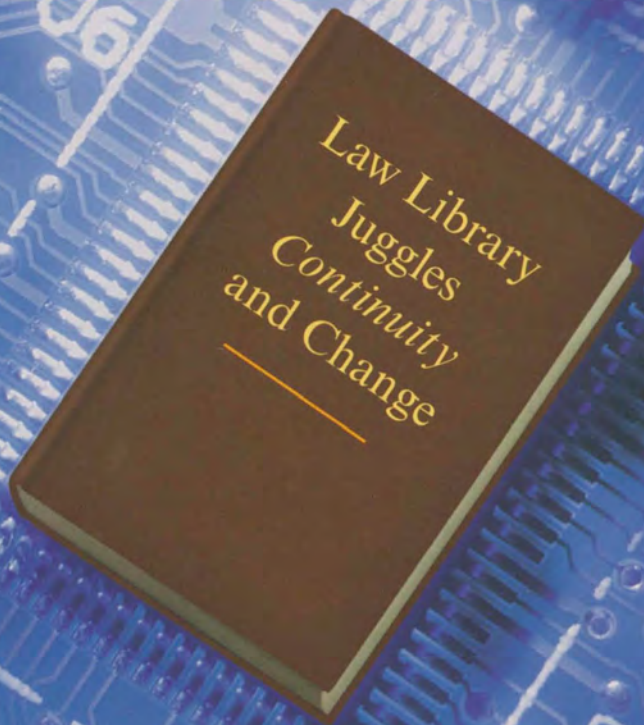




DUKE LAW

the impact of



technology

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in Private Practice

Title IX and
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Professor Bill Reppy:
Advocate for Animal Rights



Dean Gann To Take Presidency of Claremont McKenna College

As *Duke Law* magazine went to press, we learned that Dean Pamela Gann has been selected as the next president of Claremont McKenna College in Claremont, Ca. She will assume her duties there on July 1, 1999 when the college's current president, Jack L. Stark, steps down.

Dean Gann's appointment followed an 11 month national search and was confirmed by a unanimous vote of the college's board of trustees on February 3. She will be the fourth president in the history of the 52-year-old private liberal arts college. Claremont McKenna is a member of the Claremont Colleges consortium, which includes Pomona, Pitzer, Scripps, Harvey Mudd and a graduate school.

Gann joined the Law School faculty in 1975 and has served as dean since 1988, leading the School through a period of growth and change, including an eight-fold increase in endowment. More information on the Law School's transition in leadership will come in the next issue of *Duke Law*.



message from the dean



Peter Drucker, in *The Age of Social Transformation*, has said that “no century in recorded history has experienced so many social transformations and such radical ones as the 20th century.” Arguably, the main engine of the social transformation Drucker refers to is the revolution in digital technology, which has had, and will continue to have, an enormous impact on the academic community. When leaders of the academy discuss information technology, the debate is about continuity and change and how to bring about change while maintaining the core values of the academic enterprise.

Change is never comfortable, but if we are to prepare ourselves for the 21st century, we have to embrace the brave new world of global digital technology and its impact on the delivery of information within our libraries and the academy as a whole. At the Law School, we are engaged in the formidable enterprise of reshaping our information resources for the future.

This endeavor requires imaginative leadership from the top. Dick Danner, our senior associate dean for library and computing services, and I have been working together to guide the

Law School in organizing its information environment for the challenges and opportunities that lie ahead.

I want to stress that the changes we are initiating do not mean that we are making trade-offs between the library and computing or between administrative and academic computing. Our aim is to manage the information environment to include every single member of the Law School community—faculty, students, administration, alumni, potential employers and prospective students. The virtue of digital technology is that it can connect and serve members of a community in ways never before possible.

In his essay, “The Labyrinth of the Wide World,” William Plater claims, “More than any other traditional asset, the library is the means by which American universities will transform themselves into something entirely new.” This can occur only if the traditional boundaries between libraries and information technology divisions are toppled and a new partnership is forged.

At the Law School, the library and computing services work hand in glove under the able direction of Dick Danner who is certainly one of the top

administrators in his field. Dick has overseen the applications of technology to the library and has presided over the continuing development of the Law School’s Web site, which is offering more and better information to both the School’s internal and external constituencies.

The Law School’s information budget, which includes the library and computing, is 17% of the School’s total budget. Of that budget, the library’s portion is two-thirds, computing one-third. But if we look at the library and computing together, since 1991, the computing budget has grown four times faster than the library budget. In the last five years, the library materials budget increased only 1.9 percent, but access to information and services for faculty and students has never been better. The investment in computing has allowed the library to make the shift to greater reliance on electronic sources with the knowledge that faculty and student researchers have access to both information technology and assistance—from highly trained and skilled librarians—in using it effectively.

Using technology effectively has allowed the library to make wise collection development decisions—away from maintaining too many print copies of materials available electronically and toward adding to the core collection foreign law materials and those materials that are either not available or not best used on the Web.

What we are about is blending the old and the new, as you will see from the feature article on the library and how it preserves its key mission while using the advances made possible by digital technology. Though some of the tools we use may be novel, we are still engaged in the time-honored process of educating legal minds. With these new tools, we can reach out in innovative ways to our alumni and our increasingly international constituency.

Pamela B. Gann ’73
Dean

dear editor:

Dear Editor:

Mel Shimm's reminiscences in the Fall 1998 issue of *Duke Law* prompt a response from this 1955 product of the 1950s Law School he describes.

Professor Shimm has chosen his words carefully, and his colorful descriptions of Durham, Duke University and the Law School generally accord with my own fond recollections. However, some of his observations call for another view, admittedly highly subjective, from this graduate—one who cherishes his Duke Law experience as a singularly significant and positive chapter in his life.

I was a second year student when Professor Shimm arrived on the scene in the fall of 1953. He made an immediate and positive difference in the atmosphere of the place. His teaching was electric and energetic, and he made us work. But, as his own observations confirm, there were others already on the faculty at Duke Law who helped to make it the "tiny gem" that it was.

The School was indeed ensconced in a "picturesque Tudor Gothic building" and, although I agree that it sorely needed expansion, it was sad that the decision was made to move it into what turned out to be an unimaginative brick box with no architectural characteristic to distinguish it from, say, a bland suburban office building. My belief is that the old building should have been expanded, and that the Law School should have kept its appropriate place of prominence on West Campus.

But it remains true that a building does not a great law school make, and I agree with Professor Shimm's assessment of the faculty. Professors Kramer and Lowndes were favorites of mine, along with Dale Stansbury, a gentle, quietly demanding and precise teacher of the rules of evidence, and Douglas Maggs (torts and constitutional law), a tough grader whose bark was much worse than his bite. And of course today's Duke Law School is in large part the legacy of the incomparable Jack Latty—the central point of Professor Shimm's article.

However, I cannot let pass without comment Professor Shimm's characterizations

of Dean Joseph A. McClain. He was, as Professor Shimm observes, a man "of great charm and innate ability." It is true that he loved the game of golf and that, like many of his student charges, he enjoyed a good party. But "somewhat indolent" and "an undependable...hand on the tiller?" Those sad assessments miss some points that are worth making.

Joe McClain (among whose notable achievements was, I assume, the recruitment of Professor Shimm) was far more than simply an easygoing charmer. In my case (and I believe I am not alone in this), he made it possible for me to remain at Duke in spite of my state of near poverty. He found the money for those of us who could not have made it otherwise. In these days of easy loans and grants, that may not appear to be such a big deal. But it was a very big deal to a number of us aspiring lawyers in the 1950s.

What's more, Dean McClain was a friend to all of us and a sound counselor to some of us. His affable approachability was, in my judgment, instrumental in making the Duke Law School of the 50s the intimate and comfortable place that Professor Shimm describes.

I should note that out of the civilized environment of the 1950s Duke Law came Hans Baade (a classmate and friend) and Paul Hardin, two of the bright starts Professor Shimm mentions as being added to the faculty by Jack Latty. There are a number of others who belong in the same galaxy: a justice of the New Jersey Supreme Court, a Federal District Court judge, a Federal Circuit Court of Appeals judge, at least two state bar presidents, an airline in-house chief counsel and any number of lawyers who have enjoyed rewarding and productive careers in the practice.

I am glad and proud that Duke Law School has reached its present eminent position. But I frankly doubt that today's Duke Law student gets a legal education any better than did those of us who had the good fortune to be at that "tiny gem" in the days of Joe McClain.

John A. Carnahan T'53 L'55

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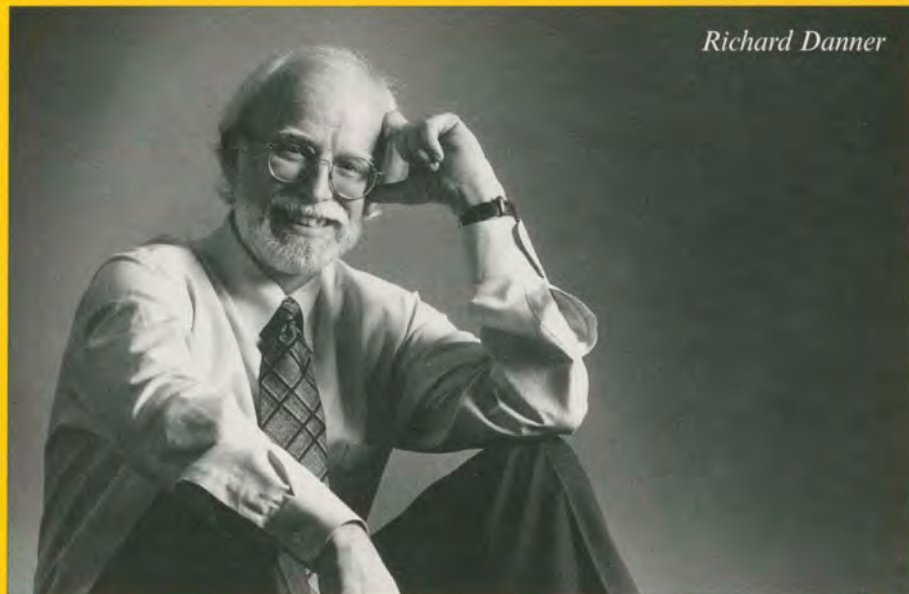
by Richard Runyan T'89

“This library is not quiet,” observes Senior Associate Dean for Library and Computing Services Richard Danner. “And the students don’t want it that way.”

While a handful of students steal a few moments of relaxed conversation in the circle of overstuffed chairs beside the entrance, the remainder file directly into the law library. Amid the clatter of keys on Lexis and Westlaw terminals, the gentle hiss of highlighter markers against pages of case law and the steady drone of printers disgorging the fruits of computerized search requests, they talk about lunch arrangements, impending travel plans and hash out the rule of evidence that was the focus of a recent class.

Nena Shaw '99 hits the library right after her evidence class with Professor Robert Mosteller. She chats with a friend about her upcoming trip to South Africa to work with Lecturer Catherine Admay on the International Developmental Law Clinic and makes plans for a last minute meeting with classmates before her departure. Then she sits down at one of the library's Lexis terminals to download a case for a research project.

While Shaw is comfortable negotiating the array of resources available on legal databases and the World Wide Web, she also recognizes the value of sitting down with the books. “Using the



Richard Danner

books is especially important at the beginning, when you do not yet know a lot about a subject,” Shaw explains.

Shaw's experience illustrates an important point about the role of technology in legal education. As Danner observes, “students can see relationships more easily when they have a set of books in front of them than they can when they are confronted with isolated bits of information pulled up on a computer screen.”

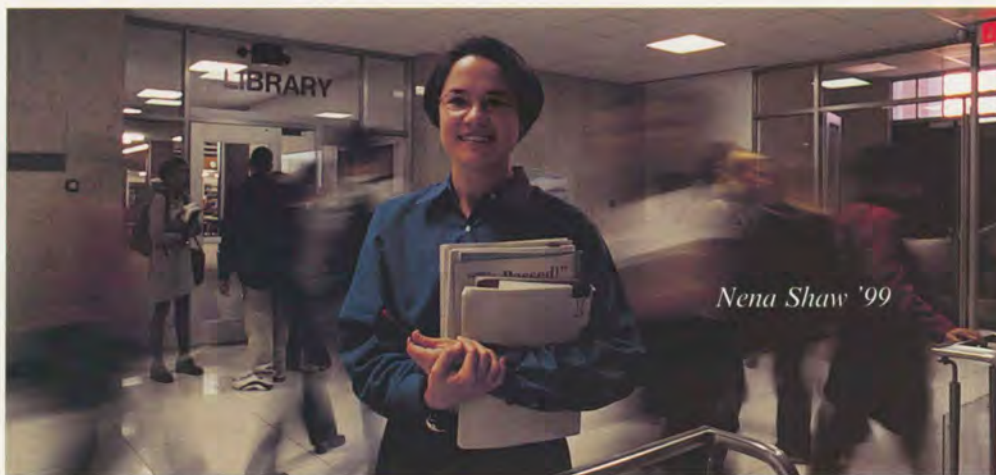
“Part of our philosophy in teaching legal research and writing,” adds library Associate Director Mark Bernstein, “is to insist on making sure students develop a facility with traditional print resources.” Despite radical technological change, legal education remains closer to what it was decades ago than the proliferation of laptop computers and mouse-driven research might suggest. Ensuring that students are well grounded in using print resources prepares them for a stark fact of electronic

research outside of academia: It costs money. In the real world, legal professionals may have limited access to computerized research because of its considerable expense.

Shaw, who interned last summer at Perkins Coie in Washington, D.C. and is headed back there after graduation to join their environmental and natural resources practice group, knows firsthand the benefits of having access to an extensive collection of print resources. The firm's library participated in a loan program that allowed it to obtain virtually any legal resource for its attorneys. “But first, you have to know what kind of books you will need for your research,” Shaw says, and that means “you have to use the books a lot, and we are really lucky that Duke Law's collection is so comprehensive.”

Training the Legal Mind

While the image of a contemporary student researching case law on a laptop



Nena Shaw '99

computer may be a dramatic contrast with the experience of a budding attorney poring over volumes of the *Federal Reporter* a generation ago, the fact is that students then, as now, participate in the same endeavor—the shaping of a legal mind. And the core elements of that endeavor remain the same, even if the tools continually evolve.

With the technological resources it makes available to its students, Duke Law is on the cutting edge: Students can access Lexis and Westlaw from home; they can find course syllabi and copies of reserved readings on the School's Web site and they can participate in Web-based course discussion groups.

Shaw and Admay will be taking a computer with them to South Africa for their work on the clinic. "We will be tying in to the Web page at Duke so we can give other participants in the clinic information, receive e-mails and access resources—almost as if we were at the Law School," Shaw says. "Technology will help us keep our colleagues back at the Law School excited and involved in the process."

But all of these innovations necessarily take a back seat to the primary objective of a legal education—to produce professionals who are sound legal thinkers. And the library staff, for all their technological expertise, recognize that fundamental principle. "There are people who think that all the availability of information has made students think less," notes Janet Sinder, head of information services at the library. "Given the way law is taught, I'm not sure the actual process of learning can change that much. Technological change has simply

opened the way for more interesting things to be done," Sinder says.

Technology can also complicate the research process as Shaw learned in her work as editor-in-chief of the *Duke Environmental Law and Policy Forum* and with her research on an independent study project tentatively titled "Zen and the Art of Sustainable Development."

"There is so much information on the Web that culling through it becomes a time-consuming process and you never know what you are getting," Shaw says. "You might turn up something great, or you may end up with nothing. But since the books are not as up-to-date, the Web research is a necessary supplement. You need to use both."

"People talk about how we don't need librarians any more," Sinder notes, "but I think we need them even more, since nobody has the time to figure out all of the resources—what they are and the best way to find them."

On the other hand, things may not have changed all that much: Students still look at old exams, Bernstein says. The library's archival collection contains tests going back to the 1930s, and some of them are also on the Web as reserve materials. "The tools have changed, but what it's all about has not," notes Bernstein. "Students still read the same cases their predecessors did; some of the contract cases they study are 200-300 years old."

So the library has to find a balance between continuity and change—a middle ground that emphasizes enduring principles while embracing the capacity to change—as it goes about its mission of serving not only its students and faculty, but other institutions, local

TECHNOLOGY

Despite radical technological change, legal education remains closer to what it was decades ago than the proliferation of laptop computers and mouse-driven research might suggest.

businesses and research groups and the community at large.

Sinder is a good example of striking a balance between continuity and change: she's a technological guru among the research library staff, managing the library's Web page and supervising the Law School's Web site while also serving as the *de facto* rare books librarian.

The library's rare books collection includes legal texts from as early as the 14th century and boasts a first edition of *Blackstone's Commentaries*, a classic work published in 1769 and acquired by the library in 1997 as its 500,000th volume.

The Library as Classroom

While providing access to an extensive array of legal resources is an essential element of a good legal education, the library also must serve as classroom, the librarian as a teacher of research skills.

At Duke Law, all of the reference librarians have law degrees and serve on the faculty. Danner, who teaches a course in legislative interpretation, points out that the reference librarians are actively involved in teaching the legal research classes. "That immediately establishes their expertise with the students," Danner notes. "It lets them understand that the librarians are faculty members and they know what they are talking about.

"Students are more likely to use the library and approach the reference desk when they know at least one of the librarians who has taught them legal research," Danner explains. "I think it makes a big difference in terms of our students' use of the library."

The congenial relationship between students and the library staff is one of the things that attracted Bernstein to Duke Law in the first place. He emphasizes that the staff's service orientation is a distinguishing feature of the library's mission. That commit-

ment to service manifests itself in ways that range from making sure newly acquired materials hit the shelves quickly—"we do not have a cataloging backlog," he notes—to offering nighttime reference services to students.

The key is a pro-active approach, Bernstein says. Every spring, as part of its "Sail Into Summer" program, the library offers research refreshers on specific areas of law to give students heading towards internships an additional edge. The staff also keeps tabs on faculty research interests and alerts faculty members to new books published in their areas of interest.

The Library and the Local Community

The library's service commitment extends beyond the Law School's students and faculty to local attorneys, businesses in the Research Triangle Park and other universities. Attorneys can check out books either directly or by using interlibrary loans. The library also provides a photocopy service.

The library uses its Web page to extend its services to the general

public. Though the Law School's contracts with Lexis and Westlaw prohibit librarians from using those databases for anyone other than faculty or students, some of the same materials are available for free on the Web.

"One of the things we've done is to dedicate a number of computer terminals to providing organized direct access to all of those publicly available resources," Danner explains. As a result, local attorneys or Duke undergraduates can find materials that would otherwise be unavailable, especially to those who don't have, or can't afford, access to expensive legal databases.

Not long ago, Bernstein recalls, a local attorney needed a recent North Carolina decision. "I could not get it for him through the databases because of the contracts," he says, "but we were able to get it for him over the Internet on our public access terminals."

The Heart of the Law School

"The library is an important source of community building and relationship building," Danner affirms. Since Duke Law does not have a separate faculty library, the law library "is one place—possibly the only place—where faculty and students all come together. There is room for people to form relationships, to work together, and to learn to work together under their own initiative and their own control."

Nena Shaw appreciates the key role the library plays in her legal education as well as in her sense of community within the Law School. "For me, the law library is the core of the School," Shaw says. "Years from now, when I think of my Duke Law education, I'll remember the library. I think most alumni have that memory in common, regardless of how much else may change." ●



Librarian Janet Sinder, with Chris Todd '01, believes advances in information technology have made research easier but haven't changed the basics of learning the law.

YOUNG ASSOCIATES IN PRIVATE PRACTICE

Why it's not for everyone

by Olisa Corcoran

The numbers are startling: By their third year of practice, nearly half of all associates in private firms leave their jobs. What's more, according to a study released by the National Association for Law Placement (NALP) in March 1998, law firms can expect to lose two-thirds of the associates they hired in any one year.

NALP tracked more than 10,000 associates from 154 firms of 25 or more attorneys and concluded that "attrition of associates occurs unexpectedly early and escalates to undesirable and unhealthy levels in ensuing years."

Why do they leave? The study found that decisions to quit were most commonly based on a variety of disappointments: lack of feedback, problems with the quality of attorney management and the unavailability of mentoring. Lack of communication with the partnership and unspoken firm policies on the balance—or lack of it—between law practice and life outside the office were also frequently cited concerns.

The NALP study suggests a looming crisis in the firms that are the first employers of 90% of Duke Law School graduates. "Anything that affects the well being of our primary employer justifies us to see what we can do to improve the situation," says Robert Smith, assistant dean for Career Services. To that end, Smith is developing a self-assessment program for students to help them make educated decisions about the kind of law they'd like to practice and the type of law firm environment best suited for them.

However, Smith points out that although firms have taken a significant financial beating from the upswing in associate defections—and the NALP study suggests that these defections also have a negative impact on firm morale, stability and client satisfaction—recent Duke Law graduates have less to worry about in terms of their individual careers than graduates from less competitive schools.

Smith doesn't expect the current crisis in associate retention to negatively affect the placement of Duke Law students in firms, "but it's worth looking at what we can do to help students follow a path that might be more satisfying for them," he says.

According to the NALP, associate expectations for private practice are often at odds with reality, creating dissatisfaction. But a sample of 10 young Duke Law alumni working in Washington, D.C. proved the contrary.

"I love being a lawyer," says Jennifer Gardner '97, a litigation associate at Kirkland & Ellis. "I'm surprised by how much fun it is."

Gardner particularly appreciates her firm's commitment to training young lawyers. "They are teaching us how to be great attorneys from the first day," she says.

"I work with partners almost exclusively," says Matthew Kirtland '97, a litigation associate at Fulbright & Jaworski. "The amount of substantive work exceeded my expectations."

"I was expecting to be more anonymous," adds Hogan & Hartson associate Alexia Pappas '96. When she tried and won a pro bono case, she says, "I couldn't believe how many colleagues e-mailed or called me to congratulate me."



When Alexia Pappas '96 tried and won a pro bono case, she was pleasantly surprised by how many of her colleagues at Hogan & Hartson made a point of congratulating her.



Kevin Kordziel '94, an associate at Jenner & Block, says that private practice is not for everyone; personality and mind-set have a lot to do with whether a young associate is happy in a private firm.



Jennifer Gardner '97, left, believes her firm, Kirkland & Ellis, does a good job of training young lawyers. Jessica Carey '97, an associate at the same firm, adds, "there are certain things you can't learn until you're in litigation."

Kevin Kordziel '94, an associate at Jenner & Block, notes that attorneys at his firm "are allowed to grow as much as they are capable. There are no set plans and it's not restraining."

Among the associates surveyed in the NALP study, reasons for entering private practice varied; some were motivated by the marquis value of law firm names, the training and the sophistication of the work but most chose private practice for financial reasons—mainly to pay off large student debt burdens. Duke Law alumni, who graduate with an average of \$70,000 in student loans, are not immune to these financial pressures.

"Initially, my most motivating factor was money for the loans," says Pappas. "I considered where could I go where people treat each other well and where I could still do the kinds of things that really interest me—like pro bono work. I said to myself, 'Can I do well and do good at the same time?' It has worked out. But I don't know many people who go to law school thinking they will go into private practice."

Private practice is the "easiest track" from Duke Law School, says Jeremy Hushon '97, a Fulbright & Jaworski associate who is currently serving an externship at the International Finance Corporation. "It's the main road out of law school."

Brian Dossier '95, who specializes in environmental law at Beveridge and Diamond, had always envisioned himself doing public interest work. "I came into firm life reluctantly, but to be honest, I've been pleased. I have learned more than if I'd started out in the public sector."

The NALP study found that a key source of associate dissatisfaction was the failure of law schools to prepare students for the realities of every-day practice. Recent graduates, however, generally give Duke Law high marks in terms of analytical and legal training.

"Duke prepares you for the volume of work that you will face because, as a law student, you are given more work

than you can easily do. It forces you to be efficient and set priorities," says Kordziel.

But not everyone agrees. "Law school can't prepare you for juggling assignments," notes Mary Newcomer Williams '96, an associate at Covington & Burling. "It can't teach you how to say no."

"There are certain things that you can't learn until you're in litigation," adds Jessica Carey '97, an associate at Kirkland & Ellis.

NALP's research indicates that the challenge of juggling long work hours against the need for a fulfilling personal life is frequently a motivating factor in associate departure.

"When you sign on you are trading your time for your salary," says Kirtland. "You agree to work the long hours."

Kirtland and many other associates find a balance by exchanging hectic, long weekdays for most weekends off.

"The long hours are easier to put in when you are given enough responsibility to see the big picture of cases and when you feel you're appreciated," says Kordziel.

Williams says it's the unpredictable nature of the work cycle that she finds challenging. "It can be a struggle. Occasionally I regret that I have to work so hard to get my own time."

"It's the nature of litigation that things are up and down," says Pappas. "If push comes to shove and there are a lot of really tight deadlines, you're expected to find a way to get it done and that can interfere with your personal life. But it's not a given that you're going to work on weekends, and I've always been thanked when I've had to do things that have infringed on my personal time.

"I can't say I've heard from any friends that they don't have enough time to fall in love or commit to marriage," she continues, "but I do think there is a sense that this is a lot to handle."

Although long hours are not encouraged at his firm, Doster says that the workload has been so intense that he has no time for a personal life. "I'm not happy with it. But the partners are just as busy."

"You decide what kind of lawyer you want to be," says Gardner, and that can mean putting in longer hours to do the best job possible.

The associates say that private practice is not for everyone. "Certain personality types fit better in this environment than others. It's not going to make everyone happy, but I've never seen anyone so totally miserable that it was obvious that they'd made a

Services, teaches a workshop through Duke Continuing Studies called "What Else Can You Do With a Law Degree Besides Practicing Law?"

Young associates receive dozens of calls each year from recruiters. "You realize what a commodity a young associate is," says Kirtland. But he adds: a telephone call from a head hunter doesn't always mean there is a job at the other end.

Some find head hunters a distracting irritation, but there are success stories. Doster says his "jaw dropped" when a recruiter called him out of the blue with the opportunity to interview at Beveridge and Diamond,

Contrast that with the findings of the NALP study which suggested that many associates today look to private practice as a training ground for pursuing other career opportunities. Many young lawyers reported that partnership was either not a priority or not a goal to which they aspired.

None of the Duke Law associates interviewed for this article said they saw private practice as merely a training ground, but a few were willing to talk generally about it.

Although he doesn't share their view, Kordziel's perception is that "a significant percentage of associates in large firms have no expectations to stay on until they become partners."

Pappas says "It's much too early and too presumptuous" to think in terms of partnership. "There are people who want to get a good experience out of the firm. They're not using the firms—they simply know that they're not interested in being a partner in a large firm."

Gardner's experience has been different. "You feel as though they want you to make partner from the very beginning, that you're partnership material, and they will help you along the way."

"Duke graduates often want to be partners and they are often quite successful at it," notes Smith. He suggests that there is a gap between findings in the NALP study and the experiences of Duke alumni because "our students are not representative of a wide cross-section of law graduates. These folks pretty much have it together."

And as a result, says Smith, Duke students find themselves juggling many job offers. "Duke graduates have paved the way for present students, especially in large city firms, where graduates go and excel, even if they're not in the top 10 percent of the class. Firms now say, we can hire a little deeper into the class at Duke because even when they're in the middle of their class, they're still outperforming their peers." ●

"Duke graduates have paved the way for present students, especially in large city firms, where graduates go and excel, even if they're not in the top 10 percent of the class."

complete mistake," says Kordziel.

Kirtland agrees. "It's personality driven," he says. "Large firm private practice is good if you like responsibility and high pressure." Consider billable hours: To some associates they are a source of anxiety and pressure. To others, like Kordziel, they are a merely a "yard stick for measuring profitability."

"Law firms are businesses and as such they are bottom-line, revenue generating entities," Kordziel continues. "We are selling our time and expertise. This is appealing to some people but it can be a lot of pressure for others. It depends on your mind-set."

And if associates are unhappy with their current firm, there are always dozens of head hunters at the ready to recruit them elsewhere.

"A lot of associates are looking for a geographical cure—if they change the address of the building, all of a sudden they are going to feel better," says Smith, a former head hunter himself, who in addition to running Career

an environmental boutique firm.

"I wasn't looking for a job, but I've always been interested in this firm."

He decided to leave his small Tallahassee, Fla. firm when Beveridge and Diamond made him an offer.

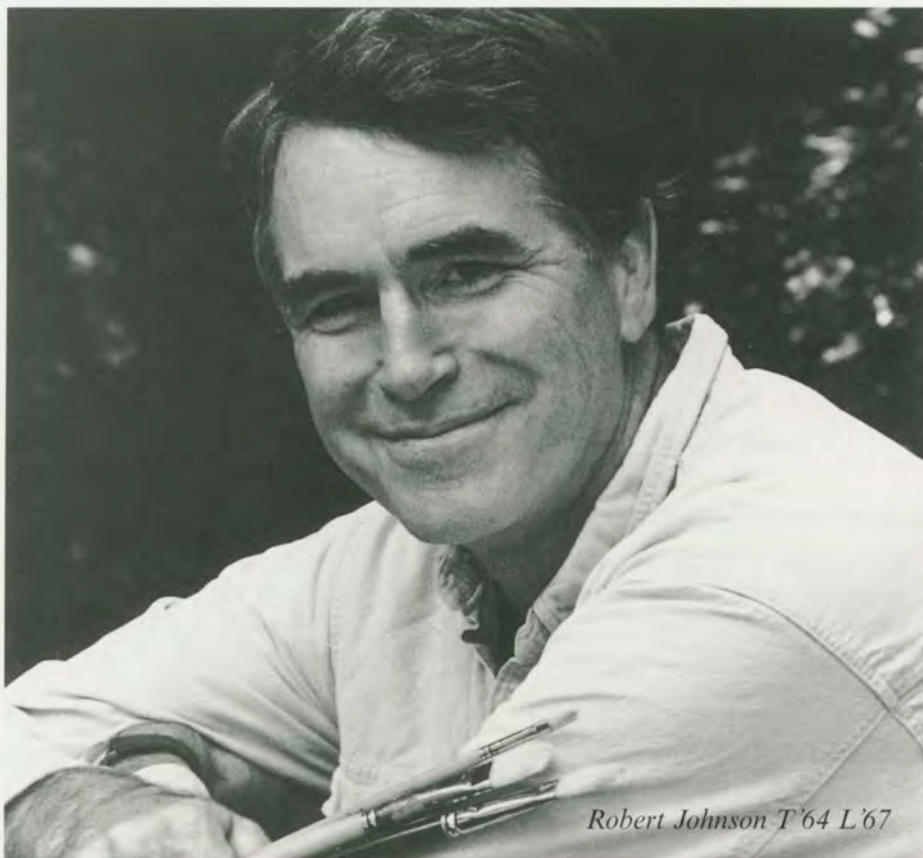
The NALP study also suggests that, unlike past generations of lawyers, today's young associates struggle with a certain ennui and disenchantment about becoming partners, especially in larger firms. One associate quoted in the NALP study reported that, because of the inordinate time pressures of actually being a partner, making partner "was like winning a pie eating contest where the prize was all of the pie you can eat."

Smith says that when he started practicing law in a large New York firm in 1978, he didn't know anyone who thought they would leave after a couple of years. "You might have realized after a few years that partnership was too elusive or not worth the price to you, but you didn't start off that way."

ALUMNI Snapshots

Renaissance Man

Excels in Both Art and Law



Robert Johnson T'64 L'67

by Debbie Selinsky

People seldom associate Robert Johnson, the artist, with Robert Johnson '67, attorney-at-law. But the award-winning painter and the successful McLean, Va. lawyer are one and the same.

After decades of working hard at the skills necessary to excel in both demanding professions, Johnson, described by friends and critics as a modern-day "Renaissance man," is happy with the balance he's struck in his life.

"I've been painting and drawing all my life, and I've always loved it. When I was young, I thought of my art as something I'd always have in my life but not something that would necessarily be my livelihood," Johnson said in a telephone interview from his Virginia home:

"When I became an attorney, I loved practicing law and was a bit uneasy that others on the bar and the bench, if they knew about my painting, might perceive my commitment to my art as a lack of commitment to my law practice. That wasn't the case. When I began to share that part of my life with some close colleagues, I was surprised by how supportive they were. Some even expressed a little envy of someone doing exactly what he loves."

Johnson, who has presented six one-man shows of his still life paintings, portraits and landscapes and participated in many group shows, exhibits his work at the noted Meyer Gallery in Santa Fe, N.M., and the Atlantic Gallery in Washington, D.C., as well as galleries in Scottsdale, Ariz., Aspen, Colo. and New York City.

Although his work had received good reviews for years, Johnson marks his 1993 first prize in *The Artist's Magazine's* national competition as the first significant recognition in his art career.

Other honors include the top award from the 1997 Salmagundi Club (New York) national nonmember competition and finalist honors in



White Azaleas 24" x 18" oil painting



Peonies 24" x 36" oil painting

the National Portrait Institute's Competition (1996) and the U.S. Arts for the Parks competition (1997).

Also in 1997, he won an international competition sponsored by a program in the French town of Dinan. The prize was a summer to paint, while living in a charming home on a river in the picturesque town in Brittany. "There, I painted almost entirely landscapes," said Johnson, who jokes that his favorite painting is generally "the next one."

In return for the grant to paint in Brittany, the program's committee chose one painting from Johnson's work that summer to place in their permanent collection of art by annual grant winners.

The soft-spoken Johnson, who lives with his wife Virginia and their 6-year-old daughter, Lisa Blake, in Vienna, Va., attended Duke as an undergraduate on a football scholarship and Duke Law School on an academic scholarship offered by Dean Jack Latty. "In our first interview, Dean Latty and I talked about all the museums in Europe—he'd seen them and I had not yet," Johnson recalled. "I was quite

impressed by the breadth of his knowledge. He was a fine teacher and a fine person."

But the single most influential person in Johnson's life was his older



Roses 14" x 18" oil painting

brother Ben (now deceased), who was director of conservation at the Los Angeles County Museum. "I was very proud of Ben—he was extremely accomplished and conscientious. He worked

with the Old Masters on a daily basis, and he encouraged me to set very high standards for my art, to settle for nothing less than Old Master standards," said Johnson, who has been granted rare per-

mission by National Gallery of Art officials to copy Master painters, such as Rembrandt and Velázquez.

Just out of law school, young Johnson served for two years as





Daffodils and Ivy 16" x 20" oil painting

assistant attorney general for the state of Virginia and worked, taught and painted at Schiller University in Germany for two years.

When he set up his private practice back in Virginia in the 1970s, he organized his time so that he could paint—he works by natural light—in the mornings and practice law in the afternoons and evenings. And he began to work on his art in earnest, traveling regularly to New York, where he trained at the prestigious Art Students League of New York. He now teaches classes there and has been invited to join the faculty of

the Scottsdale Artists' School for a session in early 1999.

Johnson's works, which now range up to \$20,000, have been compared to those of the 19th century American painter William Merritt Chase, who also painted still lifes, portraits and landscapes. Johnson, who works primarily in oil, agrees with Chase's belief in the timeless. "The painting should rise above the subject matter...A successful painting should convey to the viewer some of the sense of the joy and excitement that was involved in its creation," said Johnson, whose

work has featured objects such as copper pots, Oriental ceramics and garden flowers.

In the last eight or nine years, Johnson said he has probably spent more time on his art but still maintains and enjoys his practice. "I feel strongly that the discipline and work ethic developed in studying law and practicing law and then applied to my study and work as an artist have been major factors in pushing my art to the place that it is today...It's the best of both worlds," he said. ●

ALUMNI Snapshots

DAN SCHEINMAN '87 Savors Challenge of Start-Up Ventures



Dan Scheinman '87 and his wife Zoe were at Duke last year for the wrap-up of the Campaign Planning Committee's work.

by Debbie Selinsky

Native Californian Dan Scheinman '87 jokes that when he went to work at Cisco Systems in 1992, it was a match made in heaven. "Here was a company that had decided early on that it didn't want any lawyers, and then there was me, a 29-year-old Joe Schmo attorney," he laughs.

Happily, Cisco Systems founders Sandy Lerner and Len Bosack, whose start-up business was born in her living room, soon realized that their rapidly-growing company needed someone to examine the reams of contracts pouring in.

Scheinman, who decided in law school that he would settle for nothing less than a career focused on start-up ventures and global high-tech industry, was the second attorney the company, a provider of networking gear, hired just after going public six years ago. He was ecstatic at the opportunity to scale up Cisco's legal department.

"Where else in the world could a 20-something-year-old guy get this kind of opportunity to be part of a company making jobs that didn't exist before and to do all this incredibly important and exciting work?" he asks.

In 1999, 12-year-old Cisco Systems, which came to North Carolina's

Research Triangle Park in 1995, is doing business at a \$10 billion-plus clip, and Scheinman is its vice president and general counsel with 50 attorneys across the globe reporting to him.

"I remember a time when we were excited about the idea of doing \$80 million in one quarter; now we'd be upset if we didn't do \$80 million in two days," Scheinman says in an interview from his office at Cisco headquarters in San Jose, Calif.

He's amazed at the company's phenomenal growth. "We knew we had a great opportunity: It was a 'brave new world' out here," he says. "We've been fortunate in having two very good presidents. (Currently, Duke alumnus John Chambers '71 is president of Cisco Systems.) That has made a big difference."

Duke Law School made a big difference in Scheinman's career, he says. He was heading toward a career as a litigator when he was chosen in his second year of law school to participate in then Dean Paul Carrington's program in China for one year.

"It was in China that I began to understand the importance of high tech to the world. In 1985-86 in China, it was clear that this was the way of the future, and I knew I wanted to be part of that," he recalls. "That year

changed me and it gave me a lot of self-confidence."

Scheinman, a member of the Law School's Board of Visitors, says his Duke Law experience also put him in touch with "some of the brightest people I've ever known"—people such as alumni Eric Isaacson '85, now a plaintiff attorney in San Diego, and early mentors Mike Weed '84 and Richard Yankwich '79.

After spending a year working in Hong Kong and with the Palo Alto firm of Gray, Cary, Ware & Freidenrich, Scheinman took up his post at Cisco and immediately set off to Europe to negotiate foundation contracts for Cisco's European business. "It was a blast; I loved it," he says.

Scheinman, who received his undergraduate degree in politics at Brandeis University, says he hopes someday to start a company of his own. "I'm a risk taker and I'd like to see if I can do it. But for now, I'm having so much fun. My immediate goals are to take on bigger and bigger problems and projects as we go from being multinational to being global, a presence in 140 markets worldwide," he says. ●



FACULTY PERSPECTIVES

Title IX and Intercollegiate Sports 16

Title IX and Intercollegiate SPORTS Equal Opportunity?

by Professor John Weistart

The subtext of Title IX of the Education Amendments of 1972 as it applies to intercollegiate sports could easily be "Bear Bryant in the age of postmodernism." Bear Bryant, the legendary coach of the powerful University of Alabama football teams in the 1960's, 70's and early 80's, is remembered in faculty circles for his quick assessment of how athletics and academics should be ordered in higher education. In response to questions about how the athletic department could justify its independence from the usual regime of academic deliberations, Mr. Bryant offered that it was unlikely that 80,000 people would show up to watch an English professor give a final exam.

A central tenet of postmodern philosophy is that few immutable canons or absolutes exist. What becomes the controlling norm is greatly affected by who is given a place at the table where the norm is discussed. Title IX presents a stellar example of the postmodern perspective as it applies generally to federal law and regulation.

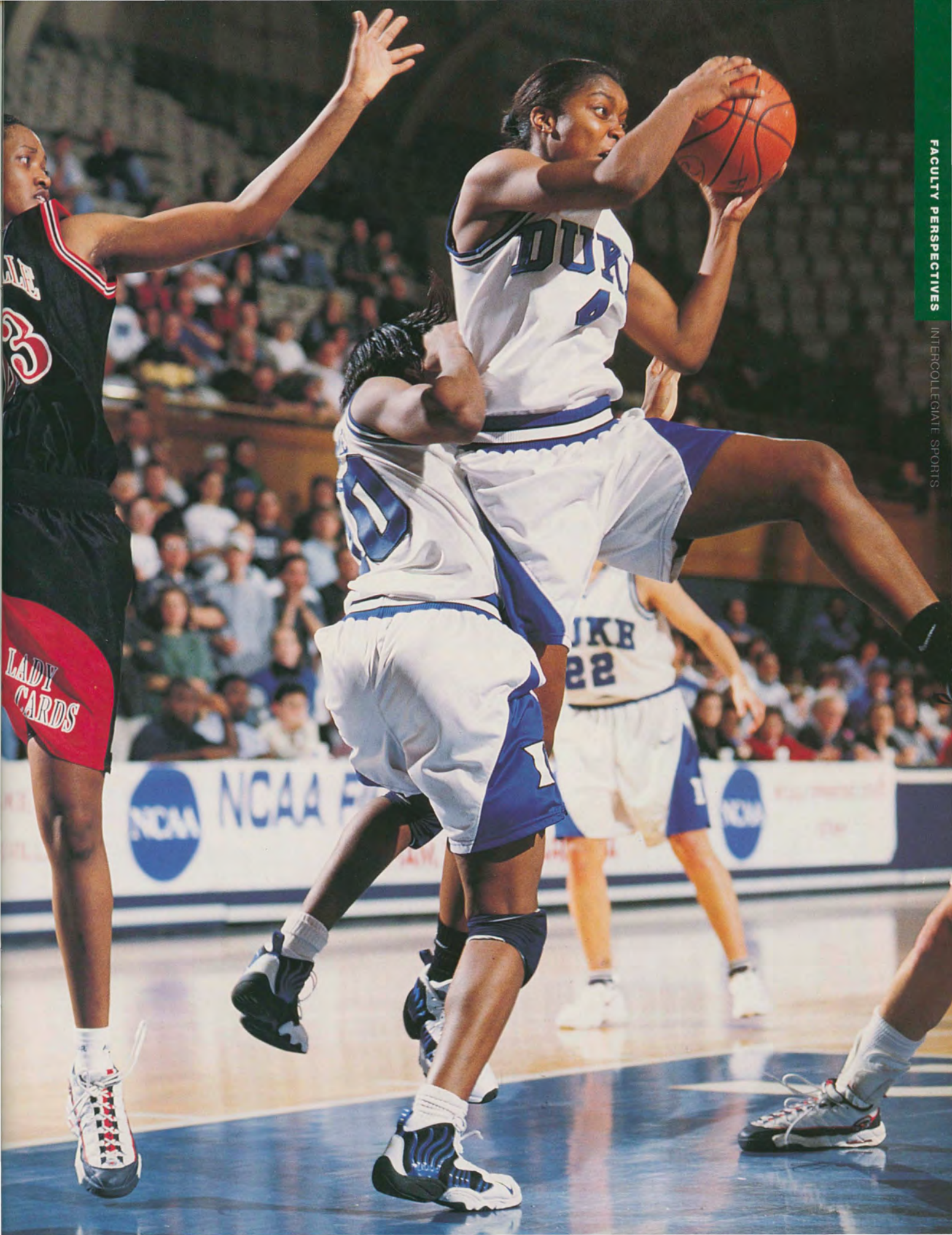
For virtually all of the history of college sports, the seats at the table have been occupied only by men and not a particularly broad cross section at that. For the first 100 or more years of college sports, there were no women's sports. "College sports" meant men's sports.

Moreover, at schools where football is the important sport, to be invited to the table one had to be a believer in the primacy of football and the unimportance of virtually everything else. At some schools, the sport that defined the department's mission was basketball, but the ordering of the world was comparable.

While Title IX and its mandate of increased opportunities for women have been around for 25 years, the group at the table has not changed much. Even today, one does not become an athletic director in a substantial program unless he understands that the revenue sports, which means one or both of the two dominant men's sports, come first. While this reality of football and basketball as the defining influence is most apt for the 40 or so largest programs in each sport, it is also relevant for smaller programs. For example, Brown University, not a traditional sports power house, admirably sponsors more than 30 men's and women's sports. But in a recent year, 42 percent of its budget was spent on three men's sports—football, basketball and ice hockey.

A Chilly Reception

As an example of the prospects of change through regulation, the reception of Title IX in college sports is notable. After 25 years, only three dozen of the top 300 programs are in compliance. Women receive less than 40 percent of athletic scholarships. Certainly, athletic opportunities for



women are greater than they were in 1970, when they were virtually nonexistent. But the lack of compliance with Title IX is remarkable, especially given the relatively swift embrace of gender integration in college enrollment and the slower, but substantial, integration of many faculties. Today, 55 percent of undergraduate students are women, for example. In the next decade, this number is expected to rise to 60 percent.

Who is at the table does seem to make a difference. Imagine, for example, that instead of a group dedicated to preserving and protecting the football or basketball program, budgetary allocations were made by a body that included former women athletes, tuition-paying parents of young women athletes and a representative from the Women's Studies faculty. Would women athletes traveling to away games sleep

advocates of increased opportunities for women as "the enemy" and suggested that they are "out to get" football. A common litany from coaches in men's wrestling, swimming and gymnastic teams, all sports that have experienced waning fortunes in recent years, is that Title IX is "promoting discrimination." The particular rhetorical flourish that rallies these groups is the declaration that present policies under Title IX are "affirmative action"—a not-so-subtle attempt to push women's claims for recognition of their athletic aspirations into the swirl of anger that makes racial preferences such a political hot zone.

While the affirmative action characterization has gotten wide play in the sports press, it is not a particularly accurate, or thoughtful, one. A more plausible view is the perhaps too obvious point that if the number of people

into a budgetary structure that favors the two dominant men's sports and almost certainly ensures excess in their funding, let's again focus on the 40 or so big-time programs. Such athletic departments really run two distinct sports operations, one that is nonprofit and non-profitable, the other a highly commercialized venture thrown into the rough-and-tumble world of broadcasting, Nielson ratings, and sponsorships. The former concerns itself with nonrevenue sports, the latter, top-echelon football and basketball.

The key insight into the economic structure of college sports at this level is that the potential spending for the two commercialized men's sports has no predefined restraint. These sports will consume whatever funds are available. Moreover, many of those at the football-promoting table doubt their ultimate control over costs. Spending levels are often seen as what competitors are willing to spend to claw out a position near the top of the sports pyramid. The economic reality for the athletic department is that if it wants to be competitive in the commercialized college sports scene, it must join what Berkeley sociologist Harry Edwards calls the athletic arms race.

For those at the budgetary table, then, the trick is to spend as little money as possible on the non-revenue sports to insure maximum resources for the large and competitor-driven appetites of the football and basketball programs. One recent study found that for every new dollar spent on sports at big-time schools, only five to seven cents went to nonrevenue sports.

Hence the problem. Title IX supports further expenditures on non-revenue sports—exactly the sort of expenditures that athletic departments do not seek out and do not want to make.

As an exercise in regulation, Title IX is thus quite a challenge. Given who is at the table and given the raw economics of the structure they have chosen to embrace, it is naive to assume that increased athletics opportunities for

If the number of people laying claims to athletic department funds grows significantly, and if the total amount of money spent on athletics does not also grow, then even under the most nondiscriminatory allocation of funds, traditional men's sports will not be as lavishly supported as they were when they were the only sports to support.

two-to-a bed, four-to-a-room, while their male counterparts are given separate beds in double rooms, as has been common? Would the assumption that the 100 students on the football team should be consuming more than 50% of a \$20 million athletic budget—typical in big-time programs—go unquestioned? Would we likely see a continuation of the pattern at smaller schools where the amount spent per player on football exceeds the amount spent per team for most women's sports?

Present-day resistance to Title IX is notable for its rhetorical intemperance. The head of the American Football Coaches Association has described the

laying claims to athletic department funds grows significantly, and if the total amount of money spent on athletics does not also grow—as it should not in a world of higher education in which legislatures have been cutting support for libraries, salaries and educational facilities—then even under the most nondiscriminatory allocation of funds, traditional men's sports will not be as lavishly supported as they were when they were the only sports to support. Thus, the rhetoric of the complaint seems much stronger than its substance.

The Best Teams Money Can Buy?
To see how college sports are locked

women will quietly and enthusiastically be added to the larger goals of the athletic department. The desire for greater gender equity is the classic case in which regulation, and perhaps regulation that is more than gentle nudging, is necessary if a larger objective is to be achieved.

Getting It Right

The rather mean-spirited rhetoric that frames much of the criticism of Title IX is usually followed by the suggestion that the Department of Education has done a bad job in translating the general goal of the statute into workable regulatory rules. There is, though, another view: while change might not be welcome as a vehicle for turning the ship of college sports, the present Title IX regulations may have gotten it just about right. The regulations say, in effect, that there are three alternative avenues through which a school can show that it is being fair in allocating chances to compete between men and women.

The first test is a safe harbor. If the school can show that the percentage of its women athletes is substantially proportionate to the percentage of women in its student body, then there is compliance. (There is a separate question as to whether the women's endeavors are being adequately funded, but that is secondary to the issue of providing sufficient opportunities.)

If there is not substantial proportionality, then the school is allowed to show, under the second alternative, that it has engaged in adequately planning and, in a meaningful sense, is on its way to providing sufficient opportunities for women. The third path to compliance is a showing that the school is meeting the actual level of athletic interest among its women. Thus, even if the level of participation by women is less than "substantially proportionate" to their presence in the student body, such a result is acceptable if all of the potential for women's sports is satisfied.

The common litany from the football table is that the seeming flexibility of the three-part approach is phony;

there is really only one test—the government simply counts noses to see if there is "substantial proportionality." It is alleged that planning under the second test is accepted only if it is planning for substantial proportionality. And the third test evaporates because there is no recognized mechanism for establishing that actual interest is less than a proportionate interest.

There is, though, a great deal more sensitivity in the regulations than critics are willing to credit.

Note what the regulations do not do. They do not, for example, order that the occupants of the chairs around the table be deposed. If one wanted a timely and temperate response to Title IX, changing the guest list probably would have been the quickest route to that end. But the regulations defer; the decision makers aren't changed.

Nor do the regulations order an equal expenditure of dollars; not all sports need be funded equally. Nor is there a regulatory standard that second guesses individual decisions that a school's coaches and athletic administrators make. There is no general test of "reasonableness" or "consistent good faith compliance," both plausible measures, but standards that would interject the government deep into the conference room at the field house.

Rather, the approach of the regulations is to say that schools will be judged by their results. How a school gets to those results, how it adjusts the gender-antagonistic incentives in the historical budgetary structure is up to the school. Again, among regulatory options, this is hardly heavy-handed, picky or oppressive.

Locker rooms are presently populated with many men who are highly confident that there is limited interest in women's sports. As one observer in the *Los Angeles Times* reported, "It is unrealistic to believe that under any circumstances the number of women interested in participating in a sports program in high school or college will ever





Kelly Black '01, left, and Sara Gohl '01 intend to keep athletics a part of their lives after Law School.

Learning Life Lessons from Sports

First year students Kelly Black '01 and Sarah Gohl '01 are talented athletes who will tell you that playing sports helped mold their characters and develop their leadership skills. Gohl, who was recently selected as NCAA Woman Athlete of the Year for Illinois, was Eureka College's all-time basketball assist leader and student body president for two years while maintaining a 4.0 grade-point average. Black, a cum laude graduate of Harvard, was captain of the school's women's basketball team in her senior year. Her team won the Ivy League and qualified for the NCAA Tournament during both her junior and senior years. Before attending Duke Law School, Black took a year off to work at the nonprofit Women's Sports Foundation in New York. Both women feel so strongly about the positive role of sports—especially for boosting the confidence of girls—that they hope to make athletics a part of their lives after Law School. "Basketball gave me confidence; it made me who I am today, and I want to make sure that everyone has the opportunity to have the life-changing and life-learning experiences that I had," Black said.

approach the percentage of males that are doing so."

To their drafters' credit, the existing regulations do not try to answer what women's sports will look like in 40 years. Rather, they reflect the significant insight that the potential for women's sports is so unexplored that there can be no hard and fast game plan for reform.

What would have been the response in the locker room in 1965 if someone had asserted, "In the future, at some major schools—Stanford, Colorado, perhaps—women's basketball will attract more fans than men's basketball?" Or, "There will be women playing competitive ice hockey in college." Or, "The number of women playing collegiate soccer will go from virtually zero to 8,000 in less than 25 years." These statements would have been met with moans, hoots and towel-snaps. But all of the predictions have proven to be true. It seems correct that the Title IX regulations not anoint a "conventional wisdom" with legal status.

What the regulations properly do not allow is for an athletic department to announce that "women aren't interested." Nor should the regulations be taken to authorize a school to survey its women students to establish a lack of interest. On that point, a magnificent insight emerged from the initial opinion of the federal Court of Appeals in the 1993 Brown University case: such a survey does little more than measure the effects of prior discrimination against women. Showing whether women "want" more athletic opportunities is going to require a slower and more nurturing process.

A Spending Ceiling on Big-Time Sports

The divisive rhetoric and rear-guard actions against Title IX have delayed a more balanced discussion of how to move college sports toward gender

equity. The problem that athletic decision-makers confront is fairly obvious: the unrestrained appetites of football and basketball leave precious little money for other sports. The question that needs to be most thoughtfully pursued is how to devise an alternative to the present model that causes the least disruption to men's offerings. One choice suggests itself.

Big-time college sports presently operate under a number of NCAA-mandated partial caps on expenses, the most important of which is that no wages can be paid to the players. A plausible next step is a comprehensive cap, a prescribed ceiling on expenditures in football and basketball.

The benefits of such a control are both literally and figuratively untold. A cap frees up money that can be used for other purposes. Not only will Title IX compliance now be easy at most schools, but athletics may actually come to support the school's educational venture rather than detract from it.

And because of the curious twists in sports economics, the final athletic product might actually be improved. With the top restrained, as it is in many professional sports leagues, the number of teams that are "competitive" would increase.

At the bottom line, the regulations under Title IX require that the interest in women's sports should not be declared weak before it is fully born. We truly don't know what we have in women's sports; we are only now starting to find out. Title IX says no more than that women's sports should be allowed a period of adequately-funded experimentation and exploration. The topic squarely on the table is whether the athletic department's response will continue to be resistance and litigation or a more productive rethinking of what lies ahead for college sports in the 21st century. ●

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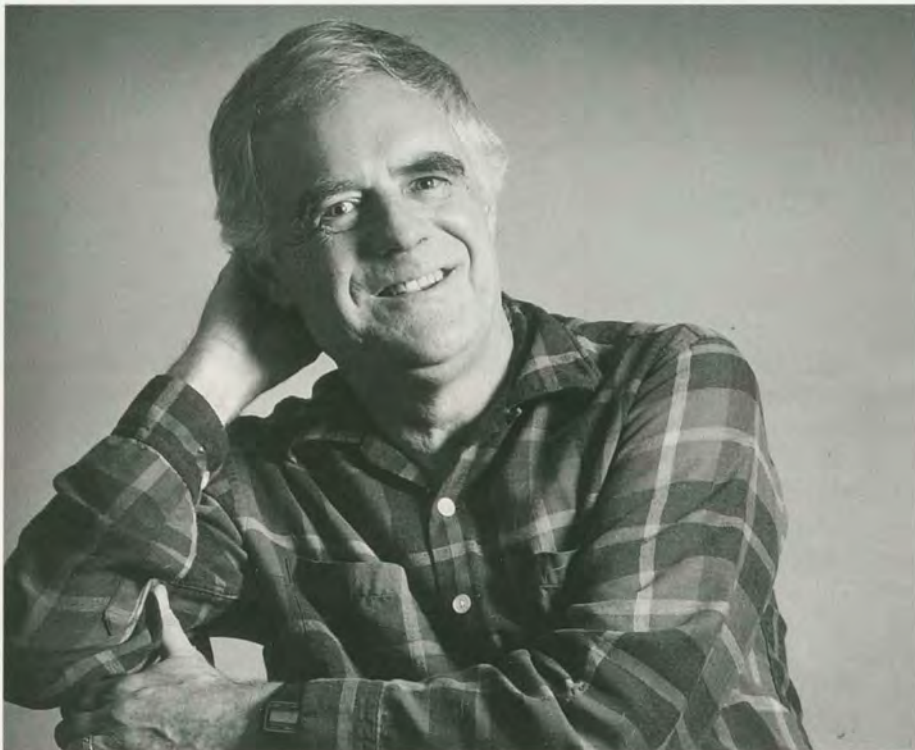
Property Rights Scholar William Reppy, Jr.

A Passionate and Effective Advocate for Animal Rights

by Olisa Corcoran

Perhaps it is ironic that William Reppy Jr., Charles L.B. Lowndes Professor of Law, is a prominent legal scholar in the field of property. The legal definition of animals as property, no different from a wheelbarrow or a Buick, is at the philosophical heart of his battle for animal legal rights. "To apply the law that applies to a pile of lumber and say that a dog or a chimpanzee should be governed by the same law is ludicrous. Just think about it," he says. "Basically that is what our law is. Animals are just property and the same laws apply, except for the cruelty statute."

He is described as "extraordinarily bright and kind-hearted underneath his gruffness," by former student and friend Cynthia Wittmer '81, a partner at Parker Poe Adams & Bernstein in Raleigh, N.C. Jeffrey Welty '99 describes Reppy as "eclectic." A chaired professor who moonlights as a piano player at local night spots, Reppy also sits on the North Carolina General Statutes Commission. Former student Kenneth Starr '73 made time to drop in as a guest speaker in two of Reppy's classes last fall, only weeks after Starr filed his report to Congress. Reppy, with his wife Juliann Tenney '79, was once kidnapped by guerrillas in



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Bill Reppy, with Spirit, founded two animal advocacy groups in North Carolina and often gets calls in the middle of the night to help hurt or starving animals.



Guatemala. He is the devoted owner of four active dogs. Despite his great compassion for the suffering of animals—he has spent the last 15 years as an advocate for animal rights—Reppy is no pushover: He is cited by former students as one of their most demanding law professors.

He is the founding member of two animal advocacy groups: the N.C.

Network for Animals (NCNFA) in 1983, and in 1990, N.C. Justice for Animals (JFA), a 4,500 member organization dedicated to fighting for animal welfare in the courts.

As vice-president of JFA, Reppy responds to requests for legal help in cases of animal cruelty and then provides legal advice and guidance

to the organization's network of 22 volunteer attorneys.

"His prestige helps us get the support of attorneys," says JFA co-founder and president Nancy Rich. "Bill is totally dedicated to justice for animals and that means justice for the rights of people who care about them."

This dedication subjects Reppy and Tenney to telephone calls at all hours of

the night. Some are pleas from desperate pet owners whose animals have been shot by neighbors, for example, or from witnesses to dog beatings by animal control officers or from people searching for ways to help a starving herd of cows.

Part of JFA's mission is to encourage owners whose animals have been killed or injured to file suit against the perpetrators. The owners are then put together with JFA volunteer lawyers. This is particularly important because, despite the anti-cruelty laws on the books and much to Reppy's dismay, local district attorneys don't always prosecute these cases.

Reppy and Rich point out that it's not only the suffering and cruelty inflicted on animals that is at issue in animal abuse cases. "There is a proven correlation between animal abuse and child abuse," says Reppy. "A youth who has harassed or tortured animals is a major candidate to abuse his or her own children or commit other crimes. Prosecution should be taken very seriously."

The other part of JFA's mission is to attack the crisis of pet overpopulation by creating a low-cost spay/neuter program in North Carolina. "The suffering that stray animals endure from disease, starvation, capture and being taken to the pound to be euthanized is just immense," says Reppy. "The only way to attack it is to cut down on the birth of unwanted animals." Animal advocates were close to getting a spay/neuter bill passed in the North Carolina General Assembly last fall, but the bill died in committee. Despite this setback Reppy says "we'll keep trying."

There have been some legislative victories for animal advocates—such as the November 1998 amendment adding a felony charge to the N.C. cruelty to animals statute. Before the amendment, cruelty to animals, with the exception of

dogfighting—a felony, could only be considered a misdemeanor. The amendment also included provisions outlawing organized shoots of pigeons and other non-game wild birds. Reppy worked with Wittmer on the pigeon shoot provision when he referred NCNFA to her firm. Through the NCNFA and JFA, Reppy has brought animal-related pro bono work to Duke Law School. Twenty students over the last six years have provided legal research for JFA volunteer attorneys in cases of animal cruelty. Jennifer Barket '00, who says that Reppy "was one of the reasons I wanted to come to Duke," spent 20 hours on a research project for a local attorney involving the seizure of 39 pit bulls from drug-dealing dog fighters in Orange County, N.C. "It was rough," says Barket, who made it a point to meet the dogs. "A lot of the dogs came with staples in their heads where the dog fighters had attempted to treat them themselves."

Welty, a top-ranked member of his class and once possibly the only vegan

research. "It's refreshing to see somebody who went to school with Sandra Day O'Connor and is really successful focusing on animals," says Golden.

Those who work for animal welfare represent a spectrum of beliefs about the position of animals vis a vis humans: at one end of the spectrum are those who support the complete elimination of any human/animal interaction, because such contact would necessarily be exploitative; others attempt to reduce the suffering of animals through humane treatment, but do not advocate eliminating the use of animals for various human aims.

A few of Reppy's beliefs might make some of his animal rights colleagues uncomfortable. Take hunting, for example, which is anathema for many in the animal advocacy world. "I'm opposed to hunting but I appreciate that there must be some way to restore the balance of nature. We humans have eliminated the balance of nature. All of these deer would have been controlled by predator wolves, but we got rid of

"There is a proven correlation between animal abuse and child abuse."

interrogator of prisoners of war in the Army (see box on page 24), also has done pro bono research for JFA. Reppy contacted Welty before he came to Duke when he read Welty's admission essay about being vegetarian in the Army. "He put me up in his house and put me in touch with other students and was a really great host," says Welty. "He was a big part of why I ended up here."

Brandon Fernald '99 and Christopher Golden '99 also worked with Reppy on cruelty-related legal

the wolves. Some of my colleagues are not going to like to see me in print endorsing hunting, but I think we need something like that."

"There is a place for absolutists," he says, "but there is also a place for someone like me who will compromise."

While he would characterize many in the animal advocacy field as liberal, Reppy says, "caring for animals is not a liberal issue. I am by no means a liberal. I'm a Republican who believes in small government, but there are certain

things like the environment and animals where you need government intervention. The private sector has just failed in those areas.”

Reppy’s favorite law to protect animals is a federal statute requiring that apes and chimpanzees not only have healthcare but socialization. “We can’t just keep them in tiny cages. This law requires that people holding these animals recognize their social needs, that they need to be part of a group. That was a great step forward.”

He is intrigued by the Great Ape Project, a venture that will bring an ape who can communicate through sign-language into a courtroom in an effort to establish that, because of his ability to communicate, he has rights and is not just property. “They don’t talk at a very advanced level, but they are able to communicate,” Reppy explains.

Success for Reppy is often measured on an animal by animal basis—one dog rescued from death provides the motivation to continue his work. “Every little victory means a lot, even though we lose more than we win. I see progress. I can think of a future in which a stray dog would be a very unusual event and animal shelters would be able to place in homes all of the surrendered animals because we’ve reduced the populations through spaying and neutering.”

On Reppy’s horizon is an animal law case book that he hopes to write. He would also like to see the creation of an animal law clinic at the Law School.

“I will always be here for any student who wants to get involved—or any alum,” Reppy says. Contact with other animal lovers is one of the great side benefits of his work. “I get to meet a very caring, concerned kind of person, like Jeff Welty, for example, whom I never would have known otherwise.” ■



I WANT YOU TO EAT MEAT

by Jeff Welty '99

Before I joined the Army, I asked my recruiter questions that were important to me as a vegetarian, chief among them: “will there be food for me?”

“Oh yes,” he said.

But my recruiter didn’t come to boot camp with me.

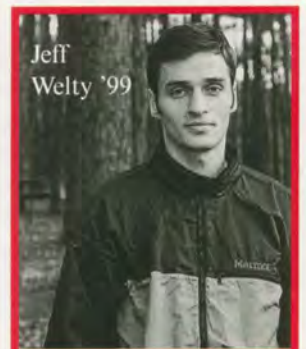
Instead, my Drill Sergeant explained the protocol for meals: We were to go to the mess hall, take a prepared tray of food, clean the tray in five minutes, and leave. Nervously, I explained that I was a vegetarian. How would that be handled?

“Son,” Sergeant Smith thundered, “while you are here you are not a damn vegetarian! You’ll eat whatever food the Army gives you!”

When I refused the tray of food I was offered in the mess hall that day, I was referred up the chain of command to the company commander, Captain Davis. I explained to him why I was vegetarian and that my recruiter had assured me it would be no problem. He told me that I could eat the standard fare or nothing and that, if I chose nothing, he would send me to prison for disobeying his orders.

After three days of my fasting and his threats, Captain Davis gave in. I could have meat and eggs left off my tray. I learned later that there are plenty of vegetarian soldiers. Many give in to institutional pressure at basic training, but others don’t. I doubt anyone goes to jail.

I learned some lessons from the experience: Don’t believe your recruiter. Most threats are empty. Eat your vegetables. ■





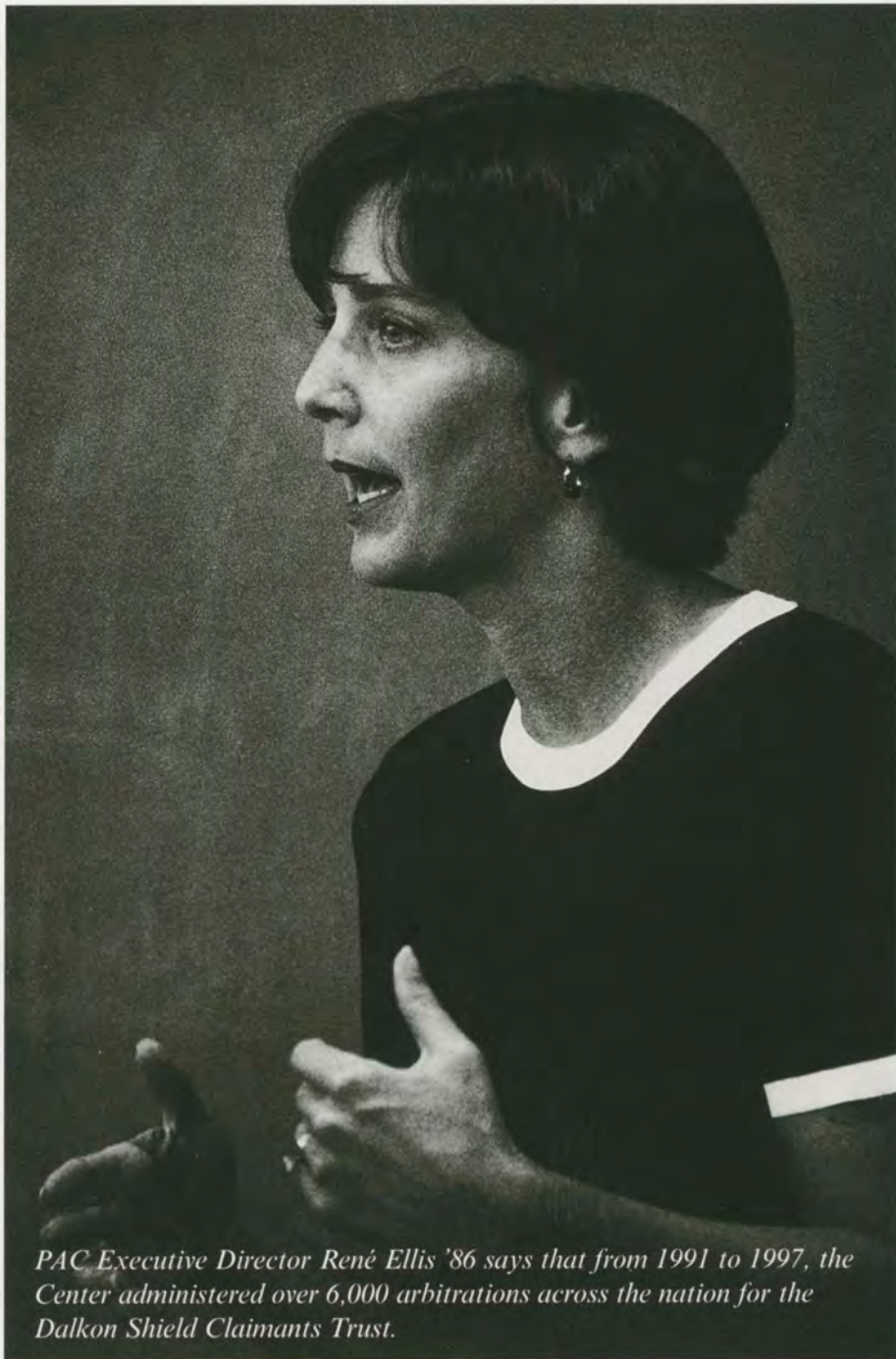
A Pioneer Respected Abroad Is Little Known at Home

by Kathy Roberts Forde

Housed on the second floor of a gray-shingled, turn-of-the-century house that faces Durham's Main Street, Duke's Private Adjudication Center (PAC) has no sign proclaiming its presence to passersby. Yet despite its local modesty, the Center commands a national, even international, reputation in legal circles for its touchstone work in establishing and defining the field of alternative dispute resolution. Founded in 1983 as a close affiliate of the Law School, the Center researches and practices alternative dispute resolution—a progressive alternative, grounded in traditional judicial principles, to conventional civil dispute resolution.

In the early 1970s, the A. H. Robins Company manufactured and distributed the Dalkon Shield intrauterine device, a contraceptive alleged to have caused sterility and serious illness in many users. Robins declared bankruptcy, and the court authorized the establishment of a trust and a concomitant claims resolution process, whereby claimants could submit applications for monetary restitution. If a claimant rejected the trust's offer, she could select arbitration or litigation. And that's where the PAC, with its Dalkon arbitration programs, comes into focus.

PAC Executive Director René Ellis '86 suggests that one of the substantial benefits of ADR over litigation, both for the individual claimant and the court system, is the speed and economy with which a claim can be administered, particularly in the context of mass torts.



PAC Executive Director René Ellis '86 says that from 1991 to 1997, the Center administered over 6,000 arbitrations across the nation for the Dalkon Shield Claimants Trust.



Two participants in the PAC's mediation training program go through a practice mediation session.

In many cases, a claimant's hearing could be as brief as two and a half hours. "We were able to schedule them two or three per day, sometimes back-to-back, depending on where they were," Ellis explains. "They would be heard to full resolution. And there's just no way you could do that in a traditional system."

The PAC trained its Dalkon referees and arbitrators, using its own staff as well as experts from Duke Medical Center and the Centers for Disease Control, not only in the particulars of the established arbitration programs but also in the relevant medical knowledge of obstetrics, gynecology and epidemiology. From 1991 to 1997, the PAC administered over 6,000 arbitrations across the nation for the Dalkon Shield Claimants Trust, providing a day in court for many claimants whose cases, in the traditional court system, might otherwise have dragged on much longer.

It is precisely this quality of alternative dispute resolution—its capacity to give voice to a broad array of people, especially in complex cases, class actions and mass torts—which many proponents cite as its greatest benefit.

As the Center's literature explains, the quality of its dispute resolution programs mirrors the high quality of its panel of neutrals: those mediators, arbitrators, and special masters who mediate negotiations or adjudicate claims. Carol Liebman, clinical professor of law at Columbia University School of Law, specializes in negotiation and mediation issues and has worked as a neutral for the PAC. Liebman describes the PAC's work, particularly in its administration of programs and support of neutrals, as "dependable and responsive." Liebman also says that those who work at the PAC practice what they teach when

they train others in conflict resolution skills in seminars for students and legal professionals.

Year after year, the small staff of the PAC accomplishes staggering amounts of work and has amassed, as Ellis points out, "more experience administering ADR in complex cases, particularly in mass torts and class actions, than any other ADR provider in the country." Dalkon Shield, Piper Aircraft, Fibreboard, Smith Barney, Silicone Gel Breast Implants: these are just some of the dispute resolution programs the Center has designed and administered.

During his tenure as dean of Duke Law School from 1978 to 1988, Professor Paul Carrington was a key figure in the launch of the PAC and is still involved with the Center's mission. As the acting chair of the PAC board, Carrington is working to establish a registry of independent experts in science and technology to advise judges, lawyers, and clients. Currently, no such independent advisory group exists to assist trial judges in evaluating the scientific evidence in a case, and as Professor Carrington asserts, "There are a lot of lawsuits that are won or settled on the basis of very questionable scientific opinion." In many cases, expert witnesses employed by both plaintiff and defendant provide conflicting scientific testimony, thus leaving the judge to determine, perhaps with little substantive and relevant scientific knowledge, the truth of the evidence.

"The skills I have been taught through the program will benefit me throughout my career—not just in mediations or law-related work. The ability to resolve disputes effectively serves all facets of life."

-Jim Bingham

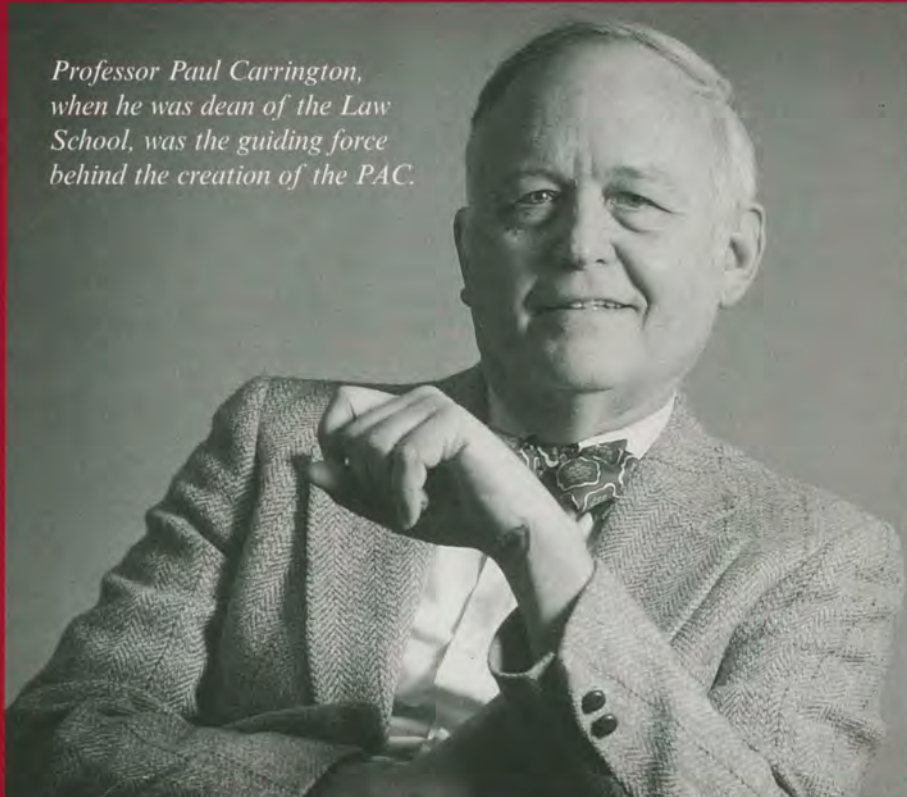
Both judges and lawyers in trial situations historically have been reluctant to use independent experts. It is this very stumbling block, coupled with his experience in the PAC's use of independent scientific testimony in the Dalkon Shield cases, that led Carrington to imagine a different application for the registry: while disinterested witnesses may be difficult to integrate into the adversarial nature of the courtroom, they may well be an excellent resource in mediation and arbitration.

The PAC recently received a grant from the Smith Richardson Foundation to help build the registry. Focusing its initial efforts on health care issues, the PAC plans to build a database of disinterested experts using the expertise in Duke's Medical Center and other specialty groups such as the College of Surgeons. Attorney Corinne Houpt, who is currently administrating claims in the Center's Silicone Gel Breast Implant Individual Settlement Program, will serve as director of the registry project.

In addition to developing the registry project, the PAC sponsors an array of educational opportunities to train students, lawyers, and judges in conflict resolution. In a joint venture with the Durham Dispute Settlement Center, the Law Student Mediation Program in 1997 trained 35 area law students—from Duke, North Carolina Central University, and the University of North Carolina at Chapel Hill—as mediators. Program participants mediate small claims cases in Durham County, at first with the assistance of experienced mediators and later on their own.

In the past decade, providing law students with clinical experience has become a central goal of top-notch legal educations. Teaching conflict resolution skills—as Duke Law Professors Neil Vidmar, Tom Metzloff, and René Ellis do in their popular courses in negotiation and dispute resolution—has also become *de rigueur* in more progressive law schools. The

Professor Paul Carrington, when he was dean of the Law School, was the guiding force behind the creation of the PAC.



PAC's Student Mediation Program, co-sponsored by the Law School's *pro bono* project, provides students with both clinical experience and negotiation skills, an experience that is often difficult for law students to obtain, according to Ellis.

Jim Bingham, a Duke Law student who has recently participated in the program, praises the far-reaching benefits of his training: "The skills I have been taught through the program will benefit me throughout my career—not just in mediations or law-related work. The ability to resolve disputes effectively serves all facets of life."

In 1997, the Law School hired Professor Francis McGovern, an internationally known trailblazer in the field of alternative dispute resolution, to augment its already substantive faculty expertise in the field. McGovern is regarded by many as the father of ADR, having conceptualized theories and designed programs in the field since its nascent stages in the late 1970s. McGovern's career has focused on mass claim litigation arising from product

liability issues and major disasters, and in this context, he has been appointed as special master in many mass tort cases.

McGovern has been closely involved with the PAC and developed the Center's Dispute Resolution Forum lectures on negotiation, held in 1997 and 1998. He is in the process of creating an Internet journal, which will be the electronic counterpart to the lecture series. Targeting an emerging topic in the field of ADR every month, the journal will take the form of short articles written by national leaders in the field, followed by on-line discussions among invited participants who will include judges, lawyers and academics committed to ADR.

Through its pioneering work in alternative dispute resolution, the PAC has changed the way many lawyers, judges, and claimants conceive of their roles in a legal dispute. And the work is ongoing. In its own quiet way, the PAC is transforming the legal landscape. ●

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“Charting Courses” to Become Annual Law School Event for Students of Color

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“Charting Courses,” a day-long program designed to bring together members of the Law School’s African-American community, was the first of what will become an annual fall event at the Law School, said organizer Professor Trina Jones. Last fall more than 60 students, alumni, faculty and administrators attended the program, signaling the timeliness of Jones’ idea. “Since we now have a critical mass of people of color at the Law School, it seemed an appropriate time to gather and identify issues and discuss what this community can contribute to the Law School,” Jones noted.

A Friday evening banquet kicked off the event, followed by a day of panels on Saturday dealing with topics crucial to students: how to cope with the challenges of the first year of law school and go on to build successful academic and professional careers. Administrators—such as Assistant Dean for Admissions and Financial Aid Dennis Shields—and distinguished alumni served as speakers and panelists, including Charles Becton ’69, a former judge with the N.C. Court of Appeals and partner in the Raleigh, N.C. firm of Fuller, Becton, Slifkin & Bell, and Barbara Arnwine ’76, executive director of the Lawyers Committee for Civil Rights Under the Law.

There was also plenty of time for informal discussion. “Alumni talked with each other and with students, and younger alums asked older ones for career advice and discussed issues they were struggling with in practice,” Jones said.

Entering first-year student Courtney Duke ’01 found the program informative and especially helpful to newcomers to the Law School. “The speakers were from a wide spectrum in the legal field and provided a lot of insight into things a first-year needs to know but might not have thought about,” she said. At the end of her first semester, Duke said what she learned stuck with her and has fit with her experience since then: “Things like being sure to talk with your professors and the importance of their recommendations; not being afraid to express how you feel; and realizing that you’re not alone and that others may be having the same issues.” ●



Sam Starks '92, right, who works with the Public Defender Service in Washington, D.C., and Professor Jerome Culp.



Above: Students who attended "Charting Courses" got advice from the experts on their academic and professional careers.

Below: Charles Becton '69, here with Dean Pamela Gann '73 and Professor Trina Jones, served on two panels advising students on academics and career mapping.



Visiting Law Professor Lan Cao's Vietnam Memories Turned into Praised Work of Fiction

by Mirinda Kossoff

"My childhood

memories usually come back in whole scenes," says Lan Cao from her fourth floor, book-lined office at Duke Law School. "I don't just remember that my mother read me stories when I was six, but I remember the whole picture, like a movie—what she was wearing, how her hair was combed, the look in her eyes when she first started the story and then how the eyelids fluttered when she got to a certain part."

The visiting law professor from Brooklyn Law School is the author of the critically acclaimed novel *Monkey Bridge*. Since its publication in 1998, *Monkey Bridge* has been adopted as text in many secondary school classrooms for its depiction of Vietnam and the Vietnamese immigrant experience in America.

The publishing industry immediately recognized what was unique and marketable about the book: Cao was the first author to write a book about Vietnam from the Vietnamese perspective. Three major publishing houses and three of their imprints vied for rights to the novel before Cao chose Penguin.

In an article for *The New York Times Book Review*, critic Michiko Kakutani wrote, "With *Monkey Bridge*, Ms. Cao has not only made an impressive debut, but also joined writers like Salman Rushdie and Bharati Mukherjee in mapping the state of exile and its elusive geography of loss and hope"—high praise for a first novel. Cao takes the accolades in stride; she's kept a sense of proportion and is the last person to be impressed by her own success.

Cao's cinematic recall of her childhood infuses *Monkey Bridge* with

the sights, sounds, smells and textures of her native Vietnam. It's a Vietnam never before introduced to American readers whose only view of the country, until now, has been through the lens of American war veterans.

The facts of Cao's life parallel many of those of the book's fictional protagonist, Mai. Cao was born in 1963 in Saigon and, until she was 13, lived with her family in Cho Lon, the large, insulated, Chinatown section of the city. Though she and her family are Vietnamese, her parents had early on bought a house in Cho Lon, and Chinatown grew up around them.

"We knew there was a war going on," Cao explains, "but we encountered it in isolated incidents. We were warned never to sit near the front of a coffee house, because if a grenade went off, we could be injured. My brother came home one day soaked in someone else's blood. Every night there would be rumblings and the window panes would shake."

For Cao and her family, the war thundered a distant background threat until the Tet Offensive of 1968 when door-to-door combat spilled into Saigon, with the fiercest and most concentrated fighting raging in Cho Lon. Cao's father, a general in the South Vietnamese army, was away fighting. For safe-keeping, the family had been moved to the army barracks, and Cao's most vivid memory during that time is of being scooped up by her nanny and rushed to the bomb shelter across the soccer field from the barracks. "I remember running the length of the soccer field with my nanny. We would look up and see the bright lights of the rockets and we would pray that we would make it in time to the shelter," she says.

The war often created divided family loyalties, and the same was true for

Cao's family: her uncle, Nhung, joined the Viet Cong and left his wife and three children to be a revolutionary. Still, Cao remembers, he maintained close ties to the family and would return for holidays and family birthdays, putting everyone in great danger because they had to hide him. Nhung's oldest son eventually joined the airborne division of the South Vietnamese forces. On one of his clandestine family visits, Nhung, upon learning of his son's choice, "chased him around the dinner table with a knife, screaming, 'of all things, why did you have to join the airborne?'" (the fiercest of the South Vietnamese fighting forces).

Both father and son survived the war, and Cao went back to Vietnam in 1996 with a delegation of American law professors to advise Vietnam on establishing a securities market and privatizing state enterprises. During that trip, she visited her uncle who now lives in the Mekong Delta. "He was wearing a Reebok cap," Cao says, smiling. "And works for investment. But he still believes he was right. We came from a large land-owning family, so he was basically working against the system. He believes the aftermath of the war was a perversion of his ideology." It was this uncle who regaled Cao with Vietnamese nationalist myths and stories and who was the model for the character of the grandfather in *Monkey Bridge*.

During the Tet Offensive Cao, who was seven at the time, began volunteering at the army hospital where she met "Papa Fritz," an American army colonel who was to become her friend and benefactor. After the month-long Tet Offensive, life in Cho Lon went back to its former window-rattling, fear-in-the-back-of-the-throat dailiness and Cao kept up with her volunteer work at the hospital.

By 1975, after the Viet Cong had violated the Peace Accords with impunity, one province after another in South Vietnam began to fall. "At the time, nobody thought Vietnam would collapse," Cao recalls. "There was much denial; everyone thought the Americans would come back and all would be fine again." But "Papa Fritz" knew better and flew back from his home in Avon, Connecticut to pluck Cao from Saigon to safety. At the time, Cao says, she didn't realize the move would be permanent.

Cao arrived in the U.S. with no English, homesick and worried about her family.

"Fritz and his wife and son taught me English, but I learned most of it from watching TV all day," Cao remarks. She developed a method for mastering English: "I would tape a TV show, like the 'Brady Bunch' or 'Bionic Woman,' and then would play it all night while I slept, just to get used to the sounds."

By the time her family arrived several months later and settled in a Vietnamese community in the Washington, D.C. suburbs, Cao rejoined them and became their translator and guide to American life. She was thrust into public high school, and though academically gifted, spent a lonely and isolated four years until she graduated. "I had no friends," she says. "So books became my friends, and I spent most of my time reading novels and poetry."

Within the family, she found no respite from loneliness, because, Cao says, her French and Vietnamese had deteriorated to the point where she couldn't explain to her family what was going on for her at school and in the world in their language. "The more educated I became, the more separate I was from my parents. I think that is a very immigrant story."

Cao discovered how language and literature could be a source of consolation when she stumbled on a volume of T. S. Eliot's poetry in the public



Lan Cao lived through the Tet Offensive when door-to-door combat raged in her neighborhood in Saigon.

library and was particularly moved by "The Wasteland."

"I thought of the war as being a wasteland and how one can heal oneself after being in the wasteland. When I wrote *Monkey Bridge*, I structured it around the idea of the wasteland; the bridge became the bridge from the wasteland to a place of healing and peace."

If high school had been a terrible experience for Cao, college, at Mt. Holyoke, was exactly the opposite. There she found community, intellectual challenge and a view of the war that was completely different from her own. She discovered the anti-war movement.

The change Cao was undergoing was both exciting and disturbing. College had enabled Cao to deconstruct her past and her cultural heritage. Putting together a new identity, salvaging what was good from the old one, took much longer.

In *Monkey Bridge*, the concepts of karma and duty to family appear as linchpins in Vietnamese culture. Cao still believes in karma. Hers is not exactly a Buddhist concept of karma with debts carried over from one life to the next, but a sense of karma as consequence of actions taken in this life, both by individuals and nations. But belief in karma

can also be, as Cao says, "a rear view mirror"—a constricting understanding which doesn't allow for transformation. Cao has combined her sense of karma with an American faith in the future, a conviction that she can mold her own destiny. She offers a caution, though: "The danger in the purely American view of individual rights and freedom is that you are not situated within your inherited culture. You have no awareness of the past."

She chose law as a profession (graduating from Yale Law School) for two reasons: "I have to support my family, so it was important for me to have an economically secure career. Law also appealed to me because of the idea of the rule of law as a method of resolving disputes based on law and not on war. Americans have a common covenant through the Constitution, and the law is designed to make sure the government cannot do certain things to you."

Once Cao's parents and her extended family had immigrated to Northern Virginia, to survive economically, everyone in the extended family pooled their resources. An uncle worked at a bowling alley, another at a hotel. Cao herself worked through high school as the "Good Humor" ice cream person and at the Magic Pan restaurant at a

local shopping mall. "All of the money was for the pool," she emphasizes. "I didn't keep the money I earned. It never occurred to me that it was mine." Eventually the family had pooled enough savings to open a Vietnamese grocery and later, a dry cleaner.

The birth of *Monkey Bridge* was something of a fluke for Cao. Though she had known all along that she wanted to write about the Vietnamese experience from a non-American point of view, she actually slipped into writing the book by accident—or serendipity. "I was on the shuttle flight from New York to Washington, D.C. to visit my mother who had suffered a stroke," she says. "I made that shuttle trip often, and on the flights, I started writing about her illness. I thought about walking into the hospital and hearing the automatic door open and then the suction of it closing, and I wrote that as a scene, and it had a natural fictional structure. After the first chapter, I realized that maybe I'll just do this book."

Instead of writing a memoir, Cao says she chose fiction, because it gave her the freedom to embellish and create a compelling story that still conveyed the emotional truth of her experiences. The remembering was painful at times, but, Cao says, "I've become very good at compartmentalizing. Whenever certain memories come up, I have nightmares. Then I deal with it and move on to the next task."

Asked if she plans to leave the law and write full time, Cao is clear that she likes the balance in doing both. "I love teaching law. I get up at five in morning and write until eight; then I go to the law school and I'm entirely focused on my teaching and academic work. If I tried to write full time, I'd be crazy." ●

Lan Cao is under contract for a second book of fiction. She taught international law at Duke in the fall semester.

Professor David Lange Links Law School and Vietnam

by Alex Gorman

Through personal and professional experience, Professor David Lange has developed a strong bond with Vietnam.

"Having Lan Cao visit was wonderful for all of us at Duke," Lange said, praising Cao as an extremely gifted author and professor.

Lange's own contact with Vietnam dates back to 1994, when he participated in a six-week series of lectures on intellectual property law in Hanoi and Ho Chi Minh City. During that trip, he met Do Khac Chien, who came to Duke the next year to obtain an MLS degree, and a strong friendship developed between the two men. Chien, currently deputy director general of the Copyright Office for Vietnam's Ministry of Culture and Information, has continued his involvement with the School through the Center for Global Information Technology.

Currently, the Law School has three Vietnamese students enrolled: Anh Lam, Nguyen Thu and Nam Le. Lange is laying the groundwork for an association for Vietnamese students to help them take home a feeling for the United States as strong as his own passion for Vietnam.

Lange says his experience was not unique. "For many who go there, it's the beginning of a lifelong affection for the people and the country."

That sentiment seems particularly true for Tony Salzman '76 who has spent much of his time since Law School in Vietnam, bringing an entrepreneurial spirit and a desire to help the Vietnamese overcome the difficulties that wracked the region after the war.

Vietnam's gradual transition from socialism to capitalism makes business a slow and tedious process at times, but Salzman has remained in Hanoi, where he owns the franchise for Caterpillar construction equipment. His work not only leads to profits but also helps rebuild Vietnam's badly deteriorated infrastructure.

Lange is confident that Vietnamese determination and spirit will help the country transcend its problems to become one of the regional powers in the 21st century. For now, Lange is planning a spring trip to Vietnam, where, with Lan Cao's help, he will begin research for a book detailing the life of Ho Chi Minh. ●

book reviews

Book Reviews

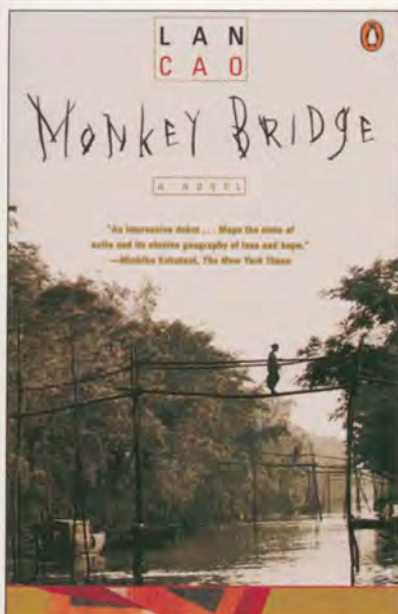
Monkey Bridge

by Lan Cao

Viking Press, 1997.

288 pages. \$25.95

reviewed by John Simpkins '99



Lan Cao is a fresh new voice in the fiction of family and exile.

She writes so vividly of the experience of Vietnamese immigrants in America that *Monkey Bridge*, her first novel, has been hailed as a groundbreaking work on the subject. The *Chicago Tribune* rightfully praised *Monkey Bridge* as a story that "reaches for Vietnam's lush heart." Cao recalls the spirit of the land she left as a teenager and shares it with the reader. In the process of so artfully depicting her own world, Cao speaks of truths and secrets which exist in all families.

Monkey Bridge begins with teenaged Mai Nguyen in an Arlington, Va., hospital, where her mother, Thanh, the victim of a stroke, calls out to Baba Quan. Thanh's father and Mai's grandfather, Baba Quan, remained in Vietnam, left behind as Thanh and Mai escaped with the Americans before Saigon fell. Mai, too, drifts to thoughts of Baba Quan, wondering why he failed to meet them at their rendezvous point for evacuation.

Mai's attempts to find out what happened to Baba Quan ultimately reveal her mother's attempts to hide the family's secrets. Like many families, Mai's is fraught with betrayal, guilt, and shame. So much goes unspoken from one generation to the next that the relationship between Mai and her mother is based only on the shadow of the truth. Even Mai herself keeps small secrets from her mother as their roles become reversed and Thanh comes to rely on her daughter to explain American culture and customs.

The secrets of the past lend a mystical quality to *Monkey Bridge*, which is reminiscent of the works of some Latin American authors. Isabel Allende praised *Monkey Bridge* as "connecting on one level the opposite

realities of Vietnam and North America, and on a deeper level the realities of the material world and the world of spirits."

Lan Cao weaves these connections for the reader through the voices of both Mai and Thanh. Mai's voice ranges from adolescent impatience to the tentativeness of someone negotiating a new culture while trying to understand the old. Thanh's voice, through her journal entries, reaches generations into the past and thousands of miles from her new "Little Saigon" home in a D.C. suburb to a Vietnam that keeps its ancestors alive in family shrines in every home.

Cao's style is marked by its subtle transition between past and present. Early in the book, Mai shifts from recalling her mother's belief in the "hidden universe: hexes and curses, destiny and karma" back to a narration of an aborted trip to Canada in an attempt to call her grandfather in Vietnam.

The trip through *Monkey Bridge* is a spiritual one over a metaphorical bridge that spans past and present, despair and hope. The similarities between Mai and Thanh's escape from South Vietnam and the immigration/assimilation stories of other ethnic groups are inescapable. This book examines the delicate dance of assimilation, in which all newcomers on the American scene engage in some form or another. In *Monkey Bridge* Lan Cao has achieved the mark of truly memorable fiction: she has vividly described a place we may never see while at the same time illuminating the truths we know and understand. ●

book reviews

Book Reviews

Gender and Law: Theory, Doctrine, Commentary

by Katharine Bartlett and Angela Harris
Aspen Law & Business, 2d ed. 1998.
1185 pages. \$60.

reviewed by Caitlyn T. Fulghum'98 *

Feminism is alive and well. Professor Katharine Bartlett's new edition of *Gender and Law* is a remarkable case-book, exploring both the historical roots of the feminist movement and feminism's continuing efforts to combat gender prejudice in the law. The book does far more than merely recap the low points of our nation's legal treatment of women; it examines the evolution of feminist theory and the present-day applications of modern feminist thought.

The second edition retains the helpful structure of the first by organizing the materials under six broad theories of feminism: formal equality, substantive equality, non-subordination, women's different voice(s), autonomy, and anti-essentialism (formerly, non-essentialism). New materials on slavery highlight the interplay of race and gender discrimination, and an expanded section on same-sex sexual harassment addresses a rapidly developing area of the law. The notes and discussion problems under each chapter help the reader understand the philosophical differences among modern feminist scholars. More importantly, the book encourages discussion of gender issues while acknowledging that multiple views, often conflicting ones, may be defended as the feminist perspective.

By far the most familiar and probably the most widely accepted of the six theories is the theory of formal equality—that women should have equal rights. Although many modern feminists believe that we need something more than formal equality to remedy gender prejudice in the law, the book's case materials reveal that we are, in fact, far from having achieved formal equality. Gender-based classifications are still reviewed under the



Supreme Court's "intermediate scrutiny" test, a less rigorous standard than the "strict scrutiny" applied to race-based classifications, revealing a tacit acceptance of gender distinctions as legally justifiable.

The book moves from formal equality into substantive equality, a theory somewhat analogous to affirmative action. For example, formal equality would require men and women with equal LSAT scores and GPAs to be considered equally for admission to law school, while substantive equality would require law schools to change their admission criteria because standardized testing is itself gender-biased in favor of men.

While issues of formal equality and substantive equality are often touched upon in courses on constitutional law and employment discrimination, the remaining four theories in *Gender and Law* are uncharted territory in most law school curricula. Nonsubordination theory rejects the identification of women as "the same as" or "different than" men, as this distinction implicitly defines men as the norm. Nonsubordination focuses instead on whether a particular rule or practice serves to subordinate women to men. The theory rejects as inadequate both formal equality, which benefits only women who most closely conform to the male-defined norm, and substantive equality, which seeks to elevate women to that male-defined norm.

Under non-subordination theory, the problem is not inequality of women under the law, but rather *inferiority* of women under the law. Although nonsubordination theory is not widely

recognized by that name in public discourse, it is nevertheless a hotbed of legal development. The book's new materials on same-sex sexual harassment clearly expose the inadequacy of equality theory in addressing power imbalances based on gender.

Like non-subordination theory, women's different voice(s) theory is not as readily recognized as equality theory but nonetheless permeates the legal and professional world. Different voice theory recognizes that women are different than men and focuses on the positive impact that these differences will have on our legal and social structure as women move into the public sphere. The discussion problems in this section of the book prompt students to consider whether the legal system should recognize and foster these differences as beneficial to society, or whether attempts to do so merely perpetuate the subordination of women.

The chapter on autonomy explores the legal system's presumption of women's non-autonomy, as reflected by gender-specific statutory rape laws (i.e., laws that allow prosecution of a man who has sex with an underage girl but not a woman who has sex with an underage boy), and the ways in which these presumptions, along with other societal factors, diminish women's autonomy.

The book's final chapter, "Anti-Essentialism," addresses the perceived inadequacies of the first five theories in addressing the concerns of minority groups of women. The feminist movement is often criticized for ascribing the characteristics of white, middle-class, heterosexual American women to all women and ignoring the particular concerns of women of color, low-income women, lesbians and women of other cultures. In a new section on female genital mutilation, the book explores the difficulties in distinguishing between what is feminist and what is culturally chauvinistic in evaluating the practices of other cultures.

One of feminism's most difficult ques-

tions recurs throughout the book: what should the feminist response be when women want something that other women think is bad for them? For example, when women conform to traditional norms, should feminism defend their choices as an exercise of autonomy, or fight to change the social influences that coerce women into believing that these norms are appropriate? If the latter approach is taken, does that itself reflect gender bias in assuming that women are too compliant to decide what they really want?

In reading this book, I found many of my own questionable assumptions staring me in the face, and I came to understand much of what had perplexed me about feminism during my adolescence and young adulthood.

When I was a child, my mother had a T-shirt that said "A woman's place is in the House . . . and the Senate." The shirt was two sizes too small but my mother wore it anyway—and without a bra. She wore the feminist label proudly, even while she quit college so my father could finish his education, took on primary child-rearing responsibilities, dieted constantly in a futile effort to return to her pre-pregnancy figure, did the laundry, bought the groceries and cleaned the house like a mad-woman after working eight or nine hours a day. It made me angry that my mother called herself a feminist while conforming to so many male-defined expectations. I just didn't get it. After reading *Gender and Law*, and taking Professor Bartlett's class of the same name, I do get it.

Feminists, like feminism, come in many different forms. They often argue with each other, but they are alive and vibrant and inspiring. Awareness of these issues is crucial to every attorney's understanding of gender prejudice in the law. This book, and a class structured upon it, should be a part of the curriculum at every law school in this country. ♦

* Caitlyn Fulghum is an associate at Glenn, Mills & Fisher, P.A.

Health Care Law And Policy: Readings, Notes And Questions

by Clark C. Havighurst, James F. Blumstein and Troyen A. Brennan
Foundation Press, 2d ed. 1998.
1382 pages. \$55.95.
reviewed by John G. Day*

For anyone who wants to understand as well as teach the complex dynamics of the U.S. health care system, the best place to start is with the newly released second edition of this impressive casebook. This edition builds on the solid foundation of Professor Havighurst's first edition—released in 1988 as one of the first casebooks on health care law. In addition to reflecting the significant changes that have occurred over the last decade, it includes many provocative suggestions regarding future directions for the field.

The second edition has two new co-authors: James Blumstein of Vanderbilt Law School and the Vanderbilt Institute for Public Policy Studies and Troyen Brennan, both an M.D. and a lawyer, who directs the Program in Law and Public Health at Harvard's School of Public Health. Blumstein and Brennan supplement Havighurst's economic and regulatory focus with special perspectives on public law, fraud and abuse, medical ethics and malpractice litigation. Brennan in particular brings experience delivering health care in today's fluid environment.

While there are a number of excellent casebooks on health care law, this new edition does the best job of capturing the rapidly shifting power relationships within the health care system, the vexing policy questions raised by these changes and the accompanying tensions between providers, payors, patients and future patients. The book captures the real-world atmosphere by minimizing linear and compartmentalized discussions of discrete bodies of law or specific components of the health care system. Instead, it looks at legal issues and the various players in the context of four general themes: the dilemmas of health



Clark C. Havighurst

policy; shifting paradigms in American health care; quality-assurance regulation; and health care law in a period of rapid change. This approach shows the reader how different areas of law—from torts and contracts to antitrust, administrative and constitutional law—are encountered in health care. It also reinforces the fact that a particular policy, regulation or law can have an impact on different parts of the system and not always as intended.

Although other casebooks also take up the basic problem of access, this book takes a different focus. It looks at the obligations of doctors, hospitals and private payors to provide "free," cross-subsidized care before considering the roles of government and the general public in financing a public and private voluntary health care delivery system. Looking through the eyes of different participants, the reader learns rapidly about the basic components of the existing system. Indeed, in the first chapter alone, one is exposed to a wide variety of subjects such as the rule against abandonment, the Hill-Burton Act, EMTALA, ERISA, Medicaid, the Clinton Plan, recent incremental reform measures such as HIPAA and even medical savings accounts.

The second edition serves up these seemingly disparate subjects in a way that shows the reader how the various pieces of the system interrelate and how existing laws can further or hinder a key public policy objective: access to care. The text takes a similarly pragmatic approach in introducing health economics and health care financing, which it does under the significantly more modern heading of "purchasing health care."

The second theme—shifting paradigms in American health care—deals with the fundamental changes in the views of many medical professionals and the general

book reviews

Book Reviews

public about how decisions about health care should be made. Here, the casebook materials examine whether medicine is a business, a profession or both. In examining the rampant commercialism that has enveloped health care, the text addresses not-for-profit corporations, tax issues, corporate practice, and fraud and abuse. It also looks at how the market, antitrust law and the changing nature of medicine itself have combined to make subtle and not so subtle changes in the balance of power between payors and providers, as well as in the working relationships between doctors and hospitals.

The third theme addresses what may be the common denominator of all health care law: how best to realize quality health care. Here the book focuses on the pros and cons of past and ongoing government and private efforts to assure quality care, particularly during a period of real or perceived economic limits. Once again the discussion ranges from direct regulation to provider self-regulation, while also looking at traditional tort liability for medical malpractice, the emerging concept of enterprise liability and alternative ways to resolve malpractice disputes.

The last theme speaks for itself: health care law in a period of rapid change. Predictably, this section deals with how the subjects previously discussed are affected by managed care and the growth of alternative networks. It also discusses the legal and economic pressures forcing a rapid consolidation of major parts of the U. S. health care industry and the tensions this consolidation creates for doctors, ancillary providers and patients alike.

The readings, notes and questions flesh out the issues raised under each of the general themes. Usually the readings begin with either a provocative court decision (not necessarily chosen because it reflects current law) or one of many excerpts from conceptual pieces by leading scholars from many disciplines, including sociology (Paul Starr, William Goode, Donald Light), epidemiology (John Wennberg, David Eddy),

medicine (Arnold Relman, Lucian Leape) and economics (Alain Enthoven, Kenneth Arrow, Victor Fuchs, Robert Kuttner and Joseph Stiglitz). Other observers such as Paul Weiler, Lynn Etheredge, Robert Berenson, Einer Elhauge and Henry Hansmann are also referenced, and this list is far from exhaustive.

The notes also contain discussions of current case law, state and federal statutes and provocative analyses of policy issues and the changing legal environment. Throughout the readings are the inevitable questions, forcing the reader to think through the implications of the readings or alerting the reader that this issue is also raised elsewhere in the book. Several students who have been exposed to other casebooks have found that this book's approach makes it difficult for them to avoid the tough questions regarding how medicine should be delivered and paid for.

The structure of the second edition—and the diverse amount of information—affords law professors considerable flexibility in the use of the casebook materials: The text can be used for a traditional health law course or for a course on health policy, and the materials can be selectively used based on the particular course objective. The second edition also works well with supplementary materials.

Because of the large volume of information contained in the second edition, some students have opined that reading assignments result in information overload, but they also acknowledge that the way the story is told keeps their attention. And, without exception, they acknowledge that the readings convey the complexity of health care and the difficulty of devising "bright-line" answers to important questions in this area. For many, this realization is both enlightening and frustrating.

For the same reasons, the second edition may not be the casebook for everyone. One colleague said that the first edition pulls the professor along, and if you don't have some grounding in the subject matter, you can lose your point of reference. The same can

be said for the second edition. However, if you are willing to take the time to get oriented (and here the first edition teachers' manual is extremely helpful), the extra work is well worth the effort. Professor Havighurst has promised a teaching manual for the second edition soon. The second edition's greatly expanded index also helps in finding relevant and related materials. It would be helpful if the cross-references also included page numbers and not just the cross referenced sections and subsections.

In the foreword the authors point out that the second edition (like its predecessor) does not cover bio-ethics. This is true in the traditional sense. However, the authors shortchange themselves. Although the second edition repeatedly points out the economic aspects of health care, it does not neglect the many difficult policy and ethical issues raised by both the traditional structure of health care and by the changes occurring today. Viewing these ethical issues through an economic prism brings discipline to the difficult task of balancing competing values, especially in view of the limited resources society is willing to allocate to health care.

Despite these minor qualifications, the second edition is a welcome addition to the rapidly increasing number of casebooks and other materials for teaching health care law. It does a great job not only of highlighting current legal issues and the tensions that are changing health care today but also of showing how law has vitally affected the evolution of the American health care system in the 20th century. ●

**John Day is senior vice president and chief counsel of CIGNA Corporation and has, for the last 15 years, been responsible for the legal and regulatory operations of CIGNA HealthCare, Retirement and Investment Services, Individual Insurance, Reinsurance and Investment Management. He is retiring from CIGNA to take up a post as the first professor in residence at the Insurance Law Center of the University of Connecticut Law School.*



In presenting the Sower Award, Duke University Trustee Randall Tobias praised Dean Pamela Gann for her philanthropy and her energy and vision in leading the Law School.

Dean Gann Honored with Sower Award; Serves on AALS and ABA Committees

During the campaign kick-off weekend event, Dean Pamela Gann was presented with Duke University's Sower Award for her endowment gift to the Law School—the Pamela B. Gann Endowment Fund. University Trustee Randall Tobias presented the award and welcomed Dean Gann into the Duke University Founders' Society. In presenting the award, Tobias said of Gann, "we all know the classic adage that one who truly believes in a cause supports it with her time, talent and tithe. Well, Pam exceeds the adage with the addition of qualities of limitless energy and vision..."

In addition to her work with the Law School and the University, Dean Gann also serves on the Executive Committee of the American Association of Law Schools (AALS) and will chair a new electronic publications committee on legal scholarship. She is also chair of the AALS section on deans and was a speaker at two AALS meetings, one on information technology and the second on LL.M. programs. She is a member of the development committee of the American Bar Association, which is planning the ABA's major conference in June. She spoke at the mid-winter ABA deans' workshop in February on managing and budgeting for technology in law schools and was a panelist at a meeting in Chicago of presidents, provosts and law school deans. Locally, she moderated a panel on the state of the university and college presidency at a meeting of the Harvard University Club. The panel included the president of the University of North Carolina system, the chancellor of North Carolina State University and the president of Radcliffe College. •

Law Students to Teach Leadership at Duke's Sanford Institute

Gregg Behr '00 and John Simpkins '99 have been awarded the Kenan Ethics Program Instructorship for 1998/99, supported by a grant from the Robert Woods Johnson foundation, to teach an ethics and community leadership class at Duke's Sanford Institute of Public Policy in the spring semester. The title of their course is "The Content of Our Character: Civic Leadership and Participation." •

Iron Woman M. Evans McMillion '98

As a member of Team Ecuador, M. Evans McMillion '98, currently a law clerk for Judge Richard C. Ervin in Greensboro, N.C., competed in the grueling Raid Gauloises adventure race held in Ecuador in September 1998. Described by McMillion as the "granddaddy of all adventure races," Raid Gauloises tested 49 international teams with 368 miles of non-stop racing, from the heights of the Cotopaxi volcano at 19,800 feet all the way to the Pacific Ocean. Teams ran, biked, rode horses, ice trekked and rafted without the use of any mechanical equipment.

McMillion, an avid amateur sports-woman, was recruited to the Ecuadoran team while studying Spanish in Quito. After spending five months training, her team surprised everyone by finishing the race—in 10 days, 17 hours and 49 minutes.

The worst part, McMillion says, was riding for 20 hours straight on heavy, low-tech bikes without lights, and on cobblestone and sand surfaces after her team had slept for one hour on the cement floor of a church. The best part was sea kayaking for nine hours through gale force winds while being tossed by enormous waves as they made their way to the finish line on the beach. On the shore, McMillion nursed a bleeding forehead as she and her



Law School Gets New Logo

A new logo premieres on the cover of this issue of *Duke Law*. The historic logo, with its gothic window, scales of justice and dogwood blossom, served the School well for nearly two decades. Designed by Karen Havighurst, Durham designer and event planner, it has been a symbol beloved by faculty and alumni alike. The impetus for a new logo came from two areas: admissions and the campaign.

In a highly competitive market for the nation's top young scholars, admissions needed a design that would symbolize Duke Law School as the future of legal education. Secondly, with an ambitious new strategic plan and a major fund raising campaign, the Law School has entered a time in its history when a new logo seemed appropriate to represent the School as a nationally top-ranked institution with a global impact.

teammates were greeted by the excited hometown fans and press. "As the only woman, I was worried about getting too emotional. I thought my teammates would give me a hard time." As the cameras swarmed around them McMillion tried her best not to cry, but when she turned to her teammates "All four boys were sobbing. I lost it.

"It was such an emotional thing. So much was done on faith, guts and heart. We were five rookies who no one expected would finish. We were only able to do it because we got along so well." Would she do it again? "In a heartbeat." ●

Library Hosts National Conference

In our wired age, how much space should law schools devote to their libraries when laptop-toting students can easily access electronic legal databases from anywhere in the school or from the comfort of their own homes? And within the 21st century library, how much space should librarians allot for books? On March 12-13, 1999, the Duke Law Library hosted an American Association of Law Libraries conference addressing these topics and others relating to the creation and maintenance of effective academic law library

facilities in the face of rapid technological change. Richard Danner, Duke Law School's senior associate dean for library and computing, developed the conference program. "It is more than a truism to suggest that libraries are not for books, but for people," says Danner. "We ought to consider how best to preserve the library's function as a place for people to learn and to build community as we consider the impacts of technology on the future of the law school building." ●

Former Dean of Admissions Has New Book, New Job

Former admissions dean Cynthia Rold has published a book for prospective graduate students. Titled, *The Real Life Guide to Graduate and Professional Schools: How to Choose, Apply For, and Finance Your Advanced Degree!*, Rold's book was published in 1998 by Pipeline Press (270 pages, paperback, \$27.95). In November, Rold began a new job as president and chief operating officer of Legal Alternatives, a legal staffing company that places attorneys, paralegals and legal secretaries in contract and permanent positions. Legal Alternatives is a start-up division of Professional Alternatives and is located in Denver, Colo. ●



Cynthia Rold

ABA Meets at Law School to Discuss U.S. Legal Education for Foreign Lawyers

Duke Law School hosted an ABA conference on graduate legal education for foreign lawyers March 5-6, 1999. "An LL.M. degree from a U.S. law school is almost a requirement for lawyers in other countries who aspire to international or transnational practice," says Jennifer Maher, director of international studies at Duke Law School and one of the conference organizers. How should U.S. law schools respond to the increasing demand for U.S. legal education? How should the ABA respond to the proliferation of LL.M. programs at U.S. law schools? Conference participants—an international group comprising academics, law school administrators, representatives of international funding organizations, attorneys with international practices, recruiting officers from U.S. law firms and ABA representatives—discussed LL.M. program design, student recruitment to LL.M. programs, admission to the Bar and other related topics during the two day program. Dean Pamela Gann delivered the opening remarks at the conference, which was sponsored by the ABA Section of Legal Education and Admission to the Bar. •

Public Interest Law Retreat: "Support for the Road Less Traveled"

Alumni, faculty and student members of Duke Law School's public interest law community came together for the first annual Duke Public Interest Law Retreat on Sept. 18-19, 1998, at the Arrowhead Inn in Durham. Titled "Support for the Road Less Traveled," the retreat was organized by Cindy Adcock, coordinator of Duke Law School's Pro Bono Project and supervisor of the Death Penalty Clinic, and featured a keynote address by Mary Ann Tally '74, director of the trial assistance unit for the Center for Death

Penalty Litigation. "This was a wonderful opportunity for students to reflect on what it means to put their legal education to work in service for those with limited access to the legal system," says Carol Spruill, associate dean for academic affairs. Discussion ranged from the tools needed to pursue a public law career in the face of financial pressures to success stories and challenges faced by public interest law practitioners as well as the maintenance of Duke Law School's public interest community. Panel member William Davis '98, assistant public defender for Guilford County, N.C., says "It was important for me to help students realize that a public interest career path is as valid a choice for them as a corporate law path." •

New Public Law Program Launches Speakers' Series

Duke's new Program in Public Law has launched two successful speakers' series: the Public Law/Public Events Luncheon Series, co-sponsored by the Office of Student Affairs, and the Scholars' Workshop Evening Series, assisted by *Duke Law Journal* editors and staff. During the fall semester, the twice monthly luncheon series featured "The Impeachment Clauses and the Starr Report," a two-part program that included a presentation by Professor William Van Alstyne and a debate between Professor Jefferson Powell and Senior Lecturing Fellow Neil Kinkopf. A second program was presented by Professors Steven Schwarcz and Stephen Wallenstein on "The Global Capital Markets Crisis."

The evening series serves as a forum for students to present their papers for discussion. Presenters included Krista Enns '99 who delivered her paper on "Can an Attorney be Found Liable for Legal Malpractice During Oral Argument Before the Supreme Court?" In other news, the Public Law program is planning its first national conference titled "The Constitution Under Clinton: A Critical Assessment," which

will be held at Duke in September 1999. (For details, see page 29.) •



Sally Barnett with her biggest fan, Professor Bob Mosteller

Law School Says Goodbye to Two Stalwarts

Long time Registrar Sally Barnett is leaving the Law School after more than a dozen years to take a position with Eye Beam, a graphic design firm, as its operations manager. In remarks at a farewell reception, Professor Paul Haagen said of Barnett, "the wall of postcards from students that adorned your office is a testament to their affection for you. Those of us who worked with you have appreciated your charm and grace. You'll be very much missed."

Professor Bob Mosteller added his own brand of humor in praise of Barnett and her impact on the Law School as he recounted the story of Barnett demonstrating her cartwheel skills to some female colleagues, only to be stumbled upon by a male faculty

member when her legs were in the air and her skirt down around her ears. "Sally put a human face on the Law School; she related to students as human beings," Mosteller added.

Kay Walker, a fixture for international LL.M. students, is moving to Duke Medical Center to serve as staff assistant to cancer research physicians. Walker worked in admissions and with Susan Sockwell, associate dean for student affairs, before she began working exclusively for the School's international program. Much beloved by international students, Walker was described by Sockwell as "psychological counselor, medical advisor, nurse, visa intermediary and floral consultant" to the students in her care. Judy Horowitz, associate dean for international programs, praised Walker's warmth and charm with students and said Walker "now has friends among international alumni in 35 countries. She can travel around the world and always have a place to stay."

Dean Pamela Gann invited both Walker and Barnett to keep up their ties to the Law School and issued them a blanket invitation to return for alumni and other Law School events. ●



Kay Walker



Juliann Tenney '79

Law School Gears Up for the Campaign: New Staff and Staff Changes

Juliann Tenney '79, a well-known community leader, joined the Law School in September as director of strategic initiatives, working directly with Dean Pamela Gann on the School's initiatives in sports law, public law, law and business, environmental law, health law and policy, information technology and telecommunications and intellectual property. A North Carolina native, Tenney has practiced law and served as assistant secretary of the N.C. Department of Commerce. She also headed the Technological Development Authority and the Southern Growth Policies Board.

Brad Bodager has become director of leadership gifts for the campaign. **Kurt Meletzke** has been named coordinator of alumni relations. **Pennington (Penni) Graham** has replaced **Trish Richardson** as director of development and **Deborah Desjardins** has been promoted to assistant director of development. In December, **Eric Miller** joined

the External Relations staff from a development position at Rutgers University to work as a fund raiser, with special attention to the reunion classes. **Alex Gorman** coordinates prospect management and research. ●

Director of Alumni Relations Departs

Beth Wilkinson '88 is leaving her position as the Law School's director of alumni relations to move to Atlanta, Ga. with her husband, **Scott Wilkinson '88**, and their two children, Caroline and Ben. Scott is taking a new position as senior counsel with Turner Sports where he'll be working with World Championship Wrestling, the Atlanta Braves, the Atlanta Hawks and a new NHL team. Beth, who will be leaving the Law School in late April, is re-joining the Atlanta office of Dow, Lohnes & Albertson, where she will specialize in tax and estate planning. ●

Law School Seeks Director of Alumni Relations

Duke Law School has an opening for a director of alumni relations and is looking for qualified candidates, especially among its alumni.

The position involves developing and enhancing relationships with alumni; planning and directing alumni activities; and managing selected Law School events.

If you are interested in the position, fax a resumé or send an e-mail to Anita Brown.

Fax: 919-613-7170

e-mail: brown@law.duke.edu.

faculty notes

Faculty Notes

Professor Katharine Bartlett has been named, along with co-reporters Grace Blumberg and Ira Ellman, as an American Law Institute Justice R. Ammi Cutter Reporter, in recognition of her "distinguished and dedicated service to the Institute as Reporter for Principles of the Law of Family Dissolution." ALI Director Geoffrey Hazard wrote that "this is an honor reserved for Institute Reporters whose service is regarded as particularly outstanding."

Professor Sara Sun Beale, with co-authors Sarah Welling and Pamela Bucy, has written *Federal Criminal Law and Related Civil Actions: Crimes, Forfeiture, the False Claims Act and RICO*, published by Westgroup in November. Beale's chapters deal with a wide range of topics, including jurisdiction, perjury and obstruction of justice, and crimes of fraud and political corruption, as well as conspiracy and accomplice liability.

Professor Paul Carrington presented a paper on judicial elections at a December symposium in Philadelphia, Pa., sponsored by the ABA and the University of Pennsylvania School of Law. Titled, "Bulwarks of the Republic: Judicial Independence and Accountability in the American System of Justice," the symposium focused on the historical sources for the concept of three branches of government and the experience with an independent judiciary in America. U.S. Supreme Court Justices Anthony M. Kennedy and Stephen Breyer participated in the symposium, which was attended by a number of U.S. state supreme court justices. Symposium proceedings will be published in Duke's *Journal of Law & Contemporary Problems*. Professor Carrington is also the reporter for the Committee on State Courts sponsored by the 20th Century Fund Group's Citizens for Independent Courts. His book, *Stewards of Democracy: Law as a*

Public Profession will be published in 1999 by Harper, Collins, Westview.

Professor Amy Chua is currently serving an International Affairs Fellowship, awarded by the Council on Foreign Relations, with the World Bank, working on a number of projects relating to Indonesia. She gave a talk in Buenos Aires, titled "Democracy, Kleptocracy and Pigmentocracy" and presented two papers, one titled "Market-Dominant Minorities," at the Olin Law and Economics Workshop, Toronto Law School, and the other, titled "Political Corruption and Ethnic Relations in Third World Democracies," at a conference on Political Corruption in Market Economies sponsored by the Soros Foundation Open Society Institute. In December, she was in

Hong Kong as a panelist in a discussion on Law and Development in Asia at a conference on Law and Economic Development. From Hong Kong, she traveled to Beijing to deliver a talk on law and development at Tsinghua University Law School.

Doriane Lambelet Coleman's article, "The Seattle Compromise: Multicultural Sensitivity and Americanization," was published in the February 1998 issue of the *Duke Law Journal*. Along with her husband, Professor James Coleman, Coleman co-authored an editorial titled, "To Fight Drugs, I.O.C. Needs Outside Help," that appeared in *The New York Times*.

Doriane Lambelet Coleman



Professor James Cox traveled to Sarajevo at the invitation of the East West Management Institute to lecture on the interconnectedness of privatizations, capital market laws and economic development. In September, he gave a series of lectures on corporate governance at the University of Los Andes in Santiago, Chile, and at the University of Austral in Buenos Aires, Argentina. He published "Private Litigation and the Deterrence of Corporate Misconduct" in *Law & Contemporary Problems* along with a foreword to the issue, which focused on corporate misconduct. Professor Cox just completed a three-year term as a member of the New York Stock Exchange Legal Advisory Committee.

Professor Jerome Culp received the C. Clyde Ferguson Award from the Minority Law Section of the AALS at its annual meeting in New Orleans in January. The award recognizes significant contributions to the legal education of minorities.

Professor Richard Danner, senior associate dean for library and computing, organized a program on statutory interpretation and spoke on "Relying on the Text to Interpret Statutes" at the American Association of Law Libraries (AALL) annual meeting in Anaheim, Calif. His award winning paper, "Redefining a Profession," was published in the AALL's *Law Library Journal* and on the Law School Web

site. He serves as director of communications and ex officio board member for the International Association of Law Libraries and attended the annual meeting of that group in Rome. He also spoke on "Circulation of Legal Information: Political Issues in the United States" at the conference of the Association Pour le Developpement de L'informatique Juridique in Paris. His paper was published in the conference proceedings and on the Law School Web site. He served on the ABA site evaluation team for the Georgetown Law School and participated in the fall meeting of the Association of American Law Schools membership review committee.

Professor Deborah DeMott taught an LL.M. course on shareholder remedies at the University of Melbourne, Australia in July 1998. She also made two presentations to groups of academics, practicing lawyers and judges in Sydney, on "The Dangers of Relational Investing," and in Melbourne, on the "Business Judgment Rule." The Melbourne presentation was published in an Australian journal, the *Companies and Securities Law Journal*. In November, she gave the luncheon address at the annual Corporate Litigation Seminar in Atlanta, sponsored by Georgia's Institute for Continuing Legal Education. In December, she gave a lecture at the University of Cambridge titled, "The Figure in the Landscape: A Comparative Sketch of Directors' Self-Interested Transactions." The lecture will be published in a U.K. journal, the *Company Financial and Insolvency Law Review* and in a forthcoming issue of *Law & Contemporary Problems* edited by Professor Michael Bradley. Beginning in March, for six weeks, she will be in residence at the University of Auckland, New Zealand under the auspices of the New Zealand Legal Research Foundation. While in New Zealand, she will give a keynote address at the Triennial New Zealand Law Conference in Rotorua and a lecture at the



Professor Paul Haagen



Professor Donald Horowitz

University of Otago at Dunedin on New Zealand's South Island. Professor DeMott published an article, "Organizational Incentives to Care About the Law," in the symposium on corporate misconduct published in *Law & Contemporary Problems* and edited by Professor James Cox. Her article, "The Lawyer as Agent," was published in November in the annual issue of the *Fordham Law Review* devoted to legal ethics. Her prospectus for the new Restatement of Agency has been published in the *U.C. Davis Law Review*. She continues her work as reporter for the Restatement (Third) of Agency for the American Law Institute.

Professor Clark Havighurst spoke on health plan liability at a University of Michigan Law School Managed Care Symposium. During the fall, he was deposed for the third time as an expert in a series of cases involving the blood products industry and whether the industry may have cooperated too closely in developing its (inadequate) response to the HIV crisis when it began to emerge in the 1980s, possibly violating the antitrust laws. Professor Havighurst

is also working on a teacher's manual to accompany his recently revised casebook on health care law and policy. He is the chair of a planning committee for a project at the Institute of Medicine of the National Academy of Sciences to consider whether to create in the IOM a permanent interface between the health care sector and the legal system. This spring, he is serving as scholar-in-residence at The RAND Corporation in Santa Monica, CA, where he is working with RAND's health sciences group and its Institute for Civil Justice to develop joint research projects on medical-legal issues.

Professor Paul Haagen is editing a volume, titled *Arbitration: Preparing for the 21st Century*, for the American Bar Association. He is also an expert witness at a trial in Tampa, Fla. on escrow agreements and gave media interviews, in Raleigh, N.C. and Boston, Mass., respectively, on athletes and due process and on the impeachment trial of President Clinton. With Professor John Weistart, he is co-director of the newly developing Center on Sports Law and Policy and has been working with other faculty on planning a series of conferences on doping

sports. He also continues to advise Duke athletes going into professional sports.

Professor Donald Horowitz was invited to a meeting of LIPI, the Indonesian National Academy of Sciences in Jakarta to advise on a draft of new laws on elections and political parties. He prepared a critical report on those draft laws for the National Democratic Institute and returned to Jakarta in January for a follow-up visit. Professor Horowitz also joined an international group of experts working on re-designing an electoral system for Bosnia, at the request of the High Representative. The group's first meeting was held in Brussels in November and they convened again in Sarajevo in January. This spring, he will return to the London School of Economics as a STICERD Distinguished Visitor for a month and will deliver a series of lectures on riots and constitutional design as well as continue his work on electoral system design, including a research trip to Northern Ireland. Professor Horowitz just finished his book, *The Deadly Ethnic Riot*.

Professor Trina Jones



Professor Trina Jones presented a paper on "Sustaining a Great and Noble Profession: A Framework for Ethical Decision Making" at the Southeastern Association of Law Schools meeting in Marco Island, Fla. and at the University of North Carolina Law School Works in Progress Forum. She is currently working on a paper, "Does Skin Color Matter?" that examines the issue of race and skin color in a legal and public policy context. Last fall, she organized a program, "Charting Courses," for fostering dialogue and mentoring among African-American law students and alumni.

Professor Madeline Morris wrote a chapter titled "Justice after Genocide: Rwanda" for the forthcoming book, *War Crimes: The Legacy of Nuremberg*. Her article on the first and second opinions of the International Criminal Tribunal for Rwanda (ICTR) appeared in the *Leiden Journal of International Law*. She also published an article, "Rwandan Justice and the International Criminal Court," in the *Journal of the International Law Students Association*. In January, Professor Morris presented a paper, "Complementarity and Its Discontents: Nations, Victims and the International Criminal Court" at a conference sponsored by the American Academy of Arts and Sciences. That paper will be developed into a chapter in a forthcoming book on the International Criminal Court, to be prepared by the Academy. Her paper on "Issues of National Courts, National Amnesties and the International Criminal Court" was presented as part of a distinguished lecture series at Notre Dame. In December 1998, the

Swiss government invited Professor Morris to a closed international meeting on Truth, Justice and Reconciliation which will be reconvened in the spring of 1999. In November she participated in two conferences: she presented a paper titled "Rwandan Justice and the International Court" at the International Law Weekend sponsored by the American branch of the International Law Association; and she participated in a Meeting of Experts convened by the European Parliamentarians for Africa where she made a presentation on Rwandan national justice. In September, Professor Morris attended a conference sponsored by the International Institute for Humanitarian Law in San Remo, Italy, which focused on the newly adopted statute for the International Criminal Court. At the Law School, she is the faculty supervisor for a pro bono project on women in the U.S. military. With Scott Silliman, Professor Morris serves as faculty supervisor on a pro bono project providing research to the International Criminal Tribunal for Rwanda.

Professor Robert Mosteller spoke on victims' rights at a symposium in Salt Lake City, Utah and on the proposed Victims' Rights Amendment to the faculty of the Washington and Lee College of Law and to Duke Law students as part of the Program in Public Law. He appeared on a Public Broadcasting Service television program, DEBATES/DEBATES in New York, debating the topic, "Should we have a Victims' Rights Amendment?" In Greensboro, N.C., he was a presenter on "Hearsay and Opinion Evidence" at the North Carolina Conference of Superior Court Judges. He also spoke on "North Carolina Evidentiary Foundations" to the North Carolina Association of Public Defenders and the North Carolina Academy of Trial Lawyers. In his role as chair of the Academic Council, Professor Mosteller gave a speech to the Duke University Board of Trustees on faculty governance and addressed the annual meeting

of the Duke University faculty on faculty participation in university governance.

Professor Jefferson Powell's article titled "The Lawfulness of *Romer v. Evans*" was published in the *North Carolina Law Review*. He will publish an article on "The Founders and the President's Authority Over Foreign Affairs" in the Spring 1999 issue of the *William & Mary Law Review* as well as in the *George Washington Law Review*. As director of the Duke Program in Public Law, Professor Powell launched the Public Law and Public Events Lunch Lectures and the Student Scholar Workshop series. His book, *The Constitution and the Attorneys General*, was just published and will be reviewed in the next issue of *Duke Law*.

Professor William Reppy is representing the Law School on the North Carolina General Statutes Commission. He has also written a new edition on community property for Gilbert's law summaries.

Professor Thomas Rowe is 1999 chair of the Federal Courts Section of the AALS. He published an article on revision of federal supplemental jurisdiction in the *Indiana Law Journal* and spoke on discovery reform to a meeting of the International Association of Civil Procedure at Tulane Law School. He continues to serve as a member of the U.S. Judicial Conference Advisory Committee on Civil Rules and is chair of the Fourth Circuit's Advisory Committee on Rules and Procedures. He is president of the board of directors of the North Central Legal Assistance Program and participates in the members' consultative groups for the ALI Federal Judicial Code Revision Project and the Third Restatement of Restitution.

Professor Richard Schmalbeck presented a paper titled, "Reflections on Tax Rates and Donative Behavior" at the annual meeting of the

Association for Research on Nonprofit Organizations and Voluntary Action (ARNOVA) in Seattle, Wash. He published an article titled "The Durability of Law School Reputation" in the December 1998 issue of the *Journal of Legal Education*.

Professor Christopher Schroeder advised members of Congress on aspects of impeachment. He served as special counsel to Senator Biden during the Senate impeachment trial. He and Nashville attorney James Neal also represented Vice President Al Gore during a Justice Department independent counsel investigation, successfully presenting the case that the vice president had not lied while being interviewed by the FBI regarding alleged campaign fund-raising improprieties.

Professor Steven Schwarcz presented a paper, "You Can't Get There From Here: A Theory of Judgment Proofing," at faculty workshops at the University of Pennsylvania School of Law, the Wake Forest School of Law and Babcock School of Management and the Fuqua School of Business at Duke. His article, "The Impact on Securitization of Revised UCC Article 9," is forthcoming in the summer symposium issue of the *Chicago-Kent Law Review*; an article on "Rethinking Freedom of Contract: A Bankruptcy Paradigm" was published in the February 1999 issue of the *Texas Law Review*; and an article, "The Easy Case for the Priority of Secured Claims in Bankruptcy," which appeared in the *Duke Law Journal* has been reprinted in the *UCC Bulletin*. In March, he participated in an invitation-only conference at the University of Pennsylvania Law School on the subject of "Cross-Border Secured Financing." He continues to serve as faculty director of the Global Capital Markets Center, which sponsored a symposium on "International Issues in Cross-Border Securitization and Structured Finance" published in the *Duke Journal of Comparative &*

International Law. In December, Professor Schwarcz chaired a roundtable discussion on "Dealing with Capital Markets Crises: Bail In or Bail Out?" at the Center's co-sponsored international symposium at Duke on "Globalization, Capital Markets Crisis and Economic Reform." In Washington, D.C., he taught a mini-course, along with faculty from Harvard, Columbia and the University of Chicago, to representatives of 50 of China's leading government ministries, regulatory bodies and large state-owned enterprises. The course was sponsored by the Morgan Stanley Dean Witter investment bank and Professor Schwarcz taught "Law and Business Issues in Corporate Finance and Reorganization." He is also a member of the drafting committee formed by the General Statutes Commission of North Carolina to review the revised Article 9 of the Uniform Commercial Code.

Scott Silliman spoke to the Durham Kiwanis Club on the issue of sexual harassment and to Duke Law students on the legitimacy of the U.S.'s unilateral use of force in Iraq. He moderated a panel on "Sexual Harassment in the Military" as part of the *Duke Journal of Gender Law and Policy's* conference on sexual harassment. Mr. Silliman also lectured at the JFK School of Warfare at Fort Bragg, N.C. on officer accountability for war crimes. In November, he moderated a panel on the growing divergence between military and civilian cultures at the annual conference, sponsored by the Law School's Center on Law, Ethics and National Security and the American Bar Association, on current issues in national security law in Washington, D.C. He spoke on the subject of the international criminal court at a meeting of Naval Reserve lawyers in Raleigh, N.C. Mr. Silliman also gave numerous radio, print and television interviews on the issues of the U.S. use of force in Iraq and high visibility military courts-martial.

Professor William Van Alstyne gave numerous radio, television and print interviews with major media in the U.S. and abroad on the subject of the Clinton impeachment. He also gave testimony in the Clinton impeachment proceedings before the House Judiciary Committee. His written statement and an audio/video transcript of that testimony is available on the Internet at www.cspan.org. A written transcript will be published by the government later this year.

Professor Neil Vidmar, with co-investigator Shari Diamond of the American Bar Foundation and Northwestern Law School, was awarded a \$220,000 research grant from the National Science Foundation to study the effects of recent jury reforms in Arizona. Professor Vidmar's recent publications include an article, "Maps, Gaps, Sociolegal Scholarship and the Tort Reform Debate," in P. Ewick, R. Kagan & A. Sarat (editors), *Social Science, Social Policy and the Law*; an article for the *Arizona Law Review* titled "The Performance of the American Civil Jury: An Empirical Perspective;" and an article (with others) for the *DePaul Law Review* titled "Jury Awards for Medical Malpractice and Post-Verdict Adjustments of Those Awards." Vidmar, issue editor of *Law & Contemporary Problems*, published "Comparative Jury Systems: A World Perspective" in the Spring 1999 issue. He also presented two colloquia to the University of Nebraska School of Law and Psychology Law Program titled, respectively, "Procedural Justice and the Dalkon Shield Claims Resolution Process for Pro Se Claimants," and "Post-trial Adjustments to Jury Awards." In April, Professor Vidmar will be an invited panelist on the topic "Jury Comprehension of Scientific Evidence" at the National Conference on Science and Law in San Diego, Calif., sponsored by the National Institute of Justice, the ABA, the National Center for State Courts and the American Academy of Forensic Sciences. In May, he will present a paper titled "The Canadian Criminal Jury in an Age of Mass Media



Professor Jonathan Wiener

and Societal Change" at the Lay Participation in the Criminal Trial in the 21st Century Conference in Syracuse, Italy.

Stephen Wallenstein has published a third article, "Year 2000 Compliance: Directors' and Officers' Year 2000 Liability," in the summer 1998 issue of *Preventive Law Reporter*. He spoke at a conference at Hofstra University on "Global Financial Institutions." In his role as executive director of the Global Capital Markets Center, Mr. Wallenstein traveled to Argentina, Chile and Brazil as well as Hong Kong and mainland China, visiting financial institutions, stock exchanges, law firms and universities to establish networks for the Center. While in Beijing, he worked to lay the groundwork for a relationship with Tsingua University, which would include student, faculty and library exchanges and a joint conference on corporate governance in Beijing in the fall of 1999.

Professor Jonathan Wiener received tenure at Duke in December and is spending the spring semester as a visiting professor at Harvard Law School, teaching

environmental law and a seminar on risk regulation. He recently published "Global Environmental Regulation: Instrument Choice in Legal Context" in the *Yale Law Journal* (January 1999), and "On the Political Economy of Global Environmental Regulation" in the *Georgetown Law Journal* (February 1999). He also has organized and will be convening the Fourth Annual Cummings Colloquium on Environmental Law—on the creation of international environmental laws and institutions as seen from the perspective of property rights theory—at Duke on April 30th. He is participating in the U.S.- Japan Initiative on Climate Change Policy, in which six experts from each country have been invited by the think tank Resources for the Future (RFF) to discuss global climate change policy at two meetings each year, alternating between D.C. and Tokyo. In December, he spoke at the conference on "Risk Analysis and Judicial Review" in Washington D.C. In March, he delivered the John D. MacArthur Lecture on Environmental Policy and Law at Bucknell University in Lewisburg, Pa., on the topic "Designing a Sustainable State: Risk and Regulation in Sustainable Development."

Dean Honors Lanty Smith '67 with Achievement Award



In an emotional ceremony during the Barrister/Campaign Kick-Off Banquet on Oct. 2, 1998, Dean Pamela Gann presented Lanty Smith '67 with the Dean's Alumni Achievement Award in recognition of his extraordinary commitment to his alma mater. Dean Gann cited Smith's exceptional leadership as an alumnus—including his creation of the prestigious Samuel Fox Mordecai Scholars Program in 1997—as her motivation for honoring Smith with the award, which has only been

presented twice before during her tenure as dean. In 1997, Smith also designed a matching gift program for the graduating class of 1997. A member of the Duke University Board of Trustees, Smith serves on the Duke Law School Campaign Committee and is a lifetime member of the Duke Law School Board of Visitors. The two previous recipients of the Dean's Alumni Achievement Award are Robert K. Montgomery '64 in 1994 and John F. Lowndes '58 in 1992.



ALUMNI NEWS

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Dean's International Alumni Achievement Award Goes to Abdul Rahman Al-Nafisah SJD '80

Abdul Rahman Al-Nafisah SJD '80 is the first recipient of the newly established Dean's International Alumni Achievement Award honoring an international alumnus or alumna who has given distinguished service to his or her profession and home country and has maintained strong ties with Duke Law School.

Al-Nafisah, a native of Saudi Arabia, has been in public service his entire career and is now serving as primary counsel to the Saudi royal family. He is widely published in legal journals in English and Arabic and teaches law in Saudi Arabia. He also publishes a bilingual legal journal, titled *Contemporary Jurisprudence Research Journal*, specializing in Islamic jurisprudence and contemporary issues.

class notes

Class Notes

1947

John A. Speziale was honored by the Connecticut Bar Foundation with the establishment of the John A. Speziale Alternative Dispute Resolution Symposium in 1997. In October 1998, the first symposium was held at Quinnipiac College School of Law. Justice Speziale, the first chair of the Foundation's James W. Cooper Fellows Program, served as chief justice of the Connecticut Supreme Court from 1981-1984, during which time he was a pioneer in bringing alternative dispute resolution to Connecticut. His judicial career began in 1961 when he became a judge of the Court of Common Pleas. He also served as state treasurer from 1959-1961.

1960

Joseph M. Parker Jr. has become the president of the American Land Title Association. Parker currently heads his own title company,



Joseph M. Parker '60

Parker Title Insurance Agency, in Winston-Salem, N.C.

1963

Gerald T. Wetherington was recently presented with the Anti-Defamation League's 1998 Jurisprudence Award which recognizes his leadership and dedication to the field of law. Wetherington, a member of the law firm Wetherington, Klein & Hubbart in Miami, Fla., is the president of the Duke University Private Adjudication Center.

1965

R. Allan Edgar was invested as chief judge for the United State District Court for the Eastern District of Tennessee, a district containing 44 of Tennessee's 91 counties and approximately 40% of the state's population.

1967

Lanty L. Smith, formerly the chairman and CEO of Precision Fabrics Inc., is the new chairman of Soles Brower Smith & Co. in Greensboro, N.C.

1971

Christine Durham, associate justice for the Supreme Court of Utah, was the Distinguished Jurist in Residence and Frank Rowe Kenison Lecturer at the Franklin Pierce Law Center in February, 1999. Durham's lecture focused on domestic violence and other topics of judicial education.

John J. Witmeyer III was elected to the board of trustees of the Gregorian University Foundation, a

charitable institution affiliated with the three universities of the Catholic Church in Rome. Witmeyer recently retired from the U.S. Army Reserve as a colonel.

1974

Lawrence O. Gostin, professor of law at Georgetown University and professor of law & public health at Johns Hopkins University, spoke on "Health Information Privacy: Ethics, Law and Policy" as a Nancy Weaver Emerson lecturer at the Duke Comprehensive Cancer Center, Nov. 4, 1998.

Rory R. Olsen has been elected to Probate Court #3 in Houston, Texas.

1975

John M. Conley co-authored *Just Words: Law, Language and Power* with William M. O'Barr, professor of anthropology at Duke University. The book is published by the University of Chicago Press.

1977

William A. Pauley III was appointed U.S. district judge for the Southern District of New York in December 1998.



1973

Kenneth Starr, along with President Bill Clinton, was named *Time* magazine's man of the year for 1998.

1978

William G. Anlyan Jr., a stock broker with the Wilmington, N.C., office of J.C. Bradford Co., has joined the board of directors at Bank of Wilmington. Prior to helping launch the Wilmington office of J.C. Bradford & Co. in 1996, Anlyan was vice chancellor for university advancement at the University of North Carolina at Wilmington.

Rodney Smolla, a constitutional law expert, has joined the faculty of the University of Richmond Law School as George E. Allen Professor of Law. Smolla was previously the Arthur B. Hanson Professor of Law at the College of William & Mary School of Law.

1979

Michael D. Lorton M.D., a board certified cardiologist, was recently elected to fellowship in the American College of Cardiology. Dr. Lorton and his wife, Christy A. Lorton, M.D., have four children.

Nita Stormes was honored with the U.S. Department of Justice Director's Award for her "continuing excellent leadership" as the chief of the Civil Division for the Southern District of California. Attorney General Janet Reno presented Stormes with the award during an October 1998 ceremony.

1980

Rhett K. Dacus, in addition to his legal practice, is currently consulting and doing business development work and private franchising, working with businesses in 20 states and eight countries.

H. Glenn Tucker has become a named partner at the firm of Greenberg Dauber Epstein & Tucker in Newark, N.J. In the last issue of *Duke Law* we incorrectly reported that Tucker made partner in his firm. He has been a partner with the firm for over 10 years. *Duke Law* apologizes for the error.

1981

Michael R. Dreeben, Deputy Solicitor General of the United States, recently received the Attorney General's Award for Distinguished Service.

1985

William A. Edmundson's article, "Three Anarchical Fallacies: An Essay on Political Authority," was published by Cambridge University Press in November 1998. Edmundson is a professor at Georgia State University College of Law.

Michael A. Kalish has become a partner at Epstein Baker & Green in New York, N.Y. Kalish focuses his practice on labor and employment law on behalf of management.

David S. Liebschutz, has been awarded an Ian Axford fellowship to study taxes and poverty in Wellington, New Zealand, from January - August 1999. Liebschutz will be accompanied by his wife, **Elizabeth Hoffman Liebschutz '85**, and their two daughters.

Neil D. McFeeley, a shareholder in the Boise, Idaho firm of Eberle, Berlin, Kading, Turnbow & McKlveen, has been honored with a 1998 Pro Bono Award by the Idaho State Bar for his volunteer work representing neglected and abused children through the Family Advocate Program. McFeeley practices in the areas of employment law and civil litigation.

Loren A. Weil and his wife, Diane, announce the birth of their first child, Ethan.

1986

Susan Bysiewicz was elected Secretary of State in Connecticut, on a Democratic ticket. Bysiewicz has served in the Connecticut legislature since 1992.

Jane S. Converse

announces the birth of her second son, Joseph William Converse, on Feb. 6, 1998. Converse has accepted a position with the Federal Housing Finance Board in Washington, D.C., where she will work as a senior attorney for the Affordable Housing Program.

1987

David P. Jones is contracts counsel at PP&L Resources in Allentown, Pa., a holding company for a variety of Pennsylvania-based energy affiliates.

Karen Wallach Shelton and her husband, Allen, announce the birth of their first child, Laura Kate, on Aug. 13, 1998. Shelton is assistant counsel at National Service Industries, Inc., in Atlanta, Ga.

Laurel E. Solomon

and her law partner formed a new firm, Solomon & Mitchell, in Durham, N.C. On a personal note, Solomon and her husband, Paul C. Nicholson, announce the birth of a daughter, Ariana Melissa Nicholson, on March 24, 1997.

1988

Jeffrey P. Bloch and his wife, Sharon, announce the birth of their second son, Mitchell Ray, on July 13, 1998.

Mark G. Califano married Margery Feinzig on Nov. 15, 1998, in Boston, Mass. Califano is an assistant United States attorney for the District of Connecticut in Bridgeport; Feinzig is an assistant United States attorney for the Southern District of New York in Manhattan.

Jody K. Debs and her husband, George Gigiolio, announce the birth of their son, Michael George Gigiolio, on April 8, 1998.

Jane O. Francis was named partner at Holland & Hart in December 1998. Francis specializes in ERISA, employee benefits, health & welfare benefits, and compensation and insurance issues.

Emily V. Karr and Townsend E. Hyatt III '89 announce the birth of their son, Robert Elijah Pearce Hyatt, on Oct. 8, 1998. The birth announcement was accompanied by a quote from Ben Johnson: "In small proportions we just beauties see; And in short measures, life may perfect be."

Michael P. Scharf, author of the Pulitzer Prize-nominated book *Balkan Justice*, recently appeared on CBS's "Up to the Minute" news program and testified before the International Operations Subcommittee of the Senate Foreign Relations Committee on the establishment of an international criminal court. Scharf is professor of law and the director of the Center for International Law & Policy at the New England School of Law. His fourth book, *The International Criminal Tribunal for Rwanda*, was recently published by Transnational Publishers.

Beth D. Wilkinson and Scott Wilkinson announce the birth of their son, Benjamin Davis Wilkinson, on Sept. 9, 1998, in Durham, N.C.

1989

Scott A. Arenare joined E.M. Warburg, Pincus & Co., a New York City venture capital firm, as vice president and general counsel. Arenare was previously associated with Willkie Farr & Gallagher.

Eric K. Moser has become a partner in the global corporate finance group of Milbank, Tweed, Hadley & McCloy's finance business unit. Moser's practice concentrates on complicated domestic and cross-border financial transactions. He practices in New York City.



Eric K. Moser

Susan M. Prosnitz is general counsel to the Executive Office of Public Safety for Massachusetts.

David S. Starr and his wife, Dana, are the new parents of a baby boy, Zachary Adam Starr, born Nov. 25, 1998.

1990

David J. Davis has been named a partner in the Chicago office of Baker & McKenzie, where he specializes in trademark, computer and copyright law.

Susan Alfred Schechter is now associated with Vercruyse Metz & Murray, a management-oriented labor and employment firm in Detroit, Mich.

Arthur M. Stock was recently appointed a shareholder of Berger & Montague in Philadelphia, Pa., where his practice concentrates in securities fraud class action litigation on behalf of plaintiffs.

Anthony D. Taibi published an essay titled "Left is Not Another Word for Hip" in the Winter 1998 issue of *Guild Practitioner*, the journal of the National Lawyers Guild.

Gerald J. Waldron has been named a partner at Covington & Burling in Washington, D.C. Waldron practices communications law with a particular emphasis in the wireless, broadcast, common carrier, international, video distribution and satellite areas. Prior to joining Covington & Burling, Waldron held several positions on Capitol Hill, including working for Rep. Edward J. Markey, the House Subcommittees on Energy and Communications, and as senior counsel for the House Subcommittee on Telecommunications.

1991

Adam T. Bernstein is patent counsel at Bell Atlantic in New York City. Bernstein was previously associated with Hopgood, Calimafde, Kalil & Judlowe where he practiced patent litigation.

Susan I. Lennon and her husband, Ted Reed, announce the birth of their first child, Meghan Elizabeth, on June 11, 1998.

Dana Grossinger Redler and her husband, Daniel, announce the birth of their son, Jansen Bryce, on May 25, 1998. Jansen joins his big brother, Alec Brent, who is three years old.

Andrew Slutkin and Amy Chappell Slutkin announce the birth of their second son, Aaron Cooper Slutkin, on Aug. 23, 1998.

Margaret F. Spring edited *The International Human Rights of Women: Instruments of Change*, published by the ABA Section of International Law and Practice.

Shabbir S. Wakhariya has been named special Indian counsel to Kelley Drye & Warren in June 1998. Wakhariya founded Wakhariya & Wakhariya, Advocates & Solicitors, in Mumbai, India, a firm that has a formal affiliation with Kelley Drye & Warren to service Indian clients in international infrastructure projects and international clients in Indian infrastructure projects in power, telecommunications and other core power sectors.

Ralf D. Weisser has left DF1 Digitales Fernsehen, Germany's first digital pay TV platform, to join the German law firm Beiten Burkhardt Mittl & Wegener in their Munich office. Weisser works in the media, telecommunications and entertainment group where he specializes in digital television, cable distribution of TV and multimedia services as well as film licensing and production deals.

1992

John Andrew Folmar recently joined Kilpatrick Stockton in Winston-Salem, N.C. As a member of the firm's litigation practice group, he focuses on construction, commercial and insurance litigation.

Jeffrey A. Henson recently joined Robinson, Bradshaw & Hinton in Charlotte, N.C., where he specializes in corporate, banking, and finance law.

Lisa C. Lochridge is now working half time as a freelance writer in addition to her position as attorney in charge of publications for her law firm, Carmodys. Lochridge just completed her first book, *Falling Up*, which is scheduled for publication in late 1999.

Philip R. Stein married Michelle Hahamovitch on Oct. 24, 1998. Stein is an associate at Alston & Bird in Atlanta, Ga.

Paul A. Vosper became associate general counsel for Greenwich National Westminster Bank in London.

1993

David A. Hoffman started a new position as electronic commerce attorney with Intel Corporation in Portland, Ore.

Leslie A. Leatherwood has left the practice of law to join the Federal Bureau of Investigation as a special agent. After completing 16 weeks of training in Quantico, Va., she was assigned to the FBI's New York office, where she spent six months completing a new agent training rotation. Leatherwood joined the FBI's El Paso, Texas division in November 1998 where she works on drug related matters.

Candice Savin and Dan Gross announce the birth of their daughter, Aliza Savin Gross, on Aug. 13, 1998.

Katherine S. Spencer was named a partner at Mullikin, Larson & Swift in Jackson Hole, Wyo. Spencer married Gregory Zelazny on July 25, 1998.

Jon Weiss married Anita Pothireddy in November 1997. Weiss is currently with Lewis & Roca in Phoenix, Ariz. (*Photos on page 55*)

1994

Paige Tobias Button and her husband, Timothy Button, announce the birth of their daughter, Emily Marevé Button, on Aug. 19, 1998.

Dwayne A. Fulk, and his wife, Tammy, announce the birth of their son, Hayden.

Carol E. Lockwood

edited *The International Human Rights of Women: Instruments of Change*, published by the ABA Section of International Law and Practice.

Katherine Wood Schill

and her husband, Mark Schill, had a son, John DeCoursey "Jack" Schill, on Dec. 1, 1998.

Captain James W. Smith

III, a criminal defense attorney assigned to the United States Army Trial Defense Service, is currently stationed at Fort Hood, Texas. Smith recently completed a tour of duty in the Republic of Korea as the OIC of the Western Corridor Legal Office.

Stacie I. Strong will begin studies this fall as a doctoral candidate in international and comparative law at the University of Cambridge, England. For the last four years, Strong has been working as a general litigator at Weil, Gotshal & Manges in New York. She has published widely, including an article for the *Arizona Law Review* that was cited by *The National Law Journal* as "worth reading." Strong is also admitted as a solicitor in England and Wales. In addition, Strong edited *The International Human Rights of Women: Instruments of Change*, published by the ABA Section of International Law and Practice.

1995

Laurent Campo and Lysa Alborno were married in Taneytown, Md. on August 15, 1998. Campo is an associate in the corporate and securities practice group at Dow, Lohnes & Albertson in Washington, D.C.

Shannon C. Cloney completed a clerkship with the Court of International Trade in New York, N.Y., and then went to work with the Harvard Institute for International Development as a trade advisor to Russia. In January of 1998, Cloney joined Milbank Tweed Hadley and McCloy in New York as a banking associate.

Marc Eumann, an attorney with the German firm Puender Volhard Weber & Axster in Dusseldorf, has been appointed junior judge at the Northrhine-Westphalian State District Court in Bonn.

Anita L. Terry is clerking with the Hon. Robert G. Renner and the Hon. Harry H. MacLaughlin, both senior federal district court judges in the District of Minnesota. Terry, formerly associated with Dechert Price & Rhoads in Philadelphia, married Kevin Harding on Sept. 26, 1998 and says there were many Duke Law alums in attendance. (*Photo on page 55*)

1996

Jay D. Hansen is an associate with Wilson Sonsini Goodrich & Rosati in Palo Alto, Calif.

D. Brent Lambert has taken an in-house position with Lexmark International Inc., a global information technology company, where he is a member of Lexmark's intellectual property legal department based in Lexington, Ky.

Chiyong Rim has become a law clerk judge in the Supreme Court of Korea.

Michael A. Samway, and his wife, Jennifer, announce the birth of their son, Keenan Darius Samway. Michael writes: "on September 23, while the outer bands of Hurricane Georges swirled in from the Florida Straits and while Sosa and McGwire battled for the home run title, Jennifer delivered a baby boy."

Robert J. Sayre has joined Hamilton, Brook, Smith & Reynolds in Lexington, Mass., as an associate. He specializes in patent law.

Thomas Schweiger announces the birth of his third child, Michael Stephan, on June 24, 1998. Schweiger practices with Meyndt Ransmayr Schweiger & Partners in Linz, Austria.

Zoe A. Shavers is an assistant public defender with the Kanawha County Public Defender in Charleston, W.Va.

1997

Christopher P. Beall completed a clerkship with the Hon. David M. Ebel in the U.S. Court of Appeals for the Tenth Circuit. Beall has joined Faegre & Benson in Denver, Colo., where he specializes in media law and intellectual property issues, as well as complex civil litigation.

Faith S. Bushnaq has joined the corporate finance group at Kennedy Covington Lobdell & Hickman in Charlotte, N.C. During the 1997-98 term, Bushnaq was a law clerk for the Hon. Graham C. Mullen on the U.S. District Court for the Western District of North Carolina.

John R. Donald married Elaine Hammond on Aug. 15, 1998 in Charlotte, N.C. Donald is currently an associate at Fenwick & West in Palo Alto, Calif.

Patricia T. Northrop has joined Davis Polk & Wardwell in New York as a litigation associate after completing a clerkship with the Honorable Deanell Tacha on the U.S. Court of Appeals for the 10th Circuit.

1998

Jennifer K. Bowman is a litigation associate with Baker and Daniels in Indianapolis, Ind.

Robert P. Bryan III is a real estate associate at Kennedy Covington Lobdell & Hickman in Charlotte, N.C.

Jin-Gyeong Cheong has returned to South Korea and is currently a judge in the Northern Branch of Seoul District Court.

Marianne Faessel is an associate at August & Debouzy in Paris, France.

Eyvindur Gunnarsson is a law clerk at the Court of First Instance in Reykjavik, Iceland.

Kerry E. Larsen has joined the Washington, D.C. office of Fulbright & Jaworski as an associate focusing on litigation.

Valecia M. McDowell is an associate with Moore & Van Allen in Charlotte, N.C.

Henry B. Michael is an associate with Clifford Chance in London, where he specializes in securities.

Chad M. Pinson is an associate at Bickel & Brewer in Dallas, Texas.



*Kimberly
J. Schaefer*

Kimberly J. Schaefer joined the Cincinnati, Ohio law office of Vorys, Sater, Seymour and Pease as an associate.



*Cameron
J. Williams*

Cameron J. Williams joined the Nashville, Tenn., law firm of Boulton Cummings Connors & Berry as an associate, practicing in the firm's commercial finance and real estate section.

Weddings



*Duke alums grace the wedding of **Anita Terry '95** and Kevin Harding on Sept. 26, 1998. front row (kneeling): Helen Dooley T'92, L'95; Natalie Sanders '95; Faith Kasparian '97. back row: Elaina Cohen '95; Mary Newcomer Williams '96; Fred Williams '95; Tracy Gionfriddo NSE '92; Anita Terry '95; Elizabeth Peck '94; The Hon. Gerald Tjoflat '57; Carol Rick Gibbons '95; Paul Levinsohn '95; Xavier Martinez '95; and Andrew Zivitz '95.*



In November 1997, **Jon Weiss '93** married Anita Pothireddy twice—once in a traditional Jewish wedding in Phoenix, Ariz. and then again seven days later in a Hindu ceremony in Hyderabad, India, where Anita was born. The couple met while they worked as deputy county attorneys in Phoenix. Why two weddings? “Anita and I both have very large extended families, and it would have been impossible for everyone to attend one wedding,” Weiss says. “We also wanted traditional ceremonies in both faiths, because we plan on having our collective heritages play integral roles in our lives. Besides, who are we to say no to doubling the presents?” Weiss is now an associate at Lewis & Roca in Phoenix, Ariz.

Obituaries

1933

Rufus W. Reynolds, 91, died Oct. 30, 1998, in Greensboro, N.C. A retired U.S. bankruptcy judge, Reynolds earned both of his degrees from Duke. After Law School, he served four years in the Judge Advocate General Corps, advancing to the rank of captain during World War II. In addition to his private practice, Reynolds was appointed as referee in bankruptcy in 1946 and served continuously in that capacity until 1973 when the Bankruptcy Court was created. At that time, he was appointed bankruptcy judge for the middle district of North Carolina and served until his retirement in 1988. He presided over many important and high-profile bankruptcy cases, including being called out of retirement to serve as bankruptcy judge in the P.T.L. case involving Jim and Tammy Faye Bakker in Rock Hill, S.C. At age 80, he was the oldest active bankruptcy judge in the United States. In 1998, he was honored with the Greensboro Bar Association's Distinguished Service Award. Reynolds was active and prominent in the legal field in North Carolina for over 55 years. He served as past president of the Greensboro Bar Association and past president of the 18th Judicial Bar

Association. A firm believer in educating the business community, the general public and lawyers about the responsibilities and benefits of bankruptcy law, he was a frequent speaker at civic clubs and lecturer at numerous legal education seminars. Reynolds is survived by his wife, Louise Stirewalt "Stilsie" Reynolds, a son, a daughter, two grandchildren and three sisters.

1938

William R. Perdue, Jr., 85, died Aug. 19, 1998, after a prolonged illness, in Silver Spring, Md. A graduate of Emory University, Perdue was retired executive vice president of the Inmont Company, a chemical corporation in New York. Perdue is survived by two sons, Peter C. Perdue and **David K. Perdue '78**, a daughter, Elizabeth Perdue, a brother and four grandchildren.

1941

George T. Frampton, 81, died May 23, 1998, in Urbana, Ill. Frampton, a professor emeritus at the University of Illinois College of Law, joined the law faculty in 1954, after practicing law in New York City. He was an expert in corporate securities regulations and was co-author, with the late Duke Law Dean Jack Latty, of a leading textbook, *Latty*

& Frampton on Corporations. He also taught courses in alternative dispute resolution. After he retired in 1987, Frampton served as an arbitration panelist with the American Arbitration Association and similar groups, as well as with the Champaign County Court Appointed Special Advocate (CASA) Inc. on behalf of children. A longtime practitioner of the art of tai chi chuan, Frampton served for many years as legal counsel to the Living Tao Foundation. In the 1960s and 1970s, he served as a consultant to the Joint Congressional Committee on Atomic Energy, the National Council on Radiation Protection, the Atomic Energy Commission and the U.S. Department of Energy on issues relating to governmental safety standards. Frampton was a veteran of World War II, having served in the European Theater in Army Photo Intelligence. Frampton is survived by his wife, Margaret Ann Frampton, a son, a daughter, four grandchildren, a sister and two step-grandchildren.

1942

J. Reid Hambrick, 80, died Sept. 13, 1998 in Washington, D.C.

Hambrick was a retired tax law professor at George Washington University Law School where he worked from 1958 until his retirement in 1982.

Hambrick practiced law in New York and Cleveland before moving to the Washington area in 1948 to work in the office of the chief counsel of the Internal Revenue Service. He is survived by his two children, Kenton Warden Hambrick and Irene Frazier Olson, a sister, two brothers and four grandchildren.

George B. Pollack, 79, died Aug. 28, 1998, in Plainfield, N.J. A lawyer practicing in Perth Amboy, N.J. from 1946-1993, Pollack was a former Metuchen councilman, borough attorney and municipal judge. He also served on both the planning and zoning boards for the borough. Pollack was a former attorney for the Middlesex County Board of Realtors and the Middlesex County Multiple Listings Service. An Army veteran of World War II, Pollack was a member of the American Legion and the Veterans of Foreign Wars as well as the Lions Club. He is survived by his wife, Ruth,

a son, a sister, a half-brother and three grandchildren.

1949

Arthur Crowell Eddy, 79, died on Sept. 3, 1998, in Arcata, Calif. A veteran of World War II, Eddy left his undergraduate studies at Whittier College to join the U.S. Navy where he was stationed at Pearl Harbor at the start of the war. Eddy survived the sinking of the USS Tucker off the New Hebrides in August 1942. He retired from the Navy as a lieutenant commander in 1945, after serving for 54 months, and returned to Whittier to earn his degree. After graduating from Duke Law School, Eddy worked in the San Diego County Assessors office for 10 years, serving a four-year term as assessor. He then spent nearly 20 years at the University of California Los Angeles, retiring in 1976 as budget officer for student and campus affairs. Eddy was involved in numerous civic and community organizations including the United Way, Humboldt County Emergency Medical Commissioners, ALTA California Alliance, Mad River Rotary and the Retired Senior Volunteer Program. In 1990, Gov. George Deukmejian appointed Eddy to the Humboldt County Board of

Supervisors. Eddy is survived by Shephard and Lyndi Tucker and their two children.

Robert A. Goldberg, 79, died Aug. 10, 1998, in North Conway, N.H. He earned an undergraduate degree from Duke in 1940, where he met his late wife, Dorothy Huffman Goldberg W'38. Goldberg then joined the U.S. Army Air Corps and attended officer candidate school. During World War II, he served in North Africa and the European theater, reaching the rank of captain. After the war, Goldberg returned to Duke to earn his law degree, then moved to New Hampshire where he went into the furniture business with his wife and mother. Goldberg traveled extensively and was an avid collector of White Mountain art.

William Van de Venter Leaming died July 13, 1998, in Durham, N.C., after a battle with lung cancer. A native of Iowa, Leaming earned B.A. and M.A. degrees from the University of Iowa before coming to Duke Law School. He served with the 317th Infantry in World War II, sustaining multiple wounds in France after D-Day. Following admission to the Iowa Bar, Leaming was personally recruited for the FBI by

J. Edgar Hoover. Later, Leaming entered banking in North Carolina. He returned to government service with the National Labor Relations Board until his retirement. Leaming was active in numerous professional, civic and charitable organizations. He was an elder of Westminster Presbyterian Church. He is survived by a son, William V. Leaming Jr., a daughter, Chandler Lofts Leaming, and two grandchildren.

1960

Don Ross Craft died Aug. 17, 1998 in Birmingham, Ala. After practicing law for several years in a Grand Rapids, Mich., firm specializing in workers compensation, Craft became a sole practitioner. He was a deacon of the East Minister Presbyterian Church. Craft is survived by his wife, Sandra Craft, a daughter and son.

1983

Richard L. Garbus, 40, died on Sept. 2, 1998, in Wilton, Conn., after an extended illness. Garbus was a partner at Soloman, Fornari, Weiss & Moskowitz in New York, N.Y., where he specialized in commercial litigation. Garbus is survived by his wife, Margaret, his mother, his sister and two daughters.



L to r: Jaime Aleman '78, Pilar Aleman, Sanford Levinson, and Tom Pitcher '66

Duke launches billion plus campaign with gala celebration



Mordecai Scholars, from left: Sarah Schott '00, Melissa Marler '00, Nan Ball '01, Paul Booth '01 and Malia Herndon '01



Professor Walter Dellinger, Russell Robinson '56, Anne Dellinger '74



L to r: Campaign Chair Jeff Hughes '65, Stanley Starr '61, Dean Pamela Gann '73, Brad Bodager, and Lanty Smith '67



Sarah W'70 L'73 and Al Adams '74

Law School Announces Its \$50 Million Goal With Festivities For Alumni and Friends

On Oct. 2-3, 1998, during a stunning fall weekend, 200 members of the Duke Law community gathered to celebrate the launch of the Campaign for Duke and the Law School's Barrister Weekend. Duke President Nan Keohane opened the weekend's events with the announcement of Duke University's seven year, \$1.5 billion dollar campaign, which includes the Law School's \$50 million portion.

At a Friday evening banquet, after presentations by Dean Gann, Lanty Smith '67 and the Law School's Mordecai Scholars, faculty, alumni and friends danced the night away at the Governors Club in Chapel Hill. On Saturday, Professor William Reppy moderated a panel of Law alumni and faculty who had served as law clerks for U.S. Supreme Court justices. The weekend closed with a reception Saturday evening at the Washington Duke Inn followed by the university-wide Campaign Kick-Off gala—featuring dancing gargoyles and test-tube cocktails—in Cameron Indoor Stadium.

THE CAMPAIGN FOR DUKE LAW SCHOOL

\$10 million

Scholarship grants, loan repayment funds, public interest and international stipends

\$10 million

Four endowed chairs, two professorships and two senior-level scholars

\$15 million

Technology and library support and centers for global capital markets and information technologies, conflict resolution, public law, joint clinics, environmental law and sports law

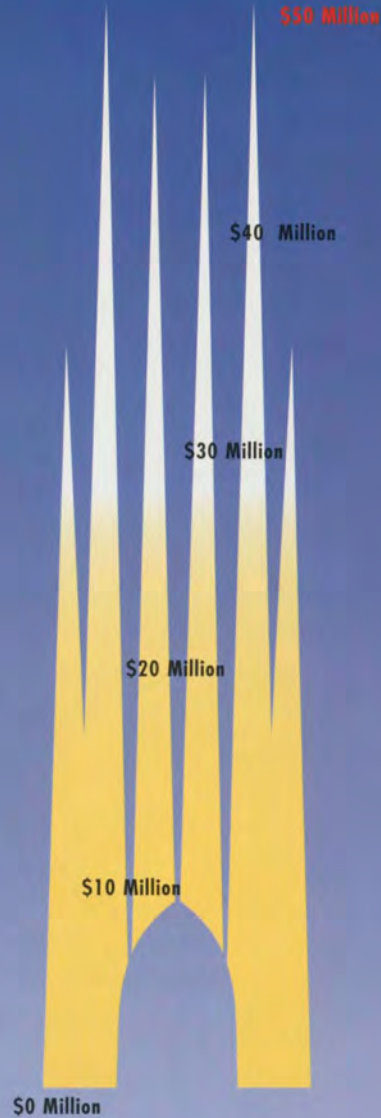
\$3 million

Faculty research funds

\$12 million

Annual Fund support providing unrestricted revenue

Goal: \$50 millionRaised: \$24.3 million



Our Goal is \$50 Million Campaign Progress as of March 1999

	Goal	Raised
Endowment	\$28 million	\$14.6 million
Annual Fund	\$12 million	\$4.8 million
Restricted	\$10 million	\$4.9 million
Total	\$50 million	\$24.3 million

Dean Linda Steckley and Husband Pete Weitzel Create Endowment for Public Interest Fellowships

by Mirinda Kossoff

Associate Dean for External Relations Linda Steckley and her husband Pete Weitzel have pledged \$100,000 to establish the Steckley-Weitzel Public Interest Fellowship Endowment Fund at Duke Law School. Income from the endowment will support two students in public interest internships each summer. Both Steckley and Weitzel are strong believers in the Law School's mission to educate the whole person, instilling in students a sense of empowerment to serve their professions and their communities. "Whether a student goes into public interest law or simply has the experience of a summer internship, it will change his or her life," Steckley says.

Steckley's decision to create the endowment is the culmination of nearly 35 years of giving to higher education—to her alma mater and the schools where she has served as an administrator during her career. "I made this gift because of my commitment to the objectives of the campaign to strengthen and build Duke Law School and its programs," Steckley says. "As a result of a lot of years of hard work, my husband and I are in a position to make a gift of this size, and it has given both of us an enormous sense of joy and satisfaction." As chief fund raiser for the Law School, Steckley also believes in setting an example through her own giving as she asks others to support the campaign.

For Weitzel, who has had a long and distinguished career in journalism, the public interest area was appealing



because "it speaks to finding ways to deal with the social issues of today; the law is uniquely suited to tackle many of these issues." Weitzel believes that the value of a public interest internship is in giving students experiences that may help them decide on a career in public interest law.

Though final plans for the fellowship are still under way, it's likely that students wanting to serve a public interest internship will select their own placements and submit proposals to a selection committee. Associate Dean Carol Spruill, who heads Law School's pro bono program, is "enormously pleased that Dean Steckley and her husband have made this personal leadership commitment to a top goal of the public interest area of the campaign.

Students frequently report that their experiences in public interest work are transformative and have a profound influence on their lives."

Duke Law students have traditionally been so motivated to spend a summer doing public interest work that many have labored for little or no compensation, in spite of their educational debts. Since most public interest organizations don't have the money to pay summer interns—in fact, many are laying off staff—the Steckley/Weitzel endowment is a critical leadership gift for the future of the public interest fellowship program. The School hopes to build on this initial gift and raise enough endowment to be able to offer 10 to 15 summer public interest fellowships each year. ●

APRIL 9-11, 1999

Schedule of events

Friday, April 9

- 12:00 noon - 5:00 p.m. *Registration*
- 12:30 - 4:00 p.m. *Law Alumni Council Lunch and Meeting*
- 6:30 p.m. *All-Alumni Reception and Banquet
Washington Duke Inn*
- Tribute to Dean Pamela Gann*
- Presentation of the portrait of Ken Pye*

Saturday, April 10

- 8:00 a.m. - 12:00 noon *Registration*
- 8:00 a.m. *Continental Breakfast*
- 10:00 - 11:30 a.m. *Special Presentation*
- 11:30 a.m. - 2:00 p.m. *Carolina Barbecue and Children's Entertainment*
- 12:30 - 1:45 p.m. *Golf Tee Times
Washington Duke Inn*
- 6:30 p.m. *Class Receptions and Dinners*

Sunday, April 11

- 11:00 a.m. - 1:00 p.m. *Brunch at the residence of Dean Pamela Gann and
Professor William Van Alstyne*

REUNION CLASSES 1923-1949 (HALF-CENTURY CLUB), CLASSES OF
1954, 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994

CHECK THE DUKE LAW ALUMNI WEBSITE FOR DETAILS:
<http://www.law.duke.edu/alumni>

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