish secret military tribunals, Professor Robinson O. Everett, founder of the Center on Law, Ethics and National Security, began to identify the jurisdictional issues the United States would face in deciding where and how those responsible for terrorism would be tried.

"One of the interesting things to consider is whether or not an undeclared war – a 'war on terrorism' – would provide the underlying jurisdictional basis for using military tribunals to try terrorists, as they were used in World War II, which of course involved a declared war," he said.

Professor Everett has appeared in the pages of *The New York Times* (see excerpted piece) and was interviewed by Sam Donaldson on his weekly radio show for ABC News, both times about the legal situation involving the trial of John Walker Lindh.

James D. Cox Brainerd Currie Professor of Law

– As seen in *Newsday*, from wire reports, September 18, 2001



In a twist almost as diabolical as the acts themselves, it appears terrorist organizations might actually have made money as a result of their attacks on the World Trade Center and the Pentagon.

In the days before the attacks using hijacked United and American airlines jets, trading skyrocketed in options that bet on a drop in the stocks of their parent companies, UAL Corp. and AMR Corp. Sharply higher trading also was recorded in so-called put options on shares of large insurance and brokerage companies, which fell precipitously in the wake of the disaster.

“They not only set out to destroy capitalism, but also to beat us at our own game,” said Duke University law professor James Cox. “These are people who hate capitalism and see that you can turn capitalism against itself.”

Duke Law Professor Francis McGovern, an internationally known expert on court-administered compensation systems, highlighted a number of questions left unanswered by the swiftly enacted September legislation addressing victim compensation. These questions include whether gifts of charity received by victims would count as a “collateral source” to be deducted from any compensation that might be paid through the federal system, what conceptual approach would be used to determine award amounts, and whether improperly filed or incomplete claims would be accepted for purposes of beginning the running of short time periods under the legislation.

“And how would eligibility be determined?” asked McGovern. “In particular, what is meant by the terms ‘present at’ any of the 9/11 crash sites, and ‘in the immediate aftermath’ of the crashes when used to determine eligibility for compensation?”

These issues eventually emerged as major objects of discussion in the rulemaking process set up by the Department of Justice to clarify the

proposed compensation procedures. Professor McGovern subsequently worked with the American Bar Association and the Association of Trial Lawyers of America to provide advice to the Justice Department on these and other ambiguities in the legislation.

Professor Scott Silliman, executive director of the Center on Law, Ethics and National Security, has spent countless hours with the national and international media, shedding light on the legal issues surrounding the attacks in Afghanistan and, in particular, the use of force resolution and issues of detainment and jurisdiction. Professor Silliman continues to be a regular contributor to CNN (see excerpted piece) and NPR, and has appeared on CBS’s *The Early Show*, KLIF-Dallas and WRVA-Richmond radio. His work in broadcast media is in addition to hundreds of mentions in newspapers and magazines across the world, including *Time*, *Newsweek*, *The New York Times*, *The Washington Post*, *Dallas Morning News*, and *The News & Observer*. Professor Silliman also testified before

the Senate Judiciary Committee in November 2001 about the use of military tribunals to try suspected terrorists (see excerpted piece).

Professors Christopher Schroeder and Walter Dellinger, too, have spoken regularly with NPR, and together they published an op-ed in December 2001 in *The Washington Post* (see excerpted piece). Professor Schroeder traveled to New York in December with Professor Bruce Jentleson, director of the Terry Sanford Institute of Public Policy, to speak with the Duke University Metropolitan Alumni Association about the legal and political issues raised by the events of September 11th, and in January 2002, he was a panelist at an event sponsored by the Mecklenburg County Bar Association in Charlotte, N.C. that explored the tension between civil liberties and national defense.

Professor Michael Byers, currently a visiting fellow at Keble College, Oxford, England for the 2001-02 academic year, has appeared in the pages of numerous overseas papers, including the *Financial Times*, *The Independent* and *The Guardian*, which published an

op-ed Byers wrote addressing the legal status of detainees in Cuba (see excerpted piece). Professor Jerome Culp offered his recommendations for the treatment of suspected terrorists in the *The News & Observer* in December (see excerpted piece).

Professor James Coleman, senior associate dean for academic affairs and an expert in the areas of ethics and constitutional law, has spoken frequently about the difficult balance Americans must strive to achieve when weighing the balance between civil liberties and the fears of a nation endangered by terrorism.

“Those of us who care about civil liberties have an obligation to make civil liberties relevant to the reality with which people are struggling,” he said.

“We do this by engaging in the effort to provide security, by seeking means that also protect individual rights” (see excerpted piece).

In addition to the involvement of professors in faculty-led panels and seminars on campus, Duke Law School students have organized their own discussions. For example, as part of the first-ever International Week in the fall of 2001, Randall Cook '04 and Timothy Kuhner '04 led an open forum discussing the legality and efficacy of the military strikes launched by the United States against Afghanistan in response to the attacks (see excerpted piece).

Duke's law journals also have held events addressing terrorism issues. In February 2002, the *Duke Journal of*

Comparative & International Law sponsored an informal debate about U.S. law and policy in response to terrorism moderated by Duke Law Professor Madeline Morris, featuring Professor Ruth Wedgwood of Yale Law School and Professor Michael Scharf T'85 L'88 of New England Law School (see excerpted piece).

The excerpted pieces included in this article are a sampling of the many contributions Duke Law School's faculty and students have made, and continue to make, to the current discussion of issues that are never far from any of our minds. For more information, please visit our web site, www.law.duke.edu.

James E. Coleman Jr.

Senior Associate Dean of Academic Affairs and
Professor of the Practice of Law

– Remarks from 'National Security vs. Civil Liberties: How to Strike the Balance?'
forum at the Law School, October 2, 2001



In defending civil liberties, we can't ignore the legitimate concerns that people have about safety. We can't afford to defend individual rights simply by criticizing and opposing those who propose things that we think threaten them. We have to realize, for example, that people today are genuinely afraid for their safety, and that the fear is legitimate. If we simply oppose every outrageous proposal that's made to secure our safety, without being willing to offer acceptable alternatives that address the legitimate fear, we run the risk in the long run of undermining civil liberties by making them appear to be in opposition to safety and security.

Those of us who care about civil liberties have an obligation to make civil liberties relevant to the reality with which people are struggling. We do this by engaging in the effort to provide security, by seeking means that also protect individual rights.

Those directly responsible for national security also have an obligation not to make the ACLU and others concerned about civil liberties the bad guys, because that only undermines individual rights. Both sides have to engage each other in the pursuit of what should be our common goal of ensuring national security and preserving individual rights.

Critics on both sides must enter the arena of battle and not merely respond to each other on such a level of abstraction that all of us become irrelevant.

Christopher H. Schroeder
Charles S. Murphy Professor of Law
and Director of the Duke Program in Public Law
and
Walter E. Dellinger III
Douglas B. Maggs Professor of Law

– Excerpted from 'The Case for Judicial Review,' as seen in *The Washington Post*, December 6, 2001

In spite of understandable concerns of civil libertarians, military commissions clearly have a constitutional role in trying those accused of acts of war against the United States. It is possible, however, to mitigate the threat to the rule of law posed by the use of military courts.

At least three significant changes should be made by the president – or by Congress – in the president's recent military order establishing plans for military trials. First, such trials should be possible only for a narrow set of cases; second, procedures should be designed to determine fairly whether the persons accused are in fact guilty terrorists; third – and most important – some form of judicial review must be provided.

... Military trials commissioned by the president have occurred since the beginning of the republic. In time of war, they represent an effective means of dealing with hostile combatants – especially those captured on foreign soil – free of evidentiary rules designed to serve the social goals of ordinary times. Military commissions can function partially or entirely in secret, avoiding disclosure of information that would compromise intelligence sources or reveal vulnerabilities in our defenses. And they can be expeditious.

The threat to civil liberties in their use is always present, but it can be reduced by careful changes in the president's plan. Congress has clear authority to make such alterations. ...

Congress should also address the disturbing notion that procedures for determining guilt or innocence can be truncated because terrorists attacking the United States deserve no better. That sentiment may well be true: The problem is that we can't know in advance whether the person brought before the tribunal is indeed such a person. In addition, the order itself calls for full and fair trials but leaves the procedures for ensuring that these occur entirely up to the Department of Defense. That is why Congress should carefully review the procedures to be used in these trials.

By far the most important change needed in the president's military order is to reverse its sweeping and unjustified ban on any judicial review of the military proceedings. As it stands, the only review provided for is by either the secretary of defense or the president.

Even if the president were validly exercising his power to suspend the privilege of habeas corpus, it cannot be constitutional to exclude the courts altogether. The attempt to do so might in fact come back to haunt the government, because any federal judge might assert the inherent constitutional power of the courts.

The president and Congress would be well advised to provide for judicial review by a single designated federal appeals court, a special panel of judges established for the purpose or by the Supreme Court itself. Secret evidence alleged to be material to a conviction could be reviewed in camera by the judges or the justices.

Independent review outside the executive branch is essential if the nation is to be assured that such military commissions are fairly designed to ascertain guilt and are limited to the extraordinary circumstances that alone can justify their use.



Christopher H. Schroeder



Walter E. Dellinger III

Students Debate U.S. Response to Attacks

As a part of Duke Law School's first-ever International Week last fall, Duke Law students led an open forum discussing the legality and efficacy of the U.S. military action in Afghanistan in response to the attacks.

About 75 students, faculty and staff members attended the forum, moderated by Duke Bar Association Vice President Amy Pines '03. Students Randall Cook '04 and Timothy Kuhner '04 opened the discussion by presenting opposing viewpoints on the U.S. response.

Cook, whose position was that military action against Afghanistan was an ethically and legally justified response to the September 11th attacks, spoke first. He presented evidence linking the Taliban regime as complicit in, and even liable for, the attacks.

"The Taliban has been a knowing and known accomplice in [Osama] bin Laden's criminal actions at least since 1998," Cook said. "Additionally, the Taliban are knowing members of a conspiracy to commit terrorism. Though they may not have specifically known or intended the exact consequence of the 11 September attack, it was certainly a crime committed in pursuance of their terrorist conspiracy with bin Laden."

Cook cited international law and Article 51 of the United Nations Charter,

which details the circumstances under which a nation can respond in self-defense to an armed attack, as the legal underpinnings of the U.S. response.

"The 11 September attacks and subsequent U.S. actions satisfied all requirements of these bodies of law," Cook said. "Our allies, the U.N. Security Council, and the international community have recognized our ability to exercise this right. ...

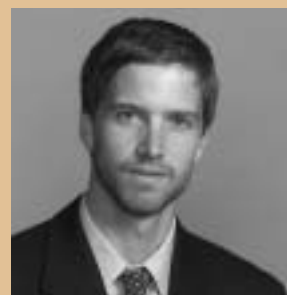
"The fundamental duty of government is to secure the rights and security of its citizens. When these interests are threatened by parties that respond only to superior force, the government is obligated to employ that necessary force. Based upon the Taliban's complicity in years of repeated, escalating attacks on American citizens and interests and that regime's refusal to sever its ties with the sponsors of these attacks, the U.S. government is obligated to respond with decisive military action."

In his remarks, Kuhner pondered whether such action was effective.

"To declare war on terrorism will not achieve our mid- and long-term goals," he said. The question becomes, after the Taliban, then who? As with the war on drugs, until we eliminate the demand, we will not eliminate the supply. We must design our actions in accordance with the actual world of human dynamics, not the



Randall Cook '04



Timothy Kuhner '04

Arnold Schwarzenegger fantasy world that entraps our nation, precluding our capacity to achieve our goals.

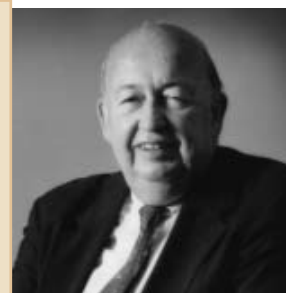
"In the case of Afghanistan and the attacks of September 11th," Kuhner continued, "we must focus on the causes of the terrorist acts: poverty, religious fanaticism, and reasonable perceptions of U.S. foreign relations impropriety. In an economic void, where misery weighs heavy on most citizens, zealots have sufficient fodder to convince a suffering populace."

Robinson O. Everett

Professor of Law; Founder, Center on Law, Ethics, and National Security

– As seen in an article by Katharine Q. Seelye in *The New York Times* on December 20, 2001

Robinson O. Everett, a professor at Duke University Law School and former chief judge of the Court of Military Appeals in Washington, D.C. said: "If I were the president, I'd look at the facts and decide what legal protections could be afforded without jeopardizing the purposes of justice. And if the evidence is easily accessible and could be brought to the United States, I would try [John Walker Lindh] in Federal District Court, otherwise in a general court martial or a military commission," which is the same as a tribunal.



Jerome M. Culp Jr., Professor of Law

– from 'Bad Idea Divides Us,' as seen in *The News & Observer*, December 16, 2001



...[U.S. Attorney General John] Ashcroft has requested that 5,000 primarily Middle Eastern men aged 18 to 33 "voluntarily" submit to interviews with local law enforcement. Many of them are subject to provisions of the recently passed anti-terrorist legislation that permit the lengthy detainment of visa holders. Exactly what voluntary means in this context is unclear at best. Some police departments, including Portland, Ore., and Madison, Wis., have refused to participate because such interviews violate local law and policy against racial or religious profiling. These resisters are more faithful to the ambitions of our Constitution than are some of the Justice Department's anti-terrorism policies.

...Racial profiling happens because of notions of inferiority reflected in Americans' acceptance of slavery and immigration policies. In the famous *Dred Scott* case, Chief Justice Taney held that African-Americans had no rights that whites need respect. Citizenship has been used at least since *Dred Scott* to limit the rights of nonwhites.

Some will claim this history is irrelevant, that interviewing Middle Eastern men is simply a response to exigent circumstances. However, some of the most notorious terrorists of our generation have been white men. Timothy McVeigh, the Unabomber and Eric Rudolph all engaged in terrorist attacks of monumental scope. But no one has argued that white men between ages of 18 and 33 in the underground militias should be interviewed.

Indeed, if another Timothy McVeigh were to blow up another federal building, isn't it clear that we would likely start rounding up more Middle Eastern men just as we did initially after Oklahoma City? We did not interview 5,000 white male militia members because we thought law enforcement resources should be used in better ways, and because U.S. citizens still think white men have rights that are due respect. We do a great injustice to our brothers who are Muslim when we don't treat them with respect, and we betray the precious liberties that people of all faiths and races have fought to protect and achieve. ...

Legal and Political Responses

In February, the *Duke Journal of Comparative & International Law* held a panel discussion on the legal and political responses to terrorism. Yale Law School Professor Ruth Wedgwood and New England Law School Professor Michael Scharf T'85 L'88 engaged in an informal debate, moderated by Duke Law School Professor Madeline Morris.

"With the events of September 11th still so vivid, we thought that there had never been a better time to host a discussion on an international issue that is timely and controversial," said Sarah Pfuhl '02, editor-in-chief. "Instead of just inviting a speaker to present a prepared speech, we decided to invite two law professors who approach these issues from very different perspectives."

Wedgwood and Scharf, who have debated each other before, argued the pros and cons of a unilateral vs. a multilateral response to terrorism and the legality of

peremptory self-defense.

Wedgwood said that the lesson of September 11th is that the U.S. can't be multilateral in all things. "At least in multilateral settings, we get outvoted – one island, one vote," she said. "Europeans would rather have us be the bully so they can cluck their tongues at us."

Scharf cautioned against an expansive interpretation of Article 51, the part of the United Nations charter that allows a country to respond in self-defense after it has been attacked. The U.S. would not want to alienate itself from its allies in the coalition fighting terrorism, he said.

"Yes, Article 51 is there," he said. "We used it correctly against Afghanistan, but if we're going to use it again, we better have the clear and convincing evidence – as we did against Iraq in 1983 – or a parade of diplomatic bad things will befall our country."

In responding to an audience member's question, Wedgwood said the U.S. wasn't proactive enough in responding to the first attack against the World Trade Center in 1993.

"We treated [that bombing] as a multiple homicide," she said. "In 1993, they meant to topple the buildings. They just weren't very good at it. They got better with time."



Duke Law Professor Madeline Morris, center, moderates a debate on responses to terrorism between Michael Scharf T'85 L'88, left, and Ruth Wedgwood.

Michael Byers, Associate Professor of Law

– From 'U.S. Doesn't Have the Right to Decide Who is or isn't a PoW: Ignore the Geneva Convention and We Put Our Own Citizens in Peril,' as seen in *The Guardian*, January 14, 2002



Would you want your life to be in the hands of U.S. secretary of defense Donald Rumsfeld? Hundreds of captured Taliban and al-Qaida fighters don't have a choice. Chained, manacled, hooded, even sedated, their beards shorn off against their will, they are being flown around the world to Guantanamo Bay ...

Since Guantanamo Bay is technically foreign territory, the detainees have no rights under the U.S. Constitution and cannot appeal to U.S. federal courts. Any rights they might have under international law have been firmly denied. According to Rumsfeld, the detainees "will be handled not as prisoners of war, because they are not, but as unlawful combatants."

This unilateral determination of the detainees' status is highly convenient, since the 1949 Geneva convention on the treatment of prisoners of war stipulates that PoWs can only be tried by "the same courts according to the same procedure as in the case of members of the armed forces of the detaining power." The Pentagon clearly intends to prosecute at least some of the detainees in special military commissions having looser rules of evidence and a lower burden of proof than regular military or civilian courts. ...

The Geneva convention also makes it clear that it isn't for Rumsfeld to decide whether the detainees are ordinary criminal suspects rather than PoWs. Anyone detained in the course of an armed conflict is presumed to be a PoW until a competent court or tribunal determines otherwise. The record shows that those who negotiated the convention were intent on making it impossible for the determination to be made by any single person.

... [T]he convention has to be interpreted in the context of modern international conflicts, which share many of the aspects of civil wars and tend not to involve professional soldiers on both sides. Since the convention is designed to protect persons, not states, the guiding principle has to be the furtherance of that protection. This principle is manifest in the presumption that every detainee is a PoW until a competent court or tribunal determines otherwise.

...Even if the detainees were not PoWs, they remain human beings with human rights. Hooding, even temporarily, constitutes a violation of the 1984 convention against torture and cruel, inhuman or degrading treatment. Apart from causing unnecessary mental anguish, it prevents a detainee from identifying anyone causing them harm. Forcefully shaving off their beards constitutes a violation of the right to human dignity under the 1966 international covenant on civil and political rights. Forcefully sedating even one detainee for non-medical reasons violates international law. Although strict security arrangements are important in dealing with potentially dangerous individuals, none of these measures are necessary to achieving that goal. If human rights are worth anything, they have to apply when governments are most tempted to violate them.

There are many reasons why these and other violations are unacceptable. The rights of the detainees are our rights as well. Yet international law can be modified as a result of state behavior. If we stand by while the rights of the detainees are undermined, we, as individuals, could lose. ...

Scott Silliman

Professor of the Practice of Law;
Executive Director, Center on Law,
Ethics and National Security

– As seen on *CNN Saturday Morning News*, January 26, 2002

MILES O'BRIEN: The charges against John Walker Lindh include conspiracy to kill Americans. This morning we'll take a look at the legal maneuvers prosecutors and defenders might use in trying this case.

Scott Silliman is joining me from Durham, North Carolina. He is executive director of the Center on Law, Ethics and National Security at Duke University. Good to have you with us.

SCOTT SILLIMAN: Good morning, Miles.

O'BRIEN: All right, let's start off as prosecutor. Put your prosecutor hat on, the P-hat, if you will. How would you go about proving this case? It seems as if a lot rests on that videotape that – those statements made that CNN obtained exclusively which were very damning storms.

SILLIMAN: Yes, you're exactly correct, Miles.

I think what the government is going to do is first of all put in some kind of actual evidence concerning his capture to prove that he was with the Taliban forces. That's the predicate. Then the CNN tape will probably come in. I think the government wants to put that in because Walker does acknowledge his ties with al Qaeda training, the terrorist groups, how he got to Afghanistan.

I think that tape will probably come in. It wasn't questions asked by the government. It was a commercial concern. The only test will be reliability. I think a judge will let that go to the jury. The government's then going to try to get in the admissions to the FBI. That's the more difficult one, Miles. That's the one where you've got admissions that really go to the government's principal charge of conspiracy to kill a U.S. national overseas. Those are the admissions that the government drastically needs to get in to prove its case.

O'BRIEN: And that would be difficult because that might have been an improperly obtained, essentially, confession, then? Is that what you're saying?

SILLIMAN: Yes, it is. And I'll put on my defense hat now, Miles, and suggest that if I'm the defense, that's the statement I want to attack, that FBI statement, because, again, that runs towards the principal offense of conspiracy. And what I would suggest is that it wasn't a knowing and voluntary waiver of his rights. You'll notice that [Lindh attorney] Mr. [James] Brosnahan, at the initial hearing, really launched his first salvo for the defense by suggesting that Walker had been asking for an attorney from two days after he was captured. That means there's a presumption that that request for counsel was known by the government, whether it's military or FBI really doesn't matter; collectively, the government was aware of that. And then the defense will say why was it only eight days later that he supposedly waived his right? The defense will put a very tough burden on the prosecution as far as showing that that statement to the FBI was truly voluntary. And again, without that statement, the government's case as to the principal charge will be very, very difficult.

Scott Silliman

– From testimony before the U.S. Senate Judiciary Committee, November 28, 2001

Customary international law clearly recognizes the authority of a military commander to use military tribunals to prosecute offenses against the *jus in bello* occurring during an armed conflict. The *jus in bello*, regulating how war should be conducted, differs from the *jus ad bellum*, which governs when the use of force is permissible by one state against another. Our history is replete with instances of military tribunals being used to deal with violations of the *jus in bello* in times of armed conflict, with the trials of General Yamashita and the German saboteurs during World War II being the most recent examples.

My concern with regard to the legal predicate for the application of the president's military order is that violations of the law of war – the

jus in bello – do not occur within a vacuum; they must by definition occur within the context of a recognized state of armed conflict. I maintain that at shortly before 9:00 a.m. on the morning of September 11th, we were not in a state of armed conflict and we did not enter into such a state until sometime thereafter. Therefore, with regard to the attacks of September 11th, the principal event prompting our armed response in self-defense against Osama bin Laden and the al-Qaeda organization in Afghanistan, these are clearly acts of terrorism in violation of international law, but not necessarily violations of the law of war. If my premise is correct, then it presents an impediment to using military commissions for the trial of those charged with or complicit in those particular attacks, as distinguished from charges relating to later events. Some may argue that the events of September 11th demand a reappraisal of existing customary international law concepts with regard to the distinction between state and non-state actors and that, irrespective of whether the attacks were carried out by one, 19, or a greater number of terrorist non-state actors, these attacks should be considered, at the

O'BRIEN: You know, this case sort of resided to date in the murky world halfway between the military justice system and the civil justice system. It has ended up in the latter. Could that be used by the prosecution as a way of explaining why he did not have any access to an attorney? In other words, we presumed him to be a detainee or prisoner of war and thus he was not afforded the kinds of things you would be afforded if you were arrested here in the U.S.

SILLIMAN: You're exactly correct, Miles. While he was being interrogated by military intelligence officials, he had no right to counsel. He didn't have to be advised of his rights. When the FBI started questioning him on the ninth of December, of course, he was. And they apparently advised him of his rights and he waived those rights. Now, the problem is that the government's got to show that when you switch from intelligence questioning to criminal law questioning, a criminal investigation, that Walker actually understood the difference. And again, that's where that comment that he apparently made way back on the second day of his capture that he wanted a lawyer, the government's going to have to show that he clearly changed his mind. It's a burden they're going to have to overcome.

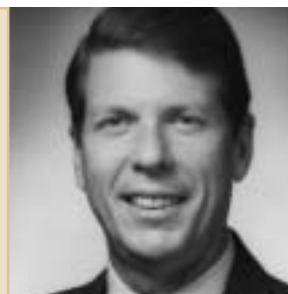
O'BRIEN: One final thought. This, at least to me, seems like it has plea bargain written all over it.

SILLIMAN: I totally agree, Miles, and I have been suggesting all along that the charges of assisting and aiding terrorist groups ... are probably fairly easily proved by the government. The conspiracy charge is not. I would think that the defense might plead him guilty to the lesser charges if the government agrees to drop the conspiracy charge. We might end up with 10 to 20 years in prison. I think that's the way it'll probably end up.

O'BRIEN: All right, thank you very much, counselor. We appreciate the free legal advice. Scott Silliman with Duke University, always appreciate your time.

SILLIMAN: Thanks, Miles.

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A conference, sponsored principally by the Law School's Center on Law, Ethics and National Security, is entitled "Security Challenges After September 11th: National and International Perspectives" and will probe the nexus between law, ethics and policy regarding responses by the global community to the continuing threat of terrorism. Speaking at the conference on April 11 and 12 at the Washington Duke Inn will be the Honorable Nabil Fahmy, Egyptian ambassador to the United States; James Pavitt, the CIA's director of operations; and many more distinguished scholars, policymakers and commentators. According to Professor Silliman, "this conference will bring together the foremost experts from the administration, the international community, and academia to pursue an interdisciplinary approach to the issues associated with responding to the terrorist threat."

instant they occurred, as nothing short of an act of war. I am unwilling to concur in that argument and, as will be discussed later, I believe the answer to this problem lies in legislation rather than an instantaneous sweeping aside of longstanding principles of customary law.

(Professor Silliman, in a later part of his testimony, addressed a key policy concern:)

Acknowledging that none of the prosecutorial forums is optimal, but that the two most feasible are trials in our federal district courts and trials by military commission, the president clearly signaled his intent on November 13th to use the latter. I suggest that this choice may entail costs which outweigh the benefits, notably with regard to commissions sitting in this country. I believe we should be cognizant of a potential adverse impact upon our international credibility, as well as a tarnishing of the image of 50 years of military justice under the UCMJ.

It was but five years ago that the United States roundly condemned the conviction by a military tribunal in Peru of New York native Lori Berenson on charges of terrorism. Through official channels, we requested that she be retried in a civilian court because of the lack of due process afforded her in the tribunal. Our cries of unfairness were echoed by United Nations officials who openly criticized Peru's anti-terrorism military courts. There seems little difference in the measure of due process afforded Berenson in Peru and what is called for under the president's military order, and I believe this opens us to a charge of hypocrisy from the international community. The force of this criticism could be lessened if those who advise the secretary of defense counsel him to ensure a high level of due process in the regulations establishing the commissions, but the charge laid against us can never be totally ameliorated. Consequently, I believe our use of military commissions may result in a fracturing of the large and disparate coalition which has been put together to wage the long-term campaign against terrorism worldwide, a campaign which must necessarily involve far more than the use of military force.

alumni profiles

Mary Ann Tally '74 Champions Proper Representation for all Defendants

By Richard D. Willstatter '80

When Mary Ann Tally graduated from Duke Law School in 1974, she hoped to practice international law, as that had been her favorite course. She married John Tally, a classmate at Duke, however, and he wanted to practice with his father's law firm in Fayetteville, N.C. She applied to a variety of local firms, but received no interviews and a few rejection letters stating that they had no need for additional secretaries.



Two national organizations recently have honored Mary Ann Tally '74 for her work.

“Apparently no one thought that a woman would be applying for a job as a lawyer,” Tally recalled. She was introduced to the local public defender but “had never thought about public defending at Duke,” she said. Yet she and another classmate from Duke, John Decker, were offered the chance to share one job opening, and they each took it. Decker, who now practices in Saginaw, Mich., recalled that many of the prosecutors who met Tally “assumed that they would be dealing with a naive young woman who was just biding her time prior to the Junior League and motherhood. They had a difficult time coming to the realization that this was no ordinary person, but a dedicated defense attorney who was fiercely committed to her work and her clients.”

Tally's work was so highly appreciated that a mere two years later, in June 1976, she was appointed chief public defender for the Twelfth Judicial District – the first woman public defender in North Carolina. She remained in that job for 17 years.

“I have maintained my passion, I think, because of the community of lawyers with whom I have had the pleasure of working through the years and because there is always a new challenge,” Tally said. She was fortunate to have talented law students come to work at the public defender's office, she said. She worked with others to create a supportive and invigorating atmosphere in which to practice. “I can think of no other work that would be more rewarding than working on behalf of poor people, who have no one to advocate for them,” Tally said.

Tally's passion is not confined to improving the criminal justice system. She was the founding president of the Farmworkers Legal Services of North Carolina and served in that capacity for more than 20 years. She also served as

first woman president and general counsel of the North Carolina Academy of Trial Lawyers, a professional organization of both civil plaintiffs' counsel and criminal defense attorneys. In that role, Tally lobbied the North Carolina state legislature on behalf of the rights of injured persons and those accused of crimes. Duke Law School Senior Lecturer Donald Beskind '77, who served with her as a fellow board member with the Academy, calls Tally “a fierce and indefatigable advocate for individual clients and for the rights of defendants generally.”

Not satisfied merely to practice law and lobby for change, Tally has offered to share her talents and experience with others. She is an adjunct professor at the University of North Carolina School of Law. She also teaches at the National Criminal Defense College in Macon, Ga., and at the National Institute for Trial Advocacy's programs.

Since 1978, Tally has been defending capital cases almost exclusively. Presenting a defense when the state seeks to execute a client is a tremendous challenge, but Tally views each of these cases as an opportunity to save a client's life through hard work, investigation and preparation. According to David S. Rudolf, a Chapel Hill lawyer, Tally has “tried more death penalty cases more successfully than any other lawyer in the state” and “serves as a benchmark and an inspiration to all the lawyers representing indigents in North Carolina.”

Indeed, Tally looks at the problems in the criminal justice system as opportunities to seek these changes:

- When it was clear that indigent defendants needed sentencing advocacy services just like any client, she obtained a grant for the first sentencing advocacy program in North Carolina. That program,

“ I can think of no other work that would be more rewarding than working on behalf of poor people, who have no one to advocate for them. ”

-Mary Ann Tally '74

Sentencing Services, is currently operating statewide and serves as a model for similar programs across America.


- Recognizing the need for good appellate lawyering, Tally obtained a grant from the the National Legal Aid & Defender Association (NLADA) to establish the North Carolina Office of Appellate Defender, that state's first statewide indigent appellate defense office. That office has since become publicly funded.
- Tally also saw that more and more people were on death row without post-conviction counsel. She helped obtain foundation grants and then federal funding for the state's Death Penalty Resource Center. When the federal government withdrew funding from these centers nationwide, she successfully lobbied the state legislature to fund that office. She was a founding board member of the successor organization, called the Center for Death Penalty Litigation, and located in Durham, N.C. She now serves as its director of trial assistance.
- Tally also thought that trial lawyering for those who cannot afford counsel was often poor. Local judges had the power to

appoint and pay counsel; sometimes their cronies were paid exorbitant fees but provided incompetent services while good lawyers were often denied reasonable compensation. Tally lobbied the legislature to create an indigent defense study commission that recommended the establishment of an Indigent Defense Services Commission. Once again, the legislature agreed; Tally now serves as a member of the commission that has the power to appoint and pay counsel.

Tally sees many new challenges ahead. She is working toward a moratorium on the death penalty. She has already seen significant changes in the laws enacted, including both the prohibition of the imposition of the death penalty on mentally retarded people and the discretion given the prosecutor not to seek the death penalty regardless of the number of “aggravating factors” in a case. She will continue consulting with death penalty counsel statewide in an effort to help those lawyers provide a more meaningful defense. She hopes that working on the Indigent Defense Commission will give her a chance to urge other reforms.

In November 2001, the NLADA gave Tally its Reginald Heber Smith Award in recognition of her many achievements in providing both civil legal services and criminal defense to

indigent people. In February, Tally received the first Champion of Indigent Defense Award from the National Association of Criminal Defense Lawyers (NACDL) for her efforts to improve North Carolina's indigent defense system.

Tally said she was grateful to the NACDL for the award but believes it is more significant that the national organization is focusing more of its efforts on indigent defense issues. The award “recognizes the value and importance of the representation of and advocacy for poor people,” she said. “It shows that money is not the driving force within the NACDL.” Tally hopes her achievements will encourage the bar generally – and new lawyers particularly – to see the need to work on behalf of those who are both politically disenfranchised and economically powerless. 

Richard D. Willstatter '80 is a criminal defense lawyer and partner at Green & Willstatter in White Plains, New York. He serves on the NACDL's Indigent Defense Committee.

alumni profiles

As Chair of the Law School's Board of Visitors, Peter Kahn '76 Keeps Giving Back

By Jean P. Fisher and Claire Cusick

Peter Kahn '76 always seems to be at the heart of the action. As a partner with the premier Washington, D.C.-based litigation firm Williams & Connolly LLP, he's in the right place.

The firm's high-powered client list includes corporate titans such as General Electric and American Home Products and media clients from *The Washington Post* to *The National Enquirer*. Just this January, *The American Lawyer* named Williams & Connolly one of its five finalists for Litigation Department of the Year. Former President Bill Clinton and Hillary Clinton looked to Williams & Connolly to defend them in the Whitewater case, and Lt. Col. Oliver North sought its counsel during the Iran-Contra affair.

"That's the kind of front-page stuff we do," said Kahn. "The practice of law can be pretty mundane, but if you're lucky enough to get high-profile cases, they often give you that extra shot of adrenaline you need to succeed."

Kahn's own cases often involve international disputes. He has clients all over the world and purposefully has not concentrated or specialized his practice.

"I'd be bored doing the same thing every day," Kahn said.

And he has had his share of high-profile cases. Straight out of Duke Law School, as a new associate with Williams & Connolly, Kahn helped to successfully defend journalist Daniel Schorr before the House Ethics Committee against charges that he had improperly leaked a confidential report to the New York weekly *The Village*

Voice. A few years later, he helped prevent three Israeli citizens alleged to have run the Pollard spy operation from being indicted alongside Jonathan Pollard, who was later convicted of spying for Israel.

Kahn says he has former Dean A. Kenneth Pye to thank for his job – the first and only one Kahn has had since leaving Duke more than 25 years ago. He has been a partner since 1985.

Pye knew of Kahn's interest in litigation and his fascination with Washington politics, and got Kahn a meeting at Williams & Connolly. At the time, Kahn recalled, the firm did not recruit at Duke and accepted just five new associates a year.

"And most of them were U.S. Supreme Court clerks, which I certainly was not," Kahn said. Still, Kahn was one of the five new associates hired in 1976. Since then, many Duke Law School graduates have followed in his footsteps.

"Duke graduates have done well here, and I'm happy if I helped to prop open the door," Kahn said. Four current Williams & Connolly partners went to Duke Law School, as well as many associates over the years. The firm usually hires two summer associates from Duke each year.

Williams & Connolly has another strong Duke connection: it represents NBA stars Grant Hill, Christian Laettner and Shane Battier, and coach Mike Krzyzewski in his book contracts.

Now, Kahn is serving the Law School in a new way: as chair of its Board of Visitors, an advisory body that works closely with Dean Katharine Bartlett. Kahn accepted the post at the Dean's request, and began his term July 1, 2001.

"When Kate called and said she had a favor to ask, I thought she was going to ask if she could borrow one

of the firm's conference rooms the next time she was in town," he said.

Kidding aside, Kahn, who had been a member of the Board for six years, welcomed the chance to follow in the footsteps of former chairs Lanty Smith '67 and George Krouse '70, whose leadership he admires, and the opportunity to spend more time at Duke.

"It's a real change of pace from the practice and a good opportunity to sit back and take a hard look at the academic side of the law," he said. "The Law School is going like gangbusters, and it's great to be a small part of it."

To mark the beginning of his tenure as chair of the Board of Visitors, Kahn made a gift to revive the Distinguished Speaker Series, the effort that brings prominent thinkers, leaders and newsmakers to Duke Law School.

Kahn, who was raised in Hartford, Conn., has fond memories of hosting top academic and political luminaries during his own student days. As an undergraduate at Yale University (he graduated with a degree in political science in 1973), Kahn was president of the Yale Political Union, then the largest undergraduate group on campus. In that role, it was Kahn's job to invite and host the speakers the group brought to Yale. Kahn was responsible for bringing to Yale, among others, Sen. J. William Fulbright, for whom the Fulbright Scholarships are named, and the late Yitzhak Rabin, who in the 1970s was the Israeli Ambassador to the United States. Later, Kahn would represent the Rabin family following the assassination of the Israeli prime minister.

At the Law School, Kahn started a similar program, the Duke Law Forum, which attracted national leaders such as Clarence Kelley, the director of the Federal Bureau of Investigation, John Barnum, U.S. secretary of transportation and the George Brown, the chairman of the Joint Chiefs of Staff, all of whom

“The Law School is going like gangbusters,
and it’s great to be a small part of it.”

-Peter Kahn '76

were in office at the time. It was Brown’s remarks at Duke Law School that caused him to be reprimanded by President Ford.

Kahn is proud that the Duke Law Forum, like the Yale Political Union, paid no honoraria to speakers. “I felt it should be enough of an honor just to come to Duke,” he said.

In addition to Pye, Kahn also recalled Duke Law professors Joel Fleishman, Clark Havighurst and Robinson Everett as having significant influence on his legal education. Today, he said he enjoys a great working relationship with Dean Bartlett, who he noted is also the A. Kenneth Pye professor of law. “I think that Kate shows the strong leadership that Ken Pye did,” he said.

As for his own leadership, Kahn said he proposed several organizational changes to the Board. First, he recommended a narrower agenda for its biannual meetings. Concentrating the Board’s discussions on fewer issues would hopefully create deeper, more thorough examinations of those issues, he said.

“We have real talent on that Board,” Kahn said, referring to the judges and leaders in business and law who make up its members. He wanted to create a vehicle to maximize that talent.

Second, to tackle all issues facing the Law School, Kahn also proposed setting up a committee system. The committees would meet during the year via conference call, develop topics for

the full Board and provide ongoing feedback to the Dean, he said.

“It is hoped that through the work of these committees, topics can be developed for detailed analysis for discussion at Board meetings,” he wrote in a memo to the Board prior to its meeting last fall. “Most importantly, we believe that through this committee structure the Board can be more proactive in developing concrete proposals for the Dean’s consideration.”

Kahn said the Board responded well to his organizational changes during its October meeting. “The changes seemed to really work,” he said. “The feedback we got from Board members was very strong.”

Kahn wants the third hallmark of his chairmanship to be to an infusion of a more international focus to the Board. His ideas for accomplishing this include having a special overseas Board meeting in the summer, to tie in with one of Duke Law School’s International Programs in Geneva or Hong Kong. He envisions it to be a combination Board meeting, oversight of Duke Law’s international programs, and a visit with alumni abroad – “a worldwide alumni congress, for lack of a better term,” he said.

Among Kahn’s first acts as chair was helping to welcome the Class of 2004 at Convocation last August.

“I’m also starting my first year, but in a somewhat different capacity,” he told the incoming first-year students.

“I, too, want to succeed – in having the Board play an integral role with the Dean, the faculty, the University, the alumni, and you the law students, in making this Law School the best it can be.”



Peter Kahn '76 began his leadership role at Duke Law School by creating the Duke Law Forum, a speaker’s bureau that brought national leaders to campus, while still a student.

alumni profiles

Alan Bender '79 Helped Build VoiceStream Wireless Corp. from the Ground Up

By Claire Cusick

At each stage of his career, Alan Bender '79 has embraced change and made bold choices to find success in business.

Bender's interest in law grew out of an interest in politics. He participated in student government both at Plainview High School on Long Island and Washington University in St. Louis.

"I always felt like the best way I was going to accomplish something was through a law degree, that it would be a tool toward the traditional practice of law, politics, or impacting society at large," he said.

He graduated in December 1975 with a superior academic record and a degree in political science. He chose Duke Law School over three others because he thought he could get the best education here, and because he was offered a generous financial aid package.

"Duke made the decision very easy by giving me a 50 percent academic scholarship and by providing me with a National Defense Student Loan for the other 50 percent," he said. "I am very appreciative to this day. I came from a very middle-class family, and it was going to be a burden, financially. [Duke] really made it easier."

Besides basketball, what he remembers today about his law school years is the community.

"Being able to sit and talk with Bill Van Alstyne at some very esoteric level about con law. He would stick around and talk like that. He loved it. George Christie, Pam Gann – they just interacted with students. There was tremendous student-professor interaction."

Even the largest lectures, with about 130 students, still afforded that opportunity for interaction, he said. "So you got to know your colleagues very well, and you got to know your law professors very well. It was a very collegial environment. I can't imagine an environment better than at Duke."

An interest in politics and government may have led him to law, but once he got to law school, he took business-related classes. "Business and business transactions are what I really wanted to do," he said.

For new graduates in 1979, Bender said the traditional job track in business law was to leverage a degree from a top law school into a job at a prestigious law firm. So that's what he did. He spent most of his first 10 years out of school at three different New York law firms. Along the way he took taxation classes offered by the LLM program at NYU, and worked with clients ranging from small businesses to large Wall Street investment banks.

By working with those further up the firm ladder, he got a look at his possible future.

"It was at Seward & Kissel [in the early 1980s] that I looked around and thought, I cannot find a person who I emulate," he said. He wanted to try something new, and spent a few years as in-house counsel at a Washington, D.C. securities business.

There, he said, he was the lawyer, the only lawyer, expected to handle everything from the core business to personnel. "It was very expansive in responsibility, and I enjoyed it," he said. The Tax Reform Act of 1986 made that company's product no longer viable in the market, so the business closed.

Back in New York City, at what was then Kaye, Scholer, Fierman, Hays & Handler LLP, he enjoyed his work but still "didn't see partnership being the end-all, be-all, at all." He was now married and the father of a young daughter, billing

2,000 hours a year, and living in a loft in Chelsea.

It's at this point that Bender's career story begins to merge with the story of VoiceStream Wireless Corp., a Seattle-based digital wireless carrier that was acquired by German telecommunications giant Deutsche Telekom AG for \$52 billion last summer.

Bender and his family moved to San Francisco on Election Day 1988, so he could take another in-house counsel job. A year later, he was having lunch with a former colleague from Kaye, Scholer. That colleague, who also had moved to San Francisco, mentioned a client of his, a "group of guys trying to start a wireless cell phone company."

They really needed someone who understood corporate finance, his friend told him. He asked Bender if he should arrange an introduction.

The "group of guys" turned out to be General Cellular Corp., which was acquiring spectrum rights for geographic areas. In the late 1980s, the government actually gave away these rights in lotteries. And cell phones were huge, clunky devices carried in suitcases.

"It's hard to believe, but that's how wireless was created in the U.S.," Bender said.

General Cellular's goal was to trade pieces of spectrum for shares in the company, and aggregate the licenses to form a service area. The question was whether or not this wireless idea could ever really prove profitable.

"I believed it," Bender said. "I said, I think this could work." He told his wife, Joyce, that in six months, it would be off and running, or it would hit the wall. Both ended up to be true statements, because the early 1990s was not a good time to be launching a new business. The savings and loan crisis had created new restrictions and an atmosphere of mistrust, and the Gulf War loomed.

"But wireless was beginning to take root," Bender said. "So we had this

“You don’t learn the business pragmatics in law school; you can’t ... You have to use those three years to learn the fundamentals of legal reasoning.”

-Alan Bender '79

business that made sense. But we had no money. It was a very frustrating moment.”

Upon joining General Cellular, Bender had to quickly organize a triangular deal, a prepackaged bankruptcy wherein a venture capital firm would buy the debt of General Cellular’s senior creditor and convert it to equity. Bender spent a year traveling to Canada asking the creditor for enough cash flow to make payroll. He completed the restructuring in just nine months, and helped save the company.

“When your back is against the wall, you are the best possible negotiator you can be,” he said.

In March 1992, General Cellular had a clean balance sheet and a new major shareholder, but Bender didn’t know if the reorganized company, dominated by the venture capital firm, was going to keep him. Its leaders told him he did such a great job negotiating against them that they wanted him on their side.

“That’s one of the most flattering things I’ve ever heard,” he said.

As the company grew and merged with other wireless providers, San Francisco-based General Cellular became Seattle-based Western Wireless, which then became a publicly traded company on the Nasdaq stock exchange. Western Wireless spun off its PCS business, which became VoiceStream, which became a member of the Nasdaq 100 in the shortest time ever on that exchange. There was a lot of legal work along the way, and Alan Bender led it.

“I had to learn and master new skills, new areas of law,” he said. For each step, the company retained outside counsel, but it was his job to manage the process. He worked with government regulators

from the FCC, SEC and the Committee on Foreign Investment in the United States (CFIUS), and investors here and abroad.

“You don’t learn the business pragmatics in law school; you can’t,” he said. “That’s not what it’s geared to. You have to use those three years to learn the fundamentals of legal reasoning.”

What began in San Francisco with 20 employees and licenses in seven states is today a business employing approximately 19,000 employees, and having more than seven million customers and licenses to serve 281 million people. Bender and five other officers and senior managers have stayed at the company all along, and continue to shepherd their business at the request of Deutsche Telekom.

At 47, Bender is executive vice president, general counsel and secretary of VoiceStream Wireless Corp. He heads a department of 15 lawyers, but he has no typical day at the office.

“Rarely do I come into a preplanned day,” he said. “Any day can be working with Deutsche Telekom on coordinating with them on all legal matters, but what I spend most of my time doing now, and probably for most of my career at VoiceStream, are strategic transactions.”

The cost of success of this kind, Bender said, is an unrelenting commitment to the business. A global company is a 24-hour company.

“My wife will tell you that the phone rings unceasingly throughout the night,” he said. “But I try to keep a well-rounded life.” He coaches son Adam’s basketball team, and takes daughter Mallory to early morning snowboarding lessons on Saturdays. The Benders are active in their temple, and Alan finds time to

serve as part owner of the Seattle Supersonics.

What drove him all those years of building VoiceStream, and where he finds satisfaction now, is the feeling of ownership.

“It was the proprietary feeling that we were building something,” he said. “It had our fingerprints on it, it was our company. We were going to be successful with it. It’s not an accident that we were successful.”

“I don’t think you get the same opportunities or that proprietary feel from a traditional law firm practice.”



Among the favorite memories of Duke Law School held by Alan Bender '79 were the many student-professor interactions.

faculty notes

Katharine Bartlett**Lectures and addresses**

- “Law and Interdisciplinarity,” Duke Women’s Studies Department Lecture Series on Feminist Studies Across the Disciplines (September 2001).
- “The Many Faces of Gender Equality in the U.S.: Family, Workplace and Education,” at Waseda University, Tokyo, Japan, and Seoul National University, Korea (October 2001).
- Panelist, “Legal Education in the 21st Century,” Law Schools, Lawyers and the Future of American Law, University of Virginia School of Law, 175th Anniversary Celebration, Charlottesville (October 2001).

Sara Sun Beale**Lectures and addresses**

- “News Media Coverage of Crime: How, Why, and Who Cares?,” presented at the Hoffinger Colloquium, Center for Research in Crime and Justice of the New York University School of Law (November 2001).
- “Is America’s Tough on Crime Attitude Softening? Prospects for Restorative Justice in the United States,” as a Parson’s Fellow at the University of Sydney, Australia, and at the University of Auckland, New Zealand (August 2001).
- Panelist on Grand Jury Reform at the ABA White Collar Crime Institute in Miami (March 2002).

Publications

- *The Consequences of Enlisting Federal Grand Juries in the War on Terrorism: Assessing the Patriot Act’s Changes to Grand Jury Secrecy* in HARVARD JOURNAL OF LAW & PUBLIC POLICY 25 (2002) (with James E. Felman), at 699.
- *Federal Criminal Jurisdiction, Mail: Federal Mail Fraud Act, and Sentencing: Procedural Protections*, in ENCYCLOPEDIA

OF CRIME AND JUSTICE 694, 985, 1453 (Joshua Dressler ed., 2d ed. 2002).

Other

- Received Society’s Medal from International Society for Reform of Criminal Law, Canberra, Australia (August 2001).

Francesca Bignami**Lectures and addresses**

- “Data Protection in the U.S. and E.U.,” Duke University Graduate Colloquium on Europe (November 2001).

James Boyle**Lectures and addresses**

- Forum panelist, “National Security vs. Civil Liberties: How to Strike the Balance?” Duke Law School (October 2001).
- “The Second Enclosure Movement,” at the Conference on the Public Domain, Duke Law School (November 2001).
- Panelist, “Reimagining the Public Domain,” at the Conference on the Public Domain, Duke Law School (November 2001).

Publications

- *A Politics of Intellectual Property*, in READINGS IN CYBERETHICS (Richard Spinello & Herman T. Tavani eds., 2001).

Michael Byers**Lectures and addresses**

- “The Secret Life of the Legal Advisor: Politics, Strategy and the Making of International Law,” Department of Foreign Affairs & International Trade, Ottawa, Canada (October 2001).
- “Terrorism, the Use of Force and International Law,” at Alastair Buchan Club, Oxford University (October 2001); at Institute of International Law, University of Cologne, Germany (October 2001); at Department of International Politics, University of Wales, Aberystwyth (November 2001); at University of Lancaster, UK (November 2001).
- “The Secret Life of the Legal Advisor: Politics, Strategy and the Making of International Law,” Foreign

and Commonwealth Office, London, England (December 2001).

- “Norms and Politics in International Society,” British International Studies Association Annual Conference, Edinburgh, Scotland (December 2001).

Publications

- *Report on Civil Actions in the English Courts for Serious Human Rights Violations Abroad*, 2000 EUR. HUM. RTS. L. REV. 129 (First Rapporteur).
- *Decisions of British Courts During 2000 Involving Questions of Public International Law*, 71 BRIT. Y.B. INT’L L. 405 (2000).
- *U.S. Doesn’t Have the Right to Decide Who Is or Isn’t a POW*, THE GUARDIAN, Jan.14, 2002, at 18.
- *Terrorism, Response and International Law*, THE WORLD TODAY, Dec. 2001, at 20.
- *War Without End*, THE INDEPENDENT ON SUNDAY, Dec. 2, 2001, at 17 (with Rupert Cornwell).
- *More Bombs, More Guns, More Satellites, More Talk*, THE INDEPENDENT ON SUNDAY, Sept.16, 2001, at 25.

Paul Carrington**Lectures and addresses**

- “The Independence and Accountability of the Ohio Supreme Court,” Sullivan Lecture at Capital University (March 2001).

Publications

- *A Christmas Thought for Children*, 4 GREEN BAG 2D 139 (2001).
- *Our Imperial First Amendment*, 34 U. RICH. L. REV. 1167 (2000).
- *Tikkun Olam: A Mother’s Day Eulogy for Frederika Dembetz Brandeis*, 4 GREEN BAG 2D 247 (2001) (with Sarah Berger).
- *The Right to Self Government after Bush v. Gore*, at The Legal Electronic Document Archive, <http://www.law.duke.edu/pub/selfgov> (Dec. 29, 2001) (with H. Jefferson Powell).

George Christie

- Member, Members Advisory Group, *Restatement (Third) Torts, General Principles*.

- Member, Advisory Committee, Center for Global Studies and Humanities, Duke University.
- Participant, Mediterranean Study Group, Duke University.

James Coleman

Lectures and addresses

- “Legal Implications of a Genetic Basis for Aggression,” at Summer Institute 2001: Genetics, Genomics, and the Law, Duke Center for Genome Ethics, Law, and Policy (August 2001).
- Panelist, The Supreme Court Year in Review, sponsored by the Mecklenburg County (N.C.) Bar Association (September 2001).
- Forum panelist, “National Security vs. Civil Liberties: How to Strike the Balance?” Duke Law School (October 2001).
- Dinner panelist, Duke Law School Board of Visitors, “The Balance Between Civil Liberties and National Security,” Duke Law School (October 2001).
- Panelist on the future of affirmative action, The Federalist Society Annual Meeting, Washington, D.C. (November 2001).

Other

- Appointed by the American Bar Association President to chair a blue-ribbon committee established to oversee implementation of the ABA’s 1997 Resolution Calling for a Moratorium on the Death Penalty (December 2001).
- Received the Samuel DuBois Cook Society Community Betterment Award, Duke University (February 2002).

James Cox

Lectures and addresses

- Keynote speaker, Symposium on Corporate Governance and Disclosure, Hong Kong (February 2002).
- Presenter, conferences organized by Washington University St. Louis on Professional Conflicts of Interest and Litigation in a Free Society.
- Luncheon Speaker, Annual Meeting of the ABA Committee on the Regulation of Securities.

Publications

- *United States Introduces Fair Disclosure and Insider Trading Reforms*, 75 AUSTL. L.J. 286 (2001).
- *Corporate Governance in the United States: The Evolving Role of the Independent Board*, in CORPORATE GOVERNANCE AROUND THE GLOBE (2002).

Other

- Consultant, Kingdom of Saudi Arabia including finalizing the draft for the new Capital Market Law and draft regulations for the newly created Securities and Exchange Commission, as well as the privately owned Saudi Arabia Securities Exchange.
- Received a honorary degree from the University of South Denmark (November 2001).
- Member, Executive Committee, Securities Regulations Section, AALS.

Jerome Culp

Lectures and addresses

- Forum panelist, “National Security vs. Civil Liberties: How to Strike the Balance?” Duke Law School (October 2001).

Publications

- *Bad Idea Divides Us*, in THE NEWS & OBSERVER (Raleigh, N.C.), December 16, 2001, at A25.

Richard Danner

Lectures and addresses

- “Electronic Publication of Scholarly Information in Law: New Issues and New Models,” Plenary Session of the Association of American Law Schools Annual Meeting, New Orleans (January 2002).

Other

- Elected to a two-year term on the Executive Committee of the AALS (January 2002).

Deborah DeMott

Publications

- *Transatlantic Perspectives on Partnership Law: Risk and Instability*, 26 J. CORP. L. 879 (2001).

- Restatement (Third) of Agency (Council Draft No. 3, Nov. 2001) (Reporter).
- 2001 Annual Supplement to Shareholder Derivative Actions.
- Restatement (Third) of Agency (Tentative Draft No. 3, March 2002) (Reporter).

Other

- Adjunct Professor of Business Administration at Duke (January 2002).
- Centennial Professor in the Law Department, London School of Economics and Political Science (2001-02).

Robinson Everett

Lectures and addresses

- “Redistricting in a New America,” at Democracy in a New America symposium, UNC School of Law (February 2001).
- Forum panelist, “National Security vs. Civil Liberties: How to Strike the Balance,” Duke Law School (October 2001).

Publications

- *Redistricting in North Carolina: A Personal Perspective*, 79 N.C.L. REV. 1301 (June 2001).

Other

- Chair, N.C. Bar Association LAMP (Legal Assistance to Military Personnel) Committee.

Donald Horowitz

Lectures and addresses

- “An International Law Right of Secession?” at the American Society for Political and Legal Philosophy’s annual meeting (January 2001).
- “The Deadly Ethnic Riot,” at the Foreign Policy Research Institute, Philadelphia (March 2001); at the University of South Carolina Center for Asian Studies (March 2001); at the annual symposium of Tufts University’s Education for Public Inquiry and International Citizenship (March 2001); at the Jackson School of International Studies at the University of Washington, Seattle (October 2001).
- “Why Sri Lanka is in its Current Predicament,” Tufts University’s

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Education for Public Inquiry and International Citizenship (March 2001).

- “Lost in Bosnia,” at The Future of the Balkans conference, UNC Center for Slavic, Eurasian, and East European Studies (March 2001).
- Panel chairman and speaker at Citizen-Politician Linkages in Democratic Politics conference, Duke University Department of Political Science (March 2001).
- Panelist, Institutional Reform, and panelist, Ethnicity and Regionalism, Consolidating Indonesian Democracy conference, Ohio State University (May 2001).
- Commentator, panel on Identity, Culture, and Collective Action, and panel on Democracy, Recognition, and Group Rights, at the American Political Science Association meeting (August 2001).
- “The Cracked Foundations of the Right to Secede.” Ethnic Conflict and the Partition of States conference, Boston University (October 2001).
- “Ethnic Conflict and Democracy,” The Road to Democratization conference, Duke University (October 2001).

Publications

- *The Northern Ireland Agreement: Consociational, Maximalist, and Risky*, in *NORTHERN IRELAND AND THE DIVIDED WORLD* 89 (John McGarry ed., 2001).
- *The Draft Laws on Indonesian Political Parties, Elections, and Legislative Bodies: An Analysis*, in *CRAFTING INDONESIAN DEMOCRACY* 137 (R. William Liddle ed., 2001).
- *Constitutional Design and the Problem of Adoption: Proposals Versus Processes*, in *THE ARCHITECTURE OF DEMOCRACY* (Andrew Reynolds ed., 2002).

Other

- Invited by the Peace Research Institute (Oslo) to go to Cyprus and meet with Cyprian government and party leaders and representatives of the United Nations (December 2001).
- External Assessor, Department of Syariah (Islamic Law) and Law, Academy of Islamic Studies, University of Malaya.

David Lange

Lectures and addresses

- “Copyright, Fair Use, and Transformative Critical Appropriation,” (with Jennifer Anderson) at the Conference on the Public Domain, Duke Law School (November 2001).
- Panelist, “The History and Theory of the Public Domain: From Cheap Books to the Comedy of the Commons,” at the Conference on the Public Domain, Duke Law School (November 2001).

Publications

- *Transformative Critical Appropriation*, Conference on the Public Domain, Duke University School of Law, at <http://www.law.duke.edu/pd/papers/langeand.pdf> (November 2001) (with Jennifer Anderson).

Other

- Chairman, AALS Section on Intellectual Property.

Carolyn McAllaster

Lectures and addresses

- Presentation to National AIDS Hotline Employees, “Legal Rights of HIV-Infected Persons,” (March 2001).
- Presentations at Legal AIDS Workshop, Advanced Case Management, “Legal Planning for the Future: Basic Legal Needs of HIV Infected Clients” (April 2001 and October 2001).
- Standby Guardianship Training, Guilford County Young Lawyers’ Association, Greensboro, N.C. (June 2001).
- Presentation at ONE VOICE, MANY FACES: Psychosocial Issues of Pediatric HIV, sponsored by North Carolina Children’s AIDS Network and Greensboro AHEC, “Permanency Planning for Children of HIV Infected Parents” (November 2001).
- Participant, “Women in the Law: A Forum Exploring Women in the Law Professions,” sponsored by the Duke Women’s Center (December 2001).

Publications

- *Issues in Family Law for People with HIV*, in *AIDS AND THE LAW* (2001 Supplement) (with Carol Suzuki & Jeffrey Selbin).

Thomas Metzloff

Publications

- *Settlement Has Many Faces: Physicians, Attorneys, and Medical Malpractice*, 41 *J. HEALTH & SOC. BEHAV.* 333 (2000) (with Ralph Peeples & Catherine T. Harris).

Madeline Morris

Lectures and addresses

- Forum panelist, “The New War On Terrorism: Initial Assessments,” Terry Sanford Institute of Public Policy, Duke University (September 2001).
- Dinner panelist, Duke Law School Board of Visitors, “The Balance Between Civil Liberties and National Security,” Duke Law School (October 2001).

Publications

- *Complementarity and Its Discontents: The Complex Constituencies of the International Criminal Court*, in *INTERNATIONAL CRIMES, PEACE AND HUMAN RIGHTS: THE ROLE OF THE INTERNATIONAL CRIMINAL COURT* 177 (Dinah Shelton ed., 2000).

Other

- Participant, meeting of experts on International Reparations in Leuven, Belgium (March 2002).
- Expert resource person to the government of Belgium, advising on universal jurisdiction and issues in international criminal jurisdiction (March 2002).

Robert Mosteller

Publications

- *Foreword*, *LAW & CONTEMP. PROBS.*, Winter 2002, at 1.
- *The Maturation and Disintegration of the Hearsay Exception for Statements for Medical Examination in Child Sexual Abuse Cases*, in *LAW & CONTEMP. PROBS.*, Winter 2002, at 47.
- Editor, *Children as Victims and Witnesses in the Criminal Trial Process*, *LAW & CONTEMP. PROBS.*, Winter 2002.
- Cumulative Supplement 2002 to *NORTH CAROLINA EVIDENTIARY FOUNDATIONS*.

- MANDATORY JUSTICE: EIGHTEEN REFORMS TO THE DEATH PENALTY (Death Penalty Initiative of the Constitution Project, 2001) (Co-reporter).

Jeff Powell

Publications

- *The Right to Self Government after Bush v. Gore*, at The Legal Electronic Document Archive, <http://www.law.duke.edu/pub/selfgov> (Dec. 29, 2001) (with Paul Carrington).
- THE CONTRACTS EXPERIENCE (DVD course materials, 2002) (with John Weistart & Girardeau A. Spann).
- THE PRESIDENT'S AUTHORITY OVER FOREIGN AFFAIRS: AN ESSAY IN CONSTITUTIONAL INTERPRETATION, Carolina Academic Press (February 2002).

Jerome Reichman

Lectures and addresses

- Principal presenter, Conference concerning genetically modified organisms, University of Minnesota, (February 2001).
- Presenter, Ohio State Conference on Intellectual Property Rights, Columbus, Ohio (March 2001).
- Principal presenter, University of Florida Conference on Human Rights and Development, Gainesville, Fla. (March 2001).
- Mini-course on the TRIPS Agreement, North Carolina Copyrights, Patents and Trademark Law Association, Charlotte, N.C. (April 2001).
- Principal presenter, Founders' Conference on the E-Commons, Berkman Center, Harvard University (April 2001).
- Master class on the TRIPS Agreement, LLM Program, York University, Toronto, Canada (May 2001).
- Principal presenter, Conference on Access to Medicines under the TRIPS Agreement co-sponsored by Doctors Without Borders and Government of India, New Delhi, India (June 2001).
- Principal speaker, Dedication of book by Prof. Gustavo Ghidini, "Profilo Evolutivo sul Diritto Industriale," Italian Supreme Court, Rome (June 2001).
- Principal presenter, Conference on New Directions in the Legal Protection of Industrial Designs, Luiss Guido Carli Law School, Rome (June 2001).
- Group of experts, Conference on Transfer of Technology After the TRIPS Agreement, United Nations Conference on Trade and Development (UNCTAD), UN Geneva (June 2001).
- Keynote speaker, Roundtable on Database Protection and International Science and Technology Cooperation, sponsored by the U.S. Department of State, National Academy of Sciences, American Assoc. for the Advancement of Science, and Assoc. of American Universities, Washington, D.C. (July 2001).
- Master class on the TRIPS Agreement, LLM Program, University of St. Gallen, St. Gallen, Switzerland (September 2001).
- Principal speaker, Symposium on Access to Essential Medicines, Harvard Law School (September 2001).
- Principal presenter, Colloquium on Globalization and Economic Law, Associazione Internazionale de Droit Economique (AIDES) Rennes, France (September 2001).
- Group of experts, Rockefeller Foundation Colloquium on the Confidentiality of Clinical Trial Results under the TRIPS Agreement, New York City (October 2001).
- Principal presenter, ABA Course on International Trade Law (John Jackson, director), Washington, D.C. (November 2001).
- Principal presenter, the Conference on the Public Domain, Duke Law School (November 2001).
- Principal presenter, Symposium on Intellectual Property and Economic Development, Commission on Intellectual Property Rights, London (January 2002).

- Principal presenter, Forum on Fighting Aids and Other Diseases: Globalization of Innovation and Access to Medicines, Fuqua School of Business, Duke University (February 2002).

Publications

- *Of Green Tulips and Legal Kudzu: Repackaging Rights in Subpatentable Innovation*, in EXPANDING THE BOUNDS OF INTELLECTUAL PROPERTY: INNOVATION POLICY FOR THE KNOWLEDGE SOCIETY (Rochelle C. Dreyfus et al. eds., 2001).
- Preface to PROFILI EVOLUTIVI DEL DIRITTO INDUSTRIALE (Gustavo Ghidini ed., 2001).
- *Taking the Medicine with Angst: An Economist's View of the TRIPS Agreement*, 4 J.INT'L ECON. L. 795 (2001) (reviewing KEITH E. MASKUS, INTELLECTUAL PROPERTY RIGHTS IN THE GLOBAL ECONOMY (2000)).
- *The TRIPS Agreement Comes of Age: Conflict or Cooperation with the Developing Countries?*, 32 CASE W. RES. J. INT'L L. 441 (2000).

Other

- Consultant to Doctors Without Borders, Quakers UN Outreach Program (QUNO), Contact Group of Advisers who drafted position papers and coached developing country negotiators in efforts that produced the Doha Ministerial Declaration on Public Health and the TRIPS Agreement (November 2001).
- Continuing consultations to Doctors Without Borders and QUNO on Post-Doha efforts to implement the ministerial declaration on access to medicines.
- Consultant to the National Academies on constructing an e-commons for science.
- Consultant to National Research Council on proposed project on Worldwide Fund to support scientific research in developing countries.
- Consultant to United Nations Conference on Trade and Development for ongoing project to train negotiators on the TRIPS Agreement in developing countries.

faculty notes

Thomas Rowe

Publications

- FEDERAL COURTS IN THE TWENTY-FIRST CENTURY (2d ed., 2002) (with Howard P. Fink, Linda S. Mullenix, & Mark V. Tushnet).

Richard Schmalbeck

Lectures and addresses

- “The Importance of the Estate Tax,” Fourth Annual Critical Tax Conference, Washington University (April 2001).
- “The Arguments for Repealing the Estate Tax (and Their Defects),” ABA Tax Section Meeting, Washington, D.C. (May 2001).
- Chairman, “Death of the Death Tax?” Panel, ABA Tax Section Meeting, Washington, D.C. (May 2001).

Publications

- *Unnecessary Estate Tax Returns: Removing the Residue of the Widow’s Tax*, 94 TAX NOTES 235 (Jan. 14, 2002) (with Jay Soled).
- *Many Unhappy Returns: Estate Tax Returns of Married Decedents*, 21 VA. TAX REV. 373 (2002) (with Jay Soled).
- *Does the Death Tax Deserve the Death Penalty?*, 48 CLEVE. ST. L. REV. 749 (2000).

Other

- Vice Chairman, Duke Academic Council (2001-02).
- Executive Committee Member, Duke Academic Council (2000-02).

Christopher Schroeder

Lectures and addresses

- Speaker, Law School Town Meeting, co-sponsored by the Duke Program in Public Law, to discuss terrorism and responses (September 2001).
- Speaker, AEI/Brookings Federalism Project workshop on Environmental Federalism, Washington, D.C. (September 2001).
- Moderator, “National Security vs. Civil Liberties: How to Strike the Balance?” Duke Law School (October 2001).
- Conference organizer, “The Law of Politics,” Duke Law School (October 2001).

- “Deliberative Democracy and the Effort to Replace Politics with Law,” “The Law of Politics” conference (October 2001).

• Dinner Panelist, Duke Law School Board of Visitors, “The Balance Between Civil Liberties and National Security,” Duke Law School (October 2001).

• Participant, Ahrens Advanced Tort Seminar, Washburn School of Law (October 2001).

• “Tort Law as an Alternative to Enforcement of Environmental Regulations,” Washburn School of Law (October 2001).

• Featured Speaker, Inaugural meeting of UNC and Duke chapters of the American Constitution Society, UNC School of Social Work (November 2001).

• Luncheon Speaker, “The Balance Between Civil Liberties and National Security,” Terry Sanford Institute of Public Policy’s Board of Visitors (November 2001).

• Speaker, “Military Tribunals,” Public International Law Forum, Duke University (November 2001).

• Speaker, “Civil Liberties and National Security,” Duke Alumni Forum, New York City (November 2001).

• Panelist, “National Security vs. Civil Liberties: How Far Should We Go?” Mecklenburg County Bar Public Law Forum, Charlotte, N.C. (January 2002).

• Guest lecturer, comparative public law, LLM program, University of Cambridge, England (January 2002).

Publications

• Supplement 2002 to ENVIRONMENTAL REGULATION: LAW, SCIENCE AND POLICY (3rd ed. 2000) (with Robert Percival, Alan Miller & James Leape).

• *Causes of the Recent Turn in Constitutional Interpretation*, 51 DUKE L.J. 307 (2001).

• *The Case for Judicial Review*, THE WASHINGTON POST, December 6, 2001 (with Walter Dellinger), at A39.

Steven Schwarcz

Lectures and addresses

• Panel moderator, “The Role of Multinational Corporations,” Seventh annual Colloquium on Environmental Law & Institutions, Duke Center for Environmental Solutions (December 2001).

• Presenter, “Private Ordering by Rating Agencies,” Global Law & Policy Workshop, Terry Sanford Institute of Public Policy.

• Presenter, “Private Ordering of Public Markets: The Rating Agency Paradox,” Globalization, Equity, and Democratic Governance faculty workshop, Duke University.

• Principal speaker, “Two Shocks to the Bankruptcy System,” Fordham University School of Law’s Inaugural Eugene P. & Delia S. Murphy Conference on Corporate Law.

• Principal speaker, “How the New UCC Impacts Bankruptcy,” AALS Bankruptcy Workshop, St. Louis.

Publications

• STRUCTURED FINANCE, A GUIDE TO THE PRINCIPLES OF ASSET SECURITIZATION (3d ed., 2002).

• *The Role of Rating Agencies in Global Market Regulation*, REGULATING FINANCIAL SERVICES AND MARKETS IN THE 21ST CENTURY 297 (Eilís Ferran & Charles Goodhart, eds.) (2001).

• *The Impact on Securitization of Revised UCC Article 9*, 74 CHICAGO-KENT L. REV. 947 (1999) reprinted in UCC BULLETIN, Dec. 2000, at 1.

Other

• Distinguished Visitor, the University of Hong Kong (March 2002).

• Chosen by The Oxford University Banking Forum as a “distinguished individual” in international finance to have articles published on the Forum’s inaugural web site.

• Reappointed to the Academic Advisory Board of the Asian Institute for International Financial Law.

• Appointed a member of the Committee of Academic Directors of the *Fudan Civil and Commercial Law Review*.

- Panel moderator, bankruptcy, American Law and Economics Association annual meeting (2001).

Martin Stone

Lectures and addresses

- Speaker, Third Annual Meeting of Italian and American Philosophers (June 2001).
- “Legal Education and the Humanities,” University of California, Irvine (April 2001).
- Speaker, University of Chicago Philosophy Department (April 2001).
- Speaker, North Carolina Philosophical Association (February 2001).

Other

- Visiting Professor, Cardozo Law School (2001-2002).

Laura Underkuffler

Publications

- *Public Funding for Religious Schools: Difficulties and Dangers in a Pluralistic Society*, 27 OXFORD REV. OF EDUC. 577 (2001).

William Van Alstyne

Lectures and addresses

- Panelist, “Constitutionalizing the Public Domain,” Conference on the Public Domain, Duke Law School (November 2001).
- Panel moderator, “Justiciability and the Political Thicket,” *Baker v. Carr*: A Commemorative Symposium, UNC School of Law (November 2001).
- “Separation as a Tradition,” Beyond Separation: Church and State conference, University of Virginia School of Law (February 2002).
- “Civil Liberties in the People’s Republic: Whose Rule of Law,” The Rule of Law in China conference, Marshall-Wythe School of Law, College of William and Mary (February 2002).

Publications

- *The Constitution in Exile: Is It Time to Bring It in from the Cold?*, 51 DUKE L.J. 1 (2001).

Other

- (Visiting) Lee Professor of Law, Marshall-Wythe School of Law, College of William and Mary (Spring 2002).

Neil Vidmar

Publications

- *Case Studies of Pre-and Mid-trial Prejudice in Criminal and Civil Litigation*, 26 LAW AND HUMAN BEHAVIOR 73 (2002).
- *Juries and Experts*, 66 BROOK. L. REV. 1123 (2001) (with Shari Seidman Diamond).
- *Jury Room Ruminations on Forbidden Evidence*, 87 VA. L. REV. 1857 (2001) (with Shari Seidman Diamond).
- JUDGING THE JURY (Perseus Books, 2001) (1986) (with V. Hans).

John Weistart

Publications

- THE CONTRACTS EXPERIENCE (DVD course materials, 2002) (with H. Jefferson Powell & Girardeau A. Spann).

Other

- Presenter, Duke Technology Forum, Duke Office of Instructional Technology (April 2001).

Jonathan Wiener

Lectures and addresses

- “Explaining U.S. Approaches to International Treaties,” Conference on U.S. Approaches to International Treaties, NYU Law School (September 2001).
- “The Next Generation of Environmental Policy,” guest lecture, graduate seminar on American Environmental Policy, Chapel Hill, N.C. (November 2001).
- “Better Ways to Decide American Trucking,” Society for Risk Analysis annual meeting, Seattle (December 2001).
- “Prudent Precaution in an Interconnected World,” Society for Risk Analysis annual meeting, Seattle (December 2001).

- Speaker and conference co-organizer, “Comparing Precaution in the U.S. and Europe: Evaluating the Conventional Wisdom,” Conference on “The U.S., the E.U., and Precaution,” organized by the European Commission, the U.S. Mission to the E.U., and the German Marshall Fund, with the European Policy Centre and the Duke Center for Environmental Solutions, Bruges/Brugge, Belgium (January 2002).

Publications

- RECONSTRUCTING CLIMATE POLICY: THE PATHS AHEAD, POLICY MATTERS 01-23, AEI-BROOKINGS JOINT CENTER FOR REGULATORY STUDIES (August 2001) (with Richard B. Stewart) *available at* http://www.aei.brookings.org/publications/policy/policy_01_23.asp.

Other

- Named to the Advisory Board of the Center for the Study and Improvement of Regulation at Carnegie Mellon University (December 2001).
- Elected to a three-year term as one of three new members of the governing Council of the Society for Risk Analysis (SRA) (December 2001).
- Named a University Fellow of Resources for the Future (RFF) in Washington D.C., for a term of three years (January 2002).
- Director, Duke Colloquium on Environmental Law & Institutions.
- Organizer, Seminar Series on Environmental Institutions.
- Faculty Director, the Duke Center for Environmental Solutions.

1937

Richard Kiefer, Hale McCown, Helen McCown, Caroline Stoel and **Thomas Stoel** have not missed a single annual reunion since the Half-Century Reunion in 1987. They look forward to returning to Duke in April 2002 and are hoping that the rest of their class will join them.



from left to right:

Helen Lanier McCown '37, Hale McCown '37, Caroline Phillips Stoel '37, Richard Kiefer '37, and Thomas B. Stoel '37

1939

William Womble received the first Professionalism Award given by the North Carolina Chief Justice's Commission on Professionalism. The commission was created in November 1998 under former Chief Justice Burley Mitchell, with the intent of promoting the practice of professionalism within the legal system. Womble's award was presented at the annual meeting of the N.C. Bar Association in October 2001.

1963

J. Thomas Menaker retired from his labor and employment litigation practice. He lives in Marco Island, Fla.

class notes

1966

Thomas William Porter III was named to the board of directors at Houston-based U.S. Concrete, the sixth-largest producer of ready-mixed concrete in the country.

Dale Whitman was named the new president of the Association of American Law Schools. He took office January 3, 2002. A Charleston, S.C., native, Whitman is a professor at the University of Missouri-Columbia School of Law.

1968

David Prewitt is board certified as a trial advocate by the National Board of Trial Advocacy, the only national board certification for trial attorneys.

Marlin M. Volz Jr. is senior vice president and trust counsel for Wells Fargo Bank Iowa, N.A. He was selected by the Quad City Planned Giving Council to receive the first annual Outstanding Planned Giving Professional award. He is past president of the Quad City Estate Planning Council and currently serves on the council of the Probate and Trust Law Section of the Iowa Bar Association.

Lynn E. Wagner, a labor and employment law attorney with Rumrell, Wagner & Costabel LLP, and an alternative dispute resolution specialist with Litigation Alternatives Inc. in Winter Park, Fla., has been appointed adjunct professor of law at the Barry University School of Law to teach labor relations law during the spring term of 2002.

1969

Norman E. "Ned" Donohue, who practices at Dechert in Philadelphia, will lead the 650-member Probate & Trust Section of that city's bar association as chair in 2002.

John O. Hoos retired from Hewitt Associates. He lives in Libertyville, Ill.

1972

Benjamin C. Abney married Sarah Anne Reese on September 22, 2001. Ben, an elder in the North Georgia Conference, is senior minister at Trinity United Methodist Church in Atlanta, and is a part-time judge of the Magistrate Court of Cherokee County, Ga.

Stephen Bronis is a litigator with Zuckerman Spaeder LLP in Miami.

Stephen McLaughlin is president of South Texas Housing Development Corp. in Harlingen, Texas.



Philip Pfaffly '73

1973

Philip Pfaffly was named a partner at Rider, Bennett, Egan & Arundel, LLP in Minneapolis. His practice focuses on medical malpractice, mass tort, products liability, personal injury, consumer fraud and pharmaceutical and biological products liability. He is a member of the American College of Trial Lawyers and the American Board of Trial Advocates.

Kenneth Starling has been appointed adjunct professor of law at Georgetown University Law Center, where he teaches the antitrust and health care seminar. Ken is married to **Susan Parker Starling '72**.

1974

Eric Houghton was named the Pinellas County (Florida) Public School adult volunteer of the year in January 2001.

David Poe was elected vice chairman of the section of Public Utility, Communications and Transportation Law at the American Bar Association's annual meeting in Chicago.

John Sanders is a partner at Foley & Lardner in Orlando, Fla. He practices in the areas of tax law, corporate law and estate law.

Ira Sandron, formerly an immigration judge in Miami, has been appointed an administrative law judge for the Office of Hearings and Appeals at the Social Security Administration in Evansville, Ind.

1975

Julius Finkelstein runs the high-tech crime unit at the district attorney's office in Santa Clara County, Calif., "where he reigns as the top white-collar crime cop in Silicon Valley," according to *Business Week* magazine.

Gary Lynch, a former director of enforcement for the Securities and Exchange Commission and former partner in the New York firm Davis Polk & Wardwell, was hired in August 2001 by Credit Suisse First Boston as its general counsel.

1977

Susan Olive, vice president of Olive & Olive PA in Durham, N.C., was the guest of the government of Puerto Rico, lecturing at the University of Puerto Rico Medical School about intellectual property law.

1978

Bruce Jaques Jr. is in solo practice in Escondido, Calif. His practice is limited to elder law and related estate planning, probate and civil litigation.

Steven Shimberg has been selected to run the U.S. Environmental Protection Agency's Office of Congressional Relations. He spent the previous four years as the National Wildlife Federation's vice president for federal and international affairs.

1979

Thomas Croft is a litigator and partner at King & Croft LLP in Atlanta.

1980

Daniel Bowling was named a senior vice president and member of the executive committee of Coca-Cola Enterprises, the largest Coca-Cola bottler in the world. Dan has been with the company for 15 years, starting in the legal department and moving through a variety of management positions. Because of the appointment he moved back to Atlanta from Dallas with his wife and three children.

Richard Van Nostrand was elected vice president of the Massachusetts Bar Association for the 2001-2002 year. He was also appointed a trustee of the Massachusetts Legal Assistance Corporation by the Massachusetts Supreme Judicial Court. He practices business and employment litigation with Mirick O'Connell LLP.

Richard Willstatter is a partner specializing in criminal and appellate work at Green & Willstatter in White Plains, N.Y.

1981

Brian Hostetler is vice president, general counsel and assistant secretary at Hussmann Corporation in Bridgeton, Mo.

David Potel is senior vice president and deputy general counsel at Fidelity Investments in Boston.

1982

E. Brian Davis lives and works in Louisville, Ky. His practice emphasizes federal criminal defense (largely white collar), bankruptcy, and commercial litigation.

Barbara Esbin re-joined the Federal Communications Commission as associate bureau chief at the Cable Services Bureau in Washington, D.C.

Richard Hofstetter is a partner at Amber, Golding & Hofstetter in Munster, Ind. His practice focuses on real estate, business and media law.

D. Reginald Whitt teaches canon law and torts at University of St. Thomas School of Law in Minneapolis.

1983

Dean Blythe joined Harte-Hanks Inc., a San Antonio, Texas, interactive services company that provides end-to-end customer relationship management and related marketing services for consumer and business-to-business marketers. He will serve as vice president for legal affairs and secretary.

1984

Finesse Couch is the first vice president of the Durham County Bar Association and the Fourteenth Judicial District Bar, and the principal at Finesse Couch & Associates, a firm focusing on personal injury and contracts.

class notes

In June 2000, **Mary Hildebrand** merged her practice into Goodwin Procter LLP, becoming a shareholder in the firm and chair of the intellectual property/technology practice area in the Roseland, N.J., office.

Kyung S. Lee joined the Houston office of Diamond McCarthy Taylor & Finley, a boutique law firm focusing on commercial litigation and insolvency. He is their fifth equity partner, and is spearheading the corporate bankruptcy group.

Lori Smith works at Goodwin Procter LLP in New York City.

1985

Thomas James Gorman is a shareholder at Gorman & Kindberg PA in Charlotte, N.C. He practices real estate law, corporate law and estate law.

Lynn Hawkins is now of counsel to the firm of FitzGerald Hawkins Mayans & Cook in West Palm Beach, Fla., while living in Novi, Mich.

Paul Huey, a certified specialist in complex business litigation and partner at Bush, Ross, Gardner, Warren & Rudy in Tampa, Fla., was appointed by Florida Gov. Jeb Bush to be a county judge.

Steven Lazar was appointed by GPC Biotech AG to be its vice president and worldwide head of intellectual property. Lazar, a registered patent attorney, will be based in the company's Waltham, Mass., offices.

Sonja Steptoe was promoted to senior editor in charge of investigations at *People* magazine.

1986

William Matthews works at Lamberth, Bonapfel, Cifelli & Stokes in Atlanta.

Gary Myers is a visiting professor of law at Tulane University in New Orleans for the 2001-02 academic year. His permanent appointment is at the University of Mississippi, where he teaches and writes in the areas of intellectual property, antitrust, torts, and communications law.

Lisa Taylor is a partner at St. John & Wayne LLC in Newark, N.J., where she practices corporate law, administrative law and healthcare and hospital law.

1987

Carl Birman spent the summer of 2001 consulting with World Rehabilitation Fund Inc., a non-profit organization established in 1955 to serve disabled people worldwide. He also is involved in the political campaign for Brooklyn Borough president.

David Jones is counsel at PPL Corp. in Allentown, Penn.

Elaine Panagakos is a litigator at The Ackerson Group in Washington, D.C.

Lindsey Rader is a principal at Funk & Bolton PA in Baltimore, where she practices in the area of public finance.

Steven Schwartz married Laurie Ann Schwartz in May 1999. The couple welcomed a daughter, Melanie Danielle, in April 2000. Steven is a partner at Chimicles & Tikellis LLP in Haverford, Penn.

Joe Thesing joined Merial, an animal health company, as general counsel for its North American operations. Thesing leads the company's team of four attorneys, supervising legal functions in Merial's Duluth, Ga., headquarters and its Athens, Ga., research facilities.

1988

Douglas Christensen is a partner at Dorsey & Whitney LLP in Minneapolis.

Kathleen Hamm is senior vice president for compliance and regulation and director of market regulation for Nasdaq Liffe Markets LLC, a newly formed joint venture between the Nasdaq stock exchange and the London International Financial Futures and Options Exchange.

Michael Sholtz joined U.S. Trust Co. as senior vice president in its national planned giving services group after serving as Duke University's director of planned giving for seven years. He will continue to live in Durham and commute to U.S. Trust's office in Greensboro, N.C.

Graham White is a partner at Winderweedle, Haines, Ward & Woodman PA in Winter Park, Fla., where he chairs the trusts and estates department. Last year he became Florida Bar-certified in wills, trusts and estate law.

1989

Filip Ameloot is taking a one-year leave of absence from NEC to take a course in interpreting English and French into Dutch and another to-be-determined language. He still lives in Brussels, Belgium.

Jeffery Haff was honored as a "Super Lawyer," an honor given to five percent of attorneys in Minnesota by 13,500 of their peers. The designation was announced in the August 2001 issue of *Minnesota Law & Politics* magazine.

Michael K. Hoffman and his wife, Marian, welcomed their second son, Matthew Houseal, on June 14, 2001.

Min-Hui Li is an associate partner at Baker & McKenzie in Taipei, Taiwan.

Mark Rosenberg and wife Marnie announce the birth of daughters Hannah Mae and Madeline Ruth, born September 20, 2001.

Matthew Sawchak joined Ellis & Winters, a Raleigh, N.C. firm that focuses on business litigation and appeals, as a partner.

1990

Greg Baylor and his wife Melisse welcomed their second daughter, Greta Faith, on June 28, 2001.

Karen Cashion and Richard Burton welcomed a daughter, Sydney Grace, on July 23, 2001. Karen has accepted a position as assistant general counsel for Earthlink in Atlanta.

Terrill Harris is a partner practicing health and hospital law at Smith Helms Mulliss & Moore LLP in Greensboro, N.C.

Stephane Schwartz practices international law at Electricite de France in Paris.

Anthony Taibi practices personal injury law and consumer law at the law offices of James Scott Farrin in Durham, N.C., where he is a shareholder.

1991

Colm Connolly was confirmed by the U.S. Senate as U.S. Attorney for the District of Delaware.

Garrett Epps, the author of *To an Unknown God: Religious Freedom on Trial* (St. Martins Press, 2001), is a visiting associate professor at Duke Law School during the 2001-2002 academic year.

Kimberly Dopkin Rasevic joined the Washington, D.C., office of Dechert. Her practice focuses on securities law matters with a particular emphasis on investment management.

Elissa Shendalman works at Merrill Lynch in New York City.

1992

Hans Brasseler was promoted to director of legal affairs at Symantec Corp. He is responsible for the mergers and acquisitions and securities work, and he heads the Asia-Pacific and Japan practice groups from his Cupertino, Calif., office.

Omar McNeill was promoted to executive vice president and counsel at MBNA America Bank, NA in Wilmington, Del. There he manages the litigation and employment law group. He and wife Lisa welcomed their second daughter, Peyton Elijah, on May 30, 2001.

Shirley Meyer is the educational products manager at the American Bar Association in Chicago.

Sandra Rosen is assistant general counsel at American Tower in Boston.

Glenn Sarno has been elected a partner of Simpson Thacher & Bartlett in New York City. His practice focuses on private equity funds, hedge funds and other aspects of alternative asset management.

Thomas Telfer has been appointed an associate professor of law at the University of Western Ontario, effective January 2002. After eight years in New Zealand, Thomas, wife Patricia and sons Alexander and Patrick will reside in Ontario, Canada.

1993

Teresa DeLoatch Bryant joined the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard LLP in Greensboro, N.C. She and husband Kelvin welcomed a daughter, Brenna Knicole, on July 31, 2000.

Alan Gallatin and his wife Sharyn welcomed a son, Joshua Philip, on November 15, 2001. Alan graduated from the NYU LLM in Taxation program in May 2001 and is manager of tax and legal services at PricewaterhouseCoopers LLP in New York City.

Eric Glover prosecutes public corruption cases at the U.S. Department of Justice's Public Integrity section.

After traveling the world as an Air Force JAG officer, **Avis Kinard** was assigned to the Pentagon as the chief of executive services for the Judge Advocate General of the Air Force.

Lynn Halpern Lederman and husband Stuart welcomed a daughter, Jordan Lydia, on February 8, 2001. Lynn is a vice president in the estate planning department of U.S. Trust Company of New York.

John Lopes is senior vice president of racing operations at Champion Auto Racing Teams (CART) Inc. in Troy, Mich.

Michael Newbold is vice president and general counsel of NerveWire, Inc., in Newton, Mass. NerveWire is a technology-focused management consulting and systems integration firm founded in August 1999.

Jeremy Weiss practices law in the offices of Samuel N. Reiken in Montville, N.J.

alumni snapshot

A Love of Research Leads to a Diverse Career for Author Jon T. Hoffman '94

Though he has never practiced law, Jon T. Hoffman '94 uses his legal training often in his job as a military historian. Courtroom lawyers rely on thorough research to prove their case to a judge or jury; historians use research to prove historical facts, or disprove long-held inaccuracies.

"To me, going through old documents is pretty exciting," Hoffman said. His interest in law predated his love of history. "I never expected to be a professional historian," he said.

A lieutenant colonel in the U.S. Marine Corps, Hoffman currently serves as the deputy director of the Marine Corps' History & Museums Division. From his office at the Washington Navy Yard, he oversees budget, facilities and personnel, and edits *Fortitudine*, the quarterly bulletin of the Marine Corps Historical Program. In his spare time, he also writes full-length biographies of famous Marines. His latest, *Chesty*, published by Random House in August 2001, examines the life of Lt. General Lewis "Chesty" Puller, the most famous and revered Marine of the 20th century.

"Biography to me is a fascinating subject," Hoffman said. "You really get to dig into the personality as opposed to just generic facts."

Hoffman, now 46, wrote his first biography on Marine Major General Merritt "Red Mike" Edson during his second year of law school in 1992 – 13 years after his first year of law school.

Although Hoffman originally enrolled at Duke Law School in 1979, he stayed only one and a half years. He left to accept a commission as an officer in the Marines. After training, he spent 1982-85 on active duty commanding a platoon, and the next three years as an instructor for a rifle company in San Rafael, Calif. He then attended Ohio State University, earning a master's degree in history in 1989.

He stayed on active duty until early 1992, when he transferred to the Marine Corps Reserve. Then, he said, he thought again about law school – he wanted to finish something he had started, and was still considering becoming a lawyer after his Marine Corps career.

As he resumed his legal studies at Duke in the fall of 1992, Hoffman continued expanding his graduate thesis on Edson into a full-length book, *Once A Legend*.

"I completed the first draft during my first year back in law school (taking second year courses, of course)," he wrote via e-mail. "As you can imagine, it was a busy schedule! I did revisions during evenings and weekends that summer (1993) while clerking for Judge Robert Wiss on what was then called the Court of Military Appeals (a position Judge [Robinson] Everett helped me obtain)."



Jon T. Hoffman '94 published his first book the year he graduated from law school.

Once A Legend was published as Hoffman graduated, and won the Marine Corps Historical Foundation's 1994 Greene Award for the best book of the year pertaining to Marine Corps history. His success as a historian prompted the Marines to call him back to active duty, using that expertise. He also has continued to write, publishing articles and contributing to books.

His latest book also has been well received. John C. Edwards of the University of Georgia Libraries called *Chesty* "engrossing" in a review in *Library Journal*: "Hoffman's research efforts into untapped sources, map selections, and detailed battlefield accounts are the cardinal strengths of this definitive biography." It also won the Greene Award.

His current assignment on active duty will end this summer, when he hopes to return to reserve status and resume writing full time. His current literary project, which he described as a coffee-table book, is the text for an illustrated chronology of the Marine Corps. Then he'll research his favorite era, World War II, for another biography subject.

Although he never did become a practicing lawyer, Hoffman said his law degree has proven beneficial to his unexpected career progression. "I learned a lot in my tax and contract courses, and especially my intellectual property courses with Professor [David] Lange, that have had direct benefits in managing my writing career."

— Claire Cusick



Michael Balfe '94

1994

Michael Balfe was promoted to senior manager in the international tax consulting practice at Ernst & Young LLP in Pittsburgh, Pa.

Go Daimon works as a senior manager in the derivatives department of the Tokyo Stock Exchange, and married Sachie Komiya on April 21, 2001.

Kenneth Diamond practices real estate law and business law at Dierking & Associates in Boulder, Colo.

Ivan Harris is a branch chief at the southeast regional office of the U.S. Securities and Exchange Commission in Miami. He and his wife welcomed a daughter, Lily, on March 6, 2001. They also have a son, Charlie, 2.

Chuck Johnson was elected shareholder with Briggs and Morgan P.A. in Minneapolis, where he practices in the areas of mergers and acquisitions, venture capital financing and general corporate transaction work.

Russell Killen was promoted to partner at Parker, Poe, Adams & Bernstein LLP in Raleigh, N.C.

Debra Kleman was promoted to partner at Parker, Poe, Adams & Bernstein LLP in Charlotte, N.C.

Jessica Lee created and sings at Entrepreneurial Thursdays at Dowe's jazz club in downtown Pittsburgh. According to an article about Lee in the

Pittsburgh Post-Gazette, her goal is to get entrepreneurs and other business people within the community to connect, and make Pittsburgh's startup scene more cohesive. She also runs her own business counseling and investment practice, ViveVenture Counseling.

Laurie Putthoff works at Sprint in Overland Park, Kan.

Todd J. Rolapp was named a partner at Bass, Berry & Sims in Nashville, Tenn. He works in the firm's corporate and securities/intellectual property and new technology areas.

Roburt Waldow was promoted to partner at Brobeck, Phleger & Harrison in Palo Alto, Calif.

1995

Jon Gordon married Lauren Young in Schwenksville, Pa., on September 30, 2001.

Chris Marquardt works in the labor and employment group at Alston & Bird LLP in Atlanta. His practice focuses on complex civil litigation of employment disputes. Chris and his wife Marie welcomed a daughter, Mary Elizabeth, on April 10, 2001.



**Chris Marquardt's '95 daughter
Mary Elizabeth**

Niels Mulder works at Schut & Grosheide in Amsterdam, where he practices media law, intellectual property law, and entertainment law.

Tatsubumi Sato is a judge in the Kanazawa District Court of Japan.

Thomas Schweiger is an attorney at Meyndt Ransmayr Schweiger & Partners in Linz, Austria. His practice focuses on business law, arbitration and acquisitions.

John Shipley is an assistant U.S. attorney for the Southern District of Florida in Miami.

Yoshishige Suzuki is a vice president at Deutsche Securities Ltd. in Tokyo.

1996

Oleg Bilousenko is an associate at Dewey Ballantine in London. His wife, **Victoria Bilousenko**, works at the European Bank for Reconstruction and Development in London.

Robert Bowers works at Moore & Van Allen PLLC in Charlotte, N.C.

Stacey Collard practices corporate and securities law at Lowndes, Drosdick, Doster, Kantor & Reed P.A. in Orlando, Fla.

Keith Ernst is assistant general counsel at Self-Help Credit Union in Durham, N.C.

Elin Jonsdottir is legal counsel at the Financial Supervisory Authority in Reykjavik, Iceland.

Lynn Leubuscher recently left private practice in Maine to accept a position as in-house counsel for IBM Corp. in Research Triangle Park, N.C. Lynn and her husband, **Chris McLaughlin**, development officer for information technology at Duke Law School, live in Raleigh, N.C.

class notes

Julia Carole Thompson married J. Lee Hord on September 15, 2001 in Winston-Salem, N.C.

1997

Paul Carberry married Anne Marie Rose on June 30, 2001, in Hawley, Pa. The wedding party included **Peter Lee '98** as best man.



Pictured at the Carberry-Rose wedding are (front row, from left): Kevin Zolot '98, Mark Filipini '98, Scott Carroll '98, Aaron Tehan '98 (back row, from left) Miranda Mitchell '98, Rob McCarthy '97, Miriam Radich '97, Matt Kirtland '97, Paul Carberry '97, Peter Lee '98, Lauralyn Beattie '98 and Ryan Wirtz '98.

Peter Dosik left Kilpatrick Stockton after four years. In January 2002, he began working at Baker & McKenzie in Sydney, Australia.

John Hinding practices tax law at Sutherland, Asbill & Brennan in Washington, D.C.

Traci Jones married Ara Lovitt on October 7, 2001 in Williamsburg, Va.

Aaron Kitlowski works at Simpson Thacher & Bartlett in New York City.

Denis Ladegaillerie moved from Paris to Los Angeles to become vice president of mergers and acquisitions for Vivendi Universal Net USA, an Internet holding company.

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

Maria Gennadyevna Oleinik is legal counsel and secretary at Blue Ocean Associates in London.

Pamela Forrestall Roper practices real estate law at Sutherland Asbill & Brennan in Atlanta.

Jeremy Rosen joined the appellate boutique firm of Horvitz & Levy in Los Angeles, where he will practice civil appellate law.

Dan Thurber works at Dorsey & Whitney in Salt Lake City.

1998

Melissa Igdaloff Attar and her husband, Ron, announce the birth of their first child, Rachel, on August 30, 2000. The family lives in New York City, where Melissa enjoys being a stay-at-home mom.

Jeremy L. Cook works at Haynsworth Sinkler Boyd, P.A. in Charleston, S.C.

Rafael Chavero published a book, entitled *El Nuevo Regimen del Amparo Constitucional en Venezuela*, about constitutional writs in the new Venezuelan Constitutional regime. He lives in Caracas.

Diana Chiampi practices IP law at Software AG in Germany.

Lafayette L. Crump joined Quarles & Brady LLP's Milwaukee office as an intellectual property litigator.

Stephane P. Des Lauriers left the White & Case international trade group for an opportunity with Precience, an electronic design automation software startup in Burtonsville, Md. The com-

pany makes software tools for people who want to make electronic products, and Stephane is general counsel and director of corporate communications.

Hector G. Ibarra-Gamez left the Charlotte firm of Parker, Poe, Adams & Bernstein LLP to join Eastern Seaboard Packaging Inc. (in Cornelius, N.C.) as corporate counsel.

Christine Brown James and her husband David James, welcomed a son, Lewis.

Mary Flaherty-Lovy and **Westin Lovy** welcomed a daughter, Olivia Ruth, on June 20, 2001.

Caitlyn Fulghum left Glenn, Mills & Fisher PA to start her own practice in Durham, N.C.



Kelly Garcia '98

Kelly Garcia joined the Atlanta office of Stites & Harbison (formerly Varner, Stephens, Humphries & White) as a business litigation associate.

Neneh Mbye has joined Alston & Bird LLP as an associate in the firm's labor and employment group in Charlotte, N.C.

Miranda Mitchell left Littler Mendelson, PC in New York City to return to Duke Law School as its assistant director of career services. She married **Kevin Zolot** on December 29, 2001.

Stacey Nahrwold works at the Securities and Exchange Commission in Washington, D.C.

Nicole Owens is a contract compliance specialist for the city of Atlanta, working in the mayor's office.

Robert Phocas left Hale & Dorr's Boston office to join the U.S. Environmental Protection Agency (also in Boston) as enforcement counsel.

Tetsuo Shimizu works for Sumitomo Rubber Industries Ltd. in Kobe, Japan.

Jill Steinberg is an associate at Rogers and Hardin in Atlanta.

In early 2001, **Arthur Swanson** moved with his wife and daughter to Seattle to become an associate at Sidley Austin Brown & Wood, where he practices corporate law and corporate financial law.

Jon Taylor and his wife Amanda welcomed their second child, Emma Elise, on October 10, 2001. Jon is an associate at Cooley Godward LLP in Broomfield, Colo.

Gialisa Whitchurch has moved to Santa Monica, Calif., to practice first amendment and media law with Davis Wright Tremaine in Los Angeles.

1999

David Azar is an associate in the litigation group at Sullivan & Cromwell in Los Angeles.

Konstantin Chelney works in the litigation department at Shearman & Sterling in New York City.

David Dummer completed his clerkship with the Hon. Thomas B. Russell in the Western District of Kentucky. He began working as an associate at Gibson, Dunn & Crutcher's Dallas office.

Brooks Giles and his wife Sasha welcomed a daughter, Caroline Siobhan, on August 13, 2001. Brooks is still working at Skadden, Arps, Slate, Meagher & Flom in Chicago.

David Harrison works in the finance department of Freshfields Bruckhaus Deringer in New York City.

Makoto Isshiki is vice president and counsel for Deutsche Bank in Tokyo.

Michael Kelly is a litigator at Skadden, Arps, Slate, Meagher & Flom LLP in Washington, D.C.

Felipe Lecaros and **Melvina Lecaros '01** welcomed a son, Jose Francisco, on October 16, 2001.

Nicole Leonard practices environmental law at Squire, Sanders & Dempsey LLP in Palo Alto, Calif.

Andrew McNee is an associate at Baker & McKenzie in Sydney, Australia.

Kali Murray is an associate at Venable, Baetjer, Howard and Civiletti in New York City.

Cynthia O'Neal is an associate at Smith, Helms, Mulliss & Moore LLP in Raleigh, N.C.

Benjamin Priester accepted an offer to become an assistant professor at Florida State University College of Law beginning with the 2002-03 academic year.

Alyssa Rebensdorf practices in the area of product liability at Leonard, Street and Deinard in Minneapolis.

Bien Tran is an associate in the litigation department at Fulbright & Jaworski LLP in Houston, Texas.

Jonathan Vanden Bosch works at Mayer, Brown & Platt in Charlotte, N.C.

Ido Warshavski is an associate at Proskauer Rose LLP in New York City. He and his wife Shira welcomed their first son, Roy, on May 17, 2001.

2000

Kevin Anderson is an associate at Wiley, Rein & Fielding in Washington, D.C.

Megan Bean married Benjamin Harvey on Whidbey Island, Washington, on August 12, 2000. She now lives in Los Angeles and works as an associate in the litigation department of O'Melveny & Myers.

Gregg Behr, an associate at Buchanan Ingersoll in Pittsburgh, Pa., helped found the Content of Our Character Project based at Duke's Kenan Institute for Ethics. A forum, "The Content of Pittsburgh's Character: A Community Conversation on Ethics and Leadership," held in September 2001, was intended to be the first of several around the country.

Julia Blue is an associate practicing corporate law at Simpson Thacher & Bartlett in New York City.

Deborah Burkart Carlson got married on August 4, 2000.

Adarsh Carter is an associate at Kaye Scholer LLP in Los Angeles.

Nicole Clement is an associate practicing corporate law at Hutchins, Wheeler & Dittmar in Boston.

Alison C. Conlon completed her clerkship in the Northern District of Illinois and joined the City of Chicago Department of Law. She represents the city and its officials in a broad range of constitutional challenges to city ordinances and actions.

Albert Courie is a first lieutenant in the U.S. Army JAG Corps stationed at Elizabeth City, N.C.

class notes

Mark DeVries works at JP Morgan in New York City.

Scott Dodson is an associate in the labor and employment group at Gardere Wynne Sewell LLP in Houston.

Duncan B. Douglass completed his clerkship for the Hon. **Gerald Tjoflat '57** of the U.S. Court of Appeals for the Eleventh Circuit in August 2001. He then joined Alston & Bird LLP in Atlanta as an associate.

Atiba Ellis is clerking for the Hon. Theodore A. McKee in Philadelphia.

Blair Hedges is an associate practicing securities law at Brobeck, Phleger & Harrison LLP in Austin, Texas.

Hugh Hollman practices finance and securities law at Dechert in Washington, D.C.

Kirk Jensen is an associate at Wilmer, Cutler & Pickering in Washington, D.C.

Yasuo Kitamura practices corporate law at Ozawa & Akiyama in Tokyo.

Nikos Konstantinides has returned to Athens, Greece, after working for a year in the New York City offices of Pillsbury Winthrop LLP. In September 2001 he began a one-semester appointment at the College of Southeastern Europe to teach English constitutional and intellectual property law. He joined the Greek Army for his 15-month military service in February 2002.

Hirofumi Konya works at Kansai Electric Power Company in Osaka, Japan.

John McBroom joined the Minneapolis office of Faegre & Benson, where he works in its labor and employment group.

Shannon McDonald is an associate at Miller Nash LLP in Portland., Ore.

Amy Murphy completed her clerkship with the Hon. William L. Osteen in the Middle District of North Carolina and joined Mayer, Brown, Rowe & Maw's Charlotte, N.C., office.

Luis E. Palacios joined Milbank, Tweed, Hadley & McCloy LLP's Los Angeles office in September 2001. He is a member of the firm's global project finance group.

Ignacio Pallarès works at Cuatrecasas Abogados in Barcelona, Spain.

Nathan A. Sales works in the U.S. Department of Justice, Office of Legal Policy in Washington, D.C.

Mariya Seacrest is clerking for the Honorable James L. Oakes, U.S. Court of Appeals for the Second Circuit, in Brattleboro, Vt.

Cory Skolnick is an associate at Gibson, Dunn & Crutcher LLP in Washington, D.C.

Joshua C. Stokes joined Gibson, Dunn & Crutcher in Los Angeles as a litigator.

Barry Uhrman was recently elected president of the Duke University Alumni Club of Arizona. The club has more than 800 members.

Neal Wheeler is an associate practicing corporate law, securities law and international law at King & Spalding in Atlanta.

Georg Zehetner works for the task force for European Union enlargement at the Ministry of Foreign Affairs in Vienna, Austria.

2001

Leigh Bacon is an associate at Miller & Chevalier in Washington, D.C.

Heinrich E. Baelz began work as a foreign intern in the Chicago office of Latham & Watkins in September 2001.

Hojin Chang is an associate practicing intellectual property law at Fish & Neave in New York City.

Alexander Dale works at Ward and Smith PA in Wilmington, N.C.

Stephanie Dattilo is an associate at Simpson Thacher & Bartlett in New York City.

Molly Felmet is clerking for the Fourth District Court of Appeals in West Palm Beach, Fla.

Ellie Firouzi practices intellectual property law at Fish & Neave in New York City.

Fernando Fresco works for the capital markets department at Simmons & Simmons in London.

Kathleen Fuller is an associate at Dow, Lohnes & Albertson in Washington, D.C.

Ignacio Funes de Rioja represented his firm, Funes de Rioja & Asociados, in the foundation of the Labor Forum of the Americas. The Forum brings together law firms specializing in labor and employment law from Spain, Chile, Uruguay, Colombia, Mexico, Peru, Brazil and Argentina.

Greg Gibbs is an associate at Pennie & Edmonds LLP in New York City.

Adolfo Martin R. Gonzalez is securities review counsel in the Office of the General Counsel at the Securities & Exchange Commission of the Republic of the Philippines.

Linda Hayes is an associate at Hale and Dorr LLP in Washington, D.C.

Carolyn Heyman practices healthcare law and hospital law at Buchanan Ingersoll in Pittsburgh, Pa.

Sarah Hill is an associate practicing real estate law at Piper Marbury Rudnick & Wolfe LLP in Washington, D.C.

Randall Katz is clerking for the Hon. **Gerald Tjoflat '57**, of the U.S. Court of Appeals for the Eleventh Circuit, in Jacksonville, Fla.

Kiyoung Kim is a judge in the Nonsan branch of Daejon District Court in Nonsan, South Korea.

Anne Ladegallerie practices real estate law at Etude Wargny-Katz in Paris.

Ramon Lafee works at Arvesu Urdaneta Calzadilla & Perez Burelli in Miami.

Allison Langer is an associate at Holland & Knight in Ft. Lauderdale, Fla. She practices corporate, tax and estate law.

Melvina Lecaros and **Felipe Lecaros '99** welcomed a son, Jose Francisco, on October 16, 2001.

Sarah Leung and **Jean-David Larson** were married on August 12, 2001. Sarah is an associate with Heller, Ehrman, White & McAuliffe in Seattle. Jean-David practices securities law, technology and science law, and corporate law at Orrick, Herrington & Sutcliffe LLP, also in Seattle.

Meggan Loudon works at Jones, Day, Reavis & Pogue in Cleveland, Ohio.

Johan Mattsson works at Cravath, Swaine & Moore in New York City.

Gideon Moore is an associate at Cadwalader, Wickersham & Taft in New York City.

Jaime Murray is clerking for the Hon. **Gerald Tjoflat '57**, of the U.S. Court of Appeals for the Eleventh Circuit, in Jacksonville, Fla.

Yevgeniya Rebotunova works at White & Case in New York City.

Mary Richardson is an associate at McKinsey & Company in Boston.

Faye Rodman is an associate at Gardere Wynne Sewell LLP in Houston.

Ivan Ruiz practices telecommunications law, corporate law and energy law at Gonzalez Calvillo y Forastieri in Mexico.

Jana Scharf married **Seth Safra** on August 12, 2001. The couple lives in North Bethesda, Md.

N. Nell Scott practices commercial law at Clifford Chance Rogers & Wells in New York City.

Chris Seufert is an associate at Andrews & Kurth, Mayor, Day, Caldwell & Keeton in Houston.

Nicolas Silva is in-house counsel at Lan Chile S.A. in Santiago.

Mark Singer is an associate at Weil, Gotshal & Manges in New York City.

Jamieson Smith works at Venable, Baetjer, Howard & Civiletti in Washington, D.C.

Desiree Sumilang is an associate practicing in the U.S. law group at Allen & Overy in London.

Leigh Thorne is an associate practicing patent law at Alston & Bird LLP in Raleigh, N.C.

Shiry Trifon is an associate practicing banking and securities law at Weksler, Bregman & Co. in Tel Aviv.

Melissa Trousdale works at Fenwick & West LLP in Palo Alto, Calif.

Carsten van de Sande practices in the areas of corporate law and mergers and acquisitions at Hengeler Mueller in Dusseldorf, Germany.

Michael Wejp-Olsen joined Bech-Bruun Dragsted of Copenhagen, Denmark – the largest law firm in Scandinavia. He is an associate in the mergers and acquisitions department.

Bradford Whitehurst is an associate practicing tax law at Hogan & Hartson LLP in Washington, D.C.

Bradley Wiltshire is an associate at Hermes Sargent Bates LLP in Dallas.

Jason Wu is an associate practicing in the areas of technology and science, intellectual property and litigation at Baker & McKenzie in Taipei, Taiwan.

in memoriam

1935

Nicholas Orem Jr., 90, died February 3, 2002, in Bethesda, Md., of pneumonia. Born March 6, 1911, in Easton, Md., he grew up in Hyattsville, Md. A former attorney for the city of Hyattsville, he was also general counsel of the Washington Suburban Sanitary Commission, and a senior partner in the law firm of Duckett, Orem, Christie and Beckett. He had been a director of Suburban Trust Co. and a board member of the Prudential Building Association. He served in the Army as an instructor in military law during World War II, then returned to his Prince George's County, Md., law practice. He was a fellow of the Maryland Bar Foundation and a member of the board of governors of the Maryland State Bar Association. Survivors include his wife of 52 years, Dorothy Dennis Orem of Kenwood, Md.; a daughter, Elizabeth Bjorklund of Chevy Chase, Md.; and two grandchildren.

1948

William W. Daniel, 79, died January 8, 2002, of cancer. Daniel served on the Fulton County (Georgia) Superior Court bench from 1979 until 1996, and served as a senior judge through December 2000. He was the author of *Georgia Criminal Trial Practice*, *Georgia Criminal Trial Practice Forms* and *Georgia Handbook on Criminal Evidence*. He served in the U.S. Naval Reserve in World War II from 1943 to 1946. In addition to a master of law degree from Duke Law School, he received a bachelor's degree in business administration from Emory University in 1943 and a bachelor of laws degree from the Walter F. George School of Law at Mercer University in 1947. He then began practicing law as a sole practitioner in 1948, interrupted by service in the Marine Corps in Korea. He practiced with Ward, Brooks, Parker & Daniel, then with Parker & Daniel, and finally with Johnson, Harper, Daniel & Ward, before returning to

solo practice in 1974. Daniel was a past president of the Georgia Trial Lawyers Association, and was a founder and the first president of the Georgia Association of Criminal Defense Lawyers, known as GACDL. He received a commendation in 1973 from the National Association of Criminal Defense Lawyers, and an award for outstanding leadership in 1977-78 from that organization. Daniel is survived by his wife, Jean, of Alpharetta, Ga.; three daughters, Mary Stark of Atlanta, Judy Lawson of Cleveland, Ga., and Isabell Eisenmann of Farmington, Ga.; a sister, Isabell Field of Marietta, Ga.; and three grandchildren.

DeRosset Myers, 81, died July 12, 2001. A native of Charleston, S.C., he was a Navy veteran of World War II. He was a partner in the law firm of Pritchard, Myers and Morrison. He was elected vice president of the S.C. Trial Lawyers Association in 1968 and president in 1969. In 1974, he served as president of the S.C. Bar Association. He also was the state bar delegate to the American Bar Association's House of Delegates from 1975 to 1981. In addition to his law degree, he also earned a bachelor's degree in economics from the University of the South in 1941. Myers served as chairman of the Charleston Red Cross, and was also active in the Carolina Art Association, the Charleston Episcopal Churchmen and St. Stephens Episcopal Church. He is survived by his wife, Barbara Mordecai Myers, three children, a brother and six grandchildren.

1950

Kelsey Evans Friend, 79, died August 25, 2001, of congestive heart failure. Friend, who served 20 years in the Kentucky state senate, began his political career as master commissioner for the 35th Judicial District for Pike County (Kentucky) from 1950 to 1952. He was Pike County attorney from 1954 to 1957 and commonwealth's attorney from 1958 to 1963. He was

chairman of the Pike County Democratic Executive Committee from 1964 to 1967. Before receiving a master of laws degree from Duke Law School, Friend graduated from the University of Kentucky Law School. He also served in the Army in World War II. Friend is survived by his wife, Margaret; a daughter, Clarissa Friend; two sons, Kelsey E. Jr. and Joe J. Friend; two brothers, Wallace and Ballard Friend; a sister, Evelyn Newsom; six grandchildren; and a great-grandchild.

Perry Shields, 77, died January 14, 2002, in Knoxville, Tenn., after a stroke. Shields served on the U.S. Tax Court in Washington, D.C., for 12 years before retiring to Knoxville in 1994. A World War II veteran, Shields was wounded while serving with the Army's 104th Infantry Division in France. He had attended Yale and Princeton. In 1952, he joined the agency that later became the Internal Revenue Service, serving in the agency's chief counsel's office before working for the IRS in Georgia and North Carolina from 1954 to 1956. From 1956 until his appointment to the Tax Court in 1982, he had his own tax law practice in Knoxville and Chattanooga, Tenn. Shields is survived by his wife of 50 years, Bonnie Shields of Knoxville; a son, Bailey, of Maryville, Tenn.; two daughters, Leslie Shields of Knoxville and Beth Shields of Savannah, Ga.; and three grandchildren.

1952

James Edward Carty, 80, died October 31, 2001, in Ridgefield, Wash. Born November 11, 1920, in Ridgefield, he graduated from Ridgefield High School, and received a bachelor's degree from Washington State University in 1949. He was attorney for the city of Woodland, Wash., for 22 years and for the ports of Woodland and Kalama, Wash., and was prosecuting attorney for Clark County from 1973 until 1980, when he retired. Upon retirement, he moved to Tucson, Ariz., and in 1984

returned to Ridgefield. Carty is survived by his wife, Leona P. Carty; sons, Michael and Ken; daughters, Julianne Brown, Ann Jewell and Bridget Carty; brothers, Martin and William; and eight grandchildren.

Walter R. Dudek, 79, died November 28, 2001, in Hartford, Conn. He served as town attorney for Enfield, Conn., in the late 1960s and early 1990s, and for the past 10 years was attorney for the Enfield Industrial Development Commission. He was a former judge and prosecutor of the Suffield Town Court and a former member of the Suffield Board of Tax Review. He was appointed by the governor of Connecticut to the state binding arbitration panel for 10 years. Dudek received an undergraduate degree in business administration from the University of Alabama. He was a member of the Connecticut Bar since 1954 and was admitted to practice before the U.S. District Court in Washington, D.C. He was an Army veteran of World War II.

He is survived by his wife, Irene Dudek; a son, attorney Karl R. Dudek, and his wife, Enfield Probate Judge Susan L. Warner, of Enfield; a daughter, Dr. Leigh M. Sorokin, and her husband, Dr. Gregory Sorokin, of Scottsdale, Ariz.; three grandchildren; a brother, Fred Dudek of Suffield; and two sisters, Julia Czyz of Suffield and Bertha Tetreault of Florida.

1953

Harold L. Biloon, 76, died January 28, 2002, at home in West Hartford, Conn. An attorney in Hartford and Wethersfield, Conn., for 47 years, he also held degrees from the Loomis School and Harvard College. He served in the United States Navy during World War II. He was a member of the Hartford County Bar Association and the Connecticut Bar Association and was a member of the Banking Law, Real Estate and Financial Institution Sections of the Connecticut Bar

Association for many years. His wife, Sandra, a sister and brother-in-law, Ruth and Samuel J. Gordon, and a niece, Susan Thureson and her husband David, survive him.

1956

Carl Preston Rose, 72, died August 6, 2001, of a pneumonia-related pulmonary embolism. Rose, who had worked for the Senate Committee on Agriculture, Nutrition and Forestry from 1974 until 1987, retired as general counsel and staff director for the minority party. After retiring, he was a consultant for U.S. and foreign governments on agricultural matters. A resident of Arlington, Va., he was born in Rocky Mount, N.C. He earned a bachelor's degree in English from Trinity College in 1951. He was an Air Force veteran of the Korean War. From 1956 until 1974, he was a lawyer for the Agriculture Department in the office of general counsel. He is survived by his wife, Ruth Preston Rose, of Arlington; two daughters, Anne Cook-Rose of Richmond, Va., and Lynne Rose Ryan of Fairfax Station, Va.; a sister; and two grandchildren.

1965

Wade Thomas Watson, 63, died September 9, 2001, at Duke University Medical Center. Born June 21, 1938, in Gary, W.Va., he was the son of the late Frank E. and Anna Juanita Watson. He was appointed assistant prosecuting attorney of McDowell County (West Virginia), and was later elected to the office of prosecuting attorney, serving 1976-1984. He once practiced law with the firm of Sanders, Watson and White in Bluefield, W.Va., and, at the time of his death, was practicing law with the firm of Brumfield and Watson. He was a former president of the West Virginia Prosecuting Attorneys Association, a former president of the West Virginia Law Institute, a former president of the McDowell County Bar Association, and a former chairman of the Criminal Law Committee of the West Virginia

Bar Association. He was a member of the West Virginia Trial Lawyers Association, West Virginia Defense Trial Council Board of Directors, and National Association of Railroad Trial Counsel. He was selected to the first group of "Fellows" chosen in the West Virginia Bar Foundation in 1999. A Phi Beta Kappa graduate of West Virginia University, he also was an officer in the United States Army. Survivors include his wife, Donna Hardy Watson; brother-in-law and sister-in-law, Dennis and Janice Hardy of Tazewell, Va.; and sister-in-law, Sandra Watson of Arizona.

1979

Gary D. Buchanan, 47, died January 9, 2002, in Nashville, Tenn. Born February 21, 1954 in Nashville, he served as senior staff attorney with the Tennessee Protection and Advocacy Inc. After graduating from Middle Tennessee State University and from Duke Law School, Buchanan worked as staff attorney at the Association of Retarded Citizens, at King and Ballow, and in solo practice before joining Tennessee Protection and Advocacy in 1995 as its senior staff attorney. Nationally known as a successful special education attorney, he won numerous important cases, including Sixth Circuit decisions such as *Metropolitan Bd. of Public Educ. v. Guest*, 193 F.3d 457 (6th Cir. 1999); *Tennessee Dept. of Mental Health and Mental Retardation v. Paul B.*, 88 F.3d 1466 (6th Cir. 1996); and *Krichinsky By and Through Krichinsky v. Knox County Schools*, 963 F.2d 847 (6th Circuit 1992). He was a member of the Tennessee Bar Association, the 6th Circuit Court of Appeals and the U.S. Supreme Court. He is survived by his wife, Linda Sample Buchanan; parents, Mr. and Mrs. James Buchanan; sister, Luann Hutchinson; father-in-law, Russell Sample; and brother-in-law, Russ Sample.

in memoriam



Thomas F. Blackwell '86 January 13, 1961 - January 9, 2002

The Duke Law School community was shocked and saddened to learn that Tom Blackwell (JD/MA Philosophy '86) was among those killed in the shootings at Appalachian School of Law on January 9, 2002. In the days and weeks following Blackwell's tragic death, portraits of the man

emerged as friends, colleagues and former classmates shared their fond memories of an individual whose commitment to the study of law was outpaced only by his devotion to his family.

Stephen Labaton (JD/MA Philosophy '86)

I was horrified and deeply saddened to learn about Tom Blackwell, who was in my small section at Duke. I remember him quite fondly as soft-spoken, witty, diligent and sensitive, and his wife as a particularly kind person. As the first joint degree section, we were a remarkably tight-knit group, and Tom stood out among a group of high achievers for being particularly bright, inquisitive and fun-loving. What is so tragic to me is that it is a mark of Tom's character that he would decide to move to a small community, which he obviously viewed as quiet and safe, to try to make a little difference in the lives of people who are often neglected by the larger society. He undoubtedly could have taken the more conventional path of many Duke graduates, making more money and enjoying life in a bigger city. But instead he tried to give back. That's what makes the news so senseless.

Mary La France (JD/MA Philosophy '86)

We were among an exceptionally close-knit group of about 20 students enrolled in the joint degree program in law and philosophy. I was very fortunate to get to know both Tom and his wife Lisa who was as much a part of the Law School community as he was. I fondly recall hours spent hanging out together in the library – not necessarily studying. Tom was a kind and gentle person who always had a laugh and a smile.

Gary Myers (JD/MA Philosophy '86)

I remember Tom as someone who was always happy to lend a helpful hand, to offer a thoughtful insight into the law that we were trying to learn, or to share happy times at parties and cookouts. When Professor David Lange selected Tom as one of his research assistants, I was not at all surprised, and working with him and Mary La France in that capacity was a great experience, even when we were working until the early morning hours to meet a deadline. Although I never had the good fortune to see him on the other side of the podium as

a law professor, I have no doubt that he was a fine teacher who cared for his students and who cared about the law. He will be missed.

Tony Braz (JD'86)

I graduated with Tom in 1986 and knew him well. Tom was a very nice guy. I kept in touch with him on and off over the years and was quite pleased with the success and happiness he found as a professor. His loss will be deeply felt by all his classmates and friends.

Thomas Francis Blackwell, of Grundy, Va., was an associate professor at Appalachian School of Law, where he taught intellectual property, jurisprudence and research and writing. At Duke, he was an editor of *Law & Contemporary Problems* and president of the Married Students Association. He was also among the first to participate in a joint degree program at the Law School.

After graduation, Blackwell worked as an associate at Jenkins & Gilchrist in Dallas, Texas from 1986 to 1992, when he opened his own practice, also in Dallas. In 1997, he became a visiting assistant professor of law at Chicago-Kent College of Law, and in 1999 joined the faculty at Appalachian School of Law as an assistant professor. He was named associate professor in 2000.

Blackwell is survived by his wife, Lisa, and their three children. Lisa worked at Duke Law School's library while Tom was a student.

Gifts in Tom Blackwell's memory can be made to Duke Law School and sent to: Office of External Relations, Box 90389, Durham, NC 27708-0389. We will notify his family of any memorial gifts.

The Board of Trustees of the Appalachian School of Law has established a fund to assist the victims and their families. This fund will be managed by the Board's treasurer, Woodrow McGlothlin, and ASL President Dr. Lucius Ellsworth, with the Board's approval. "Every dollar donated will go to the victims and their families," stated Dr. Ellsworth. "Our first priority will be to pay medical and burial costs not covered by insurance, to arrange for any home-based help to the wounded students, and when that is taken care of the balance of the fund will be used for educational aid and scholarships to the children of the deceased."

Charitable donations to the fund can be made out to:

ASL Relief Fund
c/o Dr. Lucius Ellsworth
Appalachian School of Law
P.O. Box 2825
Grundy, Va. 24614

law alumni weekend

April 12-14, 2002 Schedule of Events

Thursday, April 11, 2002

6:00 p.m.
Reception and Dinner for Board of
Visitors and Law Alumni Council

Friday, April 12, 2002

8:30 a.m. - 4:30 p.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.
Reunion Registration

3:30 p.m. - 3:45 p.m.
Service of Thanksgiving and
Remembrance in memory of
deceased alumni
Duke Chapel - West Campus

5:00 p.m. - 7:00 p.m.
Barrister Donor Society Reception
Greystone Mansion, Durham

6:00 p.m. - 7:00 p.m.
African-American Alumni and the
Black Law Students Association
Reception
Duke University Room,
Washington Duke Inn

6:30 p.m. - 7:30 p.m.
Law Alumni Reception
Washington Duke Inn Terrace

7:30 p.m.
Law Alumni Banquet
Washington Duke Inn Ballroom

Presentation of the Law Alumni
Association Awards and Induction
of the Class of 1952 into the
Half-Century Club

Saturday, April 13, 2002

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

8:00 a.m. - 9:30 a.m.
Continental Breakfast

8:30 a.m. - 9:30 a.m.
Wealth Transfer Planning —
Impact on Family and Community
Kathleen McNally, Associate
Director of Planned Giving,
Duke University, Duke Law School

9:00 a.m. - 12:30 p.m.
Admissions and Career Services
Office Open House

9:45 a.m. - 11:00 a.m.
Legal Consequences of the
Enron Case
Professors James Cox, Deborah
DeMott, Steven Schwarcz, and
Stephen Labaton '86

11:00 a.m. - 12:30 p.m.
A Conversation with President
Nan Keohane**
Page Auditorium, Duke University,
West Campus

11:15 a.m. - 12:30 p.m.
Presidential Authority in a Time of
Crisis: Executive Privilege, Secrecy
and the Ability to Wage War
Professors Walter Dellinger and
Christopher Schroeder, and former
White House Counsel A.B.
Culvahouse

12:30 p.m. - 2:00 p.m.
Law Alumni Picnic & barbecue

1:00 p.m. - 2:30 p.m.
Golf tee times at the Washington
Duke Inn

1:30 p.m. - 2:30 p.m.
Primate Center Tours
Duke Primate Center

2:00 p.m. - 4:00 p.m.
"Great Lives in the Law" Inaugural
Lecture sponsored by the
Duke Program in Public Law
The Honorable William H.
Rehnquist, Chief Justice of the
United States
Page Auditorium, West Campus

Afternoon Campus Activities

6:00 p.m. - 9:30 p.m.
International Alumni Dinner

6:00 p.m. - 9:30 p.m.
Reunion Class Receptions
and Dinners

10:00 p.m. - 1:00 a.m.
University Gala**
Gala Tent, West Campus
Fireworks Display, Music
and Dancing

Sunday, April 14, 2002

9:00 a.m.
Sunday Service for Alumni**
Duke Chapel

10:00 a.m. - 12:00 noon
Champagne Breakfast in Sarah P.
Duke Gardens**

** in conjunction with Duke
University Alumni Weekend

Visit the Reunion 2002 web site and register online at <http://www.law.duke.edu/alumni>
Your classmates are expecting to see you at Reunion 2002...and so are we!