

DUKE LAW MAGAZINE

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Inside: Five Clinics Deepen Experiential Learning Opportunities at Duke Law School
Also: Walter Dellinger, Ken Starr: Supreme Court Advocates in High Demand

This issue of *Duke Law Magazine* highlights a number of exciting developments at the Law School giving students opportunities to develop their legal skills and judgment in real cases involving real people in real time.

The stepped-up emphasis on experiential learning is not at the expense of the analytical training that takes place in the classroom. Learning to think and reason “like a lawyer” remains the central focus of the educational mission of Duke Law School. Hands-on learning extends what students learn in the classroom, helping them to operationalize their analytical training and often motivating them to take more seriously their entire educational program. It also trains them in certain legal skills they do not get in the traditional classroom experience: interviewing, client counseling, mediation, business planning, drafting and advocacy. Perhaps most of all, practicing their skills under close supervision in real cases helps students to learn how to take responsibility and to develop that all-important legal judgment that the best lawyers bring to their profession.

I am excited about the potential our legal clinics have to improve the education of our students. Students who have enrolled in one of our two established clinics – the Death Penalty Clinic and the Legal Assistance Project – often report that the clinic was the “best course they have ever had.” Our three new clinics cover a range of subject and practice areas, giving students more variety in their clinical courses. Students in the Community Economic Development Law Clinic engage with businesses and economic development

organizations in low-wealth areas that need legal and business planning services in order to advance projects designed to improve the economic base of the community. Students in the Children’s Education Law Clinic become advocates for children seeking appropriate educational services in area schools. Students in the Duke Law Clinic for the Special Court in Sierra Leone provide research and counseling services to officials in Sierra Leone who are establishing a unique form of war crimes tribunal.

Along with our legal clinics remain a robust set of clinical offerings that give students opportunities in simulated settings to practice their legal skills. Trial Practice remains an extremely popular program, taught by a number of Duke Law graduates including Don Beskind LLM ’77, Elizabeth Kuniholm L ’80, and Charles Becton L ’69. A growing number of our students take Negotiation and Mediation, and other courses, such as Legal Writing, Corporate Restructuring and Estate Planning, give students the opportunity to practice a wide range of practical skills.

The Law School also has enhanced its support for public interest programs and pro bono work, giving students non-curricular as well as curricular ways to develop practical skills, leadership, judgment and the habit of public service. Many of these projects are described in this issue, along with individual stories that demonstrate what significant pro bono experience has added to the professional satisfaction of some of our graduates.

Our new legal clinics and growth in public interest programming has been made possible through the generosity



of our graduates and a number of foundations. The Duke Endowment, the Z. Smith Reynolds Foundation, Fannie Mae, the Fox Family Foundation, the Hillsdale Fund and the Knight Foundation are among those foundations that have given the Law School critical support for our clinical and public interest programs, and I cannot thank them enough for this support. I cannot list all of the graduates who have helped to boost our efforts in these areas, but alumni support has been and will remain critical to our continued success. I thank all of you who have helped, or will help, us to meet our ambitious goals.

Katharine T. Bartlett

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

Selected Spring 2003 Events

February 4

Rabbi Seymour Siegel Memorial Lecture in Ethics
Dr. Leon R. Kass, Chair,
President's Council on Bioethics

February 21

Annual PILF Auction/Gala
Sponsored by the Public Interest Law Foundation

February 22

Business Law Society Smoker
Organized by the Business Law Society

February 24

Meredith and Kip Frey Lecture in Intellectual Property
Mr. Jack Valenti, President and CEO,
Motion Picture Association of America

March 12-14

Directors' Education Institute at Duke
Sponsored by the Duke Global Capital Markets
Center and the NYSE Foundation

March 18

Great Lives in the Law
The Honorable Sandra Day O'Connor,
Associate Justice of the United States

March 21

*Conference on Emerging Issues in
Community Economic Development Law*
Sponsored by the Duke Law
Community Economic Development Clinic

Symposium on Hot Topics in Patents and Trademarks
Sponsored by the Duke Law Intellectual Property
and Cyberlaw Society

March 28

Duke Magazine Forum
James Boyle, William Neal Reynolds Professor of Law

March 28-29

Admitted Students Open House Weekend
Duke Law welcomes prospective students to campus

April 4-6

*Conference on International Public Goods and Transfer
of Technology after the TRIPS Agreement of 1994*
Sponsored by the Center for
Study of the Public Domain at Duke

April 10-11

*Conference on Legal and Policy Considerations
Involved in Confronting Iraq*
Sponsored by the Center on Law,
Ethics and National Security

April 11-13

Law Reunion Weekend
Duke Law welcomes alumni back to campus

April 14

Professional Sports: Challenges & Opportunities
Organized by Professor Paul Haagen

May 10

Law School Hooding Ceremony
Keynote: The Honorable Dennis Archer,
President-Elect, American Bar Association

May 11

Duke University Commencement Exercises
Keynote: The Honorable Kofi Annan,
Secretary-General of the United Nations

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Letters to the Editor

The following letter by Jack L. Bloom '47, responds to Dean Katharine Bartlett's "from the dean" column in the Fall 2002 issue of *Duke Law Magazine* and an October letter from Dean Bartlett to Duke Law alumni and friends.

Dear Editor:

As an alumnus of Duke University Law School, I am impressed by the Law School's activities, faculty, and student body as related in your letter of Oct. 1, 2002 and in the fall 2002 *Duke Law Magazine*. The faculty is outstanding. The students are the pick of the crop, and, obviously, acceptance of a student by Duke Law School is a signal achievement of the highest order. They speak well for the development of the School, which has expanded to a degree unthought of in my day. I am proud to have received my law degree from Duke.

The statement in the first paragraph of your letter that: "Each year our faculty and student body are more impressive in quality..." caught my attention. I assume that in using that phrase you referred to things academic and scholastic, and that made me think about times past.

Go back years ago to a world and circumstances far removed from today. I entered Duke Law in September 1941 in a world at war and still in economic depression. Selective Service had been in effect since 1940, and reserve officers and National Guard units already had been mobilized. Pearl Harbor brought that war to us on December 7, 1941, and the impact on the School, the faculty, and the students was immediate and powerful. Many faculty members left for government service in one capacity or another, and students began leaving for military service in increasing numbers. So few law students remained in 1942 that the U.S. Army Finance Corps Officers Candidate School was able to share the Law School building.

I left for military service in 1942. Among the law students I knew, two, both friends of mine, were killed in combat – William "Bill" Ault, and Beverly "Bevo" Royster. Another, Edgar H. Keltner Jr., was wounded in France. His father, Colonel Edgar Keltner, was captured on Bataan and was a POW until the end of the war, when he was liberated. There may have been other casualties.

To the great credit of Duke Law School, Raphael Lemkin became a member of our faculty. He originated the word "genocide"

and contributed greatly to the expansion of international law, according to a 1999 publication of the U.S. Holocaust Memorial Museum. It is my understanding that he was instrumental in drafting the text of the genocide treaty and in its adoption by the United Nations.

I often spoke to Dr. Lemkin, but he never mentioned his own background, although I knew, of course, that he was from Poland and had occupied a prominent position in legal matters there. He called me the "tiger of contracts" because, I assume, I was awarded a book in my first year as a prize for my grade in that subject. However, he was an older man, far removed in almost every aspect of life from my own, as I grew up in Greenville, SC. I had my own studies, absorbing most of my time, trying to learn law and anticipating my call to military service. To my deep regret, I did not share with him as I should have, and I now realize that his world was so torn that I could not really know him.

We did not have computers then; we did our research the hard way – books. Our law school building was located on the original Duke University campus. We did have a unique compound for law students just off the campus near the original medical school. The Law Cabins, as the compound was called, consisting of four log cabins for living quarters, and, in the center, the social all-purpose cabin, called "Equity Hall." Some students lived in the dormitories, but the cabins gave us a bonding effect. The cabins are long gone and forgotten, but, to paraphrase Daniel Webster, there were those who loved them. We lived in the dormitories when we returned to the Law School after the war.

There were two women in our class at the start, one leaving before the end of the first year, the other graduating during the course of the war. The rest were white males, and we usually wore suits to class. The faculty consisted of all white males, wearing suits.

When I came back to Duke in 1946, after my discharge from the Army, only a few of those who started with me in 1941 returned, and we received our degrees in 1947. The law students at Wake Forest were so few

that they joined us at Duke, with a combined faculty, each graduate receiving his degree from his own law school.

I always have believed that we had a first-rate faculty then. I am not trying to compare either the faculty or the student body then or now in any manner. LSAT did not exist when, in early 1941, I applied to and was accepted by Harvard, Yale, Virginia and Duke. I decided on Duke Law for many reasons. I also am sure that the student body now is a collective bright bunch of people, and, to the credit of Duke, it is more diverse than was my own class.

Incidentally, I do not use the expression "The Greatest Generation" which some have applied to the World War II generation. It is over-blown, and each generation discharges its own obligations.

In the final analysis, my one reservation is about your expression "...more impressive in quality..." Obviously my Law School was a different school in a different world, and I do not know how the words "more impressive in quality" would apply to the faculty and students of my time. I believe, however, that a thought about the past may help refine the definition applied to the present faculty and students as compared with earlier faculties and students. It may put some things in perspective.

–Jack L. Bloom

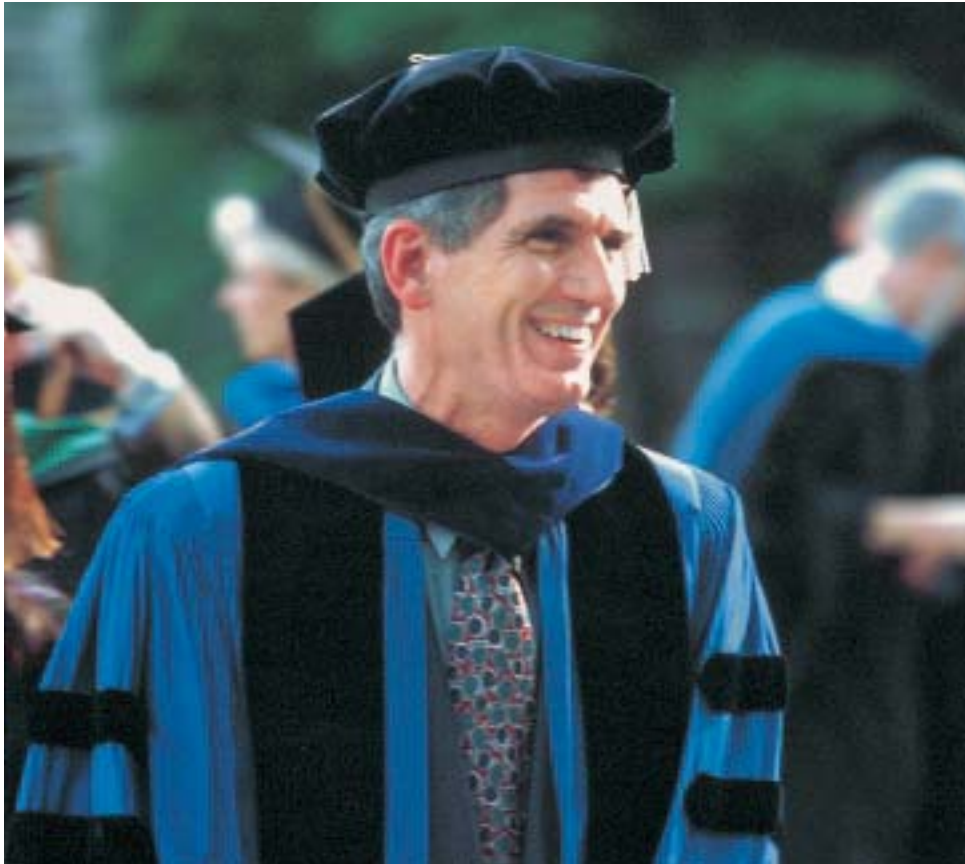
A lifelong resident of Greenville, SC, where he lives with his wife, Lillian, Bloom has practiced law since 1947. He is a colonel in the U.S. Army Reserve, retired, and has been active in numerous community activities.

Letters to the Editor

If you would like to respond to an article in *Duke Law Magazine*, please email the editor at goldstein@law.duke.edu or write Jonathan Goldstein, *Duke Law Magazine*, Duke Law School, Science Drive & Towerview Road, Box 90389, Durham, NC 27708-0389.

{ News Briefs

Jeff Powell Awarded 2002 University Scholar/Teacher of the Year Award



PROFESSOR JEFF POWELL PREPARES TO RECEIVE THE 2002 UNIVERSITY SCHOLAR/TEACHER OF THE YEAR AWARD

Jeff Powell, a well-published professor praised by his students and his peers, received the 2002 University Scholar/Teacher of the Year Award on Oct. 3. The honor was presented as part of the University's Founder's Day celebration.

Powell, a professor of law and divinity at Duke, has authored several books, including *A Community Built on Words: The Constitution in History and Politics* (2002); *The President's Authority Over Foreign Affairs* (2002); *The Constitution and the Attorneys General* (1999), which was recognized as a Choice

Magazine Outstanding Academic Book of 1999; and *Languages of Power: A Source Book of Early American Constitutional History* (1991). His book, *The Moral Tradition of American Constitutionalism: A Theological Interpretation* (1993), "represents the best tradition of interdisciplinary research in law and theology," said Dean Katharine Bartlett in nominating Powell for the award.

Duke Law students presented Powell with the Distinguished Teaching Award in 1999, citing his "genuinely captivating and entrancing" lectures, his dedication to teaching and his combination of "great

intellectual capacity with humane qualities."

He is equally popular with the faculty. "Professor Powell is also one of the most collegial faculty members at the Law School," Bartlett said. "He cheerfully reads and comments on the work of his colleagues and is a leader in his insistence on the highest quality of scholarship in matters of faculty appointments."

Powell earned his bachelor of arts degree (*summa cum laude*) from St. David's University College of the University of Wales in 1975, later receiving his master's of divinity (1979) and juris doctor (1982) degrees from Yale University, and a master's degree (1977) and doctor of philosophy degree (1991) from the Duke Divinity School.

Following graduation from law school, he received a judicial clerkship with the Honorable Sam J. Ervin, III of the United States Court of Appeals for the Fourth Circuit. Prior to permanently joining the Law and Divinity faculties of Duke University in 1989, Powell was a member of the faculty at the University of Iowa and a visiting faculty member at the University of North Carolina, Duke University and Yale University.

Powell was the principal deputy solicitor general in 1996 at the Solicitor General's office and the deputy assistant attorney general in the Office of Legal Counsel between 1993 and 1996 at the United States Department of Justice. From 1991 to 1993 he served as special counsel to the Attorney General of the State of North Carolina.

Powell is the third Duke Law faculty member to receive the prestigious award in the last dozen years. Bartlett earned the accolade in 1994, and Deborah DeMott, David F. Cavers Professor of Law, won it in 1989. ♣

International Week Even Bigger, Better Second Time Around



HIYUMI YAMADA LLM '03, VISITING SCHOLAR CLARA GRANIER, MAZIN ALFAQUI '05, AND MANAKO INUJIMA, WIFE OF NOBUYOSHI INUJIMA LLM '03, PERFORM A JAPANESE TEA CEREMONY

Duke Law School hosted its second annual International Week in the fall semester, with an expanded list of activities, participation from throughout the Law School and another highly popular International Food Fiesta.

This year's activities included the first-ever Cultural Extravaganza: presentations by students from abroad about the legal systems, geography and culture of their home countries; a speech by James Joseph, former U.S. ambassador to South Africa and a professor of the practice of public policy at Duke University's Sanford Institute of Public Policy; and an international film night.

During the week's official kickoff, "Croissants et Café avec les Deans," Dean Katharine T. Bartlett emphasized the fact that nearly every facet of Duke Law School includes an international dimension. "Our students and scholars from around the world, who are well integrated into the life of the School, add a significant component to the education of the Duke Law community," she said.

"Our JD/LLM program and recent international faculty hires further internationalize the School."

Still more activities included:

- A "Practicing Law Around the World" panel, which allowed the Duke Law community to hear firsthand perspectives about the practice of law in South Africa, Croatia, Portugal, Indonesia and Israel.
- A "Coffee Talk," led by Professor Joost Pauwelyn, focused on the benefits and drawbacks of an international legal career. In addition to working for a large private law firm in Belgium before coming to Duke Law last year, Pauwelyn also served as a legal affairs officer for the World Trade Organization.
- A showing of the film "The Trials of Henry Kissinger," inspired by the book written by Christopher Hitchens, was led by Professor Michael Byers. This film night included a discussion about the Pinochet case and of Kissinger's state immunity from the International Criminal Court.

The Cultural Extravaganza added a new dimension to International Week, with students displaying and offering detailed explanations of some of the dress, music, drama and other practices from abroad. Among the presentations were a traditional Japanese tea ceremony, Japanese Taiko drumming, German waltzing and comedy, and Chinese pop music and calligraphy. Students said the cultural exchanges were invaluable.

"Even though these events and programs were aimed to inform members of the School about different countries and different international legal systems, many events, such as the Cultural Extravaganza and International Showcases, were held to demonstrate the many cultural aspects of the Law School," said Frank Chao, JD/LLM '04. "The Cultural Extravaganza brought together students and faculty to see and hear the many treasures and talents of the students in the form of music, drama, dance and other cultural practices."

The week concluded with the International Food Fiesta, which drew more than 90 students, faculty members and administrators. Participants shared dishes and traditions from around the world and competed for the grand prize – roundtrip airfare on USAirways to anywhere in the United States, Canada, Mexico or the Caribbean. The winners were Jun Liu '04, Fang Xue '03 and Jing Zhang '03 for their exceptionally popular Chinese hot pot.

"I thought International Week 2001 could not be any better than it was," said Judy Horowitz, associate dean for international studies. "But to my great delight, International Week in fall 2002 was even fuller, had more student direction, and certainly involved even greater numbers of LLM and JD students working together." ♪

PILF Auction Breaks Record

A week's vacation in Provence. A luxury box for a Philadelphia 76ers' game. A movie night for 30. These were just a few of the items up for the bidding at this year's record-breaking Public Interest Law Foundation (PILF) auction. Funds raised in the annual event help students pursue public interest employment during their 1L and 2L summers. This year's auction exceeded all past years, netting nearly \$30,000 – almost double last year's take of about \$16,000.

“The Law School social calendar includes a lot of great events,” said Merrill Hoopengardner '04, who helped organize the event with Gray Chynoweth '04 and John Bolin '03. “The PILF Auction is a real standout because it successfully mixes fun with good works.”

Held for the first time in the multi-level interior of the Terry Sanford Institute for Public Policy Studies, the auction featured more than 200 items – ranging from a pet-sitting service to exotic vacations – donated by alumni, students, faculty, staff and friends. A silent auction featuring the bulk of these items yielded more than a few incredible bargains, including two autographed posters of the men's basketball team (\$60 each), lunch for six (\$45), and a \$300 bottle of wine (\$165). A professional auctioneer led the bidding on higher priced items, such as basketball tickets, vacations and the ever-popular game night with Professors Jim and Doriane Coleman (\$900).

“We are grateful this year for all of the great donations that came in from students, faculty, alumni and friends,” said Hoopengardner. “And we are really happy about the enthusiasm all of the bidders showed at the auction. They put us over the top, and now more students will have the opportunity to pursue work in the public interest this summer.”



JUSTICE KENNEDY TAKES THE REINS OF A CONSTITUTIONAL LAW CLASS

Justice Anthony M. Kennedy Offers Insight into Workings of U.S. Supreme Court

United States Supreme Court Justice Anthony Kennedy visited Duke Law School this fall, teaching constitutional law with Duke professors, talking with students and faculty, and meeting with local judges over the course of three days. On Nov. 18, Justice Kennedy's talk on the inner workings of the Supreme Court filled a lecture hall and drew students to two spillover rooms where his comments were broadcast.

Justice Kennedy, whose stay at Duke Law was sponsored by the School's Program in Public Law, told students how few cases ever reach the Court's agenda despite the overwhelming number of requests. The Court generally receives 8,000 requests per year for cases to be heard, he said, 500 of which result in significant discussion among the justices. Of those 500, only about 100 actually make it to the calendar. The Court must

choose each case with extreme care, he said, because each one requires the full attention of all nine justices and will require crucial time and energy in a session that must end on time each year – June 30.

Justice Kennedy also explained how the short oral arguments of the cases also function as conversations among the justices. Some of the questions are meant to stake out a position or make a key point to another justice. That's important, he said, because the justices rarely discuss the cases in depth before that point. It's up to the lawyers to be sure they answer effectively and make themselves a part of that conversation. “What you really see is a discussion the justices are having with each other,” he said. “A skilled attorney can enter into that.” He added that the 30 minutes allotted for oral arguments is “cruelly short,” forcing lawyers and jus-

tices to cut to the heart of their positions and questioning. “There’s not a lot of time for oratory,” he said.

Justice Kennedy also spoke of the reverence he and fellow justices have for the Supreme Court and the law. Every case is handled with great seriousness, and gut reactions take a back seat to consideration of precedent, ethics and the basics of the Constitution. “I’ve been a judge since 1975,” he said. “And I’ve been surprised at how often I’ve had to go back to the beginning.”

That reverence for precedent and reluctance to overturn it partially comes from the notion that any changes to interpretations of law or the Constitution can have lasting and profound consequences, Justice Kennedy said. “You’re bound by what you do,” he said. “I have to discern the consequences of what I do.”

He lamented what he described as declining civility in the justice system, and he encouraged students to follow the example of the Supreme Court, where justices can strenuously disagree on a professional level without taking arguments to a personal level. “I’m very concerned about the civility of the bar,” he said, describing some lawyers’ efforts to gain advantage over their opponents as “Rambo tactics.”

He also expressed concern over rancor in Congress that has led to a slowdown in filling vacancies in many federal judgeships. He blamed that problem on partisanship among both parties. Ultimately, that partisanship, as well as reliance on popularity polls, has the potential to undermine the judiciary. “It’s all poll-driven now, and we’re the worst for it,” he said. “There has to be a new assertion of principle in Congress.”

Students and faculty described the visit as inspiring. “Having him here really

makes the Constitution come alive for us,” said 1L Angela Rafoth. “It really inspired me to look at the Constitution as a different vehicle,” added 1L Joy Ganes. “He was very engaging and informative.”

The 66-year-old Justice Kennedy was nominated to the Supreme Court by former President Ronald Reagan and was affirmed by a 97-0 vote on Feb. 11, 1988. Many observers say that, along with justices Sandra Day O’Connor and, to some degree, David H. Souter, Justice Kennedy has joined a conservative though moderate group that often has steered the Court in a cautious direction.

Chief Justice William H. Rehnquist, who was the inaugural speaker at Duke Law’s *Great Lives in the Law* lecture series, often relies on Justice Kennedy’s ability to find common ground among the conservative and liberal justices. This has reinforced Justice Kennedy’s reputation as a fulcrum on which the Supreme Court sometimes balances.

Chris Schroeder, Charles S. Murphy Professor of Law and Public Policy Studies as well as an organizer of the visit, said Justice Kennedy offered students and faculty insight into the Court that wouldn’t be available from many other sources. “His explanation of how the Court functions internally is something students and faculty have no way of learning without hearing it from the mouth of a sitting justice,” he said. “I think what really came through when he spoke was how much reverence he has for the work he does and the law and the Constitution. It also gives you a graphic sense of the importance of what you’re studying in class in a way that professors can’t convey.” ♪

“What you really see is a discussion the justices are having with each other. A skilled attorney can enter into that.” - Justice Anthony Kennedy

Civil Rights Lawyer, Educator Presents *Great Lives in the Law* Lecture

The judicial and political atmosphere for defending civil rights in America is far from ideal today, veteran civil rights lawyer and activist Julius Chambers told a packed lecture hall at Duke Law School on Oct. 22. But the fight is worth fighting and progress still is possible, the well-known litigator and educator said during the second installment of Duke Law’s *Great Lives in the Law* lecture series.

“It is true that we have new members of the Court,” Chambers said. “It is also true that the majority of them do not view the Constitution as an affirmative arbiter of the rights of minorities and of others disadvantaged. But...using our system of governance, our judicial system offers the best hope for a permanent resolution of our struggle for improved opportunities. And there is hope that, despite what appears impossible at present, we can, with determination and perseverance, still achieve the kind of America we dream of.”

The *Great Lives* series, launched last April with a talk by the Honorable William H. Rehnquist, Chief Justice of the United States, invites to the School lawyers and judges whose lives have been distinguished by substantial legal accomplishments that have helped change the law or its institutions. The series is sponsored by Duke Law School and the Duke Program in Public Law. Associate Justice Sandra Day O’Connor is next up in this series; she is scheduled to visit the Law School on March 18.

Chambers, who recently completed an eight-year term as chancellor of North Carolina Central University and practices law in Charlotte, cut his teeth on civil



CIVIL RIGHTS LAWYER AND EDUCATOR JULIUS CHAMBERS, LEFT, CHATS WITH PROFESSOR JEROME CULP AFTER DELIVERING THE GREAT LIVES IN THE LAW LECTURE

rights law four decades ago. After establishing a one-man practice in Charlotte, which later expanded into the first integrated law firm in North Carolina, Chambers and his colleagues scored several major civil rights successes in the U.S. Supreme Court.

Among the best known of these landmark cases was *Swann v. Charlotte-Mecklenburg Board of Education* in 1971, which led to federally mandated busing, helping to integrate public schools across the country. Chambers and his team also won in *Griggs v. Duke Power Co.* in 1971 and *Albemarle Paper Co. v. Moody* in 1974, two of the Court's most significant Title VII employment discrimination decisions.

In his speech, Chambers said he regularly experienced discrimination as a child in rural western North Carolina. In one unforgettable instance, his father, a mechanic, had repaired a white man's tractor-trailer, but the owner refused to pay the bill – money Chambers' family had hoped to use to send him to boarding school. No lawyer in the state would touch the case of a black man trying to sue a white one, Chambers said. And that was merely one example of the widespread racial inequality that shaped the landscape of his youth.

"I, therefore, decided early that I would train to become a lawyer and that I would devote my life to civil rights and

civil liberties," Chambers said. "For me, this was an important decision and I will remain grateful for the support and encouragement I have received along the way." That support came from some giants of the legal and civil rights community, including Thurgood Marshall, Jack Greenberg and John Hope Franklin.

Chambers' devotion to civil rights regularly led to tests of his courage and resolve. During the *Swann* case, he repeatedly was threatened, his office was torched and his car was firebombed. Despite the danger, he pushed forward and convinced the Supreme Court that busing was an acceptable tool for desegregating schools.

In 1984, Chambers left his firm to become director-counsel of the NAACP Legal Defense and Educational Fund in New York City, the same organization that had helped him set up his initial practice. LDF handles up to 1,000 cases at any given time, covering areas such as education, voting rights, capital punishment, employment, housing and prisons. Under Chambers' leadership, the organization championed civil rights legislation and affirmative action programs that began in the 1970s and '80s.

Those programs sorely needed champions, much as they do today, Chambers said. "We were slowly beginning to appreciate that we had to fight to sustain

the limited gains we had achieved," he said. "President Ronald Reagan had pledged during his administration to appoint federal judges whom he believed would be less aggressive or active in enforcing Constitutional rights – strict constructionists, they were called – who would interpret the Constitution as it was written in 1776."

Chambers also lamented that the current Court is not as friendly as it once was to the causes he has spent a lifetime supporting, requiring a change in tactics for many civil rights advocates. "We still are trying to ensure improved employment opportunities, access to health care and to decent housing," said Chambers, who also is director of UNC Law School's new Center for Civil Rights. "Discrimination in the administration of criminal justice remains a pervasive problem. Today, however, civil rights groups plan more how to avoid bad decisions by not presenting cases to the Court rather than how to obtain favorable ones in order to improve opportunities."

Now is a time for patience, he added. "Today we have to wait, despite what Dr. [Martin Luther] King said, and wait for the right kind of Court and the right kind of Congress," Chambers said. "We don't have the most receptive Congress, we certainly don't have the most receptive executive, and we don't have the most receptive Court."

Still, Chambers said he has seen much progress in the decades since his father was unable to collect a debt from a white man. And in some recent writings, Chambers said, he sees signs that the Court may be moving more toward his way of thinking than many civil rights lawyers would believe.

"I am optimistic that we will be able to continue with efforts to build the kind of America we dream of, a country of equal opportunity for all without regard to race, color, sex, religion, or economic status," Chambers concluded. "Like Justice Marshall, I believe that kind of America is possible and that we preserve our efforts best by utilizing our system of government in the process of achieving it. In this endeavor, I remain as optimistic as Dr. King. I, too, have a dream." ♪

Public Law Conference Questions Characterizations of Law

The fourth annual conference sponsored by the Program in Public Law, titled “The Constitution and Other Legal Systems: Are There Progressive and Conservative Versions?” convened Dec. 13 and 14 to explore implications of an increasing tendency to depict different approaches to law either as “conservative,” or as “progressive” or “liberal.”

About 45 distinguished scholars, including five members of the Duke Law faculty – Sara Beale, Jerome Culp, Jim Cox, Laura Underkuffler and Chris Schroeder – met at Duke to discuss various dimensions of the issue. This year, the conference included discussion of some private law topics, such as tort, contract and property, as well as the public law topics that are the focus of the Program in Public Law. Among the panelists were 40 leading constitutional law scholars, including Evan Caminker, Erwin Chemerinsky, Adrienne Davis, Neal Devins, Barry Friedman, Pam Karlan, Rick Pildes, Robert Post, Judith Resnik, Jed Rubenfeld, Suzanna Sherry, Reva Siegel, Gerry Spann, Mark Tushnet and Eugene Volokh.

Conference participants were asked to reflect upon the increasingly common tendency for the popular press to label legal results as conservative, or as liberal or progressive. Supreme Court decisions are prime examples – almost every news story about any important case with a divided vote comments upon whether the “conservative” and “liberal” justices were in the majority or the dissent. “In some areas of law, such as discrimination law, criminal defendants’ rights, privacy, the scope of federal power, and standing, there is general consensus that Court decisions in recent years have moved in



PROFESSOR CHRIS SCHROEDER ORGANIZED THE CONFERENCE

the conservative direction, notwithstanding disagreements about how far they have moved,” said Schroeder, who organized the conference. “In other areas, however, the Court defies any consensus classification of this type.”

Even in those areas where the cases overall defy any easy classification, such as First Amendment jurisprudence, specific cases still get characterized one way or the other. Campaign finance reform is a good example of a First Amendment controversy where issue outcomes are hard to classify – as evidenced by the fact that the litigation team supporting Sen. Mitch McConnell’s challenge to the McCain-Feingold-Shays-Meehan legislation includes both Kathleen Sullivan and Ken Starr. Nonetheless, Schroeder said, “It’s a fair bet that when the Supreme Court decides the case, the press will label the decision a conservative or a liberal outcome.”

The tendency is for cases to be defined according to where the result fits along a political spectrum – conservative if political conservatives like the outcome, liberal

if political liberals like it. Many academics also speak of judicial outcomes as following conservative or liberal or progressive philosophies. One question the conference participants examined was whether academics and the press are talking about the same thing when they use these familiar terms. Many legal theorists and lawyers say the kind of labeling done by the popular media latches onto the consequences of legal reasoning when what ought to be central to understanding law is understanding the forms and methods of legal reasoning the profession employs. On this view, the correct mode of discourse about legal reasoning evaluates what goes into a legal decision, which arguments are better or worse, sound or unsound, and why – not whether results satisfy any particular political goal. At the same time, it often is hard to distinguish the way legal academics talk about cases from the way the press does. “In the aftermath of *Bush v. Gore*,” Schroeder observed, “legal academics critical of the decision almost always talked about the result in political terms.”

“In talking about cases that way,” he continued, “frequently more seems to be meant than simple observation of the fact that a particular political party likes the policy consequences of the result better than some other. It also suggests that purely political considerations explain why the case was decided that way.”

The fundamental question explored by the conference participants was whether there are ways to think about law as being conservative and liberal that nonetheless preserve some distinctive quality of law that distinguishes it from politics. “We did not expect to answer that question to everyone’s satisfaction,” Schroeder said after the event. “The event was a success because the range of views represented was quite broad, and people were able to debate ideas for several days in ways that contributed to everyone’s better understanding of the issues involved.”

The conference sessions were recorded and can be viewed at www.law.duke.edu/publiclaw/conference/fall2002/schedule.html. ♪

Artwork Shows Another Side of Death Row Inmates; Spurs Debate

For more than a month last fall, Duke Law's Blue Lounge became an art gallery to display the drawings, paintings and other works of a group many people would consider unlikely artists – inmates on death row.

The art ranged from whimsical drawings of butterflies and kittens to graceful roses to renditions of Jesus. Landscapes also were popular subjects, including tropical sunsets, farm pastures, mountains and rivers. All of the artwork was lent to the show by faculty, students, lawyers and others who received the pieces as gifts from death row inmates they had helped defend. The art, often indicative of the inmates' longing for freedom and desire for redemption, was not for sale, and the show did not raise money for the inmates or anyone else involved.

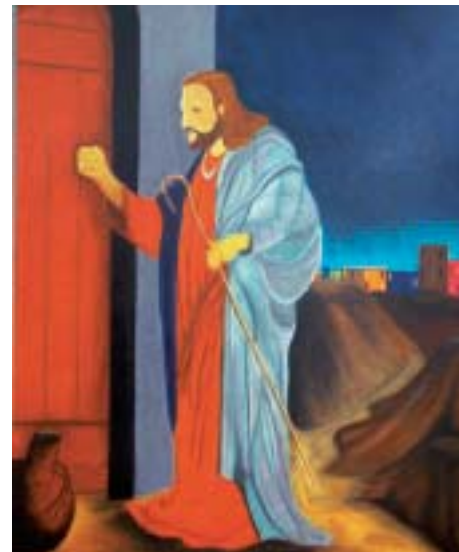
The project was conceived by Kendra Montgomery-Blinn '03 and Emily Marroquin '04 to stimulate discussion throughout the Law School about the death penalty and also to show a side of death row inmates that might otherwise go unrecognized. "Our goal was to provide a catalyst for discussion about the death penalty," Montgomery-Blinn said. "We invited people to come look at the artwork and share any thoughts it invoked in them."

Montgomery-Blinn said the show quickly raised interest among students and faculty, regardless of their views on the death penalty. "Even as we were hanging the show, people were coming in and look-

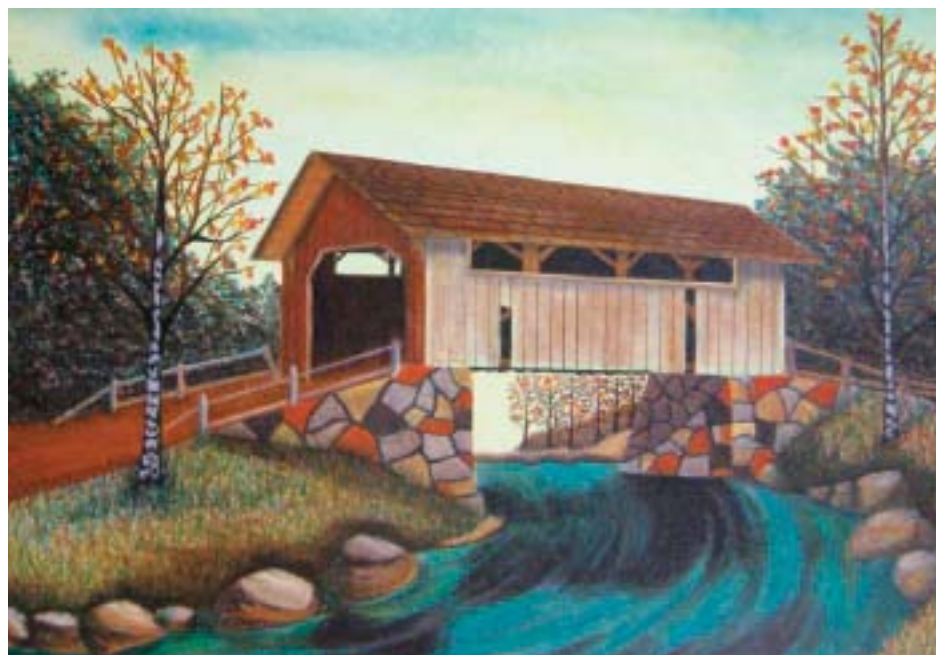
ing at the artwork," she said. "They were fascinated with the pieces, which inspired a different feeling in every person."

Marroquin noted that not everyone was pleased with the show. "Some people thought it was doing a disservice to the victims of the crimes," she said. "But the point wasn't to glorify the people on death row. It was to generate discussion."

Most of the people on death row are indigent and cannot pay lawyers' fees, but creating artwork – ranging from paintings to poetry – is something they can do to show their appreciation, said Cindy Adcock '91, a Duke Law senior lecturing fellow and supervising instructor of the School's Death Penalty Clinic. The show included more than 100 pieces of art, including some from inmates who eventually were executed. Adcock lent the show a number of drawings and a knitted blanket made by some of her clients. Students added artwork they had been given, and Senior Associate Dean for Academic Affairs Jim Coleman, another leader of the Clinic, lent two poetry books that were published and dedicated to him by one of his clients, Stephen Todd Booker. Leaders of Durham's Center for Death Penalty Litigation also provided pieces they had been given over the years. ♡



ARTWORK donated to attorneys by David Huffstetler, Marvin Williams and Elton McLaughlin



Student-Organized Nixon Panel Addresses President's Controversial Legacy

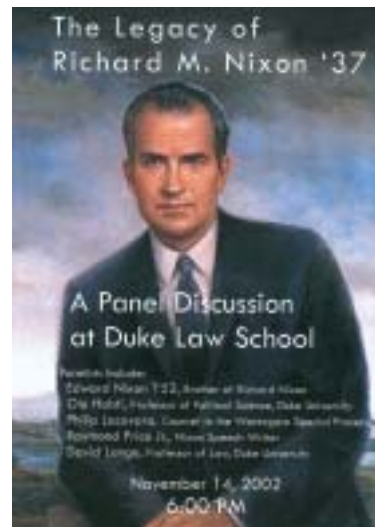
Twenty-eight years after Richard M. Nixon '37 resigned as president, a panel of Nixon experts, including his younger brother, Edward, gathered at Duke Law on Nov. 14 to discuss his legacy at the Law School and the changes he wrought on the nation and the world. With a room full of Duke Law alumni, students, faculty and guests looking on, panel members addressed some of the questions and criticisms left behind by the former president, who resigned in 1974 and died in 1994.

The panel was organized by Randall Cook '04, who said the event was intended to ensure that "President Nixon's legacy remains vital to the institution we want Duke Law to be, to the nation which we serve, and the future of the world we will engage." A diverse group of sponsors included the Program in Public Law, Duke Law Republicans, Duke Law Democrats, the Federalist Society, the American Constitution Society, Lawyers as Leaders and the

International Law Society.

David Lange, a professor of law at Duke who started his Law School career during the Nixon era, moderated the discussion of Nixon's life and legacy, including his presidency, resignation amid a movement to impeach him, and subsequent writings and public service. The panelists generally discussed Nixon's policy successes, as well as his accomplishments after his time in office, without delving deeply into more controversial aspects of his presidency.

Edward Nixon, who graduated from Duke University in 1952, shared his views on his brother's early years at Duke as well as the presidency and Richard Nixon's later years. The legacy of Richard Nixon, he said, is not entwined with questions of his portrait or presidential library, neither of which is housed at Duke. It resides in the minds of the people around the world, many of whom consider Nixon a far greater president than do Americans. Opinions about the



former president vary widely closer to home, with many Americans considering him a villain and others viewing him as a tragic hero.

"The impression we get around the world is something different than we have here," he said. "But the Americans are starting to come around." Edward Nixon also said his brother's intellect and writings, even after his resignation, should not be underestimated. "What I appreciate most are the books that he wrote," he said. "There is a lot of wisdom in them."

Raymond Price Jr., former special consultant to the president and head of his research and writing staff, spoke of the close ties he had with the former president, both during and after the presidency. Price characterized President Nixon as "a man of large vision who knew the world, whose actions were calculated and consequential in the arena in which he fought.... Millions of people who have only known the defeats will live more safely because of his victories." One of the biggest victories, said Price, echoed by other panelists, was the improvement of U.S. relations with China, a potential superpower.

Ole Holsti, the George V. Allen Professor of Political Science at Duke University, spoke of President Nixon's foreign policy achievements. Holsti said the environment in which Nixon started his presidency – including the conflict in Vietnam and an unfriendly Congress at home – was among the worst in history.



EDWARD NIXON, LEFT, THE FORMER PRESIDENT'S YOUNGER BROTHER, AND RAYMOND PRICE JR., FORMER SPECIAL CONSULTANT TO PRESIDENT NIXON, SPOKE AT THE NIXON PANEL

Yet Nixon's achievements during his six years in office were superior, Holsti said. Although Nixon failed in some arenas, he made significant strides elsewhere, such as China.

Philip Lacovara, who was counsel to the Watergate prosecutor and successfully argued for public release of the Nixon tapes before the U.S. Supreme Court, spoke of the legal milestones Nixon set. Lacovara, who also was an assistant solicitor general in the Nixon administration, said the legal legacies of President Nixon often are overlooked. For good or for ill, Nixon was the only U.S. president to be a named party in four Supreme Court cases, he presided over the passage of the War Powers Resolution and the Independent Counsel Act – each with continuing relevance – and he was part of early discussions on campaign finance reform.

Edward Nixon said one of the greatest lessons he took from his brother was learned from Richard Nixon's final book, *Beyond Peace*. "Never presume anything until you hear what others have to say, learn why they are what they are," he summarized. "You may not like what they say, but don't decide it beforehand."

Raymond Price summed up the lessons he drew from Nixon by recounting a final trip Nixon took to Asia as an octogenarian. On that trip the former president met with numerous heads of state and their predecessors in China, Japan and elsewhere. The visits underscored Nixon's ongoing efforts to understand the world and the respect he received abroad for his own knowledge and perspective. "He wanted to pick everyone's brain," Price said. "Others wanted to pick his because they knew they could learn from him. He was always like this in post-presidency years, always trying to be useful to others."

Edward Nixon, who repeatedly spoke of his brother's reverence toward the presidency, despite impressions to the contrary based on the Watergate affair, told students at the end of the discussion what advice Richard Nixon would have given to subsequent presidents. "Whatever you do," he said, "preserve the office." ♪

Duke Law Wins Regional Stage of National Moot Court Competition, Makes Strong Showing at National Round in New York City

Duke Law School won the regional competition of the 53rd Annual National Moot Court Competition, held in Richmond, VA the weekend of Nov. 15-16. Of 20 participating teams from 11 law schools in the region, two Duke teams placed in the top four. The team of Jontille Fowler, Patrick McLain and Lewis Schlossberg, all third-year students, reached the semifinals before succumbing to the University of Virginia in a close match. The other Duke team of Dhamian Blue, Jackie Sumer and

Meg Turner, also third-year students, took first place by defeating that same UVA team in the final round.

The case dealt with the constitutionality of a traffic stop and resulting arrest based on an anonymous tip in the mythical state of "Calizona," as approached from the standpoint of the Fourth and Eighth Amendments.

When the top eight teams were announced at the competition banquet on Friday night, both Duke teams were among them.



JACKIE SUMER, LEFT, DHAMIAN BLUE AND MEG TURNER, ALL FROM THE CLASS OF '03, WON THE REGIONAL STAGE OF THE NATIONAL MOOT COURT COMPETITION

The following morning, the Duke team of McLain, Schlossberg and Fowler beat Kentucky, the defending champions, and the Duke team of Blue, Sumer and Turner defeated Wake Forest, whom they later learned had the highest brief score. This put both Duke teams in the final four, the first time in competition sponsors' memory that two teams from the same school had shared that honor. McLain and Schlossberg later argued against Virginia, while Sumer and Turner won against Campbell Law School.

The finals judging panel included the chief justice of the Virginia Supreme Court, the chief justice and a justice of the West Virginia Supreme Court, and U.S. District Court judges from the Eastern and Western Districts of Virginia. "These judges were very familiar with the case, and their questions were hard, fast and usually right on point," said Duke Moot Court advisor James Maxwell '66. "I have attended and participated in a lot of moot court arguments, and this was certainly the best oral presentation from two teams that I ever saw or participated in."

The team of Blue, Sumer and Turner continued its strong performance in the national competition in New York City in January, becoming one of the final 16 teams (out of 28) before losing an extremely close match to perennial powerhouse South Texas College of Law.

"According to all reports, the argument between South Texas and Duke was one of the best and closest that the judges had ever heard," Maxwell said. "Both Meg and Jackie felt that they had performed at a high level (which is often the case when the competition performs at a high level), and this view was shared by Dhamian. When the judges announced that South Texas had won, they broke with a tradition in this competition and told the contestants that the final result was decided by just one point."

The National Moot Court Competition, sponsored by the American College of Trial Lawyers and the Bar of the City of New York, is widely considered the most competitive in the country. ♪



HARVARD LAW PROFESSOR JANET HALLEY CHATS WITH STUDENTS AFTER PRESENTING THE 36TH ANNUAL BRAINERD CURRIE MEMORIAL LECTURE

Harvard Law's Janet Halley Gives 36th Annual Brainerd Currie Memorial Lecture

Janet Halley, a leading scholar in the relationship among gender, sexuality, race, ethnicity, class and the law, was the featured speaker Nov. 7 at Duke Law School's 36th annual Brainerd Currie Memorial Lecture. Halley, a Harvard Law School professor, gave a speech titled "A Map of Feminist and Queer Theories of Sexuality and Sexual Regulation," in which she pointed out ongoing change and conflict among leading theorists in feminism. Halley, author of *Don't: A Reader's Guide to the Military's Anti-Gay Policy*, outlined various theories of feminism, noting her own evolving belief in them. "Every one of these positions I've occupied at one time or another, and I see them all in conflict," she said.

In addition to her JD from Yale Law School, Halley earned a PhD in English literature from the University of California at Los Angeles as well as a BA in English literature from Princeton University. Through education, training

and legal practice, she has become a well-known voice in fields including politics, law and literature. She was an assistant professor of English at Hamilton College in Clinton, NY from 1980-85.

In speaking at the Law School, Halley joined a long and distinguished list of Brainerd Currie lecturers. Other recent speakers have included Robert Post of the University of California at Berkeley; Robert Litan of the Brookings Institute; Martha Minow of Harvard Law School; and Robert Ellickson of Yale Law School.

The first Currie Lecturer, who spoke at Duke in 1967, was Chief Justice Roger Traynor of the California Supreme Court. The series recognizes Professor Brainerd Currie, a scholar who was known for introducing governmental interest analysis to the field of conflict of laws. ♪

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Hands-On Learning: Clinics, Pro Bono Opportunities and Public Interest Programs Enrich the Duke Law Experience

By Jonathan Goldstein



18
Special Court
for Sierra
Leone Clinic



20
Death
Penalty
Clinic



23
Community
Economic
Development
Clinic



25
Children's
Education Law
Clinic



26
Legal
Assistance
Project

The origins of Duke Law School's commitment to leadership and community engagement, teaching students through practical experience, and providing legal assistance to those without the ability to obtain it stretch deep into the School's past.

As early as 1931, under the guidance of a lifelong advocate of legal aid for the poor, Duke Law launched this country's first law school legal clinic. Director John Saeger Bradway led a group of faculty, practitioners and students in the Duke Legal Aid Clinic, which worked directly with clients, most of whom couldn't afford other forms of representation. Bradway, a long-time faculty member, saw clinical education as a critical supplement to classroom work that would enable students to experience the real-world implementation of laws through face-to-face client contact.

In the seven decades since that first program began, clinics at Duke Law have had their ups and downs. Today, the Law School's curriculum is experiencing a resurgence of clinical courses as well as a deepening commitment to public interest and pro bono programs. In 2002 alone, Duke Law started three new clinics – in children's education law, international human rights, and community economic development law. These joined the already established Death Penalty Clinic, opened in 1995, and the AIDS Legal Assistance Project, begun in 1996.

Each of these five clinics combines classes with extensive client interaction under the direction of Duke Law faculty. In the Community Economic Development Law Clinic, for example, students have a 90-minute weekly training session in class and spend at least 100 hours per semester working on various client matters involving corporate law, tax law and business planning. The students also meet with Clinic Director Andrew Foster individually each week to review their work with clients.

Theresa Newman '88, associate dean for academic affairs, describes a broad range of hands-on curricular opportunities at Duke Law and the many benefits they offer students. "Clinics, courses with clinical or experiential components, and many of the

Law School's extracurricular activities help students think about and analyze the law at a high level," she said. "But they also prepare students for the everyday tasks they'll encounter in the practice of law."

The more students experience actual work in the law, the better prepared they are to start a career, she explained. "These courses build on doctrine learned in the classroom and develop skills such as how to interview clients, prepare arguments, draft briefs, manage caseloads and present case summaries to supervising lawyers."

Additional classes at Duke Law, such as Poverty Law, Ethics and the Law of Lawyering, and Criminal Litigation, offer experiential learning but less face-to-face interaction with clients. In Poverty Law, for example, students meet in class for two hours per week and spend a minimum of 20 hours per semester under the direction of lawyers working for indigent clients. Cases they encounter often center on topics such as health, housing and education.

Other classes, such as Wrongful Convictions: Causes and Remedies, require students to research and write about ongoing cases with the goal of helping defendants with claims of actual innocence. Students don't meet with clients in this class, but they do read letters written by inmates, write memos and present relevant information to lawyers at the NC Center on Actual Innocence, a non-profit organization that investigates the cases of these clients.

Negotiation and Mediation, Trial Practice, Estate Planning, and other courses offer carefully crafted simulations of cases to help students develop critical advocacy, counseling and drafting skills they'll rely upon after graduation.

These are the skills law firms look for and increasingly demand in their new associates, established lawyers say. "Hands-on, practical experience is extremely helpful for students, and I think it's critical for a law school to offer clinics and other experiential learning opportunities," said Deborah Hylton '83, a partner with Womble Carlyle

Sandridge & Rice. "We often talk about providing students with the legal and analytical framework that will help them take their practice to the highest level, but that doesn't leave a lot of room for hands-on work. If you don't have a way to get that experience, when you hit the practice of law, you really still have a lot of learning to do that transactions require."

The Law School's increasingly robust blend of clinic offerings helps to produce leaders who are engaged in their own learning, their communities, and the legal profession, said Dean Katharine T. Bartlett. "Clinics play an important role in our focus on developing leadership and habits of responsibility as well as legal skills. It's not just repetitive, routine work in these programs. We continue to teach thinking skills."

Clinical work on behalf of those otherwise without access to legal services helps students develop perspective and build habits of helping others that can last throughout their lives, said Jim Hawkins '82, a former corporate lawyer who now is a managing attorney with the Legal Aid Society of Middle Tennessee and the Cumberlands.

"At my 20-year reunion this past year, over and over as I talked with folks working with large firms or corporations, they wanted to talk about the pro bono work

they're doing," said Hawkins, also a member of the Board of the School's Law Alumni Association. "Students realize that they're part of something that's very much bigger than themselves. They also get to see that whatever they end up doing as their main professional avenue might not be whole or satisfying unless it also has an element of service to it."

Public interest programming complements many of the positive features of clinical courses.

Carol Spruill, associate dean for public interest and pro bono and teacher of the Poverty Law class, oversees various activities designed to interest students in public interest and pro bono work, such as a program that encourages Duke Law students to take summer jobs with government agencies, nonprofit organizations and similar groups.

Last summer, 92 Duke Law students took such opportunities, which included such projects as the Duke Legal Assistance Project, public defenders' offices around the country, the Conservation Council of North Carolina and the Urban Justice Center of New York. Many of the students were supported in their work by grants made available through the Public Interest Law Foundation (PILF), Duke Law School, Duke's Nicholas School of the Environment and Earth Sciences, and



the Burdman and Steckley/Weitzel endowments (from gifts by Dick Burdman '56, Associate Dean Linda Steckley, and her husband, Pete Weitzel).

At a November breakfast honoring those students, Bartlett encouraged them to continue their work and spread the word of its importance to their peers. "I hope you all would think of yourselves as missionaries about the need to give back to your communities," she said.

Spruill, who was a lawyer for Legal Services of North Carolina (now Legal Aid of North Carolina) before coming to Duke Law in 1991, says every lawyer should at least taste public interest law before going into private practice. She hopes the experience – and accompanying satisfaction – will whet their appetites for more.

In 15 years serving the public in various capacities, Spruill saw a tremendous need for low-cost legal services – a need that is met only partially by existing services. Lawyers always will be able to find opportunities to fill the gap if they so choose, and today Duke Law is encouraging students to become lawyers who help those less fortunate than themselves and champion important causes, she said.

"It's such a core belief to me that lawyers should address problems that are neglected," she said. "Why not devote your energies to human needs that are so stark?"

In addition to helping arrange the summer work opportunities, the Law School operates the Pro Bono Project, which typically places about 200 students each year with various governmental, non-profit and other organizations for one to 10 hours per week. Students can choose from more than 100 placements in 30 subject areas, including environmental protection, criminal prosecution and domestic violence law.

As part of an effort to help further develop their leadership skills, students have been given much of the responsibility for organizing events and activities related to the public interest. These include a speaker series with talks by lawyers who work in the public interest; a weekend retreat in western North

"If you are an attorney, you hold the keys to so much knowledge. You have a real responsibility to help people who are in need." - Christine Soares '03

Carolina in which students and faculty reflect on their public service aspirations and options; a book and film club in which students, authors and faculty discuss current legal topics; and an annual Public Interest Law Foundation auction each February, which raises funds for summer jobs. Duke Law students also take leading roles in efforts such as:

- **The Innocence Project**, a collaboration with UNC-Chapel Hill and the NC Center on Actual Innocence, an organization that works to vindicate wrongly convicted prisoners. The student-driven program accepts requests for help from convicted felons in North Carolina who claim they are innocent (and have at least three years remaining of their prison terms). This program is part of a growing nationwide effort. At Duke Law, the students are aided by Pete Weitzel, director of the NC Center on Actual Innocence and former managing editor of *The Miami Herald*; Associate Dean Newman; and James Coleman, senior associate dean for academic affairs and professor of the practice of law.
- **The Domestic Violence Advocacy Project**, in which students help provide battered women with guidance, information and support. Advocates with the project act as liaisons between battered women and the District Attorney's Office, helping the legal system to prosecute cases of domestic violence more effectively.
- **Volunteer tax preparation assistance** for low-income people, including elderly, handicapped, and non-English-speaking taxpayers. Two or more sites in Durham are staffed by the Law School for eight weeks prior to the tax-filing deadline each year.

Many Duke Law students say they feel privileged to be enrolled in the School, which fuels their desire to work toward improving the community.

"If you are an attorney, you hold the keys to so much knowledge," said Christine Soares '03, who took the AIDS clinic in the fall semester and is a former PILF co-chair. She currently is the student leader of a public interest speaker series, *Faculty Lives in Public Service*. "You have a real responsibility to help people who are in need. I see public interest work as a big moral and social responsibility."

Soares also sees the clinical work she's doing, which this semester includes the Community Economic Development Law Clinic, as building valuable experience that will help her hit the ground running after graduation. "For me, it's a great hands-on way to learn," she said. "Duke is arranging fantastic clinical opportunities, and the number of offerings keeps growing. That's terrific for the students."

Dean Bartlett notes that with the three new clinics, Duke Law has taken significant steps to meet student demand for this type of learning. And as needs arise and change, the Law School will respond. That could mean additional clinics or growth in existing clinical programs. The Community Economic Development Law Clinic, for example, already has long waiting lists.

"We have a commitment now, and we're always going to be reassessing the needs of our students and the needs of the profession," Bartlett said. "For example, we could add a clinic on immigration at some point as that becomes a larger issue in North Carolina and beyond. We'll continue to provide our students with appropriate, effective opportunities to learn and develop full professional lives. ♡"



**Special Court for
Sierra Leone Clinic**
Established 2002

PROFESSOR MADELINE MORRIS VISITS CHILDREN AT A CAMP FOR AMPUTEES IN SIERRA LEONE. REBEL FIGHTERS IN THE COUNTRY'S RECENT CIVIL WAR MADE A PRACTICE OF AMPUTATING LIMBS FROM CHILDREN

Professor Madeline Morris, Students Aid New Court in Sierra Leone

Duke Law Professor Madeline Morris began work in the fall semester with eight students on a year-long clinic linked to an innovative vehicle for post-war justice: the Special Court for Sierra Leone. The recently created court in Freetown, capital of the small nation on Africa's west coast, is a combination national and international body for prosecuting war criminals in that country.

The court's work grows from a civil war that in the 1990s took tens of thousands of lives and forced as many as a million people from their homes. Prosecutions are being conducted for crimes under international humanitarian law as well as the law of Sierra Leone, which has a population of about five million.

Morris, who also is faculty director of the Law School's Duke-Geneva Institute in Transnational Law, started the academic year as advisor to the prosecutor of the

Special Court and since has been named senior legal counsel for the office of the prosecutor. Her students serve, in effect, as junior associates for the prosecutor, performing research and providing legal analysis. The prosecutor, David Crane, met with her class to discuss its work on Feb. 12.

Here Morris and selected clinic students Jennifer Ahearn, Mayur Patel and Seagrump Smith answer questions about what they accomplished in the first semester and how this experience will help make them better lawyers:

Professor Morris, what progress have you and the students in the Clinic made to this point?

Morris: We've done an enormous amount of substantive work on fundamental questions for the court. These include the basic jurisdictional foundation of the court; the effect of amnesties issued at the national level; the relevance of the characterization of the armed conflict in Sierra Leone as an internal or an international conflict; and other procedural issues including a comprehensive analysis of the appropriate rules of evidence and procedure to be adopted by the court. On a number of contentious and delicate issues, the office of the prosecutor has adopted the analysis and recommendations that the Clinic has provided.

What types of work are the students doing?

Morris: Among other work, the students have been researching, analyzing and writing documents for the prosecutor. They have produced 16 completed memos as well as a number of memoranda currently in draft form.

Students, what has been the nature of most of your work with this Clinic?

Mayur Patel JD/LLM '04: The work has been exceptionally rewarding. I was really quite surprised by the level of sophistication. Much of my work is focused on answering serious questions of international human rights law that a prosecutor will likely face. This includes everything from preparing memoranda on what may be the best procedural tactics for a particular litigation to answering broader substantive questions on the nature of defenses a defendant may seek to employ.

Professor Morris, what are some of the practical lessons the students have been learning from this experience?

Morris: These students will learn a great deal of substantive international law and a great deal about international criminal litigation. They will also have a degree of insider insight into the internal workings of a prosecutorial enterprise of this sort.

Students, how do you feel you've been of service to this country as it tries to move forward and seek justice?

Jennifer Ahearn JD '04: I feel that we've been able to help relieve some of the burden on the already stretched resources of Sierra Leone's justice system and in this way helped ensure that the citizens of Sierra Leone get the highest quality justice possible.

Students, what are some of the key lessons you've learned working with the prosecutor through this Clinic?

Patel: One of the key lessons I have learned through the Clinic is that the success of any law, international or domestic, requires not only a strong intellect, but a strong sense of dedication. The validity of any legal advice we offer depends not only upon our ability to formulate a great argument, but to follow through and make sure we find its weaknesses before opposing counsel does. I have to say that since I've started working for the Clinic, I've kept a quote by Judge Irving Kaufman constantly in mind: "The trial lawyer does what Socrates was executed for: making the worse argument appear the stronger."

Professor Morris, what is the status of the prosecutions at this point, and do you believe this court will be able to do its job as envisioned from the start?

Morris: The process of investigation is well underway. The first indictments are expected to be issued early this year. As for the second part of the question, that's impossible to answer now. We have this court and a structure that should be workable, but it also has significant weaknesses. The court's effectiveness might be hampered in that, unlike the

"While there are opportunities out there to do legal research or firm work in areas such as corporate, criminal law, and so on, there are not a lot of opportunities for one to get a pre-career taste of and training in public international law."

- Seagrurn Smith JD/LLM '04

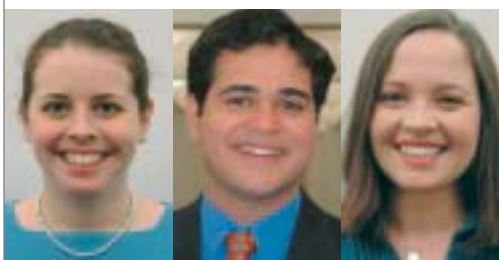
ad-hoc tribunals for Yugoslavia and Rwanda, this court does not wield Chapter 7 powers under the United Nations Charter, which means that the Special Court cannot demand the cooperation of third-party states in securing the custody of defendants, providing access to witnesses, providing access to evidence abroad and the like. At the same time, the Special Court is not a state and so cannot exercise state's powers and prerogatives in international relations. In this and certain other ways, then, the court's structure, while promising, is also inherently problematic.

Students, how are you better prepared for a career in the law based on this experience?

Seagrurn Smith JD/LLM '04: While there are opportunities out there to do legal research or firm work in areas such as corporate, criminal law, and so on, there are not a lot of opportunities for one to get a pre-career taste of and training in public international law. The Clinic has given us that opportunity right here at Duke Law. We are lucky to be able to observe and participate in the practice and impact of public international law. ♡



PROFESSOR MORRIS AT THE GATES OF THE SPECIAL COURT'S COMPOUND IN FREETOWN, SIERRA LEONE



CLINIC STUDENTS (left to right)
Seagrurn Smith, Mayur Patel and Jennifer Ahearn



CINDY ADCOCK '91, A SENIOR LECTURING FELLOW AND SUPERVISING INSTRUCTOR OF THE CLINIC, SPEAKS WITH MEDIA OUTSIDE THE STATE CAPITOL AFTER PARTICIPATING IN A MEETING WITH GOVERNOR MIKE EASLEY TO DISCUSS CLEMENCY FOR DEATH ROW INMATE ERNEST BASDEN. SHE IS SURROUNDED BY BASDEN'S FAMILY MEMBERS AND LAWYERS

Death Penalty Clinic Deepens Understanding of Complexity of Capital Punishment

Since 1995, students involved with Duke Law's Death Penalty Clinic have worked to keep death row inmates from execution, knowing that their clients very well could be put to death in the not-too-distant future.

But never before the 2002 fall semester did students participate in a case in which the death penalty was so close at hand. The 50-year-old client they were helping to defend, Ernest Basden, was scheduled to be executed Dec. 6 for his role in the 1992 murder of insurance agent Billy White. If lawyers, assisted by the students and faculty of the Clinic, could convince North Carolina Governor Mike Easley of unfairness worthy of mercy in Basden's sentence, the Kinston man would live. If not, he would die.

Few cases the Clinic tackles have been so urgent, but every case teaches students about the complexities of capital punishment and their responsibility to pursue fairness and jus-

tice. The Clinic also provides students with the unique involvement and skills training associated with this level of client representation – regardless of their stance on the death penalty.

“The Clinic isn't anti-death penalty,” said Jim Coleman, senior associate dean for academic affairs and one of three instructors of the Clinic. “We have almost as many students in favor of it as opposed to it in the Clinic. We don't try to turn them against the death penalty. We try to help students understand the complexity of capital punishment and give them a practical insight into how the system works.”

For many inmates, that system



Death Penalty Clinic
Established 1995

involves step after step of trial and appeal at the state and federal levels that, if all other avenues have been tried, culminate in a plea to the governor for clemency. Having exhausted the appellate process, Basden's defenders pushed hard for clemency, arguing that his sentence was unfair because it was far more severe than those meted out to White's wife and another defendant, who were made eligible for parole despite masterminding the murder. Aided by Cindy Adcock '91, a senior lecturing fellow and supervising instructor of the Clinic, and by two Duke Law students, the defense also contended that the co-defendants – one with money and one with political connections – were treated more leniently by the local prosecutors. They further noted that Basden's lead attorney, who was dying of bone marrow cancer, stepped down just six weeks before the trial.

"Despite being the least culpable of the three, only Ernest faced execution," said Adcock, who worked on the case for eight years and made Basden the subject of two clinic efforts – this one last fall and another in the late 1990s. "And unlike his co-defendants, Ernest was rushed to trial and was burdened by counsel problems."

To date, 145 students have worked on the appeals of 73 North Carolina death row inmates, reading through case files, reviewing transcripts, conducting interviews with jurors, witnesses and inmates, and helping with general legal research. The students spend two to three hours in a seminar each week and work for at least 80 hours during the semester in teams of two with defense attorneys on cases. The Clinic is offered each fall for up to 16 second- and third-year students. Ten of the inmates whose appeals have involved the Clinic have left death row: three through litigation, one by clemency, one by suicide, one by death through natural causes, and four by execution. Alan Gell, one of the three removed by litigation, recently was granted a new trial based on evidence of actual innocence.

Students who interviewed jurors in the Basden case learned that many who voted to impose the death sentence did so not because they thought Basden, who

"We have almost as many students in favor of it as opposed to it in the Clinic. We don't try to turn them against the death penalty. We try to help students understand the complexity of capital punishment and give them a practical insight into how the system works."

– Jim Coleman, senior associate dean and clinic instructor

admitted to shooting White, should die, but because they thought it would lead to a longer jail term for him. "We just hope the outcome of all this will be justice," Ed Mallett LLM '03, a student from England working on the case, said two days before Easley made his decision regarding clemency in December. "I know that this is an experience we'll be able to single out as something extraordinary we've done in our lives."

Coleman said he hopes each student who participates in the Clinic comes away with a greater sense of the care that must be taken with every capital case. "I think when you acknowledge that this is a human being, you are more careful and less likely to make mistakes." He and Adcock are joined in running the Clinic by its founder, Robert Mosteller, Duke Law School's Harry R. Chadwick, Sr. Professor of Law.

Few lawyers in the country know as much about the death penalty as Coleman, who chairs the steering committee for the American Bar Association death penalty moratorium implementation project. That project is part of the ABA's effort to convince states to stop carrying out executions until they examine and correct flaws in their systems of capital punishment. Death penalty critics say those systems across the nation are plagued by racism, inadequate public defenders, a lack of proper review of cases and other problems.

Regardless of their own views on the death penalty, the Clinic's teachers and student rarely forget the violent acts that have led truly guilty defendants to death row. "The first thing the students are

struck with when they get the cases they'll work on are the terrible crimes the person they are to represent has been convicted of committing," Adcock said. "They never forget the seriousness of the crime."

Third-year student Matt Jones said Basden's case has emphasized to him the need for extreme diligence in every step of a capital case. "To me, this experience humanizes the law," he said. "I know that, in my career, when I make decisions, I won't be making them in the abstract."

Many of the students who have been through the Clinic say it has left them with similar feelings. Heather Wells '98 said she entered the Clinic with a general interest in criminal defense and left with a deep desire to work with death row inmates. After graduation, Wells joined the non-profit Center for Death Penalty Litigation in Durham – with which the Clinic frequently works – and since has moved to the Wilmington firm of Edwin L. West III, still specializing in the defense of those who face the death penalty.

Through the Clinic, Wells worked on behalf of Marcus Robinson, who had been convicted of a robbery and shooting. Wells found herself fascinated with the case and curious about Robinson's earlier life. She learned that he was abused as a child, having been taken to the hospital at the age of 2 following a beating at home. He also was burned with cigarettes and emotionally abused, she said.

Wells has continued her involvement with the case, now in the federal appeals



MATT JONES JD '03, LEFT, AND ED MALLET LLM '03 DISCUSS ERNEST BASDEN'S CASE AS LAWYERS ELSEWHERE AT THE CAPITOL TRY TO CONVINCE THE GOVERNOR TO COMMUTE BASDEN'S DEATH SENTENCE

“You can look at this in one of two ways: You can grow cynical, or you can become more resolved that changes need to be made in the system.” – Matt Jones '03

process, helping when she can. “I try to find out as much as I can about each case and client, and, in my role as advocate, I try to convey that information to others so they can see my clients as the human beings they are,” she said. “I don’t want them to be viewed simply as the worst thing they ever did.”

Ken Rose, executive director of the Center for Death Penalty Litigation in Durham, said the Clinic provides an essential service to a group of people who, as a rule, have little money to pay for an adequate defense. “Capital cases in North Carolina are under-resourced and often under-investigated, both at trial and post conviction,” he said. “The Clinic is invaluable in filling the gaps in what is available to an indigent person on death row.”

Rose said he’s seen many students grow and learn as they take on the complexities of death row cases. “This gives them a chance to integrate a wide range of skills that will be necessary for them if they decide to pursue litigation as a career,” he said. “It gives them an understanding of how the system works in fact as well as in theory.”

Defendants who have been aided by the Clinic, and their families, say they’re grateful for the legal voice it helps provide to those who otherwise might quietly die for lack of representation. “They’ve

done a tremendous job for us, and we’re honored to have worked with them,” said Guy Basden, Ernest Basden’s brother. “We’ll always know that we found friends in the name of justice.”

Yet the defense did not prevail. In a staggering surprise to Adcock, Jones, Mallett and others involved in Basden’s defense, Governor Easley declined to grant clemency. Basden was put to death by lethal injection on Dec. 6. Shortly after the execution, Jones said he wasn’t sure he could face the emotional turmoil of another capital case. “I told people that I can’t ever do this again,” he recalled. “It’s too devastating.”

But the Basden family, grateful for all the students and faculty had done, wouldn’t hear of it. “They made Ed and me promise that we would keep up the fight in our careers,” Jones said. “You can look at this in one of two ways: You can grow cynical, or you can become more resolved that changes need to be made in the system. It’s tough now to ever think of doing something like this again, but I know it’s necessary.”

Mallett, whose home country has no death penalty, said he learned and grew through his involvement with the Clinic. “With time, I am sure that I will come to understand that this experience has shown me that if I am to become a successful lawyer I will have to accept that I will lose

cases that I was sure that I would win, but this is a hard lesson to take at the moment,” he said. “I would not sacrifice these last few months for anything. They have taught me an enormous amount about myself and the practice of law and have been an incredible insight into the American system of justice.”¹⁵

New Business Law Clinic Gives Hope to Southeast's Poorest Communities and Provides Transactional Experience for Students

The leaders of Durham Community Land Trustees clearly were in over their heads. The non-profit organization, which works to provide low-cost housing in Durham's West End community, had entered into two complicated partnerships with a group of investors to develop about 30 apartments in two separate projects.

Officials with the organization needed substantial legal help to understand the complicated system of tax credits that made the arrangement viable, as well as their rights and responsibilities as a general partner in the projects, and their ability to ensure low rents over time for the 80-90 people living in those buildings. They also needed to get that expert help on a shoestring budget.

Selina Mack, executive director of Community Land Trustees, turned to Duke Law's Community Economic Development Clinic for help – at no cost – and immediately was glad she did so. "The Clinic has allowed us to understand in laymen's terms a lot of the legal aspects of what we do," Mack said. "They were able to extract from our 50-60 page partnership agreements the plain English of what our responsibilities are and what could happen in the future. They helped us look at all of our alternatives."

The Clinic, started this academic year under the leadership of Director Andrew Foster, a lecturing fellow at Duke Law, focuses on taxes, corporate and real estate law, and the structuring and implementation of complex transactions.

Before joining the Law School faculty, Foster practiced full-time with Womble Carlyle Sandridge & Rice in its Research Triangle Park office, and he still works with the firm on a limited basis. His private practice centers on corporate, non-profit, affordable housing and community development law, and he generally represents developers, local governments and local, statewide, regional and national non-profit groups. He also is a founding member of Womble

Carlyle's Community Development Law team.

Foster, a member of the American Bar Association's Business Law Section and Forum on Affordable Housing and Community Development Law, said the Law School Clinic benefits both students and clients. "It's unlike any of the other clinics at the Law School in that it focuses on business law," Foster said. "The CED Clinic gives the students an opportunity to develop legal skills related to the practice of transactional law and provides them with a bridge to put into practice the things they learn in their classes. We expect this experience will help prepare students who take the Clinic to meet the challenges every lawyer faces in the earlier years of his or her career – whether they go to work at Legal Services and focus on community development law or go to a firm and join a corporate and securities practice."

The students' work in the Clinic includes interviewing and counseling clients, strategic planning, negotiating and drafting agreements, and statutory and regulatory analysis. Clients generally include non-profits that work to provide low-cost housing, stimulate

economic development and otherwise work to aid low-wealth communities.

Third-year student Alexander Davie said the Clinic has given him a glimpse into the world of working lawyers. It also has allowed him to take responsibility for projects and work one-on-one with clients. "I've been writing up bylaws for organizations and various contracts," he said. "I've also had a chance to talk to boards of directors of community economic development corporations and been the expert briefing them."

Davie and Foster note that structuring, negotiating and documenting community development transactions is challenging legal work, and that students in the Clinic have ample opportunities to develop a range of legal skills through this work. Third-year



**Community Economic
Development Clinic**
Established 2002



CLINIC DIRECTOR ANDREW FOSTER, LEFT, SELINA MACK, EXECUTIVE DIRECTOR OF THE DURHAM LAND TRUSTEES, AND ALEXANDER DAVIE '03 STAND IN FRONT OF MOREHEAD GLEN APARTMENTS, A PROJECT THE CLINIC WORKED ON THIS YEAR



FROM LEFT, DIRECTOR ANDREW FOSTER AND HIS FIRST CLASS OF STUDENTS FOR THE CLINIC, DIVESH GUPTA '03, KIM EDWARDS '03, ALEXANDER DAVIE '03 AND LAURA PETELLE '03

“The CED Clinic gives the students an opportunity to develop legal skills related to the practice of transactional law and provides them with a bridge to put into practice the things they learn in their classes.”

- Andrew Foster, clinic director

student Laura Petelle also praised the Clinic for the good it does in the community. “I’ll probably go into some kind of public interest work,” she said. “To assist people who don’t have access to legal help – it’s a way to have a bigger impact on people’s lives.”

Deborah Hylton '83, a partner with Womble Carlyle Sandridge & Rice, notes that clinics such as Foster’s, of which she is an advisory board member, provide critical skills to aspiring lawyers. “We typically say the purpose of law school is to give students the legal and analytical framework that will help them take their practice to the highest level,” she said. “But it’s hard to find room in the curriculum for a lot of hands-on work. As a result, when you hit the practice of law, you really still have a lot of learning to do about what transactions require.”

The Community Economic Development Clinic helps fill that need, she said. “The clinical experience gives the students the opportunity to participate in more of the mechanical aspects of transactions than they do in summer clerkships. They gain more of that hands-on, practical experience.” On their end, the non-profit organizations the clinic aids, which often operate on tight budgets, gain access to invaluable legal help at no cost.

Foster said the need for the service

aspect of the Clinic is driven by the growing economic gulf between those with and without wealth. The Clinic seeks to reverse this trend, project by project, by promoting the development of assets and building wealth and self-sufficiency in low-income communities. He also notes that the Clinic is training students in an area of law that is underserved.

“Even community development organizations that have financial resources have a hard time getting the help they need,” he said. “The types of transactions our clients are involved in are complex, and there aren’t a lot of lawyers with this kind of expertise.”

To pursue its goals, the Clinic assists organizations both locally and in other parts of the state. In one instance, the Clinic is working with Passage Home Community Development Corporation to redevelop a 21-building, 92-unit affordable housing project in southeast Raleigh. Once completed, the project will become the cornerstone of an effort to redevelop the entire neighborhood.

“We’re working with them to help plan a tax-efficient structure that limits Passage Home’s liability and furthers its broader community development objectives,” Foster said. “We’re also looking at how to attract the widest array of financing and how the project can be structured so the residents, even though they’ll start as

renters, could build wealth through the project.” That could include converting apartments into condominiums at some point or allowing prospective tenants to invest in the overall project.

Foster also hopes to someday expand the Clinic, which began with four students in the fall semester and enrolled nine for the spring. He’d like to add more faculty and staff to the effort and a research component to the work. But even the initial impact has attracted the attention of some big players in state efforts to promote community and economic development in low-wealth areas.

“This Clinic fills a critical need for non-profits and community development corporations as their work becomes more complex,” said Nancy Williams, vice president of residential real estate development for the North Carolina Community Development Initiative. The Initiative is a nationally known non-profit, public-private partnership that supports 22 community development organizations across the state. “Not only is this of value to the non-profits, but that value is seen several times over in the communities.” ♪

Clinic Supports Children's Rights to Appropriate Education

Rarely do the students and teachers of Duke Law's Children's Education Law Clinic handle a simple case. Anytime parents and educators reach a standoff over school responsibilities affecting children, complication and emotion are almost certainly involved. That's part of what makes the Clinic, begun in early 2002, so important to the low-income children and families it serves and so useful to the law students it educates. The program offers representation to school children, usually in cases involving special education and school discipline. Duke Law students work under the supervision of Jane Wettach, clinical professor of law and Clinic director, and

Brenda Berlin, senior lecturing fellow and supervising attorney.

Among the cases students handled in the last year: one blind student had not been receiving the educational services to which she was entitled and was being bullied by others in the school; another child was sent home from school indefinitely because of behavioral problems caused by a disability that could have been addressed in a classroom setting; yet another student might have been inappropriately placed in a classroom for developmentally delayed students for six years. In those and other cases the students were working in high-stakes situations that practicing attorneys constantly confront.

"Students are very energized when a client's case is on the line," Wettach said. "It has such a different feel for them than does a classroom discussion, or even participation in a simulation class like trial advocacy."

Second-year student Marta DeLeon spent much of the fall semester working on the case of a child who was receiving

extra help in math but really needed aid in all academic areas – aid to which he was entitled under the Individuals with Disabilities Education Act. DeLeon worked with the boy's mother to understand his needs and then wrote letters, made phone calls, studied evaluations and took on other responsibilities to advocate for the family. As a result, the boy now is getting the services he needs. And along the way, DeLeon learned about working with clients, managing cases and workload, and specific points of education law. "His mother just felt overwhelmed by it all," said DeLeon, who wants to become a litigator. "That's why I want to be a lawyer: to help people

with problems that to them are overwhelming. This Clinic has been wonderful."

As a result of a targeted community outreach and education effort, more than 100 clients have contacted the Clinic, which was started with a planning grant from the Mary Duke Biddle Foundation and a grant from The Duke Endowment. Through December 2002, the Clinic had opened files and done legal work in nearly 70 of those cases. The clients come from any of 12 school districts in and around Durham County. They range in age from 4 to 18; some have severe disabilities. Clients often are referred by a variety of agencies and organizations throughout the area.

Before beginning work on client matters, students are trained in the classroom for several weeks. Then they are assigned their first cases, with their training continuing in the classroom and in one-on-one sessions with the faculty supervisors. For a law student, a typical semester involves work on anywhere from three to six cases. In all the cases, the student conducts an interview and analyzes the legal matter

presented. If the case is accepted after the initial interview, the student conducts an investigation and attempts to find a solution to the issues. In some cases, the student attends a school meeting with the child's parents to advocate for a particular result; in other cases, the student represents the child before the school district superintendent or school board. A few cases involve litigation at the North Carolina Office of Administrative Hearings or in superior court.

During the fall 2002 semester, the students also were able to participate in an education case pending in the North Carolina Supreme Court, *In Re Roberts*. The case involves the right of a public school student to be represented by counsel in a school-level hearing when appealing the imposition of a long-term suspension or expulsion from school. The Children's Education Law Clinic submitted an *amicus* brief in the case, representing 11 other organizations. Nearly all the students participated in the research and preparation of the brief. Oral argument was scheduled for February.

Throughout the semester, students manage their own client files. Although they are supervised closely, they are given increasing independence as the semester proceeds. Sometimes students face the challenge of telling a client that she doesn't have a strong enough case – another important learning experience. "It was so



Children's Education Law Clinic
Established 2002



THIRD-YEAR LAW STUDENT DARREN MALHAME WORKS WITH A CHILD HELPED BY THE CLINIC

hard to tell the mother of the boy I was working with that she didn't have a good case," said Sibyl Kane '03. In that case, a mother had hoped that the school could provide her son needed occupational therapy, but the facts showed that his disability was not affecting his schoolwork. Thus, under federal law, the school was not obligated to provide the service.

Beth Piotrowicz, a mental retardation and developmental disability case manager who works for a state program in Orange, Person and Chatham counties, said the Clinic fills an important niche. "The school systems haven't always met the needs of disabled children, and the

Clinic insists that schools provide adequate resources in these cases."

Clinic students cite working directly with clients and becoming a part of their lives and communities as rewarding aspects of the work. "Usually, I don't go anywhere but my apartment, the Law School, the grocery store and the movie theater," confessed Jennifer Simon '03. "But working in the Clinic took me out into the community. I saw where people lived and worked and went to school. I just loved feeling I was a part of that."

Parents helped by the Clinic often say they had nowhere else to turn. Glenn Evans was devastated when his learning-

disabled son was given a 365-day suspension after another student pressured him into making a bomb threat at his school. That meant the boy would miss so much class that he essentially would have to take the ninth grade three times. Evans also said the school system did almost nothing to keep his son from falling irretrievably behind during the suspension, despite an agreement that his son would receive some help at home. With aid from the Clinic, Evans' son was allowed to return to school in October of 2002, four months earlier than he would have returned otherwise. "We like the way the Clinic people talked to us about the case,

Clinic Students Use Legal Skills to Help HIV-Infected Clients

Carolyn McAllaster turned a personal loss into the community's gain when she started Duke Law's Legal Assistance Project in 1996. McAllaster, clinical professor of law, had watched her brother, Joseph McAllaster, slowly succumb to AIDS through the late 1980s and early '90s. After his death, she decided to channel her legal expertise into helping HIV-infected people fight for health care, employment, privacy, control of their families' future and other rights.

"I just realized one day that this is what I had to do," said McAllaster, who had done years of pro bono legal work for people with AIDS before formally launching the Clinic at Duke Law. "I feel like my brother was sitting on my right shoulder when I made the decision to do this full-time. I felt a huge amount of compassion for people with this illness."

Through the Clinic, 10 students each semester work with HIV-infected people and their families for free. In addition to a classroom component, the students perform 100 hours of work with clients during the semester. Among their most frequent tasks:

- Working with clients to navigate the complexities of obtaining private and public benefits such as Social Security disability, Supplemental Security Income, Medicaid, food stamps, health insurance, disability insurance and accelerated death benefits. The Project's representation has saved several clients from homelessness and assisted others in obtaining life-saving medications and medical treatment.
- Helping HIV-infected parents make permanent plans for the future care of their children. This representation can involve petitioning the court for standby guardianship under a law recently enacted in North Carolina, ending an absent parent's rights to custody or pursuing adoption for a named guardian after a parent dies.
- Assisting clients with end-of-life planning, by writing wills, health care powers of attorney, living wills and financial powers of attorney.
- Fighting for clients against discrimination and breaches of their confidentiality in employment, housing and other settings.

"As a result of the high standards set in the AIDS Clinic, I have actively sought strong supervisors, searched out colleagues with whom I could ponder cases, and have focused on maintaining the level of organization that was expected of me as a student."

— Emily Friedman '98

and as soon as they started working on it things started clicking,” Evans said. “They knew the law and they had everything in order. I wouldn’t have been able to get my son back in school without them.”

That’s just the kind of situation – and conclusion – Wettach and Berlin hope their students will experience in the Clinic. “The students know their work will have a real effect on the outcome, such as whether a child stays in school or spends the rest of the school year at home,” Wettach said. ♡

“His mother just felt overwhelmed by it all. That’s why I want to be a lawyer: to help people with problems that to them are overwhelming. This Clinic has been wonderful.” - Marta DeLeon '04



CAROLYN MCALLASTER, FOUNDER AND DIRECTOR OF THE LEGAL ASSISTANCE PROJECT

 **Legal Assistance Project**
Established 1996

Since its inception, the Clinic has represented 710 clients and provided telephone counseling and advice or referrals to more than 300 others. Its clients are among the neediest in North Carolina, McAllaster said, as all of them have little money and many are very ill. The clients have come from 54 North Carolina counties, including some of the most rural counties in the state.

As HIV disease now affects larger numbers of poor people, access to affordable legal services has become increasingly important, she said. And because those with access to more effective medications now are living longer, the legal issues facing people with HIV and AIDS have become more complex.

Others who fight the disease offer high praise for the Clinic. “As the epidemic evolves in North Carolina, we are seeing increasing proportions of severely impoverished persons, particularly women. These individuals frequently do not have access to legal consultation,” said John Bartlett, clinical research director of the Duke University Center for AIDS Research. “The consultation and services provided by Duke Law students has been critical in serving the needs of those patients.”



KATE WHITE '01, A FORMER CLINIC STUDENT, STANDS IN FRONT OF THE SCOTLAND COUNTY COURTHOUSE, WHERE SHE HAS JUST COMPLETED A GUARDIANSHIP HEARING FOR AN HIV-INFECTED MOTHER

Students benefit as well through their interaction with clients and courts, putting into practice the lessons learned in the classroom. Third-year student Christine Soares spent much of the fall semester helping a mother who was dying from AIDS complications work out a guardianship arrangement for her two sons. The mother wanted to be sure the boys would stay with her long-time boyfriend, who had been their father figure for years, rather than other relatives. The father of one of the boys contested that arrangement.

That meant Soares, under the guidance of McAllaster and Allison Rice, a Duke Law senior lecturing fellow and the Clinic's other teacher, would go through a court hearing in December to pursue the mother's wishes after her death. Soares prepared for the hearing, made an opening statement, examined and cross-examined witnesses, and made a closing statement. In the end, she was successful, and both boys stayed with the man their mother believed to be the best guardian for them.

"I know I learned a lot, and the hearing ended up going really well," said Soares, who plans to become a litigator. "It's a great place to learn because it's real life." Soares also worked on cases involving disability, employment discrimination and end-of-life planning.

Lauralyn Beattie '98 said the skills she learned in the AIDS Clinic, among others she participated in at Duke Law, immediately helped her when she became a lawyer with the firm of Wilmer, Cutler & Pickering after graduation. She now is an attorney for Georgetown University. "I was astounded to find how many of these skills were directly transferable," Beattie said in a letter supporting the Clinic when she was with the law firm. "Even today I call on the skills I first learned in Duke's clinics. I was asked by a partner...to draft an expert affidavit, a task I was able to assure him I had done before – as a student in the AIDS Clinic."

Emily Friedman, also a '98 graduate, gives the Clinic similar marks. "As a result of the high standards set in the AIDS Clinic, I have actively sought strong supervisors, searched out colleagues with whom I could ponder cases, and have focused on maintaining the level of organization that was expected of me as a student," she said. "In sum, I obtained my grounding in public interest lawyering, and the practice of law generally, while at the AIDS Clinic."

Legal services most often needed by HIV/AIDS patients

- Power of attorney for health care and finances
- Protection from discrimination
- Housing assistance
- Protection of confidentiality at work and elsewhere
- Medicaid and other health insurance assistance
- Disability payment arrangements and social services
- Child custody arrangements
- Wills and other end-of-life planning

And rarely does a learning experience for a law student mean so much to a client, McAllaster said. "A lot of these people are facing the toughest decisions of their lives, such as what to do with their children if they die or become too sick to take care of them," she said. "They can't always do it by themselves." ♡

{Conversation

Student, Alumna Share Thoughts on Working in the Public Interest

Lauralyn E. Beattie graduated from Duke Law School in 1998. She clerked for Judge Julia Gibbons in the U.S. District Court for the Western District of Tennessee and then spent three years as an associate at Wilmer, Cutler & Pickering in Washington, D.C. This fall, Beattie left Wilmer to join the Office of University Counsel at Georgetown University. While at Duke Law School, she was co-president of the Public Interest Law Foundation and an active participant in the Law School's clinics and pro bono programs. As an associate at Wilmer, Cutler & Pickering, Beattie continued to work on a North Carolina death penalty case she was introduced to through Duke's Death Penalty Clinic and was part of a team that briefed the case for the U.S. Supreme Court.



Kendra A. Montgomery-Blinn is a third-year student at Duke Law School and will graduate this May. She has committed most of her spare hours to public interest work through the Law School. Montgomery-Blinn is planning a career in criminal litigation and has served as director of the Duke Law Innocence Project, spending three years on an innocence investigation. She has taken internships in both appellate criminal defense and trial level prosecution. Last year, Montgomery-Blinn spearheaded a revision of Duke Law's Loan Repayment Assistance Program, updating and expanding the program for graduates in public interest and government careers. She recently organized a controversial art show in the student lounge featuring work from prisoners on death row.



Here the two have a conversation about the importance of public interest and pro bono work for Duke Law students developing their skills, practicing lawyers and for the individuals and communities served by that work.

Montgomery-Blinn: When you were looking at law schools, did their pro bono and public interest programs factor into your decision?

Beattie: Yes, I expected that my career would eventually lead me to the public sector and I was looking for a law school that would be able to guide me in that direction. When I visited Duke, I spoke with Associate Dean for Public Interest and Pro Bono Carol Spruill and folks in Career Services about public interest opportunities, and I was pleased to learn that Duke had a growing public interest program.

Montgomery-Blinn: The public interest programs at Duke have increased dramatically in the past few years. When you were a student, did you find the support you needed?

Beattie: I did. While the public interest programs at Duke have grown exponentially since I was there, Duke has always had a significant number of faculty members who were willing to share their experiences and provide guidance. Faculty and administrators also were actively working to expand and improve the public interest programs while I was at Duke. The Death Penalty Clinic was re-introduced when I was a 2L and the AIDS Clinic had been operating for just a few years. Then-Dean Pamela Gann initiated a review of the Law School's clinical programs, with the hope that we might expand them. As a student, I worked with Dean Spruill on that review. We reviewed the clinical programs of peer institutions and identified some potential clinical opportunities in the Raleigh-Durham area.

Beattie: Kendra, I understand that you were not planning a career in public interest, but once you got to Duke Law you quickly changed your mind. Now, you are focusing on a government job in criminal law. Why did you change your focus?

Montgomery-Blinn: When I got here, I became involved with the Innocence Project and realized how much I enjoyed criminal law. I used my pro bono placements at the Center for Death Penalty Litigation in Durham and different district attorney's offices to explore criminal law and discovered it was something that I enjoyed. Without those opportunities, I would have missed the hands-on experience that I needed to make this decision.

Montgomery-Blinn: Tell me what type of public interest work you did while in law school.

Beattie: I was enrolled in the Death Penalty Clinic my second year and remained involved with the client I was assigned through the Clinic, Ernest McCarver. I also worked for the Institute of Government at UNC-Chapel Hill and focused on education issues. I also spent a good deal of time on various student activities. I was co-president of the Public Interest Law Society and on the board of Student Funded Fellowships (the two organizations have now been combined to be the Public Interest Law Foundation) for two years. We worked on fundraising for summer grants, ran the book series and brought in speakers from the public sector. We also were involved in some efforts to evaluate and improve Duke's public interest programs. One thing we looked at was the Loan Forgiveness Program – we were eager to update the program and increase the amount of money available to students working in public interest and government jobs. I understand that you played a role in updating Duke's Loan Forgiveness Program?

“It is difficult to encourage students to choose public interest careers when there are so many economic disincentives – and this problem is compounded by the high cost of law school that often leaves students burdened by huge student loan debt.”

– Lauralyn Beattie '98

Montgomery-Blinn: Yes, last year Dean Spruill asked me to look over the Loan Forgiveness Program (now called the Loan Repayment Assistance Program), and I pulled together a student panel to complete an in-depth review of the program, with a comparison to our peer schools. We then created a proposal to substantially update the program. We were met with overwhelming support from the faculty and administration, and last spring they accepted our proposal. Now, funds are being dispersed under the updated program, allowing more graduates to choose public interest and government careers.

Montgomery-Blinn: How did your public interest work in Law School prepare you for your clerkship and law firm job?

Beattie: The Clinic work exposed me to court procedure and motion practice before I left law school. I think I was less overwhelmed in my first few months as a law clerk because I had seen court filings and been a part of court procedures before. I also think participation in the Clinic programs helped me develop confidence in my own legal abilities and decision-making skills.

Montgomery-Blinn: When you were interviewing with law firms, did your public interest involvement play a role in both your decision-making and the firm's interest in you?

Beattie: Because I wanted to ensure that I could continue with my public interest work, I sought out law firms that had a significant commitment to pro bono. For the most part, I think firms thought that the experience made me more well rounded, and they certainly viewed clinic experience as useful practical training. When I interviewed for clerkships, I found that a lot of federal judges had worked in the government/public sector and were interested in law clerks who shared those interests.

Montgomery-Blinn: You spent three years at Wilmer, Cutler & Pickering and they honored you with an award for Outstanding Pro Bono Service. What type of pro bono work did you do at Wilmer, and how did the firm support your efforts?

Beattie: Wilmer has been widely recognized for its commitment to pro bono work, and those kudos are much deserved. My most time-consuming case was the North Carolina death penalty case, but I also represented a parent in a child custody case in D.C. Superior Court and provided some compliance advice to a local non-profit concerned about the civil rights regulations. I billed more time to my death penalty case than to any paying client in 2001, and Wilmer was always supportive. The firm provided significant resources to support these cases.

Montgomery-Blinn: It is amazing that you began work on that death penalty case in Duke Law's Death Penalty Clinic, continued it through your career at Wilmer, Cutler & Pickering and even now at Georgetown. What has happened with that case?

Beattie: My client, Ernest McCarver, is a mentally retarded man on North Carolina's death row. He was scheduled

for execution in March of 2001, and in the days prior to his execution date, we filed a clemency petition with Governor Mike Easley and a *cert* petition with the U.S. Supreme Court. We argued that because Ernie was mentally retarded, executing him would amount to cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution. Governor Easley denied clemency, but minutes later the Supreme Court stayed Ernie's execution, and ultimately, granted our *cert* petition. We briefed the case, but before oral argument was scheduled, the North Carolina legislature passed a statute outlawing execution of the mentally retarded. This was an excellent development for Ernie's case, but did render the Supreme Court case moot. Fortunately, the Court agreed to hear the same issue in a Virginia case (*Atkins v. Virginia*), and last spring held that executing persons with mental retardation violates the Eighth Amendment. I worked closely with the people at Durham's Center for Death Penalty Litigation on this case, especially Jonathan Broun. Didn't you work there your first summer and also find success?

Montgomery-Blinn: When I was an intern at the Center for Death Penalty Litigation, I helped Jonathan Broun write a brief to the NC Supreme Court. I researched and wrote one of the issues and then helped Jonathan pull it all together into a lengthy brief about all the errors at trial. Last year, the court ruled on our brief and gave our client a new trial saying that his original trial had been "riddled with errors."

Beattie: What other types of criminal law experiences have you had through public interest?

Montgomery-Blinn: In my first semester of law school I started working on an investigation for the Innocence Project with Senior Associate Dean for Academic Affairs Jim Coleman. We, along with two other students, have continued the investigation and I think that we might be close to filing a motion for appropriate relief. We believe the man is innocent, and he has now been in prison for 27

years. I spent my first summer at the Center for Death Penalty Litigation, and I still work on one of my cases and visit our client on death row every month. In fact, I just co-organized an art show at the Law School featuring artwork that death row inmates had given to their lawyers. Last summer, I interned with the Orange County District Attorney's Office, where I spent my time in the courtroom trying and pleading cases. Now I am wrapping up an externship at the Durham County DA's Office.

Montgomery-Blinn: Has public interest work made you a better lawyer?

Beattie: Definitely. I think it makes you a more well-rounded lawyer, and it offers those of us who do primarily corporate law some much-needed perspective. It also gives you an opportunity to practice outside your area of specialty – and I think this is a good idea for all lawyers, and particularly for those of us early in our careers.

Montgomery-Blinn: What changes does the legal community need to make in order to encourage more recent graduates to either choose public interest careers or take on pro bono work?

Beattie: It is difficult to encourage students to choose public interest careers when there are so many economic disincentives – and this problem is compounded by the high cost of law school that often leaves students burdened by huge student loan debt. As a profession, we need to continue to think about creative ways to rectify that problem. In the short-term, private sector fellowships and expanded loan forgiveness programs can make it possible for students to take lower-paying public interest jobs. In the long term, I'd love to see our profession think about ways to rectify the pay disparity.

Montgomery-Blinn: What is the one piece of advice that you would give to law students who are trying to find ways to incorporate pro bono work into their corporate careers?

Beattie: If you want to be sure that you can do pro bono work, my advice is that you make it a consistent priority. When you are choosing a firm, evaluate the firm's commitment to pro bono. Once at the firm, you have to take responsibility for your own career (admittedly, this is much easier said than done). If pro bono work is important to you, make sure you seek it out and make time to do it. ♡

HELPING STUDENTS IN PUBLIC INTEREST POSITIONS REPAY LAW SCHOOL LOANS

Last year Duke Law expanded eligibility for its Loan Repayment Assistance Program, which pays some of the Law School debt of students who take jobs with non-profit organizations and in the government sector. Among other changes, the School raised the salary amounts for eligibility. The lowest salary allowable for a full subsidy was increased from \$25,000 to \$35,000, and the loans are partially paid on a sliding scale until eligibility phases out at a salary of \$60,000, up from the previous level of \$45,000. The program is meant to allow students to have a wider range of job choices since government and non-profit employment pays significantly less than most private firms. The Law School caps the total amount that it is committed to pay each year: for 2002-2003 the cap is \$200,000. If demand exceeds this amount, payments are proportionately reduced for all recipients. As funds are raised to support the program, more students will be able to make government and non-profit legal advocacy a realistic choice. ♡



KEN STARR, LEFT, AND PROFESSOR WALTER DELLINGER - ADVOCATES IN DEMAND

Photos by Mike Lynaugh

Duke Law Professor and Alumnus Clash, and Now Join Forces, Before the U.S. Supreme Court

Walter Dellinger and Ken Starr '73, Ideological Opponents, Take Same Side in *Nike* Case

By Otis Bilodeau

When the United States Supreme Court agreed this January to hear its most important case in years on First Amendment protection of commercial speech, it came as no surprise that two of the Court's best-known advocates — Walter Dellinger and Kenneth Starr — were involved. What may surprise some, however, is the history that links the two renowned, and ideologically disparate, lawyers. That history began at Duke Law School, where they first encountered one another in a civil procedure class in 1970. Dellinger was the young professor, Starr, the earnest student.

To this day, the two frequent opponents continue a good-natured debate about what exactly Starr learned in Dellinger's civil procedure class.

"I don't want to be responsible for Ken Starr, so I always make it clear when I speak to audiences that I never taught Ken Starr constitutional law — I only had him in my civil procedure class," Dellinger says with a laugh. "Ken always responds that that's technically true, but he says all I talked about in civil procedure was constitutional law."

Since that first meeting, Dellinger, a leading intellectual voice among Democrats, and Starr, his conservative Republican counterpart, have each ascended to the upper reaches of the legal profession, often through public service.

As their involvement in the commercial speech case (*Nike Inc. v. Kasky*) exemplifies, each is a much sought-after advocate by clients clamoring for the High Court's attention. Nike retained Dellinger and Harvard Law Professor Laurence Tribe to persuade the Supreme Court to take up

Dellinger and Starr

the case, which raises a tantalizing, and much-debated, legal question about the boundary between political expression, which is generally protected from government regulation by the First Amendment, and statements made for commercial purposes, which are typically afforded less protection. The U.S. Chamber of Commerce hired Starr to author an *amicus* brief in which he also urged the Court to hear the case.

In addition to their Supreme Court work, Dellinger and Starr each boasts a full roster of cases in both trial and appellate courts. Despite their busy private practices, they remain close to Duke Law School.

Dellinger, a partner at O'Melveny & Myers in Washington, keeps his home in Chapel Hill and serves as the Douglas B. Maggs Professor of Law at Duke. Last spring, Dellinger taught a popular seminar on the Rehnquist Court, and he plans to teach a seminar next year devoted to Abraham Lincoln. Students enrolled in the Rehnquist Court course accompanied Dellinger to Washington, D.C. to hear him argue alongside U.S. Solicitor General Ted Olson on behalf of the State of North Carolina in the important census case, *Utah v. Evans*. Their argument proved compelling, as the Court ruled in North Carolina's favor.

Starr, a Washington partner at Kirkland & Ellis, often visits the Law School as a lecturer, and he serves as a life member of its Board of Visitors. In early January, he drove to Durham to host a discussion of his recently published book, *First Among Equals: The Supreme Court in American Life*. (See related article in this issue.)

The two are ideological opposites on many, but not all, issues. Elite advocates. Scholars. And yes, frequent adversaries on matters of policy and politics. Among the many accomplished Law School alumni and affiliates in the nation's capital, Dellinger and Starr are two of Duke's preeminent representatives in Washington. Here's how they got there.



DELLINGER WAS AMONG KEN STARR'S TEACHERS AT DUKE LAW IN THE 1970s

Walter E. Dellinger III, who turns 62 in May, was born into a poor family in Charlotte, NC during the Second World War. Neither of his parents graduated from college, and his father died at age 40, when Dellinger was in the sixth grade. Dellinger's mother supported him and his two siblings by selling men's garments – “socks, ties and underwear, six days a week,” Dellinger recalls.

He attended the University of North Carolina at Chapel Hill as an undergraduate, compiling what he calls a “very checkered” academic record, with studies frequently disregarded in favor of participation in civil rights protests.

Envisioning a political career, Dellinger managed to talk his way into Yale Law School, as he puts it. “It was the pull of politics that drew me to Yale, but going to Yale Law School actually ruined me for politics,” he says. “I went and found that inside a redneck was an intellectual clamoring to get out.” While at Yale, Dellinger's constitutional law professor, the late Charles Black, proved inspirational. Dellinger still counts Black, who was an outspoken and influential critic of capital punishment and a cham-

pion of school desegregation, as a formative influence. “Charles was a rare combination of a legal genius who had a real understanding of how the law bore down on real people,” Dellinger says. “He just seemed to have that in his bones.”

Dellinger excelled at Yale, and upon graduation took a job at the University of Mississippi School of Law, where he taught political and civil rights to one of the institution's first racially integrated classes. Trent Lott, the former Republican Senate majority leader, was a third-year law student when Dellinger arrived.

Dellinger left Ole Miss in 1968 to clerk for Justice Hugo Black on the Supreme Court. The Court would prove to be a focal point of Dellinger's professional and intellectual life for decades to come.

Duke Law School lured him back from Washington at the conclusion of his clerkship. Dellinger still had some interest in politics, and the quick wit, self-deprecating charm, and bourbon-and-butterscotch drawl that are his trademarks no doubt would have served him well. But he soon realized he wasn't cut out for Southern party politics. He lacked an essential quality: the will to

glad-hand at shrimperos.

“My friends would call up and say, ‘There’s a Democratic party shrimperos in Fayetteville, and all the key county commissioners will be there.’ And I would think, well, I have the new John Rawls book, *A Theory of Justice*, which just arrived. And then I’d say that I would come some other weekend,” Dellinger recounts. “I could never make that choice to do the things you need to do to go into politics.”

As a result, Dellinger remained a member of the Duke Law faculty almost without interruption until 1992. That was the year he found himself drawn into the presidential campaign of William Jefferson Clinton.

Dellinger, who had been advising women’s rights groups on constitutional issues since the late 1980s, was invited to provide preparation for Clinton on “women’s issues” for the presidential debates. After Clinton won the race – indeed, less than a week before his inauguration – Dellinger again was called in, this time to draft a series of executive orders that Clinton would issue on the anniversary of the Supreme Court’s landmark abortion decision, *Roe v. Wade*. Among them were orders to allow U.S. participation in international family planning projects and the rescinding of a gag rule limiting how physicians at federally funded clinics could counsel pregnant women.

Shortly thereafter, Dellinger was tapped to lead the Office of Legal Counsel, or OLC, which functions as a law firm to the president, housed within the Department of Justice. “It is a fabulous job,” he says. “You are the final legal decision-maker for the executive branch of the government.”

Dellinger served in that capacity for three years, relying on a team that included Duke Law Professors Christopher Schroeder and Jeff Powell – “the two people whose legal opinions I value most,” Dellinger says.

After Republicans took control of the Senate in 1994, the emboldened GOP leadership hoped to introduce several constitutional amendments – on school prayer and flag burning, among other

topics. Dellinger strenuously opposed them all. When asked in jest by then-Vice President Gore if he, as head of the Office of Legal Counsel, had a numerically measurable performance goal, Dellinger responded seriously: “I do have one,” he said. “Number of times Constitution amended: Zero.”

In 1996, Dellinger assumed the role of acting solicitor general. During his one-term stint as the White House’s top advocate before the Supreme Court, Dellinger argued an unusually large number of cases – nine – including one

Asked in jest by then-Vice President Gore if he, as head of the Office of Legal Counsel, had a numerically measurable performance goal, Dellinger responded seriously: “I do have one. Number of times Constitution amended: Zero.”

that indirectly pitted him against his former student, Ken Starr.

In *Clinton v. Jones*, the Supreme Court took up the question of whether a president could be subjected to civil litigation while in office. The sexual harassment lawsuit pursued against Clinton by Paula Jones overlapped with the investigation by Starr, as independent counsel, of Clinton’s relationship with that most infamous of interns, Monica Lewinsky.

Dellinger lost the *Clinton v. Jones* argument, but says he has come to think of that possibly as a good thing.

“I thought at the time that having civil litigation carried on against the president during his term in office would be very disruptive to the administration,” he says. “But I was later told by a student

who had worked in Cambodia that the judges there knew of only one American case, and that was *Clinton v. Jones*. They thought it was awe-inspiring, because they were just trying to develop a sense of the rule of law, and the idea that the most powerful person could be brought before the courts was very, very powerful. So it’s possible that in the long run, the [Supreme Court] will turn out to be right, because the importance of that message may be so great.”

Dellinger returned to Duke Law’s faculty in 1997, just after he had embarked on what he calls his first real job as a private lawyer. As a partner at O’Melveny & Myers, Dellinger concentrates on appellate and Supreme Court litigation. The job suits him.

“It highlights things I’m good at, and mitigates things I’m bad at,” he observes, half-joking. “I’ve never been good on follow-through or attention span, and I don’t need to be because other people here do that. On the other hand, my first 15 minutes on a problem tend to be quite good.”

Dellinger has argued 17 cases before the Supreme Court to date. But this term will be his busiest since he took up private practice. In November, he argued a landmark trademark case on behalf of Victoria’s Secret, and in December he argued on behalf of the justices of the Supreme Court of Washington defending their program, and that of the other 49 states, of using lawyer trust funds to pay for legal services for the poor. All told, he’s either counsel or co-counsel in seven of the cases the Court has agreed to hear this term. He’s also worked on *amicus* briefs in eight other cases. Last month, he won one of the biggest victories in appellate history when the Alabama Supreme Court overturned a \$3.5 billion verdict against Dellinger’s client, ExxonMobil.

In some ways, Ken Starr’s career closely resembles Dellinger’s. In other respects, their professional experiences in the law are vastly different. Starr, 56, was born in Vernon, TX and spent much of his childhood in San Antonio. His father was a Church of Christ minis-

ter, and Starr was raised in a deeply religious environment that continues to inform his daily life. Starr is disarmingly affable and cheerful in person, and he returns frequently to the topic of his faith. He teaches Sunday school at his church in McLean, VA.

The contrast with Dellinger, who was busy working on a compilation of what he deemed the “10 greatest rock and roll songs of all time” in December, could not be sharper.

Starr’s early interest in public policy and debate propelled him toward political science as an undergraduate at George Washington University and then as a master’s candidate at Brown University. Starr, who wrote his master’s thesis on Jean-Jacques Rousseau, earned the degree in one year.

But abstract political philosophy didn’t hold Starr’s interest. After a year working for the U.S. State Department, he turned to Duke Law School. He took to it “like

a duck to water,” he says.

“Law school was so human-related,” he recounts. “It involved a moral dimension, and questions about social arrangements and the relationship of the individual to the state. Those are issues I’ve always enjoyed.”

Starr distinguished himself at Duke Law, and he earned the endorsement of then-Associate Dean Frank T. Read ’63, who urged Starr to seek a clerkship. Starr clerked for Chief Justice Warren Burger from 1975 to 1977 and then entered private practice with Gibson Dunn & Crutcher in its Los Angeles office, where he first struck up what would become a close friendship with Ted Olson, now President George W. Bush’s solicitor general. Before long, politics and policy called Starr back to Washington.

With Ronald Reagan in the White House, many of the brightest young conservative lawyers in the country sought, and won, jobs in the administration.

Starr signed on at the Department of Justice in 1981 as a counselor to Reagan’s first attorney general, William French Smith. Starr worked closely with Smith and Solicitor General Rex Lee on several major Supreme Court cases.

He also got a firsthand look at the process of selecting federal judges, including justices for the High Court. In *First Among Equals: The Supreme Court in American Life*, Starr recounts how he interviewed Sandra Day O’Connor for the seat to which Reagan ultimately named her.

In 1983, Reagan rewarded him with an appointment to the U.S. Court of Appeals for the District of Columbia, where Starr’s fellow judges included Antonin Scalia and Ruth Bader Ginsburg. Starr returned to the executive branch for four years as solicitor general under President George H.W. Bush. Solicitor General Starr argued 25 cases before the High Court.

DUKE LAW ALUMNI, PROFESSORS HAVE MET PREVIOUSLY BEFORE THE HIGH COURT

The *Nike* case is not unique in pairing lawyers with strong Duke Law ties before the U.S. Supreme Court. Duke Law professors and alumni repeatedly have teamed up – or opposed one another – before the Court.

In December, Duke Law graduates Rodney Smolla ’78 and Michael Dreeben ’81 represented opposing sides when the Court heard arguments concerning the constitutionality of a Virginia statute prohibiting cross burning. Smolla, a professor at the University of Richmond School of Law, argued on behalf of two men convicted of violating the statute after two cross burning incidents in 1998. Dreeben appeared on behalf of the U.S. Office of the Solicitor General, which supported the Virginia law.

In another case, Professors Jeff Powell and Robinson Everett were on opposing sides at the beginning of a complicated challenge to the North Carolina legislature’s congressional redistricting plan, enacted after the 1990 census. Five plaintiffs, including Duke Law Professors Everett and Melvin Shimm, claimed that the plan was an unconstitutional racial gerrymander. A three-judge district court considered the case and ruled for the state. The plaintiffs, represented by Everett, appealed directly to the Supreme Court; and Powell, who was counsel of record for the state, argued that, in light of prece-

dent, the complaint had failed to state a claim. However, the Supreme Court, five justices to four, reversed the district court and held that the complaint had stated an equal protection cause of action under the Fourteenth Amendment. Apparently, this was the first time two professors from the same law school had argued against each other before the Supreme Court.

Upon remand, a trial took place. The three-judge district court again ruled against the plaintiffs by a two-to-one vote; and a second appeal occurred. Once again the plaintiffs were successful in the Supreme Court by a 5-4 vote – although on this occasion Professor Powell was back at work full-time at Duke and no longer serving as counsel for the state.

A new redistricting plan was enacted and a new set of plaintiffs sued with respect to that plan, with Everett once again serving as their attorney. A different three-judge district court granted summary judgment to the plaintiffs by a two-to-one vote. Upon the state’s appeal, in which Duke Law Professor Walter Dellinger represented the state, the Supreme Court reversed and remanded for a trial. There, the plaintiffs again won a two-to-one decision and the state once again appealed. The Supreme Court, once more by a 5-4 majority, upheld the plan, with Everett and Dellinger arguing against each other a second time. ♣

It was during this period, Starr says, that he faced his most difficult Supreme Court case despite participating on the winning side. It was a dispute over whether family members could compel doctors to end the life of a young woman, Nancy Cruzan, who had been left in a permanent vegetative state after a car accident. Starr, who said that doctors could not be compelled to end the woman's life because her own intentions were not clear, describes the case as "unspeakably sad" in his book.

Starr left the SG's office in 1993, eager to throw himself into private practice and firm management at Kirkland & Ellis. But after about a year, he was appointed as the independent counsel in the Whitewater investigation. It would be his most public, and by far his most controversial, role in the drama of American politics.

Starr doesn't flinch from the subject, but he doesn't relish discussing it, either. He refers with mock primness to the period during which he investigated the Clintons – and was himself subjected to withering scrutiny – as "the recent unpleasantness."

"I was not especially eager for the assignment," Starr recalls with a suppressed sigh. "But the call came, and I have never said no to public service."

It was particularly anomalous for Starr to assume the role of independent counsel. "There was a strange irony in being asked to serve [in that capacity]," Starr acknowledges, given that he and his colleagues in the Reagan administration had urged Congress in the early 1980s to do away with the independent counsel statute. Starr now says that his experience investigating the Clintons confirmed his view that the structure of the independent counsel was "fatally defective."

"It's quite difficult for the independent counsel to truly enjoy the support of the attorney general of the United States," he notes.

Starr returned, eagerly, to private practice at Kirkland & Ellis in 1997. "Professional work certainly seemed more delicious, after being caught up in that political maelstrom," he says. "I obviously regretted that, both professionally and personally. The whole thing was

very lamentable."

Like Dellinger's, Starr's practice has boomed. He has argued two Supreme Court cases since returning to Kirkland & Ellis, but he often advises clients on litigation strategy from behind the scenes, as in the major school voucher case, *Zelman v. Simmons-Harris*, heard by the High Court last term. Starr served as a key advisor to the lawyers who argued and won that case for the state of Ohio.

Starr recently played a more public part in the litigation over the Bipartisan Campaign Reform Act of 2002, widely viewed as the most sweeping campaign finance reform law in decades. In December, Starr was among the fleet of high-powered advocates who argued over the constitutionality of the new law before a special panel of federal judges in Washington, D.C. He was retained by the Southeastern Legal Foundation, a fledgling conservative group in Atlanta, to challenge the law, which aims to ban so-called soft-money fundraising by national political parties, and to regulate some political advertising. The case is almost certain to make its way up to the Supreme Court on appeal, and Starr is expected to participate in that oral argument.

For now the *Nike* case, which the Supreme Court has agreed to hear this term, has brought Starr and Dellinger together again. This time, they're on the same side, which isn't as strange as it may seem. As Dellinger points out, a staunch conservative and an outspoken liberal can agree on the principle of freedom of speech that underlies



STARR SAYS HE WAS NEVER EAGER TO INVESTIGATE THE CLINTONS BUT RESPONDED WHEN CALLED TO DUTY

the *Nike* dispute. The litigation itself flows from comments made by Nike in defense of its overseas business practices. A San Francisco man has sued the company, alleging that its statements were false and misleading, violating California's false advertising law. In essence, the legal question in the case is whether the First Amendment's speech clause protects Nike from liability under state law for the company's comments. The reason this question is so tricky, and has captured the interest of the Supreme Court, is that the answer turns on whether the speech at issue is categorized as "political" or "commercial." Commercial speech generally receives less protection from the First Amendment. But, Nike contends, the statements at

issue in the case were not advertisements at all. Rather, the company argues, its press releases and op-ed articles were vehicles for the company to participate in a political debate over globalization.

Dellinger, who represents Nike, and Starr, who authored an *amicus* brief on behalf of the U.S. Chamber of Commerce, urged the Supreme Court to take up the case in order to clarify the extent to which commercial actors do, or do not, enjoy First Amendment protection. The case may present the Court an ideal opportunity to rethink the distinction between commercial and political speech, a distinction many observers view as increasingly blurred.

First Amendment experts agree that the case promises to yield one of this term's most significant decisions.

What does the future hold for these two? The question invites consideration of a return to public service.

"If I were given the opportunity to serve full-time on the bench, I would," Starr says. But he acknowledges that the politics surrounding his role in investigating the Clintons has made him an unlikely nominee. Still, he says he has no regrets and remains fulfilled by a demanding practice and a slate of charitable activities and teaching responsibilities. A long-time professor at New York University Law School, Starr now also teaches at George Mason University Law School in Virginia.

As for Dellinger, he says he doesn't see himself donning black robes "at my age." Would he serve another president? He pauses. "I could imagine possibly agreeing to be White House counsel," he says at last. "But it's a very risky job, a flashpoint for controversy."

For both of these formidable lawyers, that would seem to be more of an attraction than a deterrent. ♪

Starr Touts Increased Public Education About Law During Visit to Law School

From flag burning to religion in schools, American constitutional issues are too far removed from the public, which often knows very little about relevant cases, former U.S. Solicitor General Kenneth Starr, Law '73, told an audience at the Law School Monday.

About a hundred people, mostly law students, gathered for the lunch discussion with Starr, who served under former President George H.W. Bush and recently published a book, *First Among Equals: The Supreme Court in American Life*.

"One of the things that people tend to argue about over the dinner table are issues like abortion, school prayer, affirmative action. I wanted to make these as accessible as possible to the American people," he said.

In his talk, Starr offered two examples of prominent constitutional issues examined by both Congress and the Supreme Court. He began with the flag burning controversies that started with the Supreme Court striking down a Texas state law banning the desecration of the flag on the grounds that it inhibited the First Amendment right of free expression. A widespread public debate followed, and eventually Congress passed the Flag Protection Act of 1989. It was signed by former President Bush, who noted that there were some serious constitutional complications with the Act.

When Starr argued for the United States in the Supreme Court case *U.S. v. Eichman*, the Flag Protection Act was overturned by the Court. "I lost five to four at the High Court, which determined that flag burning was part of our free expression," Starr said.

Starr also discussed the 1990 case of Bridget Mergens, a student whose request to form a Christian organization at her high school was refused by the school's principal. The school district argued that allowing a

religious group to meet in the school would limit the administration's ability to decide which groups were legitimate.

In an 8-1 decision, the Supreme Court decided that the students had the right to meet according to the Equal Access Act of 1984. In the majority opinion, the Court held that if one or more extracurricular groups exist in a school, then all such groups should be allowed to meet on a non-discriminatory basis.

Starr concluded that more should be done to inform the public of these kinds of debates. "[The courts] are not an area that should be viewed as the precinct of lawyers and judges. It affects us all so we should have a richer understanding of it," he said.

Starr said he supports more education on the law in high schools, and he also believes there should be television coverage of High Court proceedings, although he acknowledges that the majority of judges are "set against it."

Starr's visit received positive reactions from law students in attendance. "Although I certainly don't agree with Judge Starr's [political] philosophy, it was nice to have him over," said Joe Gagnon '04.

Brian Murray '05 said, "Public interest in the law and courts needs to grow, although I don't agree 100 percent with [Starr's views on] media access because of the intrusive nature of the press." — **Benjamin Perahia**

Excerpted here, this story ran in its full form in Duke University's student newspaper, The Chronicle, on Jan. 14, 2003.



KEN STARR SIGNS THREE BOOKS FOR FIRST-YEAR STUDENT KARA MOORCROFT

{ Profiles

Wesley Powell Alumnus Finds Satisfaction, Even in Uphill Battles

By Tia Hall '03

When Wesley Powell '94 learned in January 2000 that the case of *Boy Scouts of America v. Dale* was to be argued before the United States Supreme Court, he and a partner at his law firm contacted the attorneys of plaintiff James Dale with an offer to write an *amicus* brief in support of Dale's position. Dale sued the Boy Scouts organization after being expelled from his position as an assistant scoutmaster after publicly declaring that he is homosexual.

Then a fifth-year associate with Clifford Chance Rogers & Wells in New York City, Powell did not receive an acceptance from Dale's attorneys until March, less than two weeks before Dale's brief was due to be filed with the Court clerk. Powell and his colleagues hustled to research the issues, confer with clients who were in support of Dale's position, and draft the brief. The Supreme Court ruled in favor of the Boy Scouts, but in his dissent Justice John Paul Stevens cited Powell's brief at length, which Powell considered to be some consolation for the hard work and all-nighters of the previous nine days.

"Quite often when you submit an *amicus* brief, you don't know if the justices and the clerks even look at it, let alone factor it into their analysis of the case," said Powell. "It was very satisfying to see that Justice Stevens cited two block quotes from our brief."

Powell, who at Clifford Chance practices anti-trust litigation and manages a training and development program for litigation associates, said experiences such as the *Dale* case are typical of pro

bono and public interest work: the results are not always positive, but the experience can be rewarding nonetheless. He says that his pro bono experiences at Duke Law provided him with the skills that prepared him well for private practice.

"Some of your public interest clients don't have much of a case, others have great cases. Either way, pro bono work provides you with great practical experience," he said.

Powell's interest in pro bono work stems from the values of his small hometown of Brownsville, TN and his upbringing in the Methodist church, which is known for its community service tradition. His enthusiasm for such work grew stronger when he was a student at Duke Law School.

"I grew up with service being a part of my life. When I came to law school, it just made sense for me to get involved in public interest work. Even now that I'm in private practice, it became essential for me to do community service, and the law degree is a perfect tool."

When Powell enrolled at Duke Law in 1991, the Pro Bono Project was being developed under the direction of Associate Dean Carol Spruill. Powell said students immediately began to take advantage of the resources that Spruill energized at the Law School.

"Before the pro bono office opened, students were finding their own pro bono work to do, but there was nothing really organized," he said. "Carol Spruill was the ideal person to get that office up and running, because she had been so involved with Legal Services, and she knew everyone in the state legal aid

system. I imagine that she was overwhelmed by how quickly the pro bono office got off the ground."

In his second year, Powell developed an interest in AIDS-oriented pro bono work and began working with Professor Carolyn McAllaster to provide legal services such as wills and health care power of attorney declarations for AIDS patients at the Duke University Medical Center.

"In the early '90s, before the drug cocktails were introduced, more people were dying of AIDS and there was not the same sense of hope that there is now. There was a need to be served in providing basic wills and health care powers of attorney that existing legal services agencies just could not provide," he said.



WESLEY POWELL '94

Powell spent many hours meeting with AIDS support groups at Duke University Medical Center and various other AIDS clinics in the community. The experience that he gained in developing client relationships and client advocacy prepared him well for private practice.

"Those patients were scared to death and they were looking to me to explain why they would potentially need legal services. At the age of 24 it was an eye-opening experience for me," he said.

During Powell's time at Duke Law, he saw the AIDS pro bono project develop from a two-person operation into a full-fledged clinical course at the Law School.

"In the beginning, it was just Carolyn and me drafting documents. By the end

of my third year, we had established the AIDS Wills Project, with 30 second- and third-year students as volunteers,” Powell said. Within one year of his graduation, McAllaster had obtained a grant to transform the AIDS Wills Project into a clinic.

While at Duke Law, Powell also volunteered for North State Legal Services in Hillsborough, NC, working on Social Security and disability benefits disputes and worker compensation cases for factory workers in the area. He found public interest work to be an excellent opportunity to explore career options. Although Powell chose a career in private practice, he always has managed a significant pro bono caseload. Powell said he finds satisfaction in representing both sides of the legal system.

“In my first case after being admitted to the bar, I represented a criminal defendant who was appealing his conviction at trial,” he said. “The following year, I represented Kings County, NY as a special prosecutor.”

Since his graduation from Duke Law, Powell’s pro bono clients have ranged from prisoners suing the police department for using excessive force to small-town media outlets involved in First Amendment disputes. He also has worked to protect low-wage immigrant workers in the New York restaurant and garment district from exploitation.

Powell is grateful for the exposure he had to pro bono work at Duke Law. He recommends that all law students take advantage of pro bono opportunities that are presented to them, not only for their own education, but also for the positive impact on their community. ♡



Tia Hall '03 is the co-chairperson of the Alumni Development Committee of the Public Interest and Pro Bono Student Board.

She also is a staff writer for the *Duke Law and Technology Review* and is the Speakers Committee chairperson for the Black Law Students Association. Hall will clerk for Judge Patricia Timmons-Goodson of the North Carolina Court of Appeals after graduation.

Farley Collins

Alumna Finds Her Calling in Criminal Prosecution

By Shannon Frank '05

When Farley Collins '00 came to Duke Law School, she already was committed to pursuing a career in public interest law. The question that remained: which field of public interest would be her ultimate calling?

Collins, now an assistant district attorney for New York County in the domestic violence trial bureau, has become a passionate advocate for the victims she represents. Yet with the advocacy experience that she gained at Duke Law, she might just as easily have chosen another career path. “I think I could have ended up in any public interest job,” she said. “I have a huge interest in domestic violence advocacy, but I think I could have gone in a lot of different directions.”

During her three years at Duke Law, Collins explored several fields of public interest law. She participated in the AIDS Legal Assistance Project, helping clients with wills, Social Security, guardianship and court appearances. She spent half of her 2L summer performing child advocacy work for the Children’s Defense Fund. As a partici-

pant in the Domestic Violence Advocacy Project, Collins worked with a prosecutor in Durham. In assisting victims of domestic violence, she became especially interested in the role of the prosecutor in abuse prevention.

Since joining the Manhattan district attorney’s office in 2000, Collins has maintained a large caseload: she estimates as many as 200 individual cases. After spending her first year-and-a-half working on misdemeanor charges, such as larceny, prostitution and drug possession, Collins now handles felony cases. Eight of those misdemeanor cases have gone to trial, where a supervising attorney provided support when needed, but Collins held most of the responsibility. Collins says she was well prepared for those tasks by her experiences at Duke Law.

“I am able to use those skills that I learned at Duke on a daily basis,” she said. “The victims that I work with have been greatly affected by whatever terrible course of events has led them to my office. What I learned about working with public interest clients at Duke definitely has given me the skills to work effectively with these individuals.”

Collins participates in nearly all aspects of each case, which sometimes can be challenging to coordinate. Her duties include crime scene inspection, preparation for hearings and trials, drafting of motions and responses, and gathering evidence. Such comprehensive involvement requires Collins to piece together bits of information, while simultaneously assessing the case from a broader standpoint.

“A lot of it is about balancing the interests of victims and witnesses, and the seriousness of the case, about trying to help victims understand the system and the process, all while trying to find out the facts, and trying to figure out the best



FARLEY COLLINS '00

course of action in the case,” she said. Collins enjoys the challenges of her job, as well as the uniqueness of each case.

“One thing you learn is that anybody can be a victim,” she said. “Some don’t want to be here, some are really happy that I’m prosecuting, some are angry that I’m prosecuting. It’s the same thing with witnesses. Often they’re just people who are in the wrong place at the wrong time.”

Collins meets these challenges with skill and enthusiasm honed in her law school days, and she holds fond memories of her Duke Law experience and of the faculty who helped her along the way. “I loved the Legal Assistance Clinic and thought Carolyn McAllaster and Jane Wettach were great,” she said. “Carol Spruill was very committed to students and to whatever issues we were interested in.”

Spruill, associate dean for public interest and pro bono, said Collins has made her and others at Duke proud while reinforcing the importance of public interest law for others. “Farley is a positive person whose enthusiasm for her interests spread to all those around her,” Spruill said. “While at Duke Law she had a great influence on other students who care about public service.”



Shannon Frank '05 is a member of the Public Interest Law Foundation and the International Law Society. She plans to work in immigration law.



JOHN BOLIN '03

John Bolin

Military Career Provides Foundation for Commitment to Service-Oriented Career in Law

By Stephen Minter '03

During 20 years as a surface warfare officer in the U.S. Navy, John Bolin '03, threw himself wholeheartedly into the practice of serving others. Now retired from the Navy, Bolin is busy preparing for a second career in law – and he still is thinking about public service.

Bolin said his interest in and dedication to working for the betterment of others has its roots in the sense of common mission and teamwork he developed in the demanding environment of military operations. A few years after Operation Desert Storm, Bolin became the nuclear, biological and chemical defense officer for the U.S. Naval Forces Central Command, where he worked in designing, testing and implementing an area-wide chemical/biological warfare attack civil defense response program. But the greatest responsibility he assumed was looking out for the welfare of thousands of people living in a region at a

time where distances often were measured by the range of a SCUD missile.

“I found the challenge of meeting the concerns, needs and requirements of the host government, civilians, our military objectives and others incredibly rewarding,” he said. “For me, that experience confirmed that public interest service provides the greatest satisfaction when it is an extension of those things you know and enjoy doing.”

Now a third-year student, Bolin is close to finishing his education at Duke Law. “I’ve always had a strong interest in the law,” he said. “It’s a good fit with my desire to re-enter civilian life taking advantage of opportunities I really was not aware of when I entered the Navy.” Bolin’s academic focus is commercial law, but much of his energy remains focused on his desire to serve the community.

Though not threatened by missile attack, law students sometimes can feel overwhelmed in their dealings with the

Bolin said his interest in and dedication to working for the betterment of others has its roots in the sense of common mission and teamwork he developed in the demanding environment of military operations.

law school experience. Bolin identified this problem as something he could help address through his position in the Duke Bar Association. Together with fellow Library and Technology Committee member John Fowler '04, he approached law library administrators with a plan to enhance library operations in ways that would complement other efforts to ease the lives of students. The plan, which was quickly acted upon by the library, included recommendations to improve supplies of staplers and three-hole punches near copy machines, upgrade a second-floor restroom, and add more laptop security hardware to study carrels and tables.

"I see it more as a support role," Bolin said. "The students need an interface with the administration that can help triage then target those problems that present a drag on the system. Library support functions aren't very sexy problems, but considering the time students spend in the library, they are real problems."

Senior Associate Dean for Information Services Richard Danner appreciates the efforts Bolin made to bring forth the issues: "Because the library is community space for learning and research, these are all important matters for students," Danner said. "In this matter and others, John consistently shows the ability both to represent student interests effectively and to accomplish his goals."

Another effort Bolin is busy with on behalf of future students is an analysis and critique of the Law School's ethics curriculum. Partnering with classmate Steve Smith, Bolin surveyed a large portion of his class to identify student perspectives and expectations on various areas of the ethics curriculum. The results of this independent study were recently presented to James Coleman, senior associate dean for academic affairs, and Theresa Newman '88, associate dean of

academic affairs. Dean Coleman observes, "This was an extraordinary effort by John and Steve. Rather than merely grouse about the ethics requirement, they decided to do something constructive to help us strengthen the program. This is the kind of leadership and self-direction that the Law School encourages in its students."

Bolin also brought to Duke Law a public interest project he worked on during his 2L summer. Topping off a summer clerkship with the law firm Morgan Lewis & Bockius, Bolin donated two weeks to the Association of the Bar of the City of New York's Community Outreach Law Program. "Morgan Lewis has a very committed program of support for pro bono work. With their help I found myself a few doors down the block at the ABCNY. I was randomly assigned to the Refugee Assistance Project."

This was a natural fit for someone with his experience and interests. "I researched country conditions in support of individuals applying for refugee status. It would be hard to imagine not helping these people once you've read their files. My years of experience overseas made these issues come alive for me." To make sure that the help continued, Bolin approached Senior Lecturing Fellow Cindy Adcock '91 to develop a refugee assistance project at Duke Law. Within a semester, 10 first-year students, a 3L and an LLM student were supporting Bolin, under Adcock's guidance, in helping immigrants who have suffered torture and other forms of repression in their home countries and are seeking political asylum in the United States.

Adcock is quick to point out that Bolin's pro bono work benefits more than just his refugee clients. His leadership in developing the refugee assistance project at Duke Law serves as an example

to his classmates. "John has taken very seriously the ideal of our profession that every lawyer must help meet the legal needs of those who cannot afford a lawyer in order for justice to prevail," she said. "Law school is a great time for a student to figure out how he or she will accomplish this, yet many students overlook the opportunity. John not only found a way for incorporating pro bono service into his private practice experience, but he showed leadership by developing a project for serving more refugees by involving more law students."

Bolin firmed up his post-graduation plans in the fall semester by accepting an offer from Morgan Lewis to practice commercial law in New York. "I'm looking forward to learning a technically demanding area of the law in depth," he said. "Morgan Lewis is a firm that will challenge me intellectually day-to-day while supporting me in my pursuit of other interests." He also intends to continue the work he's already begun. "The Refugee Project is an incredible fit," he said. "What better way to balance a practice in commercial law than with a litigation practice in human rights?"

Lauris Wren of the ABCNY agrees. As the staff attorney managing the Refugee Assistance Project, Wren already is planning for Bolin's return. "The Refugee Assistance Project cases are of the utmost importance to our clients – the cases may literally be a question of life or death for them. In the two weeks John spent with us last summer, he did amazing work, contributing greatly to victories in several asylum cases. The assistance project he set up at Duke Law has provided valuable assistance in many cases as well. We are looking forward to having him back in New York, volunteering on our cases again." ♡



Stephen L. Minter '03 is a law student and president of *Scientific Resources, Inc.*, a risk assessment and management business based in Durham.

Upon graduation, he expects to transition into a second career in government affairs.

Debbie Greenblatt

Alumna Establishes Rights for Clients with Mental Disabilities

By Carol Spruill

Debbie Greenblatt LLM '80 is one of just a few Duke Law graduates to receive an LLM in Clinical Education during the six years, 1974–80, that Duke Law School offered that degree program. Before being accepted as a “Bradway Fellow” in Duke Law School’s two-year clinical program – the fellowships were named after long-time Duke Law faculty member John Saeger Bradway, who pioneered clinical education in the 1930s – Greenblatt had received a JD from North Carolina Central University School of Law and practiced law for several years.

When Greenblatt first started practicing in Raleigh in 1972, she was one of a handful of women attorneys. She initially was in solo practice but soon formed the first all-female law firm in the state with attorney Sharon Thompson. Greenblatt attracted attention early by winning a case for a client who had sued to keep her maiden name after marriage – a practice not as common in the 1970s as it is now and one that was resisted by driver’s license officials.

After receiving her LLM in 1980, she decided that she wanted to work full-time on behalf of children and adults with mental illness and developmental disabilities, and in 1982 she became executive director of Carolina Legal Assistance (CLA), a part of Legal Services of North Carolina. Greenblatt quickly became known for aggressive pursuit of rights for this often-silenced group of clients and for her ability to manage

complex litigation. With a team of full-time CLA attorneys and private pro bono attorneys, CLA won two landmark cases – the *Willie M.* and *Thomas S.* cases – well known in part for their extensive and pioneering post-judgment relief and monitoring.

Willie M. was brought on behalf of all children in North Carolina with mental disabilities who exhibited aggressive behaviors and who received inadequate services or were prosecuted in the criminal system for behavior caused by their illness. The state of North Carolina settled, agreeing to provide proper services for approximately 1,200 North Carolina children per year and create a new state agency to oversee the

process. Over a span of 20 years, millions of dollars were added to the mental health system for children as a result of this lawsuit.

The *Thomas S.* case was a statewide class action on behalf of all people with mental retardation who were inappropriately warehoused with psychotic patients, leaving them to model themselves after those patients rather than learn skills to live independently. Many individuals with mental retardation were kept in psychiatric hospitals where they were unnecessarily drugged and restrained, and the psychiatric hospitals often ignored the specific needs of these individuals. The litigation concluded with an order that required the state to



DEBBIE GREENBLATT LLM '80

“I love this work because it is a real opportunity to speak the truth about people with disabilities – to the public, to the courts, to policy makers – and it is an opportunity to make an impact on people’s lives.”

– Debbie Greenblatt LLM '80

provide appropriate services to class members. This case improved professional standards and increased funding of the mental health system by millions of dollars in North Carolina during the eight years that post-judgment relief was monitored.

Another of Greenblatt's high-impact litigation cases was *Alt v. John Umstead Hospital*, in which the NC Court of Appeals found that patients in psychiatric hospitals could not be secluded and restrained for trivial violations of rules. Greenblatt's casework also has applied the federal Fair Housing Act to local zoning decisions involving group homes for people with disabilities.

CLA always has been a small organization with an impact far beyond its resources. For a brief period it was relatively flush with a combination of legal services funds and attorneys fees obtained from the monitoring of the *Thomas S.* case. However, a few years after this, CLA had to leave Legal Services because of the severe restrictions put on it by the 104th Congress. Also, newly conservative federal judges declared that court oversight was no longer needed on *Willie M.* and *Thomas S.* Staff size was severely reduced, and other professional staff, including Greenblatt, balanced the budget by taking pay only for part-time work despite their overtime effort. Greenblatt considered leaving CLA and ran for district court judge, narrowly losing the election. Her unsuccessful stint as a politician only made her more determined to see CLA through its budget challenges.

CLA continues to represent individual clients facing treatment crises and children with special needs who are not receiving appropriate services in school. CLA attorneys are educating the public about the problems of people with mental disabilities. They are training other lawyers and advocates as well as state officials to the nuances of legal work for this unique client group. And CLA is continuing its policy work. Last fall, Greenblatt discovered a tiny provision in the massive budget bill being considered by the NC General Assembly. It would

have established a quota on the number of people with disabilities who could live in a county. Her quick work to bring this provision to light caused it to be removed from the budget.

Why was she attracted to working on behalf of people with mental disabilities? "I love this work because it is a real opportunity to speak the truth about people with disabilities – to the public, to the courts, to policy makers – and it is an opportunity to make an impact on people's lives," she said. Greenblatt adds, "A body of law is available, such as Special Education, the ADA, and IDEA, that is not available for representing other disenfranchised people. So, as a lawyer, you have something to work with. As the courts are changing, having statutory empowerments makes a difference. You can win sometimes, and that is getting harder and harder these days. The work that is there to be done at the legislative level, at the policy level and in the courts is professionally very satisfying."

Well after she began her work on behalf of people with mental disabilities, Greenblatt found yet another reason to fight for those causes. She and her husband, Chuck Eppinette, discovered that their daughter, Hannah, had severe developmental disabilities. Greenblatt's life became professional advocacy by day, and personal advocacy and care-giving by night. Now in her 20s, Hannah is doing well and even became a Bat Mitzvah with much coaching from her parents. And Greenblatt continues to throw her considerable talent, energy and dedication into the ongoing fight for people with mental disabilities. ♡



Carol Spruill is associate dean for public interest & pro bono and a senior lecturing fellow at Duke Law School. She is on the board of Carolina Legal Assistance.

Duke Law Education Inspires Alumnus to Pursue Poverty Law Practice

By John Keller '87

It has been exciting to read recently about the Law School's growing commitment to and support of public interest opportunities. During my years there (1984–87), public interest resources were minimal. I enjoyed and appreciated the personal encouragement of Duke faculty, particularly Katharine Bartlett and Jerome Culp, as I pursued a career with Legal Services.

During college, I heard a Legal Services lawyer speak at a public interest job fair. His enthusiasm for and sense of vocation about his work led me to check into opportunities with Legal Services of North Carolina when I came to Duke Law. After my first year of law school, I worked with Legal Services of the Coastal Plain in Ahoskie, NC. Following my second year, I worked with Legal Services of the Southern Piedmont in Charlotte, NC. That second summer, I also volunteered for one month at the Community Law Office (CLO) in Mendenhall, MS, a one-attorney office that was an outreach ministry of Mendenhall Ministries, a community-based Christian ministry.

My summer experiences exposed me to advocates whose commitment, work ethic and caring remain inspiration and confirmed my interest in a civil poverty law practice. I learned how legal and

{ First Person



administrative decisions can have far-reaching consequences on the daily lives of people with low incomes. Individual experiences still stand out.

For example, the CLO represented an African-American school employee in a grievance before the local school board, alleging lack of cause and race discrimination. The board members were unresponsive to the evidence presented and were also openly hostile to the attorney, personally berating her for “always trying to make race an issue.” After the hearing, which lasted more than four hours, we stood outside the school administration building late that night recapping the proceedings. The attorney was in tears from frustration and anger. Her client was equally angry, but also genuinely thankful for his attorney’s efforts. I think back on that moment many times. It crystallizes for me the personal commitment to a client that makes the case the person and not simply the legal issue, the courage to

say what is right and is true, and the need to advocate for justice and fairness beyond the traditional courtroom setting.

I have since spent my career with Legal Aid of North Carolina – Wilson, formerly Eastern Carolina Legal Services, serving a six-county region in eastern North Carolina. I have served as a staff attorney and am currently a supervising attorney. I have an individual caseload, and I supervise four staff attorneys and two paralegals. We all handle a general caseload of housing, consumer, employment, public benefits and education matters. On a statewide level, I have had the opportunity to participate in substantive trainings in both housing and employment law, learning from great advocates across the state as well as providing training for attorneys new to the practice.

Working with low-income clients continually educates me about the law’s all-too-pervasive preoccupation with the allocation of power in our society. As Reginald Heber Smith wrote, when fairness and equality in the creation and administration of our laws are compromised by wealth or power, “the poor come to think of American justice as containing only laws that punish and never laws that help.” Public interest lawyering might be viewed as working to ensure that there is not one law for the wealthy and one for the poor.

During my 15 years as a legal aid lawyer, I have seen numerous examples

of lawyers striving to promote equal justice. Solo and small-firm practitioners take cases pro bono from our office. They also serve untold and unrecognized numbers of clients who cannot pay – simply because the clients need and deserve a lawyer. In a child advocacy clinic taught by Dean Bartlett in 1987, I was paired with a small-firm practitioner in Durham, Jane Volland ’83. I saw that she and her partners had created a “public interest” practice within the firm’s overall practice. It made a lasting impression of the importance of pursuing equal justice and advocating principles in all practice settings. Large firms have provided substantial pro bono contributions in cases beyond our office’s resources or expertise. Also, many times it is lawyers who play key roles in

“Public interest lawyering might be viewed as working to ensure that there is not one law for the wealthy and one for the poor.”

the NC General Assembly, supporting legislation seeking to improve the lives of low-income people.

Oliver Wendell Holmes stated, “Those of you who would involve yourself in the greatness of the profession must immerse yourselves in the agonies of the times.” Lawyers working in the public interest have a singular ability to stand up for society’s vulnerable and underrepresented and pursue the ideal of equal justice. ♡

John Keller '87 is a supervising attorney with Legal Aid of North Carolina – Wilson. He lives in Knightdale, NC with his wife, Carolyn Ingram.

JAG Service Proves Fulfilling Experience

By Maj. James W. Smith III '94

"A lawyer is either a social engineer or a parasite on society." – Charles Houston

When I look back on my time at Duke Law School, I have to say that one of my proudest moments was the night I accepted an award from the North Carolina State Bar for pro bono service. My inspiration for going to law school was Charles Houston. While not a well-known figure in American history, Houston was one of the most important attorneys of the 20th century. In 1929, he was hired to establish a first-rate law school at Howard University, a historically black college in Washington D.C. He eventually trained Thurgood Marshall and several of the attorneys who led the legal crusade to dismantle racial segregation and discrimination in America. Houston believed that every lawyer has a responsibility to fight for justice and improve society, and that belief guided me through my three years at Duke Law.

I attended Law School while on an educational delay from the U.S. Army. My father served in the Army for 20 years, and I was a classic military brat. I always knew that I would serve in the military. I attended college on a four-year Army ROTC scholarship, with the goal of one day serving on active duty as a Judge Advocate General (JAG). I knew that upon graduation I would join the U.S. Army Judge Advocate General's Corps, and thus I had the freedom to follow my heart and pursue summer internships in the area of pro bono law.



JAMES W. SMITH III '94, RIGHT, RECEIVES HIS PROMOTION TO THE RANK OF MAJOR

Though Charles Houston was my hero, Carol Spruill, associate dean for public interest and pro bono at Duke Law, was my mentor and inspiration. She introduced me to the world of pro bono legal work while I was at Duke Law. Through Dean Spruill's pro bono placement program, I was able to work in the North Carolina Attorney General's Office of Environmental Protection and for the North Carolina Legal Services Corporation.

The NCLS job was my most rewarding pro bono experience. It's an unfortunate fact that far too often the quality of legal representation in America is dictated by income. The wonderful thing about the NCLS internship was the opportunity to work with brilliant and

creative attorneys who were dedicated to making the concept of equal justice under the law a reality.

The mission of NCLS is so simple and yet so powerful. The poor are entitled to quality legal representation. In order to fight the war on poverty, the poor must have access to highly trained, skilled and dedicated attorneys who can provide immediate assistance in the areas such as landlord/tenant disputes, debtor/creditor issues and labor law. With little money and few resources, NCLS attorneys consistently strive to ensure that lack of income does not become an insurmountable obstacle for those seeking the services of an attorney.

During my second summer at Duke

Law, I worked in the Wilmington Branch Office, where my focus was a lawsuit on behalf of minority voters challenging the shape and composition of their congressional districts. I'll never forget the experience of travelling through the district, interviewing witnesses, gathering evidence, and eventually drafting the brief on an issue of such importance.

Upon my graduation I joined the U.S. Army Judge Advocate General's Corps. The JAG Corps is the ultimate pro bono firm in the sense that it provides all legal services to its clients for free. Tax, contracts, trusts and estates, environmental, family law – you name it, the Army provides it.

It is hard to express the sense of satisfaction I received in providing high-quality legal services to the brave men and women who defend our nation.

My first job was as a legal assistance attorney, which is the military's version of a legal aid lawyer. The issues I dealt with while working at NCLS were similar to those I handled while serving as a JAG legal assistance attorney. The only difference was that my new clients wore uniforms. It is hard to express the sense of satisfaction I received in providing high-quality legal services to the brave men and women who defend our nation. Using some of the ideas I learned from Dean Spruill and NCLS, I started a preventive law educational program focused on consumer law and landlord/tenant issues for military personnel. Additionally, I created a trusts and estates outreach program that provided services to homebound military retirees. Finally, I ran the installation tax assistance program that provided free income tax assistance to more than 15,000 soldiers and military dependents.

My most rewarding experience in

the military was my tenure as a criminal defense attorney in the U.S. Army Trial Defense Service. That is an independent organization which provides criminal defense counsel to soldiers facing courts-martial.

I served as a trial defense counsel at Fort Hood, TX from 1998 to 2000 and as a senior defense counsel from 2000 to 2002 in Wuerzburg, Germany. Most soldiers facing courts-martial do not have the ability to obtain civilian counsel. The Uniform Code of Military Justice mandates that soldiers facing courts-martial and other adverse actions will be provided with free, qualified, competent military counsel. For four years I represented hundreds of soldiers facing the daunting prospect of a military court. Many came into my office with the belief that because of their inability to hire a high-profile civilian attorney they were destined to be convicted and serve years in the disciplinary barracks at Fort Leavenworth. It's hard to describe the sense of professional satisfaction I received from providing these soldiers with high-quality defense counsel representation and convincing them and their families that I was truly dedicated to defending those who defend America.

Looking back, I see how Dean Spruill's mentorship and personal example influenced me. She is the living embodiment of Charles Houston's ideal lawyer and my personal hero. She taught me that the greatest satisfaction comes from using a law degree to serve those most in need.

By serving my country as a JAG attorney, I feel as though I have the greatest pro bono job in the world. I have the privilege of serving as an attorney for those who are prepared to make the ultimate sacrifice in the defense of our nation. ♪

James W. Smith III '94 is currently the chief of military justice for the United States Army Military District of Washington, D.C. He is married to Phyllis Smith and they have two children, Dominique and Wesley.



“This Ain’t No Practice Life”

By James B. Hawkins '82

Early last year I made what might seem like a sharp turn in my career path. After serving for almost 14 years as a corporate attorney and subsidiary president for BellSouth, I accepted an offer to join a 30-attorney legal aid group spread across 48 counties in middle Tennessee. My wife, Betsy, and our three children and I moved back to my small hometown of Gallatin, TN, located about 30 miles northeast of Nashville. I shifted from putting together multi-million dollar sales, federal regulatory initiatives in Washington, D.C., and corporate re-engineering programs to grassroots work as a lawyer representing low-income persons and families, elderly individuals, and survivors of domestic violence.

Shortly after our move, while preparing to attend my 20-year class reunion at Duke Law, I felt the click of recognition as my wife introduced me to the country music song by Martina McBride and Andy Griggs with the chorus line, “This ain’t no practice life.” The song’s words resonated with me. During my work at BellSouth, I had frequently encouraged the 1,000-plus subsidiary team members I led to live and work with a keen awareness that “this is real

life, not a dress rehearsal.” In so doing, I shared the advice that my father, James W. Hawkins T’ 50, gave me when I joined BellSouth in 1986: “Let your first priority be your spiritual relationship with God; let your second priority be your relationship with your family and loved ones; and let your work be your third priority.”

In 2000, my priorities were put to the test when I received word that I was one of 16 executives and 4,000 managers to be downsized as BellSouth trimmed costs in what appeared to be an effort to match the profit margins reported by telecom giant WorldCom. (At the time, we didn’t know that the WorldCom profit benchmarks were an accounting-engineered illusion.) After a BellSouth-sponsored career transition program, I set about figuring out what my next job would be. As part of my job search, I looked into higher education, other in-house corporate opportunities, political campaign policy work, and U.S. Department of Justice staff roles.

As I moved through this mid-career transition, I often thought back to my years at Duke Law. The classes I had most enjoyed were ones that prepared me to help individuals and families with their legal problems, especially courses taught by Kate Bartlett, Walter Dellinger, William Van Alstyne, Mel Shimm and several others. I particularly enjoyed the work I did during the summer after my first year. The vast majority of my law school classmates contributed a percentage of their summer law firm clerkship earnings to a student-funded scholarship fund. This fund provided a living subsidy that enabled me and five other Duke Law students to accept low-paying or non-paying public-interest summer jobs.

That summer I had a great experience clerking with the nation’s first student legal services program, located on the campus of UNC-Chapel Hill. I worked with founding attorney Dorothy Bernholz and her associate Mark Sternlicht, who provided a diverse set of free legal services for students. I found real satisfaction in the work – and was also able to keep a roof over my head and pay for groceries, thanks to my Duke Law classmates. During my second and third years at Duke Law, I continued to work on public interest initiatives. I served as a residential advisor for Duke freshmen, worked as a volunteer for the Eno River Society and joined dozens of other law students as a volunteer assisting elderly and disadvantaged persons with their income tax returns.

My experiences at Duke Law School heavily influenced my mid-career transition. As I continued my job search, I developed and refined a list of the top 10 factors that would allow me to lead a balanced life and have a satisfying work life. I still was targeting in-house corporate roles, so I was startled when I learned of a job opening in my hometown as a legal aid attorney that matched up closely with my “Top 10” job factors list. I investigated the job, and then talked it over with family and long-time friends. I value the advice that I received from friends like my Duke Law apartment-mate Bill Messer ’82, who spent many years in legal services work in Alabama, and my former fellow Duke residence advisor, Rev. William Smart, who graduated from Duke Divinity in 1983. I accepted the job offer and made the move back to Tennessee in early 2002.

Our 20-year Law School reunion last spring was well attended, and I got to see

and visit with many of my classmates while back in Durham. I was pleased that the conversations were meaningful, and went beyond the surface-level chats that easily flourish at reunions. As I listened, I remembered a strong impression that I had during my years at the Law School. While at Duke, I perceived that just about every student came to the Law School with a pronounced element of idealism. At the reunion, I realized that this element has been kept alive and has manifested itself within my classmates’ lives in dozens of different ways. Just about every classmate with whom I spoke at length congratulated me on my job transition, and shared with me examples of the volunteer work and pro bono service that they contribute to their communities.

The Duke Law reunion affirmed my view that, ultimately, people are looking for balance and meaning in their lives. I believe that my Duke Law classmates and I came to Duke with a core set of values already in place. I am grateful to Duke Law School for the fact that my classmates and I gained the tools and insights to put these values into action through our professional lives. Our Duke Law education means also that when we need to, we have the skills to make mid-course adjustments to keep our life balanced and our priorities in order. ♪

Jim Hawkins ’82 and his family live in Gallatin, TN, where he serves as a managing attorney for the Legal Aid Society of Middle Tennessee and the Cumberlands. Jim also is a member of the Duke Law Alumni Association Board and participated in the School’s fifth annual Public Interest Retreat in February.

{ Faculty News

Duke Law Professor Leads One-of-a-Kind Study of Jury Deliberations

As part of a study of changes to Arizona's civil procedures in the 1990s, Neil Vidmar, Russell M. Robinson, II Professor of Law and professor of psychology, is involved in a project allowing an unprecedented view into the behavior of juries – a view that speaks volumes about the communication, biases and impressions of jurors everywhere.

Vidmar and his co-investigator, Professor Shari Diamond of the American Bar Foundation and Northwestern Law School, undertook the project at the invitation of the Pima County (Tucson) Arizona Court, with the approval of the Arizona Supreme Court.

Vidmar and Diamond, along with 15 students from each law school, have spent about four years reviewing videotapes of jurors and their interactions with one another during civil trials. The study, soon to be the subject of an *Arizona Law Review* article, was designed to determine the effects of changes to the court system in Arizona that allowed jurors in civil cases to ask questions during trials, take their own notes, and, most importantly, discuss evidence with each other during breaks and at other times before they've been instructed in the law by the judge and before official deliberation.

"Those were big changes that created a lot of controversy," said Vidmar, who has written numerous articles on criminal and civil juries and is author of *Judging the Jury* (1986), *Medical Malpractice and the American Jury: Confronting the Myths*

About Jury Incompetence, Deep Pockets and Outrageous Damage Awards (1995), and *World Jury Systems* (2000). "Every other jurisdiction forbids jurors from discussing evidence with anyone until the judge instructs them on the law."

For the project, Vidmar and Diamond were allowed to videotape juror interactions in 50 trials from 1998 to late 2001. In 37 of the trials the jurors were allowed to talk about the cases, and in 13 – used as a control group – the jurors had to refrain from such discussion until official deliberation began. Researchers also were provided with tapes of the entire trials to reveal the context for juror discussions.

The taping of jurors is exceedingly rare, and such a project might never again be undertaken, said Vidmar, noting that the sanctity of the jury room is not lightly intruded upon. The research was supported by grants from the National Science Foundation, the State Justice Institute and the American Bar Foundation with additional help from Duke Law School and Northwestern Law School.

One major goal of the research was to determine whether juror discussions before the judge's instructions on the law tainted juries and made them more sympathetic to the plaintiff's side, which makes its case first. Many lawyers had feared that Arizona's policy would lead jurors to make final decisions before hearing important points to be raised by the defense, even though the jurors are admonished to not to draw conclusions as a part of their early conversations.

The research showed, however, that even though a few jurors did express opinions prematurely, those jurors did not appear to bias the outcome of entire juries. And in complicated or long proceedings, the ability to discuss evidence actually helped jurors keep facts straight. The cases represented a cross-section of Arizona's civil litigation, including medical malpractice suits, cases related to auto accidents and contractual disputes.

"I think we are clear that in complex or lengthy cases this is helpful to the jurors,"



PROFESSOR NEIL VIDMAR

Vidmar said. "We found no evidence that it biased the jurors in any way."

A study of the Arizona reforms Vidmar published with several co-authors in

2002 showed that the changes, known as Rule 39(f), resulted in few, if any, negative side effects. Any problems, they concluded, could be worked out with minimal changes to the procedures.

For Vidmar, though, the findings about Arizona's court system are only a beginning. He and Diamond plan to use the research for additional articles and probably a book about how jurors go about their work and eventually come to conclusions. Those are areas in which most observers are seriously misinformed, he said.

For example, stories in the media that have attracted much attention have led many people to believe that juries typically side with plaintiffs in civil cases and readily award outrageous sums to them. Although that undeniably happens sometimes, Vidmar said, their research shows that jurors tend to harbor substantial skepticism about plaintiff claims. Further, even though jurors are not supposed to consider a plaintiff's own insurance in cases such as personal injury, many still wonder aloud if it's fair for a plaintiff to receive payment from her own insurance and then be paid by a defendant for the same injury. ♡

21st Century Opportunities and Challenges for Professional Sports

Even as they continue to play a dominant role in American culture, professional sports face legal and financial challenges in the new millennium that will affect team owners, players, fans and the media. Consider some recent events: two professional hockey teams declared bankruptcy this season; Major League Baseball, which narrowly avoided a strike last season, took financial control of the fiscally failing Montreal Expos; and a lockout of National Basketball Association players still is fresh in the minds of many fans. Meanwhile, player salaries continue to spiral upward in some sports and viewers are inundated with mind-boggling choices of media access to sporting events – most at a cost.

In that context, Paul Haagen, professor of law, has arranged a conference on April 14 at the Law School that will bring together some of the nation's leaders in sports management, finance and representation to discuss such topical issues as labor costs; revenue sharing; sports and the media; and the internationalization of professional sports.

Presenters will include Tom Werner, chairman of the Boston Red Sox; Arn Tellem, president and chief executive officer of SFX Basketball Group and executive vice president of SFX Baseball Group; and Lon Babby, a partner at Williams & Connolly and the former general counsel of the Baltimore Orioles.

The conference will focus on the financial and organizational challenges facing sports, Haagen said. "We will be discussing how to achieve competitive balance and economic stability for teams

in ways that respect the traditions and experiences of the sports." Panelists also will discuss the effect of cable, satellite television and Internet improvements that leave fans with thousands of sporting events to choose from each week.

"The outlets are there to put everything out there all of the time," Haagen said. "The challenge is how to respond to these new opportunities and capabilities. This plethora of opportunities has led to declining market shares for each individual event, and it is dramatically affecting the marketing of sports."

These changes and challenges all are taking place against the background of

the growing internationalization of professional sports. Non-American athletes increasingly are playing a central role in American professional sports – and fans outside the United States now have access to those sports in the media. Panelists will discuss what this internationalization will mean for the world of professional sports. "These are no longer exclusively American activities or American markets," Haagen said. ♡

For more details about the conference or to register to participate, contact Frances Hamacher, 919-613-7187 or hamacher@law.duke.edu.



PROFESSOR PAUL HAAGEN

Professor Recognized for Lifetime Impact in Mass Torts

Francis E. McGovern, a Duke professor of law generally recognized as the top expert in the field of mass torts, was presented with the Lifetime Achievement Award of the American College of Civil Trial Mediators last October.

The Orlando-based College is an honorary society of mediators that focuses on resolving civil litigation. Leaders of the group said they could think of few scholars or practitioners to match McGovern in his advancement of the theory and practice of alternative dispute resolution. “Francis is the author and father of an awful lot of literature and an awful lot of pragmatic exercises in the field of negotiating mass torts,” said Rodney Max, president of the organization. “He never ceases to amaze me with his energy, synergy, and his ability to be creative and come up with creative solutions.”

Previous recipients of the award have included the Honorable Warren Knight, founder of the Judicial Arbitration and Mediation Service, and Roger Fisher of Harvard Law School, author of *Getting to Yes*, the seminal popular book on reaching consensus.

The award was not the first time McGovern has been recognized for his work. Among many other accolades, he is the only person ever to win both the Outstanding Practical Achievement Award and the Original Article Award in the same year (1986) from CPR (formerly the Center for Public Resources). A stream of awards has come his way since then for his work in alternative dispute resolution and related fields.

For more than 20 years, McGovern

has worked on some of the nation’s best-known mass claim litigations, often with tens of thousands of tort claims arising from a single disaster or product liability issue. As a court-appointed special master or neutral expert, he has developed solutions in cases involving DDT toxic exposure in Alabama, the A.H. Robins/Dalkon Shield bankruptcy, and silicon gel breast implant litigation, and he remains involved in asbestos litigation.

In the Dalkon Shield litigation, he helped organize and implement the distribution of the \$2.4 billion trust established to compensate 100,000 women who had sued the maker of the device. “I have attempted to develop conceptual approaches to resolving disputes and then to test those concepts in the context of actual disputes,” McGovern said. “This process involves a dynamic feedback between theory and practice in order to advance our understanding of the most efficacious means of resolving disputes.”

His students say McGovern’s deep knowledge and skill readily translate into a powerful classroom experience. “He has an amazing combination of practical and academic experience,” said Collin Cox ’01, now an associate at Williams & Connolly based in Washington, D.C. “He brings that to the classroom every day. I took two of his classes as a third-year student, because you just can’t find anyone more involved with class actions or mass tort litigation.”

McGovern said he always tries to bring his practical experience into his lessons. “By participating in the real-world application of dispute resolution theory, I can provide a richer texture to the fabric of instruction for our students. At the same time, one of the major byproducts of this interaction between theory and practice is the ability to raise the profile of Duke Law School among other academics and practitioners.”

McGovern, who came to Duke Law in 1997, also shares his insights with lawyers, judges, students and scholars across the country through an ambitious schedule of speeches and other presentations.

For the early part of 2003, McGovern had planned about a dozen presentations that would carry him from Nevada to

New York. Those include speeches for the Standing Committee on Federal Rules of the Judicial Conference of the United States; the annual meeting of the Conference of Chief Justices; the annual meeting of the Association of American Law Schools; and presentations at the University of Tennessee, DePaul University, Ohio State University, Pepperdine University and other schools. ♪



PROFESSOR FRANCIS MCGOVERN

“I have attempted to develop conceptual approaches to resolving disputes and then to test those concepts in the context of actual disputes. This process involves a dynamic feedback between theory and practice in order to advance our understanding of the most efficacious means of resolving disputes.”

— Francis McGovern

Global Capital Markets Center Hosts Second Directors' Education Institute

The second in a series of conferences organized by the Duke Global Capital Markets Center in response to corporate scandals and subsequent regulatory activities was planned for March 12–14 at Duke.

The Directors' Education Institute, sponsored by the New York Stock Exchange (NYSE) Foundation with participation by the Securities & Exchange Commission, brings together academic experts from Duke Law School and the Fuqua School of Business with policymakers, corporate executives and representatives from the legal and financial services industries to discuss ethics, corporate governance, fiduciary duties and director education.

"The DEI was created in response to recommendations by the Securities and Exchange Commission, the NYSE and Congress for director education programs at leading universities such as Duke,"



said Stephen M. Wallenstein, professor of the practice of law, business and finance and executive director of the Global Capital Markets Center. "The Institute's mission is to inform corporate directors and senior executives on how recent regulations impact their fiduciary duties and to teach them, through the use of best practices, how to best represent and protect the interests of shareholders."

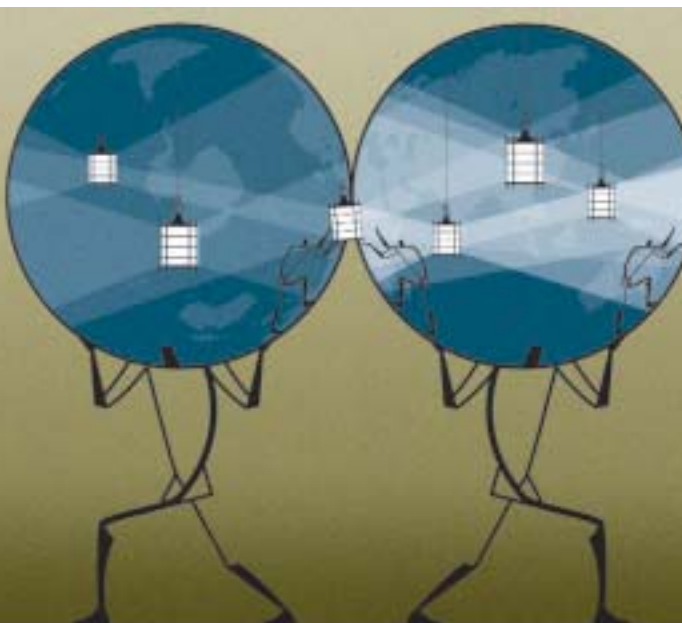
Dick Grasso, NYSE chairman and CEO, Leo C. O'Neill, president of Standard & Poor's Corp., the Honorable Leo F. Strine Jr., vice chancellor of the Delaware Court of Chancery, and then-chairman of the SEC Harvey Pitt delivered keynote speeches at the inaugural three-day conference, held at Duke in October. That event attracted more than

130 participants.

"Following the success of our first program, and with the encouragement of the New York Stock Exchange, we were confident that our second event would be a major success as well," Wallenstein said.

Scheduled headliners of the March conference included Grasso; Robert "Steve" Miller, chairman and CEO of Bethlehem Steel; the Honorable Paul S. Atkins, commissioner of the SEC; Sam DiPiazza, CEO of PricewaterhouseCoopers; and Gerald Levin, former CEO of AOL Time Warner. Wallenstein said more than 100 participants were expected. Topics to be covered included the relationship between senior management and the board in the new regulatory environment; compensation issues facing directors; managing risks and fiduciary responsibilities; the changing role and responsibility of the audit committee; what directors should know about financial reporting; and many others.

The event was sponsored by the NYSE Foundation; Cleary, Gottlieb, Steen & Hamilton; Shearman & Sterling; Winston & Strawn; Pfizer; and Heidrick & Struggles. For more information about the Directors' Education Institute and its events, please visit www.DukeDEI.org. ♣



International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime

A LAW AND ECONOMICS CONFERENCE

Duke Law School: April 4–6, 2003

Presented by the Center for the Study of the Public Domain at Duke

www.law.duke.edu/trips

Duke Law Faculty Pursue the Public Interest Near and Far

Apart from the clinics, classes and other programs that underlie Duke Law School's efforts in the public interest, faculty members regularly take on work for individuals, communities, governments and nations.

Some provide advice to national and international organizations such as the American Bar Association or the United Nations. Still more take cases – for little or no pay – to defend those without power or money. Others champion animal rights or work to protect the environment. The list goes on and on.

"Everybody wants to live in a better society," said Sara Beale, Charles L. B. Lowndes Professor of Law. "But that society isn't going to happen unless those with privilege and power and education make the choice to work for that."

In addition to aiding those directly affected by their work, and often advancing scholarship in their field, these faculty members also set a powerful example for Duke Law students, said Dean Katharine T. Bartlett.

"There could be no better signal to our students about the importance of the lawyer's commitment to serve the public than the activities undertaken by their law faculty," she said. A former legal services attorney and a member of several community and professionals boards – including the North Carolina Bar Association and the Durham County Board of Social Services, which she chairs – Bartlett spent more than five years as a reporter on an American Law Institute project in the field of family law.

"Virtually every member of the faculty at Duke Law School engages in service projects intended to improve the law or access to law by underserved populations," Bartlett said. "Some of these projects relate to domestic U.S. law; an increasing number of activities arise in the international context. The variety of public interest work is astounding, and it helps to demonstrate to our students that there are many different ways an attorney can contribute to the betterment of our laws and our legal system."

In this issue of *Duke Law Magazine*, the "faculty notes" section lists many of these public interest activities as well as the speeches, publications and other academic pursuits of the faculty that typically are published in the *Magazine*.

Katharine Bartlett

Publications

- *U.S. Custody Law and Trends in the Context of the ALI Principles of the Law of Family Dissolution*, 10 Virginia Journal of Social Policy & the Law 5 (2002)

Other

- Vice president, North Carolina Bar Association (2002-03)
- Chair, Board of Directors, Durham County Board of Social Services (2002-03)

Sara Sun Beale

Lectures and Addresses

- "Who's Liberal and Who's Conservative on Criminal Procedure," Fourth Annual Public Law Conference, Duke Law School (December 2002)
- "How the Press Reports on Crime, and Why It Matters," Florida State University College of Law (October 2002)
- "Current Trends in the Supreme Court: Criminal Procedure," National Symposium for United States Court of Appeals Judges, Washington, D.C. (October 2002)

Publications

- 2002 Supplement to GRAND JURY LAW AND PRACTICE (1997) (with William C. Bryson, James E. Felman, and Michael J. Elston)

Other

- Member, American Bar Association, Criminal Justice Standards Committee (2002-present)
- Member, Board of Directors, International Society for Reform of Criminal Law (2001-present)
- Panel Chair, member of Program Committee, International Society for Reform of Criminal Law Conference, Technology and Its Effects on Criminal Responsibility, Security, and Criminal Justice, Charleston, SC (December 2002)

Donald Beskind

Publications

- EFFECTIVE USE OF COURTROOM TECHNOLOGY: LAWYER'S GUIDE TO PRETRIAL AND TRIAL (National Institute for Trial Advocacy, 2002) (with Deanne C. Siemer, Frank D. Rothschild & Anthony J. Bocchino)

- *Case file: Powers v. Muller* (Association of Trial Lawyers of America, 2002)

Other

- Board of Directors, Roscoe Pound Institute (2002-05)

Francesca Bignami

Lectures and Addresses

- “Independence and the Proper Place for Politics in Transnational Regulation,” Workshop on Regulating Transnational Markets, New York University School of Law (September 2002)
- “The Concept of Independence in European Union Law,” Jean Monnet Fellows Forum, New York University School of Law (September 2002)

Michael Byers

Lectures and Addresses

- “Weapons of Mass Destruction and the Right of Self-Defense,” Conference on International Law and Weapons of Mass Destruction, British Institute of International and Comparative Law, London (December 2002)
- “International Law on the Use of Force: What Options for the Single Superpower?” International Law Association (British Branch) Lecture Series, University of Nottingham, England; British International Studies Association Annual Conference, London School of Economics & Political Science London; Humboldt University, Berlin; University of Göttingen, Germany (December 2002)
- “The Bush Doctrine of Preemptive Self-Defense: An Exercise in International Law-Making,” American Bar Association Annual Conference on National Security Law, Arlington, VA (November 2002)
- “Preemptive Self-Defense: Changing the Rules to Accommodate the Exception?” Carnegie Council on Ethics and International Affairs, New York City (November 2002)

Publications

- *Abuse of Rights: An Old Principle, A New Age*, 47 McGill Law Journal 389 (2001-2002)

Other

- Provides pro bono advice to the International Secretariat of Amnesty

International on issues of sovereign immunity, international criminal jurisdiction and the law of the United Nations

Paul Carrington

Lectures and Addresses

- Presentation on mandatory arbitration, Roscoe Pound Conference, Duke Law School (October 2002)
- Presentation on judicial elections, Academy of Appellate Lawyers, Denver (September 2002)

Publications

- *Unconscionable Predispute Arbitration Provisions in Construction Contracts, Molds: A Mold Property and Personal Injury Magazine*, October 2002, at 51 (with Paul Y. Castle)
- *Selecting Pennsylvania Judges in the 21st Century*, 106 Dickinson Law Review 747 (2002) (with Adam Long)
- *The Independence and Democratic Accountability of the Supreme Court of Ohio: Recalling the Work of Frederick Grimké*, 30 Capital University Law Review 455 (2002) (with Adam Long)

Other

- Organizer and secretary of a committee that aided in the enactment in July of a North Carolina law providing for public finance of judicial campaigns
- Helped cause a revision of federal law to exempt automobile dealers from the Federal Arbitration Act
- Along with Don Clifford (UNC) drafted The Fair Bargain Act, enacted in New Mexico in 2001, and recently introduced in Illinois, Ohio, Texas, and Arkansas. It is supported by Public Citizen and Public Interest Research Groups and will be considered by the Council of State Government. Will be introduced in North Carolina this year with support of NCATL and NC-AARP
- Legislative committee member, NCATL and NC-AARP
- Member, Law Science and Technology Panel, National Academy of Science

Denise Chapin

- Took office as president, North Carolina Association of Professional Family Mediators (2003)
- Developed and taught series of three “Bar Success” workshops at UNC

School of Law (Spring 2002)

- Created, proposed and will teach a new course, Domestic Mediation, UNC School of Law (winter and spring 2003)

George Christie

- Honored on the occasion of the celebration of the 40th anniversary of the establishment of the Academic Council of Duke University. Professor Christie was the chairman of the committee that in 1971 produced the report adopted by the University’s faculty and Board of Trustees to govern the role of the faculty of Duke University in the governance of the University (October 2002)

Charles Clotfelter

Lectures and Addresses

- “Segregation and Resegregation in North Carolina’s Public School Classrooms,” paper presented at conference on “The Resegregation of Southern Schools?” (August 2002) and at the meetings of the Association for Policy Analysis and Management (November 2002)
- “Private Schools, Segregation, and the Southern States,” paper presented at conference on “The Resegregation of Southern Schools?” (August 2002)

Publications

- *Can Faculty be Induced to Relinquish Tenure?* in THE QUESTIONS OF TENURE 221-245 (Richard P. Chait ed., Harvard University Press 2002)

Doriane Coleman

Lectures and Addresses

- “Fixing Columbine: The Challenge to American Liberalism,” Public Interest Book and Film Club, Duke Law School (November 2002)

Other

- Facilitator, Group Discussion on Youth and Violence, Conference on Youth, Voice and Power, University of Arizona School of Law (October 2002)
- Presentation, International Legal and Policy Implications of the Human Genome Project, Duke Law School in Geneva, Switzerland (July 2002)

James Coleman

- Chair, Death Penalty Moratorium Implementation Project, American Bar Association
- Leader, ABA working group addressing affirmative action in the legal profession and higher education
- Member, NC Actual Innocence Commission

James Cox

Lectures and Addresses

- Spoke at Federal Bureau of Investigation Economic Crimes Conference, Los Angeles (December 2002)
- “Death of the Securities Regulator: Globalization,” Conference on International Regulatory Competition, Tilburg, Netherlands (September 2002). Also presented paper at the University of Iowa School of Law Faculty Workshop (November 2002)
- “Improving the Independent Directors’ Ability to Monitor Self Dealing Transactions,” Conference on Corporate Law after Enron, Villanova Law School (October 2002)

Publications

- CORPORATIONS (2d ed., forthcoming 2003)

Other

- Assembled materials for and taught a new class at Fuqua Graduate School of Business, “The Legal Environment of Investment Banking”
- Appeared on CBS, CNN, MSNBC, ABC, PBS and NPR news in connection with corporate governance and securities regulatory issues
- Member, National Association of Securities Dealers (NASD) Legal Advisory Board
- Member, consultative group for the American Law Institute Restatement (Third) of Agency project
- Founding director, Securities Regulation section of the Association of American Law Schools

Lauren Dame

Lectures and Addresses

- “Genetic Privacy & the Language of the Law,” Conference on Religion & Genetics in Popular Culture, Duke University (November 2002)
- “Ethical, Legal, Religious & Cultural Issues Involving the New Genetic Technology,” Genetics Interdisciplinary Faculty Training (GIFT) Program, Duke University (July 2002)
- “Cloning & the Law,” Center for Genome Ethics, Law & Policy’s Summer Institute 2002: Cloning & Beyond: Scientific, Ethical and Policy Issues Raised by Advances in Human Genomics (July 2002)

Publications

- *A National Survey of Provisions in Clinical-Trial Agreements Between Medical Schools and Industry Sponsors*, 347 *New England Journal of Medicine* 1335 (October 2002) (with others)
- *Blood Money: Ethical and Legal Implications of Treating Cord Blood as Property*, 23 *Journal of Pediatric Oncology* 409 (October 2001) (with Jeremy Sugarman)

Other

- Chairperson, North Carolina Task Force on Genomics and Public Health, NC Department of Health and Human Services (2002-03)
- Member, Expert Advisory Panel for Accessible Genetics Research Ethics Education (AGREE), Duke University Medical Center (2002-03)
- Member, Medical Humanities, Bioethics, and the Law Subcommittee, Duke School of Medicine Curriculum Committee (2002-2003)

Richard Danner

Lectures and Addresses

- “Contemporary and Future Directions in American Legal Research,” 21st Annual Course on International Law Librarianship, Yale University (October 2002)

Publications

- *Strategic Planning for Distance Learning in Legal Education: Initial Thoughts on a Role for Libraries*, *Legal Reference Services Quarterly*, 2/3, 2002, at 69-85, reprinted in *LAW LIBRARY COLLECTION DEVELOPMENT IN THE*

DIGITAL AGE 69-85 (Michael Chiorazzi and Gordon Russell eds., 2002)

Other

- Member, Board of Directors, International Association of Law Libraries
- Member, Executive Committee, Association of American Law Schools

Deborah DeMott

Lectures and Addresses

- “Statutory Ingredients in Common-Law Change: Issues in the Development of Agency Doctrine,” Commercial Law and Commercial Practice Workshop, London School of Economics and Political Science (November 2002). Also presented at faculty workshops at University of Bristol School of Law and University of Arkansas, Leflar Law Center, (November 2002)
- “Patterns in Corporate Scandal and Reform,” Centre on Corporate and Commercial Law, University of Cambridge Faculty of Law (November 2002). Also presented as part of “Public Law for Public Lawyers,” 11th Annual Institute for Public Lawyers, Raleigh NC (September 2002)
- “Common Law Perspectives on Conflicts of Interest,” presented as part of American Bar Association Banking Law Committee Forum, “After Enron: How Many Roles Can Banks Play?” ABA Annual Meeting (August 2002)

Publications

- *Fluid Relationships in Transitional Times: A Comment on Employees and Corporate Governance*, 22 *Comparative Labor Law & Policy Journal* 149 (2000, published 2002)
- 2002 Supplement and Revised Chapter I to *SHAREHOLDER DERIVATIVE ACTIONS* (1987)
- *RESTATEMENT (THIRD) OF AGENCY* (Preliminary Draft No. 6, 2002) (Reporter)
- *RESTATEMENT (THIRD) OF AGENCY* (Council Draft No. 4, 2002) (Reporter)

Diane Dimond

- Prepared and presented day-long continuing legal education course for government attorneys, Advanced Writing Skills for Attorneys, U.S. Department of Justice, Washington, D.C. (October 2002)

Martin Golding

Lectures and Addresses

- “The Legal Analog of the Principle of Bivalence,” European Conference on Analytical Philosophy, Lund, Sweden (June 2002)
- Delivered four lectures at the Faculty of Law, University of Bologna, Italy (March 2002)

Other

- Participant, Conference on Equity in Jewish Law, Harvard Law School (May 2002)

Paul Haagen

Lectures and Addresses

- “Reform of Intercollegiate Athletics,” Jacksonville, FL (September 2002)
- “The Future of Intercollegiate Athletics,” National Association of College and University Attorneys Conference, Boston (June 2002)
- “Internationalization and U.S. Law,” Johannes Kepler University, Faculty of Law, Linz, Austria (June 2002)

Other

- Associate Vice Chair, Executive Committee, Duke University Academic Council (2002-03)
- Member, Academic Priorities Committee of Duke University (2002-03)
- Member, Duke University Trustees Committee on Academic Priorities (2002-03)
- Chair, Duke University Student Athlete Advisory Committee (2002-03)
- Expert witness in arbitration of *International Association of Athletics Federations v. USA Track & Field*, Court of Arbitration for Sport, Lausanne, Switzerland

Clark Havighurst

Lectures and Addresses

- “The U.S. Experience in Applying Competition Law to Health Care,” Irish Competition Authority Conference, “Competition in Medical Markets – Prospects for Ireland,” Dublin (November 2002)

Publications

- 2002-03 SUPPLEMENT TO HEALTH CARE LAW AND POLICY: READINGS, NOTES, AND QUESTIONS (1998) (with Blumstein and Brennan)
- Special Editor, *Symposium: Is the Health Care Revolution Finished?* 65 Law & Contemporary Problems (Autumn 2002)
- *Is the Health Care Revolution Finished? A Foreword*, 65 Law & Contemporary Problems 1-9 (Autumn 2002)
- *How the Health Care Revolution Fell Short*, 65 Law & Contemporary Problems 55-101 (Autumn 2002)

Other

- Oral Argument for appellant, *Viazis v. American Association of Orthodontists*, U.S. Court of Appeals, Fifth Circuit (September 2002)

Cynthia Herrup

Lectures and Addresses

- “The Mercy of the People,” North American Conference on British Studies (November 2001)

Publications

- *Negotiating Grace*, in POLITICS, RELIGION AND POPULARITY: ESSAYS FOR CONRAD RUSSELL 124-40 (Cambridge University Press, 2002)

Other

- Co-convenor, John Hope Franklin Seminar, John Hope Franklin Institute for International and Interdisciplinary Studies, 2001-02
- Associate Chair, Department of History
- Visiting Professor, Birkbeck College, University of London
- Associate Editor, NEW DICTIONARY OF NATIONAL BIOGRAPHY

Donald Horowitz

Lectures and Addresses

- “The Primordialists,” conference on Ethnonationalism in the Contemporary World, Middlebury College (October 2002)
- “Lethal Communal Riots,” United States Institute of Peace, Washington, D.C. (October 2002)

Publications

- *Domesticating Foreign Ideas in the Adoption of New Institutions: Evidence from Fiji and Indonesia*, in SOVEREIGNTY UNDER CHALLENGE 197 (John Montgomery & Nathan Glazer eds., Transaction Publishers, 2002)
- *The Primordialists*, in ETHNONATIONALISM IN THE CONTEMPORARY WORLD: WALKER CONNOR AND THE THEORY OF NATIONALISM (Daniele Conversi ed., Routledge, 2002)
- *Eating Leftovers: Making Peace from Scraps off the Negotiating Table*, in CONFLICT AND COOPERATION 293-309 (Günther Baechler & Andreas Wengers eds., 2002)

Other

- Member, International Editorial Board, *Journal on Ethnopolitics and Minority Issues in Europe*
- Board member, Project on Ethnic Relations, which works on ameliorating conflicts in Eastern Europe
- Board member, Center for Development Studies, University of Bonn (Germany)
- Working on two projects concerning a future constitution for Afghanistan, one on governmental institutions, the other on the role of Islam
- Working with Democratic Dialogue, an organization in Northern Ireland focusing on reform of the Good Friday Agreement

Judith Horowitz

Lectures and Addresses

- “Graduate Legal Education in the U.S.,” Fulbright Office, U.S./Malaysian Commission on International Education, Kuala Lumpur (June 2002)

Other

- Member, Graduate Legal Education Committee, American Bar Association, Section of Legal Education and

- Admissions to the Bar
- Member, Selection Panel, Edmund S. Muskie Fellowship Program in Law for students from the former Soviet Union, Open Society Institute, Soros Foundation
- Member, Special Committee on Undocumented and Out of Status Aliens Issues, Provost's Office, Duke University

Edward Kaufman

Publications

- *A Broadcasting Strategy to Win the Media Wars*, 25 *The Washington Quarterly* 115 (Spring 2002)
- *China Should Lower the Broadcast Screen*, *The Washington Times*, October 26, 2002, at A12

Other

- Testified before the Congressional-Executive Commission on China (April 2002)

David Lange

Lectures and Addresses

- "Recognizing the Public Domain," seminar on classic works in the law of Intellectual Property, Boston University (January 2003)
- Participant, symposium on *New York Times v. Tasini*, Case Western Reserve University School of Law (October 2002)

Publications

- CASES AND MATERIALS ON INTELLECTUAL PROPERTY (2d ed., West 2002) (with Mary LaFrance and Gary Myers)

Martin Lybecker

Lectures and Addresses

- Speaker, New Securities, Mutual Fund and Trust Activities after Gramm-Leach-Bliley Act of 1999, Investment Advisers Regulation, ALI-ABA Course of Study, Washington, D.C. (January 2003)
- Participant, Roundtable on Investment Company Regulation, Oral Histories Program, Securities and Exchange Commission Historical Society, Washington, D.C. (December 2002)
- "When to Register as an Investment Adviser," Family Office Exchange Fall Forum, Chicago (October 2002)

- "Inadvertent Investment Companies," Investment Management Regulation, ALI-ABA Course of Study, Washington, D.C. (October 2002)
- "The Democratization of Hedge Funds and Other Private Equity Investment Vehicles," Committees on Developments in Investment Services and Venture Capital and Private Equity, ABA Annual Meeting, Washington, D.C. (August 2002)

Publications

- *The Definition Of Investment Company: A Riddle Wrapped In A Mystery Within An Enigma*, 10 *Investment Lawyer* (January 2003) (with Matthew A. Chambers)
- *Section 402 of the Sarbanes-Oxley Act: The Devil was the Draftsman*, 6 *Wall Street Lawyer* 1 (October 2002) (with Thomas W. White and Mark S. Shelton)

Other

- Chair, Committee on Banking Law of the Business Law Section of the American Bar Association, 2002-05
- Member, Task Force on the Gatekeeper Regulation and the Profession, American Bar Association
- Member, Editorial Advisory Board for Volume 58 of *The Business Lawyer*, Section of Business Law, American Bar Association, 2002-03

Carolyn McAllaster

- Member, North Carolina AIDS Advisory Council
- Member, Duke Infectious Diseases Clinic Community Advisory Board

Francis McGovern

Lectures and Addresses

- "Closure in Mass Tort Cases: Litigation or Negotiation?" American Bankruptcy Institute, Tucson, AZ (December 2002)
- "Federal/State Coordination," American Bar Association, Parsippany, NJ (November 2002)
- "Strategic Mediation," American College of Civil Trial Mediators, Asheville, NC (October 2002)
- "Dispute System Design of Arbitration in Multi-Party Disputes," Association of the Bar of the City of New York

- (October 2002)
- "Class Action Procedures in Deceptive Trade Practices Litigation," Manhattan Institute and Lawyers for Public Justice (October 2002)
- "Federal/State Cooperation," Corporate Council Committee, National Center for State Courts, Washington, D.C. (October 2002)
- "Federal/State Cooperation," Los Angeles Superior Courts, (October 2002)
- "September 11 Compensation System," Alternative Systems Design Class, Stanford Law School (October 2002)
- "The Dynamics of an Asbestos Bankruptcy," American Law Institute – American Bar Association, Chicago, IL (September 2002)
- "What Dispute System Design Can Teach Arbitrators about Managing Complex & Multi-Party Processes," The Future of Commercial Arbitration, CityBar Center for Continuing Legal Education, The Association of the Bar of the City of New York (October 2002)
- "Toward Federal Preeminence Without Preemption in Mass Tort Litigation," Schwartz Lecture, Ohio State University (September 2002)

Publications

- *Multiparty Disputes: Managing Variables Key to Successful Arbitration*, 9 *Dispute Resolution Magazine* 3-4 (Fall 2002)
- *The Tragedy of the Asbestos Commons*, 88 *Virginia Law Review* 1721 (2002)

Other

- Recipient, Lifetime Achievement Award, American College of Civil Trial Mediators (October 2002)
- Advisor, Working Group on Mass Torts, Judicial Conference of the United States
- Advisor, Federal-State Cooperation Task Force of the Conference of Chief Justices
- Member, Standing Rules Committee, Administrative Offices of U.S. Courts, Washington, D.C.
- Board member, Celotex Asbestos Settlement Trust
- Board member, Averett University, Danville, VA

Thomas Metzloff

- Member, North Carolina Ethics Committee
- Member, Dispute Resolution Committee, NC Supreme Court

Ralf Michaels

Lectures and Addresses

- “The Globalization of U.S. Jurisdiction,” German-American Lawyers’ Association, Augsburg University, Augsburg, Germany (December 2002)
- “Globalizing Jurisdiction,” Europa Institute Lustrum Seminar on Globalisation and Jurisdiction, Leiden, Netherlands (December 2002)
- “Common Core?” Conference on Epistemology and Methodology of Comparative Law in the Light of European Integration, Katholieke Universiteit, Brussels, Belgium (October 2002)
- “Convergence in Civil Justice and Dispute Resolution? The Example of Antisuit Injunctions,” Symposium, Law and Justice in a Multistate World, in honor of Arthur von Mehren’s 80th birthday, Harvard Law School (September 2002)

Publications

- *Gerichtsverfassung und Verfahrensstrukturen in föderalen Gemeinwesen*, 66 RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT 357 (2002)
- *Three Paradigms of Legal Unification - National, International, Transnational*, in ASIL PROCEEDINGS OF THE 96TH MEETING 333 (2002)

Madeline Morris

- Advisor to the prosecutor, Special Court for Sierra Leone
- Provides consultation to the U.S. State Department, Office of War Crimes Issues, on international criminal jurisdiction
- Member, Advisory Board, American Bar Association, Central and East European Law Initiative

- Provided training on the law of genocide, war crimes and crimes against humanity to Yugoslav judges, prosecutors, and defense attorneys, Humanitarian Law Center, Belgrade, and the International Bar Association

Robert Mosteller

Lectures and Addresses

- “Developments in the Victims’ Rights Amendment,” University of Oregon Law School (November 2002)
- “New Dimensions of Sentencing Reform in the Twenty-First Century,” University of Oregon Law School (October 2002)

Publications

- *Victim Impact Evidence: Hard to Find the Real Rules*, 88 Cornell Law Review 543 (2003)

Other

- Wayne Morse Chair of Law and Politics at University of Oregon Law School (Fall 2002)
- President, Center for Death Penalty Litigation, Durham, NC

Joost Pauwelyn

Lectures and addresses

- “The Role of Public International Law in the WTO,” Institute for International and European Environmental Policy, Berlin (December 2002)
- The Role of Science and Scientific Experts in the Settlement of Trade Disputes, Duke Center for Environmental Solutions (December 2002)
- “The Limits of Litigation: Americanization and Negotiation in the Settlement of WTO Disputes,” Ohio State University (November 2002)
- “Proposals for Reforms of Article 21 of the DSU: Compliance Procedures,” World Trade Organization, Negotiators Meet Academics, European University Institute, Florence (September 2002)
- “What Obligations Are Created by WTO Dispute Settlement Reports?” World Trade Forum, World Trade Institute, Bern, Switzerland (August 2002)

Publications

- *Cross-Agreement Complaints Before the Appellate Body: A Case Study of the EC - Asbestos Dispute*, 1 World Trade Review 63-87 (2002)
- *The Use of Experts in WTO Dispute Settlement*, 51 International & Comparative Law Quarterly 325-64 (2002)

Other

- Advises the Southern African Development Community, an inter-governmental organization consisting of 14 countries in Southern Africa

Jeff Powell

Publications

- A COMMUNITY BUILT ON WORDS: THE CONSTITUTION IN HISTORY AND POLITICS (Univ. of Chicago Press 2002)
- Featured guest, symposium on THE PRESIDENT’S AUTHORITY OVER FOREIGN AFFAIRS, a book he published in 2002, Georgia State University College of Law (January 2002)

Other

- Recipient, Duke University Scholar/Teacher of the Year Award (October 2002)

William Reppy

- Member, North Carolina General Statutes Commission, which proposes new state statutes and amendments to statutes to the state’s general assembly
- Vice president, Justice for Animals, overseeing litigation aimed at improving the lot of animals
- Member, legislation committee of the NC Task Force to Abolish Animal Fighting
- Teaches a continuing legal education course at UNC Law on animal law

Thomas Rowe

- Consultant, U.S. Judicial Conference’s Advisory Committee on Civil Rules for style revision of Federal Rules of Civil Procedure

Richard Schmalbeck

- Chair, ad-hoc committee for the five-year review of the provost, Duke University
- Provides advice on tax reform to the Russian Ministry of Finance and recently analyzed options available to reform the Russian inheritance tax
- Works with Durham Meals on Wheels program along with Professors Sara Beale and Chris Schroeder as well as Theresa Newman, associate dean for academic affairs

Christopher Schroeder

Lectures and Addresses

- Convened 4th Annual Public Law Conference, "The Constitution and Other Legal Systems: Are There Progressive and Conservative Versions?" (December 2002)
- Supreme Court Preview, UNC Law School (September 2002)
- Moderator, September 11 Panel Discussion, Duke Law School (September 2002)
- Witness, Senate Judiciary Committee, "Importance of Balance on the D.C. Circuit for Environmental Policy" (September 2002)

Publications

- *Foreword: The Law of Politics*, 65 *Law & Contemporary Problems* 1-6 (Summer 2002)
- *Deliberative Democracy's Attempt to Turn Politics into Law*, 65 *Law & Contemporary Problems* 95-132 (Summer 2002)

Other

- Appointed to National Academy of Sciences panel on the Use of Human Subjects Data Obtained for Non-Therapeutic Purposes
- Representing Clean Air Trust in New Source Review rulemaking and litigation
- Member, board of directors, Center for Progressive Regulation, a non-profit organization devoted to environmental health and safety improvements

Steven Schwarcz

Lectures and Addresses

- Keynote address at Moody's Corporation's annual global management offsite (November 2002)
- John Olin Law & Economics Workshop, The University of Chicago Law School (October 2002)
- Faculty Workshop, University of North Carolina at Chapel Hill (September 2002)
- Faculty Workshop, University of Illinois College of Law (September 2002)

Publications

- *Global Decentralization and the Subnational Debt Problem*, 51 *Duke Law Journal* 1179 (2002)
- *Restructuring Subnational Debt*, 23 *Municipal Finance Journal* 1 (Fall 2002)

Other

- Provided expert testimony to the U.S. Securities and Exchange Commission at its hearing on credit rating agencies (November 2002)
- Advises various governmental and quasi-governmental entities, including the United Nations Commission on International Trade Law on international receivables financing and international insolvency; the U.S. Department of State on private international commercial law; and the U.S. Securities and Exchange Commission on rating agencies.

Kenneth Sibley

- Listed among the "Legal Elite" in *Business North Carolina* (January 2003)
- Grant Reviewer, NIH Center for Scientific Review Study Section on the Ethical, Legal and Social Implications of Genetics (November 2002)

Scott Silliman

Lectures and Addresses

- "International Law and the War on Terrorism," UNC undergraduate course on Peace, War and Defense, Chapel Hill, NC (November 2002)
- "National Security Law and Policy in the War Against Terrorism," Duke undergraduate course on National Security, Terry Sanford Institute of Public Policy (October 2002)

- "Military Commissions," USAF Air Mobility Command Legal Conference, Scott AFB, Illinois (October 2002)
- "International Law and the War Against Terrorism," North Carolina Bar Association's Senior Lawyers Division, Beaufort, NC (October 2002)
- "Coping with Terrorism," Durham Retired Officers Association (September 2002)
- "Dealing with al-Qaeda," East Chapel Hill Rotary Club (September 2002)
- "International Law and the Use of Force," Duke Law School Inn of Court (September 2002)
- September 11th Commemorative Forum, Duke University, Terry Sanford Institute of Public Policy (September 2002)
- September 11th Commemorative Forum, Duke Law School (September 2002)
- "International Law and the Use of Force," Durham Rotary Club (September 2002)
- "The Law of Armed Conflict," JFK Special Warfare Center, Fort Bragg, NC (August 2002)

Publications

- *The Iraqi Quagmire: From Desert Storm to Enforcing the No-Fly Zone*, 36 *New England Law Review* 767-73 (2002)

Other

- Continues as a member of the ABA's Standing Committee on Law and National Security
- Continues as a member of the Judge Advocates Association, a national organization of active duty, resource and retired judge advocates from all the services
- Frequent commentator on CNN, National Public Radio, other national television and radio news programs and in the print media on issues involving military law and national security
- Chaired a panel on "International Humanitarian Law and the Threat of Weapons of Mass Destruction: Do the Same Rules Apply?" conference on International Law and Weapons of Mass Destruction, sponsored by Duke Law School's Center on Law, Ethics and National Security and the British

Institute of International and Comparative Law, London (December 2002)

- Chaired a panel on “The Use of Force Against Rogue States: Constitutional and International Law” at the ABA Standing Committee on Law and National Security Conference, National Security Law in a Changing World: The Twelfth Annual Review of the Field, Washington, D.C. (November 2002)
- Organizer of a program on military commissions, sponsored by the ABA’s Standing Committee on Law and National Security, at the ABA Annual Meeting in Washington, D.C. (August 2002)

Laura Underkuffler

Lectures and Addresses

- “Visions of Property in Takings Cases: A Question of Justice,” Public Law Conference, Duke University (December 2002)
- “The Political and Social Idea of Property,” one-hour live interview and discussion on the Odyssey Program, Chicago Public Radio (December 2002)
- “The Meaning of Property,” Faculty Workshop Series, Chicago-Kent College of Law, Chicago (October 2002)
- “Moral Rights, Judicial Review, and Democracy: A Reponse to Horacio Spector,” workshop in law and philosophy, UNC at Chapel Hill (October 2002)

Publications

- THE IDEA OF PROPERTY ITS MEANING AND POWER (Oxford Press 2003)

William Van Alstyne

Lectures and Addresses

- Participating on panels celebrating the bicentennial of *Marbury v. Madison* at the University of Michigan Law School, the University of Minnesota Law School, and the University of Tennessee Law School

Other

- Completed an investigative report for the American Association of University Professors (AAUP) reviewing the ongoing

suspension of a tenured faculty member at the University of South Florida

Neil Vidmar

Lectures and Addresses

- Presentation on Medical Malpractice and the Tort System, (Florida Governor’s Select Task Force on Healthcare Professional Liability Insurance, University of Miami Medical Center (November 2002)
- “Tort Reform and the Medical Malpractice Crisis in Mississippi: Diagnosing the Disease and Prescribing a Remedy,” Symposium on Tort Reform, Mississippi College of Law (November 2002)

Publications

- *Legal Perceptions of Science and Expert Knowledge*, 8 Psychology, Public Policy & Law 139 (2002) (with Joseph Sanders and Shari Diamond)
- *The Bronx “Bronx Jury”*: A Profile of Civil Jury Awards in New York Counties, 80 Texas Law Review 1889-98 (2002) (with Mary R. Rose)
- *Listening to Jurors and Asking Them Questions*, Trial Briefs, August 2002, at 9
- Brief *Amici Curiae* of Certain Leading Social Scientists and Scholars in Support of Respondents in *State Farm Mutual Automobile Company v. Campbell*, Supreme Court of the United States, No. 01-1289 (October 2002) (drafter with Eisenberg)

Stephen Wallenstein

Lectures and Addresses

- Program Director, Opening and Closing Address, “Duke Directors’ Education Institute,” with the New York Stock Exchange, Duke University (October 2002)

Publications

- *International Securitization and Structured Finance*, Duke Journal of Comparative and International Law, Vol. 12, No. 2, 2002

Other

- Board member, Americas Committee, Financial Times Stock Exchange
- Member, New York Stock Exchange Working Group on Shareholder Voting and Proxy Solicitation

Jonathan Wiener

Lectures and Addresses

- “Judicial Review of Risk Science in the U.S. and Europe: The Case of Antibiotics in Animal Feed,” Annual Meeting of the Society for Risk Analysis, New Orleans, LA (December 2002)
- “International Experience with Competing Regulatory Approaches,” session on Leaded Gasoline, Resources for the Future, Washington, D.C. (December 2002)
- Conference co-organizer, “Dealing with Disasters: Prediction, Prevention and Response,” The Second Annual Duke Environmental Leadership Forum (November 2002)
- “The Malaria-DDT Dilemma: Science, Policy and Law,” Duke University (November 2002)
- Speaker and conference co-organizer, “Comparing Precaution in the U.S. and Europe,” Transatlantic Dialogue on the Reality of Precaution: Comparing Approaches to Risk and Regulation, organized by the Duke Center for Environmental Solutions, the European Commission, and the German Marshall Fund, Airlie House, Warrenton, VA (June 2002)

Publications

- RECONSTRUCTING CLIMATE POLICY: BEYOND KYOTO (American Enterprise Institute Press, 2003) (with Richard B. Stewart)
- *Comparing Precaution in the United States and Europe*, 5 Journal of Risk Research 317 (2002) (with Michael D. Rogers)
- *Reconstructing Climate Policy: The Paths Ahead*, in GOVERNING THE GLOBAL ENVIRONMENT (Carlo Carraro ed., Edward Elgar, 2002) (with Richard B. Stewart)

Other

- Co-organizer, Transatlantic Dialogues on Precaution, a series of meetings held just outside Brussels as well as Washington, D.C., Berlin, and at Duke, to improve mutual understanding of U.S. and European regulation of health and environmental risks

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Reunion 2003

Promises Learning, Food and Family Fun

Duke Law is happy to welcome back members of the classes of 1953, 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993 and 1998 along with family, friends, and faculty for Reunion 2003, which runs from April 11-13. Events include receptions, seminars, and the unveiling of a portrait of former Dean Pamela Gann '73, who left Duke Law in 1999 to become president of Claremont McKenna College.

Participants also will have an opportunity to attend the Duke University Gala on April 12, which will include fireworks, dancing and live music for more than 1,000 Duke alumni.

For more reunion details visit:
<http://reunion2003.law.duke.edu/>
or call 1-888-LAW-ALUM.

Reunion Schedule

Friday, April 11, 2003

Noon to 5 p.m., Registration
3rd Floor Loggia, Duke Law School

3:30 p.m. to 3:45 p.m., Service of Thanksgiving and Remembrance
Duke Chapel, West Campus

5 p.m. to 7 p.m., Barrister Donor Society Reception
(Annual Fund giving at or above the Barrister level)
Greystone Mansion, Durham

6:30 p.m. to 10 p.m., Law Alumni Gala Reception
Ambassador Ballroom, Washington Duke Inn

Saturday, April 12, 2003

8 a.m. to 9 a.m., Continental Breakfast
3rd Floor Loggia, Duke Law School

8 a.m. to 9 a.m., Breakfast Celebrating the Class of 1953 and
Welcoming Members and Friends of the Half Century Club
Burdman Faculty Lounge, Duke Law School

9 a.m. to 12:30 p.m., Admissions and Career Services
Open House, Duke Law School

9:15 a.m. to 10:30 a.m., Planned Giving Seminar
Phillip Buchanan, director of planned giving for Duke University
Burdman Faculty Lounge, Duke Law School

9:30 a.m. to 10:30 a.m., Sports Law Seminar with
Professor Paul Haagen
Room 3043, Duke Law School

9:30 a.m. to 10:30 a.m., Financial Issues Seminar with Professor Jim Cox
Room 3037, Duke Law School

10:30 a.m. to noon, Presentation of Alumni Awards and Unveiling of
Portrait of Former Dean Pamela Gann '73
Law Library

11:00 a.m. to 12:30 p.m., Annual State of the University Presentation
by Duke University President Nan Keohane
Page Auditorium, West Campus

12:30 p.m. to 2 p.m., Alumni Picnic and Barbeque
Food, music and family fun
Law School Lawn

1:00 p.m. to 2:30 p.m., Golf at the Washington Duke Inn
Duke Golf Course, West Campus

1:30 p.m. to 2:30 p.m., Primate Center Tours
Primate Center, Duke Forest

2 p.m. to 3 p.m., Alumni and Faculty Author Book Signing
Law Library

6 p.m. to 9:30 p.m., Class Dinners, Multiple Venues

10 p.m. to midnight, University Gala
Fireworks display, live music and dancing
Gala Tent, West Campus

Sunday, April 13, 2003

9 a.m. to 10 a.m., Chapel Service for Alumni
West Campus

10 a.m. to noon, Champagne Breakfast
Sarah P. Duke Gardens, West Campus

2003 duke law in geneva

- International Meeting of the Board of Visitors
- International Alumni Reunion
- Summer Institute in Transnational Law

Thursday, July 17 to Sunday, July 20, 2003

Mandarin Oriental Hotel
du Rhône, Geneva

For further information:

Ms. Lisa Wechsler
Telephone: 919.613.7280
Email: geneva2003@law.duke.edu



1938

Charles H. Young is being honored by the North Carolina Bar Association Foundation with the establishment of the Charles H. Young Justice Fund. A Justice Fund is a named endowment that honors those North Carolina lawyers, past and present, whose careers have demonstrated dedication to the pursuit of justice and outstanding service to the profession and the public.

1955

David C. Goodon, a commercial litigator who is of counsel in the Miami office of Akerman Senterfitt, was listed for the 20th consecutive year in *The Best Lawyers in America*. He is one of only 1,880 lawyers to be listed in every edition since the first issue of the publication in 1983.

1956

Carlyle C. Ring, Jr. has been recognized for his work in cyber law in the latest edition of *The Best Lawyers in America*. He works in the Washington, D.C. office of Ober, Kaler, Grimes & Shriver.

1963



Michael R. Walsh, of Orlando, FL, was elected a fellow of the Royal Academy of Matrimonial Lawyers. He is the first lawyer in the state of Florida to be elected to the Royal Academy. The announcement was made in London in July, 2002.

1965

William Curtis retired after practicing in Orange County, CA since 1971. He was married to Rhobie Reed-Curtis in 1993 and is spending time working on investments and enjoying their seven grandchildren.

1968

Lynn E. Wagner, president of Litigation Alternatives, Inc. in Winter Park, FL, gave a speech at the Personnel Law Update 2002, Council on Education in Management entitled "Holding Down Litigation Costs: A Fresh Look at Arbitrating Employment Disputes in Light of Recent U.S. Supreme Court Cases."

1969

Edward Leydon ran the Wine Glass Marathon in Corning, NY in October 2002. He is director of international law at Schering-Plough Corporation and co-chairman of the International Law Committee of the New Jersey Corporate Counsel Association.

1973

Eleanor Kinney published her book *Protecting American Health Care Consumers* with Duke University Press in Spring 2002. She also edited a book, *Medicare Coverage Decision-Making and Appeals*, for ABA Publishing, published in August 2002. She is co-director of the Center for Law and Health at Indiana University School of Law-Indianapolis.

1974

Ira Sandron has become an administrative law judge for the National Labor Relations Board, his first employer after graduating from Law School. He will be working out of his home in suburban Evansville, IN.

1975

Howard Klein has started a new law firm in Irvine, CA – Klein, O'Neill & Singh LLP, practicing exclusively in IP transactional matters, both U.S. and international.

William Trull closed his law practice at the end of 2000. His son, Jay, was born May 6, 2000. Bill bought Cumbie Institute of Real Estate and serves as director and primary instructor for real estate licensing and continuing education classes. He is also the co-owner of Course Doctors, Inc., a golf course construction and renovation firm in Flat Rock, NC.

1977

Paul George is the director of the Biddle Law Library at the University of Pennsylvania Law School.

1978

The son of **Susan Brooks** and the late **Michael R. Johnson**, Patrick Brooks Johnson T'05, is playing with the Duke men's basketball team as a sophomore walk-on. At 6'9", 225 lbs., he is playing as a forward this season. Susan married Tom Daniel in 1995.



David Kohler has been appointed director of Southwestern University School of Law's National Entertainment and Media Law Institute and professor of law. He will

coordinate the Institute's curricular and extracurricular offerings, services and activities; establish and maintain relationships with law firms and the entertainment industry; and promote research in selected areas. He also will teach a First Amendment seminar and establish new courses in related areas.

1979

Janis C. Gordon was appointed to a state judgeship in DeKalb County, GA.

1980



John H. (Jack) Hickey spoke at the 2002 annual convention of the Association of Trial Lawyers of America (ATLA) in Atlanta, on maritime law and the

"Evolving Standards of Negligence under the Jones Act." He is a sustaining member of ATLA and is president-elect of the Dade County Bar Association.

1981

Tim Corrigan was recently administered the oath of office of United States District Judge for the Middle District of Florida.

Frank “Tom” Read ’63 ALUM STEPS DOWN AS DEAN OF SOUTH TEXAS COLLEGE OF LAW

Frank “Tom” Read ’63 will step down as president and dean of South Texas College of Law, after eight years in this position, and a career that has included deanships at five different law schools over a period of three decades.

Read was associate dean at Duke Law from 1965–68, and credits former dean and University chancellor, the late A. Kenneth Pye, and former dean Hodge O’Neal with much of the wisdom on which his career success was built. After his service at Duke, he was dean for six years at the University of Tulsa School of Law; two years as dean at Indiana University – Indianapolis; seven years as dean at the University of Florida Law School; and six years as dean at Hastings Law School. Including his time at Duke and South Texas, that’s more than three decades of dean experience.

“There are good reasons why so many schools have sought Tom as a dean, reasons that have to do with his credibility as a teacher and scholar, his administrative genius, his extraordinary decency, and his Midas touch,” said Duke Law’s Dean Katharine Bartlett. Her remarks came at a reception the Law School hosted to honor Read in January during the Association of American Law Schools (AALS) annual conference in Washington, D.C. “The respect in which he is held by alumni, students, his faculty colleagues and his fellow deans is truly inspiring.”

More than 50 Duke Law faculty, staff and alumni attended the reception and offered their best wishes to Dean Read. Attendees included Dale Whitman ’66 of the University of Missouri School of Law, who is just concluding his term as president of the AALS, and Gerald Wetherington ’63, one of Read’s Law School classmates. Read is expected to take a one-year sabbatical and then return to teach at South Texas.



FROM LEFT, DEBBIE KIRK, FIANCÉ OF DUKE LAW BOARD OF VISITORS CHAIR PETER KAHN ’76, KAHN, DEAN BARTLETT, FRANK “TOM” READ ’63, PROFESSOR DEBORAH DEMOTT

James Fieber and his brothers, William and Robert, have donated 250 acres of land to two Connecticut towns so it can be preserved as open space. The brothers run a family-owned real estate development company, The Fieber Group, located in New Canaan, CT. One tract is located along the Connecticut River and is home to the only nesting pair of bald eagles in the state. The Fieber Group is consistently ranked in the top 400 builders in the country by *Professional Builder* magazine.

1984

Michael F. Burke has joined the Boston law firm of Nutter McClennen & Fish as a partner in the real estate and finance practice.

Jeffrey Drew Butt has joined the Tampa, FL office of Squire, Sanders & Dempsey as a partner in the real estate practice.

1985



Lauren W. Anderson has joined the law firm of Baker, Donelson, Bearman & Caldwell in Memphis, TN.

1987

Julie O’Brien Petrini was recently named general counsel, vice-president and secretary for Polaroid, Inc. in Cambridge, MA.

Steven Schwartz and his wife, Laurie, announce the birth of their daughter, Samantha Nicole Schwartz, on Oct. 16, 2002. She joins her brother, Joshua, and her sister, Melanie.

1988

Emily Karr and **Townsend Hyatt ’89** announce the birth of their second son, Philip Moses Johnson Hyatt, on May 10, 2002. He joins his older brother, Pearce.

1989

J. Stephen and **Kathleen Barge** announce the birth of their third child and first daughter, Genevieve “Genna” Kathleen Barge on Nov. 10, 2002. Steve is a tax partner with Kirkpatrick & Lockhart’s Pittsburgh

office and was listed in *Best Lawyers in America*. Kathleen is an associate broker with Howard Hanna in Sewickley, PA.

Townsend Hyatt and Emily Karr '88

announce the birth of their second son, Philip Moses Johnson Hyatt, on May 10, 2002. He joins his older brother, Pearce.

Wendy Sartory Link was named one of "South Florida's 50 Most Successful Businesswomen" by *FastTrack* magazine. She also recently was elected president of SunFest, Palm Beach County, Florida's largest outdoor music and art festival.

Allen W. Nelson has joined the Georgia Trust for Historic Preservation's Board of Trustees in Atlanta.

Debby Stone opened a practice as a whole life coach. As a coach, Debby works with individuals considering or involved in a transition in their professional or personal lives to create a road-map for change. She lives in Atlanta.

1990

Stephan Alamowitch has become a partner in the Paris office of Orrick Herrington & Sutcliffe.

John W. "Jack" Alden Jr. married Stephanie LeBlond on July 6, 2002 at St. Antoine de Tilly, a small village outside of Quebec City. Jack continues to practice commercial, class action and securities litigation with Morrison & Foerster LLP, as a partner resident in the Los Angeles office. Jack and Stephanie reside in San Pedro, CA, where they windsurf in their free time.

Lisa Balderson has returned from Columbus, OH to her home state of West Virginia to practice environmental law with Spilman, Thomas & Battle, PLLC in Charleston.

Kristyn Elliott and **Paul Dietrich** announce the birth of their fourth child, Sophia Grace, on Aug. 28, 2002. Sophia joins her sister, Madeleine, and her brothers, Benjamin and Joshua.

Brad Furber joined the Seattle office of Holland & Knight LLP as a capital partner in June 2002 after the merger of Van Valkenberg Furber Law Group and Holland & Knight. Van Valkenberg Furber was a boutique corporate finance and securities law firm Brad co-founded in 1995. In June 2002, Brad was elected chair of the Business Law Section of the Washington State Bar Association.

Thomas Hanusik is a prosecutor with the Justice Department fraud section in Washington and is one of five prosecutors on the Enron task force. A former SEC enforcement attorney, Tom specializes in insider trading, commodities fraud and money laundering cases.

Scott L. Kaufman has become a partner with the New York firm of Kronish Lieb Weiner & Hellman LLP, working in the corporate group. Scott previously was a partner in the business and technology group at Brobeck, Phleger & Harrison's New York offices.

1991

Kay Brady and Tom Capria announce the birth of their second child, Emma Christine, on April 8, 2002. She joins older sister, Anna.

Shawn Flatt recently started work in the economics section of the U.S. Embassy in Tokyo. He covers information technology and intellectual property rights issues as well as semiconductors.

Elizabeth Malloy recently received the Goldman Prize for Excellence in Teaching at the University of Cincinnati College of Law.

Tom Sydnor and **Maureen McLaughlin** announce the birth of their daughter, Lindsey, on Aug. 25, 2002.

Shabbir Wakhariya has been appointed chair of the South and Southeast Asia Law Committee of the Section of International Law and Practice of the American Bar Association for 2002-03.

1992

Sean Moylan and his wife, Cara, announce the birth of their third child and second son, Eamon Joseph, on July 15, 2002.

Bradford and **Jolene Tribble** announce the birth of their son, Philip Bennet Alexander on March 27, 2002 in Bangkok. He joins his brothers, Julian and Thom.

1993

Jared Freedberg recently joined Covance Inc. of Princeton, NJ as an in-house generalist. Covance is a contract research organization specializing in performing clinical trials throughout the world for the pharmaceutical industry. He and his wife, Rachel, had twins, Matthew Noah and Alexandra Laine, in November 2001.

Estee Levine and David Little announce the birth of their son, Thomas Little, on Jan. 9, 2002. Estee works for the Securities & Exchange Commission's Division of Enforcement in Washington, D.C.

John Lopes has been named senior vice president of operations for Championship Auto Racing Teams, Inc. in Indianapolis, IN.

Leslie Leatherwood Nelson and her husband, David E. Nelson, announce the birth of their daughter, Emma Grace Nelson, on Aug. 16, 2002.

Alex Simpson joined King & Spalding's New York office as a partner in the corporate finance group in August 2002.

Jeremy Weiss and his wife, Deana, announce the birth of their first child, a son, Benjamin David Weiss, on Thanksgiving Day, Nov. 28, 2002. Jeremy and Deana were married in December 2001.

Howard Young has returned to the Washington, D.C. office of Arent Fox Kintner Plotkin & Kahn as a health practices partner. He spent the last five years in federal government. Most recently, he served as the deputy chief for the Civil Recoveries Branch of the Office of Counsel to the Health and Human Services Inspector General.

1994

Ilona Banhegyi became the general counsel of MOL Hungarian Oil and Gas PLC in 2000. Located in Budapest, MOL is a leading integrated oil and gas company in Central Europe.

Paul Genender and his wife, Anice, announce the birth of their son, Jack Dash Genender, on Nov. 12, 2002.

Michael Heilbronner and his wife, Jennifer, announce the birth of their daughter, Ella Josephine, on July 14, 2002.

Adam Safwat was appointed assistant U.S. Attorney for the District of Delaware in September 2002.

Joelle Cooperman Sharman recently moved to Atlanta with her husband, Paul, and daughters, Gabrielle and Lindsay. She is working from home as an associate for Proskauer Rose LLP in Boca Raton, FL.

Stacie Strong earned a PhD in law from the University of Cambridge. She currently lectures in law at Exeter College at the University of Oxford and continues her research in jurisprudence and comparative constitutional law.

1995

Doug Chalmers served as legal counsel to the successful campaign of Governor Sonny Perdue of Georgia.

Marc Eumann has taken a two-year leave from the bench to accept an assignment at the legislation branch of the State Justice Department in Dusseldorf, Germany. He works on bills relating to insolvency, corporate law, general commercial law and property law.

Gates Grainger and his wife, **Allyson '97**, announce the birth of their daughter, Cameron Rose Grainger, on Sept. 2, 2002.

Andres Halvorsen and **Maria Fleury de Halvorsen** announce the birth of their daughter, Maria Mercedes Ana Halvorsen Fluery, on July 26, 2002.

Erika King has joined the Pharmaceutical Research and Manufacturers of America in Washington, D.C., as assistant general counsel.

Jill Dana Morganbesser was married to Eugene Felix Patrone in Hartford, CT on Nov. 9, 2002.

Pedro Oller and his wife, Renee, announce the birth of their daughter, Jimena Oller on Sept. 19, 2002.



Natalie Kay Sanders has been named a partner at Brooks, Pierce, McLendon, Humphrey & Leonard in Greensboro, NC. Her practice is concentrated in labor and employment consulting and litigation, as well as general business litigation.

Connie Jean Shoemaker married Jeff Collier III on Oct. 5, 2002 in Southampton, NY. Connie is an associate at Davis Polk & Wardwell in New York.

Brian Wyatt married Brooke Squire in Beach Haven, NJ, on Oct. 12, 2002. Guests included **Lance Boldrey '95**, **Wiley Boston '95**, **Elaina Cohen '95** and **Len Marinaccio '95**. The couple continues to reside in New York City, where Brian is an associate practicing in the health care group of Ropes & Gray.

1996

Thomas L. Harper, Jr. and his wife, Helen, announce the birth of their first child, a daughter, Adelaide Ingram Harper, on May 12, 2002.

Naoki Watanabe and his wife, Yuko, announce the birth of their second child, and first daughter, Luly, born July 13, 2002. She joins older brother, Jun.

1997

Bob Ghoorah and **Sarah Solum '98** were married at Pebble Beach, CA in August 2001. Family and guests included **Chuck Ghoorah '94**, **Andrea Ghoorah '02**, **Alan Sacks '97**, **Matthew Kirtland '97**, **Michael Levy '97**, **Peter Ocko '97**, **Jennifer Gardner Levy '97**, **Miriam Radich '97**, **Phred Ebrahemi '98**, **Jamie Eisner '98**, **Amanda McMillian '98**, **Lee Ann Wheelis '98** and **J.D. Hickey '01**. Bob and Sarah live and work in Palo Alto, CA.

Allyson Grainger and her husband, **Gates '95**, announce the birth of their daughter, Cameron Rose Grainger, on Sept. 2, 2002.

Candace Kicklighter married Robert Slezak on Feb. 16, 2002 in Merritt Island, FL. The couple resides in Decatur, GA, where Candace is an assistant district attorney with Dekalb County.

Mattias von Buttler and **Julia Von Keussler '01** were married in August 2002. Mattias is an associate with Latham & Watkins in Frankfurt, Germany.

1998

Lauralyn Beattie recently left Wilmer, Cutler & Pickering to join the Office of University Counsel at Georgetown University.

Ellen Dunham Bryant married **Shawn Bryant** on June 23, 2001 in Wellsboro, PA. The wedding party included **Lauralyn Beattie '98**, **Jamie Eisner '98** and **Mark Daly '98**. The couple resides in Rockville, MD. Ellen is labor and employment counsel at the U.S. Chamber of Commerce in Washington, D.C., and Shawn is an associate at Spriggs & Hollingsworth in Washington, D.C.

Front row: **Amy Kiesel '98, Patty Dolan '98, Anne Hickey '98, Shawn Bryant '98, Ellen Dunham Bryant '98, Jamie Eisner '98, Megan Carlyle '98, Tim Dadson '99.** Back row: **Lauralyn Beattie '98, Peter Lee '98, Kevin Baily '98, Julie Riewe '99, Mark Daly '98, Andrea Darling '99, Jennifer Draffen '98.**



Karel D'Hulst and **Jing Shen** announce the birth of their daughter, Caroline, on Oct. 8, 2002.

James W. Gayton married Erin Smith on Aug. 30, 2002 in San Diego, CA. Jim practices insurance defense law in San Diego, and Erin is a doctoral candidate in literature at the University of California, San Diego.

Nora Gierke and her husband, Jonathan Fitzsimmons, announce the birth of their first child, Eli Patrick Gierke Fitzsimmons, on April 2, 2002. Nora continues to practice commercial litigation at Reinhart Boerner Van Deuren in Milwaukee, WI.

John Miller and Shari Kanji were married in Sept. 2001 at the Duke Gardens and Washington Duke Inn. The couple resides in New York.

Kimberly Schaefer and her husband, David, announce the birth of their first child, Ethan David Schaefer, on April 9, 2002.

Sarah Solum and **Bob Ghoorah '97** were married at Pebble Beach, CA in August 2001. Family and guests included **Chuck Ghoorah '94, Andrea Ghoorah '02, Alan Sacks '97, Matthew Kirtland '97, Michael Levy '97, Peter Ocko '97, Jennifer Gardner Levy '97, Miriam Radich '97, Phred Ebrahemi '98, Jamie Eisner '98, Amanda McMillian '98, Lee Ann Wheelis '98 and J.D. Hickey '01.** Bob and Sarah live and work in Palo Alto, CA.

Tricia Valles has been named a shareholder in the Tampa law firm of Hahn, Morgan & Lamb, where she practices in the areas of medical malpractice, personal injury and appellate law.

Robin Whitlock Smith recently joined GlaxoSmithKline, a global pharmaceutical manufacturer, as associate counsel in Research Triangle Park, NC. She is responsible for managing litigation in the areas of product liability, contracts and employment.

1999

Brandon Fernald has joined the litigation department in the Los Angeles office of Fulbright & Jaworski.

David Dixon and his wife, Karen, adopted a son, Walter, last December and have moved to Sacramento, CA. David is working as a general litigation associate at Downey Brand Seymour & Rohwer.

Javier Dominguez-Torrado and his wife, Laura, announce the birth of their daughter, Maria Fernanda, on March 18, 2002.

Sebastian Guerrero married Gracia Carvallo on May 11, 2002. The couple resides in Santiago, Chile, where Sebastian is a senior associate with Guerrero, Olivos, Novoa y Errazuriz.

Duke Law Alumna IN CONGRESS

Denise L. Majette '79 was overwhelmingly elected to the U.S. House of Representatives from Georgia's 4th Congressional District in November after defeating a five-term House veteran in the Democratic primary. Majette received 77 percent of the vote in the general election and was sworn in on Jan. 7 in Washington, D.C.



During the campaign and after her victory, Majette promised to build coalitions to ensure smart economic growth while nurturing the environment; to expand her role as a legislator to encourage consensus among educators, labor advocates, local government and the business community to improve job opportunities; to listen to teachers and parents and demand that they receive tools they need to do their jobs; and to fight the rising cost of health care while promoting wider access to health care.

Linda Steckley, Duke Law's associate dean of external relations, had high praise for Majette. "Duke Law School is honored to have one of its alumni serve her country in such an important position," Steckley said. "She joins a growing number of Duke Law graduates who are well positioned to help shape national policy." ♡



LLM Graduate Becomes YOUNGEST SENATOR IN JAPANESE DIET



Kotaro Tamura LLM '95 was elected to the upper house of the Japanese parliament on Oct. 27, 2002. Tamura, 39, an independent, was elected with support from the Liberal

Democratic Party, the New Komeito Party and the New Conservative Party.

With that victory, he became the youngest senator in the Diet. The term of his position as senator and member of the House of Councilors is six years. He was elected to the Tottori constituency, his home state.

The victory came as no surprise to Judy Horowitz, Duke Law's associate dean for international studies. "Kotaro was probably one of the most enthusiastic, motivated people I've ever known," she said. "He never gives up, and he's a person with a huge amount of energy." While at Duke Law, for example, Tamura volunteered to start a course in Japanese for legal studies, a program that continues today, Horowitz said.

Among his other responsibilities in the Diet, Tamura primarily will work on fiscal and financial issues, he said. "I am helping to make Japan's economic, fiscal and financial policy. I will do my best in order to revitalize the second-largest economy in the world. Before his election, Tamura worked in finance and journalism, which helped to shape his political agenda. "In the financial world, I encountered a lot of useless regulations and government intervention, which weaken Japan's economy and the competitiveness of business," he said. "As a journalist, I have carefully watched Japan's politics. I have learned that our politics could not work efficiently for taxpayers, because politicians must work for limited interest groups that donate huge amounts of money for the politicians' elections and re-elections."

These are conditions he hopes to change. "I am always thinking and insisting that Japanese statesmen should be younger, more international-minded, less money-driven and more intellectual," he said. "I also would like to change Japan's political world order to adjust more rapidly to global changes."



Jenni Kinsley is an adjunct professor at the University of Cincinnati College of Law this semester. She is teaching Habeas Corpus and Other Post-Conviction Remedies with H. Louis Sirkin.

Justin Okezie recently started his own law firm in Bethesda, MD, where he practices litigation and immigration law.

2000

Kelly Barsham and Eric Johnson were married on Oct. 12, 2002 on the Outer Banks of North Carolina.

Jacqueline Goldberg recently joined Grippo & Elden as an associate in its litigation practice. Grippo & Elden is a Chicago-based litigation boutique.

Jamie Hernan recently left King & Spalding after nearly two years as an associate on the financial transactions team to open his own practice in Roswell, GA. The new firm, Hernan Taylor LLC, was started with another former associate from King & Spalding and has a general practice.

Christopher Kang was married to Elizabeth Liu on June 15, 2002 in Chicago, IL. They have moved to Arlington, VA. Christopher is working as counsel for Senator Dick Durbin (D-IL) on the Senate Judiciary Committee.

Yasuo Kitamura and his wife, Yoko, announce the birth of their son, Masayuki, born Oct. 30, 2002.

Michael Levine has joined the staff of attorneys at the Juneau, AK office of Earthjustice (formerly the Sierra Club Legal Defense Fund).

2001

Nan Ball married John V. Donnelly, III in Philadelphia, PA on Sept. 1, 2002. Many fellow Dukies were in attendance, including: **Amber Donath '01, Atiba Ellis '00, Miriam Goldsmith '01, Julie Huff '01, D'Iorah Hughes '01, Erin Lovall '01, Julie Saker '01, Brad Wiltshire '01** and **Mae Wu '01**. After completing a clerkship with the Honorable Anthony Scirica on the Third Circuit, Nan joined Shea & Gardner in Washington, D.C.

Kelly Black was married to Thomas Holmes on Sept. 7, 2002 in Atlanta, GA. Guests included **Dean Katharine Bartlett, Professor Chris Schroeder, Robert Ekstrand '98, Samantha Ekstrand '01, Alex Dale '01, Sarah Gohl '01, and Matt Stowe '01**. Upon return from her honeymoon in Hawaii, Kelly began work as an associate in the Boston office of Hale and Dorr. Prior to joining the firm, she clerked for the Honorable Kenneth L. Ryskamp, U.S. District Court Judge for the Southern District of Florida.

Gideon Moore married Anne Shoemake in Durham, NC on Sept. 1, 2002. The couple resides in New York, where Gideon is an associate with Cadwalader, Wickersham & Taft.

Stephen Pedersen is working in the litigation department at Kutak Rock, LLP in Omaha, NE.

Jamieson A. Smith married Komal Bazaz on Aug. 10, 2002. The couple resides in Arlington, VA. Jamieson is an associate in the Washington, D.C. office of Baach Robinson & Lewis.

Matthew Stowe received an award from the Servicemembers Legal Defense Network for achieving, with co-counsel Anthony Miranda, a successful settlement of a pro bono military pay case involving a servicemember dismissed under the "Don't Ask, Don't Tell, Don't Pursue" policy.

Julia Von Keussler and **Mattias von Buttler '97** were married in August 2002. Julia continues her work at the German Financial Supervisory Authority.

2002

Bob Hyde accepted a clerkship with U.S. District Judge Gary L. Taylor in the Central District of California for 2003-04. He is currently clerking for U.S. Magistrate Judge Marc L. Goldman in the Central District of California.

Jennifer Ruiz and her husband, David, announce the birth of their son, James David Henderson Ruiz, on June 7, 2002.

Venus Springs and her husband, Jules, announce the birth of their second child, Julian Washington Springs, on July 23, 2002. He joins his brother, Anthony.

Jennifer Tomsen has joined the law firm of Greenberg Traurig in Orlando, FL.

President Selects Alumna to Chair International Trade Commission



Deanna Tanner Okun

'90 was designated chairman of the U.S. International Trade Commission by President Bush for the term of June 2002 to June 2004.

She initially was appointed to the commission in 1999, following seven years as international trade counsel to U.S. Sen. Frank Murkowski of Alaska.

The mission of the Trade Commission is twofold: to administer U.S. trade remedy laws in a fair and objective manner; and to provide the president and Congress with independent advice and information on matters of international trade and competitiveness. As chairman, Okun's duties include overseeing the agency as a whole and exercising responsibility for all administrative functions.

"I was honored and privileged to be named by the president to head the independent agency, which is central to the development and implementation of sound and informed trade policy," she said. "As the importance of trade grows not just in the United States, but in the world, I hope to use my time as chairman to help the commission adapt its mission to provide quality public service in these areas."

Let us know what you have been doing!

Send us your news by June 10 for the fall issue of Duke Law Magazine. Class notes also are available online at www.law.duke.edu/alumni/classnotes.

Submissions should be sent to Jean Brooks, class notes editor, Box 90389, Durham, NC 27708 (fax 919-613-7170).

Alumni

1923

Richard E. Thigpen, 102, died Dec. 27, 2002 in Charlotte, NC. Born May 9, 1900 in Wilmington, NC, Mr. Thigpen graduated from Trinity College (now Duke University) in 1922 and studied law under Samuel Fox Mordecai, dean of Trinity Law School. After four years with the U.S. Board of Tax Appeals in Washington, D.C., he returned to North Carolina and opened his law office in Charlotte in 1933. Mr. Thigpen practiced tax law until his retirement in 1976. He continued to serve Duke as alumni secretary from 1923-1929, and as chairman of the National Council and president of the Alumni Association. He served as a trustee of Duke University from 1953-1973, and was vice-chairman of the Executive Committee. He also was an active member of the Charlotte community. He is survived by his daughter, Harriet Thigpen Stewart, and his son, Richard E. Thigpen, Jr.; six grandchildren; and 12 great-grandchildren.

1935

James N. Mullen, 92, died Dec. 29, 2002 in Gastonia, NC. Born May 11, 1910 in Lancaster, SC, Mr. Mullen, “Moon” to his friends, attended Duke University where he was a member of the football team, served as senior class president and was a Rhodes Scholar nominee. He earned a bachelor’s degree in history in 1932, and graduated from Duke Law School in 1935 with honors. Mr. Mullen practiced law in Gastonia for more than 50 years. Along with long-time friend, J. Mack Holland, Jr. L ’37, he co-founded the firm that became Alala, Mullen, Holland and Cooper. He was chair of the local Board of Elections, president of the YMCA, and twice served as a member of the Board of Governors of the NC Bar Association. He was a member of the Board of Law Examiners of the NC State Bar and an elected fellow of the American College of Trial Lawyers. He served in the Counter Intelligence Branch of the Army Air Corps during World War II and was awarded the Bronze Star. He is survived by three sons, the **Honorable**

Graham C. Mullen L ’69 Dr. Patrick B. Mullen, and Capt. Peter L. Mullen; six grandchildren; and one great-granddaughter.

1937

Richard W. Kiefer, 89, died Nov. 1, 2002 in Baltimore, MD. Born July 16, 1913 in Baltimore, Mr. Kiefer earned his bachelor’s degree with honors from what was then Western Maryland College, where he later returned to teach commercial law and serve as a trustee. After graduating from Duke Law in 1937, he practiced with the firm of Bartlett, Poe and Claggett until 1956, when he left to start his own practice. He retired from practice in 1995. He served as a lieutenant colonel in the Army during World War II and received the Legion of Merit medal in 1944 for “exceptionally meritorious conduct.” He is survived by his wife of 63 years, the former Susannah Sheridan Cockey; two daughters, Linda Kiefer Sanders and **Josette Kiefer L ’80**; eight grandchildren; and six great-grandchildren.

1947

William House Dale, 79, died Oct. 10, 2001 in Columbia, TN. Born Feb. 6, 1922, Mr. Dale earned his bachelor’s degree at Vanderbilt University. After graduating from Duke Law School, he practiced law in Columbia. He is survived by his wife, Mary, and five children.

1950

Albert E. Philipp Jr., 81, died Sept. 22, 2002 in Ridgewood, NJ. Born June 6, 1921, Mr. Philipp earned his AB in economics from Duke University in 1943. After graduating from Duke Law School in 1950, Mr. Philipp served as the director of labor relations with Pan-American World Airways for 30 years. He was a board member of Children’s Aid and Adoption, American Red Cross and the Hermitage. He is survived by his wife of 52 years, Esther K. (Polly) Philipp; his daughter, Katherine A. Philipp; his son, Robert J. Philipp; his brother, Arthur J. Philipp; and a granddaughter.

1951

Frederic M. Klein, 76, and his wife, Audrey Klein, 68, died in a car accident in Osceola County, FL, Feb. 8, 2003, while they were driving to visit a relative in Kissimmee. Originally from New Haven, CT, Mr. Klein had practiced law in Boca Raton since the early 1970s specializing in real estate, probate law and estate planning. Mrs. Klein was an avid tennis and bridge player. They are survived by daughters Lynn Read and Andrea Blumberg, son David Klein, and six grandchildren.

1952

Edward C. Berg, 76, died Nov. 3, 2000 in Farmington, CT. Born April 18, 1924, Mr. Berg was raised in Wethersfield, CT. He received his bachelor’s degree from Yale University in 1945. He was a principal partner of The Berg and Sweet Law Firm, which had offices in Farmington and Avon. He is survived by his niece and nephew, Patricia Haskell Friend and John Haskell; and his great nieces and nephews.

T. Paul Messick, 79, died Oct. 26, 2000 in Burlington, NC. Born Dec. 5, 1920, Mr. Messick earned a bachelor’s degree in political science from Elon College in 1950. He served as a colonel in the United States Air Force. He was senior partner at Messick, Messick & Messick in Burlington, working with his sons, Turner Paul Messick, Jr. and Steven Hamilton Messick, who survive him.

1954

C. Anthony “Tony” Harris, 70, died Nov. 28, 1999 in Cheraw, SC. Born Nov. 19, 1929, Judge Harris began his studies at Duke University in 1949, and received his LLB in 1954. After graduating, he practiced law for 24 years before being elected to the South Carolina state senate. After 14 years as a state senator, he served as a circuit judge for South Carolina’s Fourth Judicial Circuit. He is survived by four children: Tony, Jr., Fred, Lorraine and Mary.

Donald E. Williams, 78, died Oct. 20, 2002 in New Castle, PA. Born Oct. 3, 1924 in Enon Valley, PA, Mr. Williams earned a bachelor's degree from Muskingum College in 1949. Before attending Duke Law School, he worked as a high school English teacher in New Concord, OH, then worked as a special agent in the FBI. He became Lawrence County, PA's first public defender in 1969 and later was elected Lawrence County district attorney, serving two terms from 1974 to 1981. An active member of the New Castle community, he belonged to the local American Red Cross chapter and served as a volunteer fireman. He is survived by his wife of 52 years, Marian F. Williams; four daughters, Pamela Peters, Judith A. Watson, Jennifer D. Martsolf and Janie J. Hebenthal; one son, Stuart F. Williams; three sisters and 10 grandchildren.

1955

Jerry H. Cates, 74, died Aug. 1, 2002 in Atlanta, GA. Born July 23, 1928, Mr. Cates received his AB from Duke University in 1953, continuing on to earn his LLB. Together with his twin brother, Gene, Jerry formed Cates Construction & Development Co. in 1959, building projects from office parks and specialty malls to condominiums. A champion pole vaulter while at Duke, Mr. Cates remained athletic throughout his life, playing tennis twice a week. He is survived by six daughters, two sisters, and 18 grandchildren.

1963

Gilbert P. Johnson, 64, of Pound Ridge, NY died Sept. 3, 2002. Born Jan. 23, 1938, Mr. Johnson earned his bachelor's degree in history from Princeton in 1960. After graduating from Duke Law School, he spent six years as an associate for Chadbourne, Parke, before becoming the chairman and CEO of Penn Eastern Development Company. He later served as vice president and assistant general counsel for the First Boston Corporation in New York. He operated his own real estate development company in Pound Ridge until his retirement. He is survived by his wife, Eleanor Cullen Johnson, and a daughter, Mary.

1969

Charles Linn Haslam, 58, died Jan. 24, 2003. Born June 7, 1944 in Birmingham, AL, Mr. Haslam earned his bachelors degree from Princeton in 1965. After graduating from Duke Law School in 1969, he studied at The Hague Academy of International Law. He became university counsel for Duke in 1974 and, when President-elect Carter chose Dr. Juanita Kreps (a Duke vice president) as secretary of the U.S. Department of Commerce, he became general counsel of the Department of Commerce. He remained in Washington as an independent specialist in business and law, including a term as chairman of the board and CEO of Krug International Corporation. He is survived by his son, Charles, his companion, Linda Chandler, his sister, Henley Haslam, his brother, Battle Haslam, and two stepchildren, Alexander Freeman and Sarah Knight.

1975

Editor's Note: In the fall 2002 issue of Duke Law Magazine, Mr. Hunsaker's survivors were omitted from his obituary. We regret the error. The complete obituary is reprinted here:

Keith A. Hunsaker, Jr., 52, died Jan. 14, 2002 in Phoenix, AZ. Born Sept. 25, 1949 in Inglewood, CA, Mr. Hunsaker graduated from UCLA in 1971 where he both composed for and directed the band. After graduating from Duke Law School in 1975, He served as a clerk to the Honorable Harrison L. Winter, U.S. Circuit Judge, Court of Appeals. In 1977, he joined Seyfarth, Shaw in Los Angeles, practicing in the areas of labor and employment law, as well as environmental law and administrative law. In 1993, he became a visiting professor of law at Arizona State University, where he taught labor law, employee benefit law and legal research. After leaving ASU, He was starting his own alternative dispute resolution practice in Phoenix when he passed away. He had been active in the state and county bar associations, the Arizona Dispute Resolution Association and "Lawyers Caring for Lawyers," a bar committee to assist members with drug

and alcohol problems. He is survived by his former wife, Dr. Colleen Rissell, and his son, Todd Isaac Hunsaker.

1989

Malcolm A. Verras, 38, died Nov. 28, 2002 in Plymouth, MA from injuries sustained in a car accident. Born Aug. 8, 1964 in Winchester, MA, Mr. Verras graduated with a bachelor's degree from Dartmouth College in 1986. After graduating from Duke Law School in 1989, he joined the firm of Goodwin Procter & Hoar in Boston, before leaving to become legal counsel for the Paul Tsongas presidential campaign in 1992. For the past eight years, he was a director of financial services at Fidelity Investments in Boston. He is survived by his parents, Andrew and Hope Verras; his partner, Davin Wedel; his brother, Alexander; two sisters, Constance Geraniotis and Katrina Hanewich; and 10 nieces and nephews.

Friends

Mary Allen Monroe, who served as the budget and personnel officer at the Law School during Paul Carrington's tenure as dean, from 1978 until her retirement in 1987, died Sept. 21, 2002 in Charlotte, NC from complications from cancer. Those who knew Mary will remember her honesty, feistiness, her no-nonsense approach, as well as her hearty and distinctive voice and laugh. She is survived by two sons, Samuel Monroe and William G. Monroe III, their spouses, five grandchildren, and several great-grandchildren.



Flags from many countries hang in the Loggia during International Week 2002.

Photo by O'Neil Arnold

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