

# DUKE LAW MAGAZINE

Summer 2011 | Volume 29 Number 2



**EDUCATION  
WITH IMPACT**

Duke Law students  
tackle international  
human rights  
challenges

## From the Dean



DEAN DAVID F. LEVI

Dear Friends,

**T**HIS MONTH we announced the creation of a new center at Duke Law School dedicated to the study of the judiciary, the Center for Judicial Studies. This is an exciting project for us because of the strength of our faculty in this field. The project is particularly important to me because of my own career as a federal judge. The Center will be an academic research center that sponsors research and writing on the judiciary, domestic and international. Topics such as judicial decision-making, judicial independence, private judging regimes, selection and

appointment systems, and inter-branch relations will provide fruitful areas for study and discussion in conferences and publications. The Center also will bring federal, state, and international judges to Duke Law School to collaborate with our faculty in the study of the judiciary. Most notably, the Center will sponsor a Master of Laws in Judicial Studies designed for judges who wish to study the judiciary and judicial institutions with leading scholars from Duke and elsewhere.

The response to our announcement has been strongly positive from judges who look forward to returning to law school to study something so important to them and to gain a broader perspective on their work. They welcome the opportunity to learn from and engage with some of the top scholars in the legal academy. Our faculty members as well as scholars from other law schools also are eager to participate in the new Center and the master's program.

This robust response is in direct contradiction to what one hears so often from some lawyers and judges, and even from some law professors: that the legal academy has become interested in academic debates and issues that are not remotely relevant to lawyers and judges in their day-to-day professional lives. Sometimes it is said that law professors are no longer interested in law but that they are interested only in what follows the "and," as in "law and history" or "law and economics." A symptom of this irrelevance is said to be law reviews and legal academic writing more generally. Although there may be academic scholarship that is primarily of interest to other academics, just as there are disputes within the judiciary that are primarily of interest to other judges — the vigorous debate within the judiciary over the citation of "unpublished" opinions comes to mind — I submit that the legal scholarship produced and fostered by Duke Law faculty and students is of very great importance to lawyers and judges.

Let's first look at some of the most recent issues of the *Duke Law Journal*. In October and December 2010, the journal published a series of articles on possible changes to the Rules of Civil Procedure that might ameliorate litigation cost and delay. The series is focused on matters of very great concern to the bench and bar and includes a lengthy article<sup>1</sup> by Professor Arthur Miller on the U.S. Supreme Court's recent decision in *Ashcroft v. Iqbal*, which arguably changed the standard for motions to dismiss. In more recent issues, the journal published articles on rethinking the "novelty" concept in patent law<sup>2</sup> and the development

## Our new Judicial Center will strive to maintain the historically close and productive relationship between the academy and the bench.

of an unjust enrichment principle in the understanding and application of Rule 10b-5.<sup>3</sup> Or consider the kinds of legal issues our faculty are thinking and writing about. Professors Curt Bradley and Mitu Gulati recently published an important article<sup>4</sup> in the *Yale Law Journal* that challenges the longstanding view that nations never have the legal right to withdraw from rules of customary international law. Professor Neil Siegel is looking at the Commerce Clause and federal power through the lens of the "collective action" problem that can plague joint action, as in a nation that is a collection of sovereign states. His work<sup>5</sup> provides arguments and perspectives on the current debate on the constitutionality of the national health care legislation. Professor Jerry Reichman's work looks at innovation policy generally and seeks to reduce protectionism in the open exchange of scientific discoveries. His work<sup>6</sup> is directly relevant to access by poorer nations to lifesaving technologies and drugs. The list goes on and on. Our faculty is engaged in scholarship that has the potential to change the legal landscape and the way we think about different areas of law. It is not at all disconnected from the concerns of lawyers, judges, lawmakers, and law reformers.

This is not to say that faculty scholarship always should have a direct, immediate, real-world payoff or application. This is not a new development. One could look at the curricula of the law schools in the 19th century and see a healthy dose of "law and": law and history, moral philosophy, religion, ancient law, and economics. The decision to house our great law schools within great universities is based on the belief that law is a worthy academic study that contributes to and is enriched by the study of other fields of knowledge. This was a good decision. But it does mean that much academic law writing is difficult and requires a solid grounding in economics, statistics, history, and other fields. This is where our new master's degree program can be particularly helpful to judges who wish to keep up with the growing academic literature on judging and judicial institutions.

We know that our faculty will learn much from the judges who come to study here at Duke. And so will the judges learn much from our faculty. Our new Judicial Center will strive to maintain the historically close and productive relationship between the academy and the bench. Imagine that one day judges all over the world hold graduate degrees from Duke. This will be good for our Law School. It also will be good for the judiciary. Together we can build a learned profession, one that constantly strives to improve the justice system through knowledge and service.

I wish all of you a relaxing and happy summer.

Sincerely,

David F. Levi  
Dean and Professor of Law

1 Arthur R. Miller, *From Conley to Twombly to Iqbal: A Double Play on the Federal Rules of Civil Procedure*, 60 Duke L.J. 1 (October 2010).

2 Sean B. Seymore, *Rethinking Novelty in Patent Law*, 60 Duke L.J. 919 (January 2011).

3 James J. Park, *Rule 10b-5 and the Rise of the Unjust Enrichment Principle*, 60 Duke L.J. 365 (November 2010).

4 Curtis A. Bradley and G. Mitu Gulati, *Withdrawing from International Custom*, 120 Yale L.J. 202 (2010).

5 Neil S. Siegel, *Free Riding on Benevolence: Collective Action Federalism and the Individual Mandate* (forthcoming 2011).

6 Jerome H. Reichman and Christoph Spennemann, *Using Intellectual Property Rights To Stimulate Pharmaceutical Production In Developing Countries – A Reference Guide* (United Nations Conference on Trade and Development, 2011).

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Duke Law Magazine is published under the auspices of the Office of the Dean, Duke University Law School, 210 Science Drive, Box 90362, Durham, NC 27708



This publication was produced using paper which supports Duke's commitment to sustaining our environment.



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# News Briefs



## Center for Judicial Studies launched

**CENTER TO SPONSOR RESEARCH AND EDUCATIONAL PROGRAMS, INCLUDING MASTER'S DEGREE FOR JUDGES**

**D**UKE LAW SCHOOL has established a new Center for Judicial Studies and a master's degree in judicial studies to address a need for advanced educational opportunities for judges and to support scholarly research on judicial institutions and judicial decision-making.

The center takes advantage of the strength of the Duke Law faculty in judicial studies as well as empirical studies, the study of institutions, international and comparative law, public law, legal strategy, and law and economics. The center will sponsor conferences, symposia, educational programs, and publications on a range of topics relating to judging and the judiciary, and will draw faculty from other schools and departments at Duke University as well as distinguished visiting instructors from other institutions to teach and participate in programs and events.

Developed in close consultation with Dean David F. Levi, who served as Chief United States District Judge for the Eastern

District of California prior to his appointment as dean in 2007, the center also aims to bring judges and scholars together to strengthen relationships and collaborate on research efforts that will benefit the legal profession as a whole.

A core component of the center is a new master's program in judicial studies, which will be open to an inaugural class of 10 to 15 judges entering in the summer of 2012. The program will examine the history, institutions, and processes that shape the judiciary and affect judicial decision-making. Program directors aim to admit several judges from foreign countries to facilitate comparative study of a variety of judicial systems.

"As a former judge who is now part of a great academic law school, I see tremendous benefits in bringing together thoughtful judges and scholars to study judicial institutions in the light of academic research considered through the lens of day-to-day experience," said Levi. "Whether it is judicial independence, efficiency, bias, the selec-

tion process for judges, the use of judges or juries to decide certain cases, the use of specialized courts, or the attainment of justice — these are topics of great national and international interest. They ultimately address a society's confidence in its dispute resolution procedures as well as its commitment to certain values."

The center is directed by Jack Knight, Duke's Frederic Cleveland Professor of Law and Political Science and a renowned expert in the study of judicial institutions, and Mitu Gulati, a professor of law who is widely recognized for his expertise and innovative research on the measurement of judicial behavior.

"This is an especially exciting program," said Knight. "This center will facilitate new and important research on the underlying questions about how judges and judicial institutions work in the United States and throughout the world. At the same time we will be seeking creative and innovative ways of employing scholarly research in the practi-

“This program offers the chance to examine the performance of our judicial institutions and reflect on the judicial decision-making process. As a trial judge in the trenches, I believe this is a great way to foster interaction between the judiciary and the scholars who study it.”

— Judge William H. Pauley III '77, United States District Court for the Southern District of New York

cal tasks of enhancing actual judicial practice and fostering the rule of law. The study of judicial behavior and judicial institutions is a dynamic, interdisciplinary field that marries the traditional approaches of legal scholarship with contemporary approaches in the social sciences. Duke has established leadership in these areas both because of the expertise and strength of our faculty and because of Dean Levi's insight into how the academy and profession can support and learn from one another in ways that benefit all of us.”

**Supporting research and education**

The center will focus on two core areas of programming: scholarly study of the judiciary and educational programs for judges.

As an incubator for innovative scholarly research on the judiciary, the center will host academic conferences on topics related to judging and judicial institutional design. These programs will build upon the success of earlier Duke Law scholarship and conferences, including a February 2009 *Duke Law Journal* symposium on “Measuring Judges and Justices” and a September 2009 conference on “Evaluating Judging, Judges, and Judicial Institutions,” funded by the National Science Foundation. These conferences brought together scholars and judges to discuss current research on the judiciary and to develop ideas for new research.

The center also will fund graduate fellows and visiting scholars who undertake original research projects with special relevance to the judiciary. A web-based journal is planned to disseminate research on the judiciary, report on conference proceedings, and provide a forum for discussion and comment.

In addition to its scholarly efforts, the center will provide a slate of educational programs for judges. The master's degree in judicial studies will be the only graduate degree program devoted to the education of judges at a major U.S. law school. Offered over two intensive four-to-six week sessions in two summers, the program aims to help



PROFESSORS JACK KNIGHT AND MITU GULATI ARE CO-DIRECTORS OF THE CENTER.

judges better understand the institution of the judiciary, judicial systems around the world, and current research on judicial decision-making.

“There is a need and demand for such a program,” Levi said. “It allows judges to contribute to and learn from a growing body of work on judicial institutions, and it permits scholars to benefit from the analysis of their ideas and research by experienced and self-critical judges. Judges who have a better understanding of how judicial systems operate and what the consequences of judicial behavior are will be in position to be better judges and better court administrators.”

Core courses include Empirical Research Methods, Statutory and Constitutional Interpretation, Comparative Courts, Legal and Judicial Institutions, and Judicial Writing.

“This program offers the chance to examine the performance of our judicial institutions and reflect on the judicial decision-making process,” said Judge William H. Pauley III '77, a United States district judge in the Southern District of New York and a senior member of the Duke Law Board of

Visitors. “As a trial judge in the trenches, I believe this is a great way to foster interaction between the judiciary and the scholars who study it.”

For judges whose court dockets may not allow for a full eight weeks in residence, Duke will offer a certificate in judicial studies for four weeks of course participation in the master's degree program. Shorter, more targeted, continuing education programs also will be offered, including seminars on topics of rapid legal change or areas that require a high degree of specialized knowledge such as international law, human rights law, global financial markets and regulation, and international arbitration.

“Duke's new Center for Judicial Studies will play a key role in maintaining the competence, integrity, and independence of judiciaries, which are essential in democratic societies,” said Judge Anthony Scirica of the U.S. Court of Appeals for the Third Circuit. A former chief judge for the Third Circuit, he also is a member of the Duke Law Board of Visitors. “The center will contribute to the rule of law worldwide, as judges from many countries will participate in the course of study. By fostering dialogue between judges and law professors, the center will also build important bridges between the judiciary and the academy.”

» The center's website is located at [www.law.duke.edu/judicialstudies](http://www.law.duke.edu/judicialstudies)



“Robinson Everett embodied the qualities of leadership and service in and through the law. ... By establishing this professorship, we ensure that his example will continue to inspire us.”

— Dean David F. Levi

### Robinson O. Everett Professorship honors beloved member of Duke Law community

A NEW ENDOWED professorship honors the late Professor Robinson O. Everett LL.M. '59, a revered faculty member who taught at Duke for more than 51 years and inspired thousands of Duke Law students and alumni with his kindness, his service to the law and legal profession, and his devotion to Duke Law School.

To date, more than \$2.5 million has been raised to fund the professorship. Leadership gifts were provided by the Kathrine Robinson Everett Charitable Trust, established by Everett's late mother and longtime law partner, and by David D. Noble '66. The Duke Endowment's Strategic Faculty Initiative contributed matching funds of \$1.25 million to the chair, which will support a distinguished legal scholar who also will teach classes for Duke University undergraduates. Dozens of other graduates and friends also contributed to the professorship, including all living past and present deans of the Law School.

A senior judge of the United States Court of Appeals for the Armed Forces and a leading authority on military law and justice,

Everett taught classes in military justice, criminal law, sentencing, and criminal procedure. He died in 2009 at the age of 81.

“We are grateful to the many donors and organizations who have helped to make this professorship possible,” said Dean David F. Levi. “This professorship will allow us to recruit and attract faculty of the highest caliber, who will carry on the traditions of excellence in teaching and service that Professor Everett modeled so capably and generously. I can think of no better way to honor him.”

It is appropriate, observed longtime colleague William A. Reppy Jr., that the charitable trust named for Everett's mother, one of the earliest women graduates of the University of North Carolina School of Law, is now a leading donor to the Everett chair.

“As the Duke trustee of the Kathrine Everett Charitable Trust as well as one who knew Professor Everett's mother, I am confident that she could not have imagined a more appropriate means of applying trust funds to benefit Duke Law School than the funding of the chair honoring her son, Robinson,” said Reppy, the Charles L.B.

Lowndes Emeritus Professor of Law. “And as a friend of Robbie's, I am personally pleased to be part of the process of funding this significant [professorship] to memorialize the late, great friend of Duke Law.”

The matching funds from The Duke Endowment's Strategic Faculty Initiative, established as part of a \$40 million gift to Duke University in 2008, advance the Law School's goal of adding law faculty who will participate in the larger life of the University as well as the Law School.

“The Duke Endowment is proud of its longstanding partnership with Duke Law School,” said Neil Williams '61, chairman of the Endowment's board. “In his Indenture, James B. Duke specifically directed support for the school, and that legacy continues today. It is particularly appropriate to remember Robinson Everett with an endowed chair. As one of his many former students, I know that in his diverse and remarkably productive career, his Duke Law teaching always ranked high.”

With lifelong ties to the Law School — his father was one of Duke's earliest law graduates — Everett was generous in supporting it philanthropically. In 1993, he founded the Duke Center on Law, Ethics and National Security (LENS) to support and encourage teaching and scholarly research on national security law topics. His philanthropy included establishing the Reuben Oscar and Robinson O. Everett Scholarship Endowment; he also chaired his law reunion committees and served in a leadership capacity on fundraising campaigns.

“Robinson Everett embodied the qualities of leadership and service in and through the law,” said Levi. “He was the model of the citizen-lawyer. By establishing this professorship, we ensure that his example will continue to inspire us.” ♡

## The Duke Project on Custom and Law

**D**UKE LAW FACULTY have launched a new project that aims to engage the Law School community and the legal academy at large in a yearlong conversation about the relationship between custom and law.

“The relationship between custom and law has both perplexed and intrigued legal scholars through the ages,” said Professor Curtis Bradley, who is directing the project. “It is present in almost every legal system and implicates almost every subject area of the law. The relationship also takes a wide variety of forms, with custom sometimes informing the law, at other times resisting the law, and in some instances actually being the law.”

The Duke Project on Custom and Law will run throughout the 2011-12 academic year and will involve scholarly presentations, a symposium, a readings seminar, journal publications, and other events and programs designed to address the topic from a wide range of perspectives.

Bradley, the Richard A. Horvitz Professor of Law and professor of public policy studies, cites a number of examples of the relationship at the heart of the project: Tort law considers custom in the industry in determining the standard of care. Property law draws from customary practices in developing rules regarding ownership and use. Contract law fills in the gaps of commitments based on customary practices. Custom has a potentially significant influence on what is considered “fair use” in intellectual property law. Constitutional law is informed by the customary operations of government. One of the two major forms of international law is customary rather than codified.



CURTIS BRADLEY

An understanding of the unwritten institutional customs of legal actors (such as courts and prosecutors’ offices) is often essential to an appreciation of how they operate.

By examining these and related subjects, Bradley hopes the project can both shed new light on the historical relationships between custom and law and advance a scholarly understanding of how custom can support or influence the development of law.

Another goal of the Duke Project on Custom and Law is to engage the Duke Law faculty and others in the Duke community in a focused, yearlong scholarly dialogue that draws on the University’s interdisciplinary strengths.

“We want to take advantage of the extraordinary scholarly depth of both our law faculty and the faculty of Duke University,” Bradley said. “This sort of project allows us to capitalize on our interdisciplinarity and benefit from the strength of Duke’s programs in law, policy, history, political science, anthropology, and more. It also will allow us to engage on a more deeply scholarly level than is usually possible when we are all working on separate research.”

The project begins this summer with informal discussions among the faculty about some of the important published works on custom, from both law and other disciplines. During the school year, the project will sponsor a workshop series in which scholars from around the country will present work relating to the topic. Emily Kadens, the Baker and Botts Professor in Law at the University of Texas, will present the first workshop with a discussion of her paper relating to medieval merchant custom on Sept. 2.

Duke students will have the opportunity to participate in a yearlong readings seminar on the topic and to attend some of the workshops and the symposium. ♡



### To our newest alumni, congratulations and thanks!

Members of the Class of 2011 launched a tradition of philanthropy with their class gift of \$136,000 — \$30,000 of which was generously donated by a small group of parents. At left, the class gift campaign co-chairs present the gift to Dean David F. Levi at the Graduation Gala on May 12. Pictured with Levi L-R: **Ian Mok** and **Anastasia Klimenko** representing the LLM class, and **Phil Rubin** and **James Van Strander** representing the JD class. ♡

### AIDS Legal Project

## Policy initiative helps achieve just results for clients with HIV/AIDS

**T**HE AIDS LEGAL PROJECT has launched a new policy initiative through which students and faculty are conducting research and developing policy recommendations and educational resources aimed at ensuring privacy and access to health care for North Carolinians living with HIV/AIDS. The initiative is funded through a \$58,500 Southern REACH grant from AIDS United supplemented with funds from the Law School.

According to Clinical Professor Carolyn McAllaster, who directs the AIDS Legal Project, the new AIDS Policy Initiative has four long-term goals: reducing stigma faced by people living with HIV/AIDS in North Carolina as a result of confidentiality breaches; addressing transportation problems for those who need care; ensuring adequate funding for the N.C. AIDS Drug Assistance Program so that lower-income patients can receive the medications they need; and ensuring that the medical and supportive service needs of people living with HIV/AIDS are taken into account as the state and other agencies plan for implementation of health care reform.

In addition to conducting legal and policy research, developing educational materials for health care providers, legislators, and advocacy organizations, and drafting policy recommendations, students and faculty are developing educational materials for people living with HIV/AIDS to help them better understand their right to privacy and the options available to them for health care and medication. Key to that effort is developing a deep understanding of how health care reform will impact people with HIV/AIDS, said McAllaster.



CAROLYN MCALLASTER

“We want to better understand the current legal and policy landscape in our target areas,” she said. “Through work with individual clients, we have considerable experience with the problems they face. But there are policies and other issues that continue to interfere with obtaining just results. The policy initiative gives us a chance to find the trigger points where change is possible.”

A new clinical course focusing on policy will be offered to students in the fall 2011 semester. ♣

### Environmental Law and Policy Clinic

## Students draft forest carbon-trading guide

**S**TUDENTS IN the Environmental Law and Policy Clinic have helped a client produce a how-to guide for the forest carbon-trading process. Daniel Ribeiro LLM '09, now a law professor in Brazil, and Ryan Stoa '11 worked with client Forest Trends, a nonprofit organization dedicated to promoting payments for ecosystems services in forest ecosystems, on the development and publication of the guide. Among other contributions, the two drafted a model contract for forest carbon trades.

Professor James Salzman, who has worked with Forest Trends for nine years, explained that demystifying the complex forest carbon-trading process “will hopefully reduce transaction costs and make these types of payments for ecosystem services more common.” Salzman, Duke’s Samuel Fox Mordecai Professor of Law and Nicholas

Institute Professor of Environmental Policy, facilitated the partnership between the organization and the clinic.

“Any time there’s a payment arrangement, you need some kind of contract, some kind of understanding,” he said. “The clinic students put together something close to a model contract for getting paid for maintaining forest carbon. It’s really for folks who want to set these things up but don’t want to reinvent the wheel or pay a lot of money for a lawyer. It explains the elements of an agreement, the ways you can structure an agreement, and why these are important decisions.”

Ribeiro and Stoa researched the basis for such an agreement and worked with the client to fine-tune it before the document was released and presented last December at the Conference of

the Parties to the United Nations Framework Convention on Climate Change in Cancun, Mexico.

“The technical knowledge I gained and experience I got — when you roll up your sleeves and get into that, it really develops skills that you can take away from school and into your practice,” Stoa said. “This is a growing area. It’s great for me to be able to cite this project as evidence that I’m knowledgeable about climate change.”

Closer to home, clinic students and faculty also secured a N.C. Superior Court order mandating the environmental review of a proposed cement plant on the Cape Fear River. They also represented clients opposed to the building of an outlying landing field for naval aircraft in northeastern North Carolina; the matter was resolved when the Navy withdrew its proposal. ♣



Startup Ventures Clinic

Students advise winner of Duke Startup Challenge

**T**WO STUDENTS in the Law School's pilot Startup Ventures Clinic acted as legal advisers to the winner of the 11th annual Duke Startup Challenge. Kristen Wolff '11 and Grant Reid '12 advised HyTower Energy Storage, a hydropower energy storage company founded by graduate students at the Fuqua School of Business, Nicholas School of the Environment, and Pratt School of Engineering.

The Startup Ventures Clinic, which launched this spring, provides legal counsel to early-stage businesses and social entrepreneurship ventures

on matters related to the startup process. Many of the client businesses are started by Duke University students.

Wolff and Reid, under the supervision of clinic directors Andrew Foster and Erika Buell, advised HyTower on its initial legal needs, including corporate formation, and the initial corporate structure.

"We couldn't be more excited for our client," said Reid, who is spending his 2L summer advising other entrepreneurs at Wilson Sonsini Goodrich & Rosati in Palo Alto, Calif. "We feel

deeply honored to have helped the company in some small way in this great accomplishment."

HyTower defeated six other finalists and 110 competitors in the competition to win the \$50,000 grand prize, plus \$2,500 for future legal expenses. Its pumped-hydro system builds on proven hydroelectric technology to deliver safe, reliable energy storage at higher efficiency and lower cost than competing technologies by using abandoned water towers as storage devices. The company foresees a potential \$1.5 billion annual market for its systems. ♣

Duke Law Moot Court team wins ABA National Appellate Advocacy Competition

**B**EN BAUCOM '11, Karen Beach '11, and Catherine Lawson '12 won the national championship round of the American Bar Association's National Appellate Advocacy Competition in April. They placed first among the 207 competing teams, bringing home Duke Law School's first victory in the annual competition.

Baucom, who chaired the Moot Court Board, was named second-best oral advocate in the tournament. Lawson was named seventh-best advocate.

Undefeated in their regional competition, Baucom, Beach, and Lawson also went undefeated in Chicago where they faced six other teams. The five judges presiding over the final arguments selected them as champions by a unanimous vote.

Two Duke Law teams competed in the championship rounds. The team of Grayson Lambert '12, Leah Shen '11, and Nels Vulin '12 was eliminated by a narrow margin in the round of 16. Stephen Rawson '10, who co-chaired the Moot Court Board as a 3L, helped coach both Duke Law teams to their strong showings at the regional and national levels. ♣



L-R: CATHERINE LAWSON '12, KAREN BEACH '11, AND BEN BAUCOM '11

# Summer institutes celebrate 25 years

## DUKE'S TRANSNATIONAL INSTITUTES PREPARE STUDENTS FOR GLOBALIZED PRACTICE

Students from across the globe have again convened in Hong Kong and Geneva to participate in Duke's summer institutes, four-week residential programs that feature rigorous courses taught by world-class faculty, exposure to the operations of legal and corporate institutions abroad, and cross-cultural experiences.

"The summer institutes are our way of helping prepare students for the practice of law in today's globalized world," said Associate Dean for International Studies Judy Horowitz, who has been involved since the program's inception in 1986 as "Duke in Denmark" at the University of Copenhagen. (Read more, Page 37.)

Twenty-five years later, Duke Law continues to partner with the faculties of law at elite host institutions. In presenting the Duke-Geneva Institute in Transnational Law and Asia-America Institute in Transnational Law, Duke partners with the University of Geneva and University of Hong Kong, respectively.

The programs are designed for U.S. JD students who have completed at least one year of law school, international students who will embark on LLM programs at American law schools in the fall, advanced law students, and internationally trained lawyers, judges, and academics. All Duke Law students pursuing an LLM in international and comparative law concurrently with their JD attend a summer institute and often pair the experience with summer work abroad. Duke JD and LLM candidates routinely comprise about one-third of the total enrolled.

Participants benefit from the unique economic, political, and legal features of each host city, taking field trips to international law firms and such institutions as the World Trade Organization, World Intellectual Property Organization, and International Committee of the Red Cross in Geneva, or the Stock Exchange and Court of Final Appeal in Hong Kong.

The curricular goals of each institute are threefold, said Donald Horowitz, the James B. Duke Professor of Law and Political Science and longtime faculty director of the Asia-America Institute. "We take common legal problems and try to see them from the angle of at least two different legal systems," he said. "We teach courses, again from different national angles, that cannot be taught at Duke. And we take current or emerging topics in the law of various countries and try to illuminate them by comparison, an example being a constitutional development course focusing on Asian and African countries.

"In today's globalized world, lawyers increasingly find that they need to know the laws regulating international transactions and the laws of other countries,"



TOP: THE ASIA-AMERICA INSTITUTE IN TRANSNATIONAL LAW, CLASS OF 2010; BELOW: AN OUTING IN GENEVA, 2010

he said, adding that the institutes' curricula vary every year depending on the availability of the best expert-teachers from all over the world and areas of current import. Supreme Court Associate Justice Antonin Scalia is currently co-teaching a course in Geneva titled Separation of Powers.

Another major goal of the institutes is to provide students from a broad range of national and ethnic backgrounds with opportunities to engage each other, added Richard Schmalbeck, the Simpson Thacher & Bartlett Professor of Law and faculty director of the Duke-Geneva Institute. "It is always and everywhere true that law students learn a great deal from each other, and the rich mix of students that both programs attract is among their greatest virtues."

### Cross-cultural exchange opens world of possibility

Marcella Harshbarger JD/LLM '02 recalled how Geneva administrators' practice of pairing Duke Law students with international roommates helped relationships flourish in the intimate setting. "It allowed for some great cross-cultural exchange over fondue and drinks after class. We toured the local sites together and I count many of those classmates as friends today. In fact, through my travels, I have been able to visit some former classmates in their home countries."

Harshbarger, now senior corporate counsel at a U.S. subsidiary of France Telecom in Washington, D.C., also welcomed the viewpoints of international professors who often offered "a refreshing break from the dominant U.S. perspective." She further credits the program with helping her appreciate the wealth of international opportunities available in a legal career.

John Simpkins JD/LLM '99 also said the summer institute in Hong Kong was critical to his professional path.

"I left with a clear understanding of how I could craft a career in comparative law that combined teaching, practice, and scholarship. The conversa-

tions I had outside of class with professors were as valuable as the classroom instruction," said Simpkins, who teaches courses in international and comparative law and comparative constitutional design at the Charleston School of Law. Simpkins noted that he arrived in Hong Kong the morning after Great Britain handed power over to China. "Witnessing the changes in Hong Kong up close and having an instructor like Professor [Yash] Ghai, who was directly involved in the creation of Hong Kong's Basic Law, were experiences that could not have been replicated in a typical law school setting." ♣



PROFESSOR GEORGE CHRISTIE CONGRATULATES HIS SON, NICHOLAS, AN LLM GRADUATE OF THE LAW AND ENTREPRENEURSHIP PROGRAM.



LLM CLASS SPEAKER NAOKUNI KUWAGATA



JD CLASS SPEAKER ANDREW ROTH

## Hooding 2011

**D**UKE LAW HONORED the JD, LLM, and SJD classes of 2011 at its annual hooding ceremony at Cameron Indoor Stadium on May 14. Hoods were presented to 212 JD candidates, 30 of whom also attained an LLM in international and comparative law, and 13 of whom also attained graduate degrees from other Duke University schools and departments and affiliated graduate programs. Seventy-eight international LLM graduates also were hooded, as were the 14 graduates of the inaugural LLM in Law and Entrepreneurship class. Two SJD graduates were honored.

U.S. Senate Deputy Sergeant at Arms Martina Lewis Bradford '75 told the graduates to “pick up the torch and contribute,” taking on leadership roles in the field of law and beyond.

“In my mind, those of us who are lawyers or who have the benefit of a legal education have been given a special gift, and we bear special responsibilities as a result,” Bradford said. “As lawyers and legal scholars, we need to be prepared to accept a greater share of the obligation to lead and to influence the country.”

JD Class Speaker Andrew Roth and LLM Class Speaker Naokuni Kuwagata celebrated the sense of community the graduates found at Duke. Board of Visitors member Peter Kahn '76 welcomed each graduate to the alumni community and Dean David F. Levi congratulated the graduates on their many achievements and contributions to the life of the Law School. ♡



TERENCE “TJ” FINLEY RECEIVES HIS HOOD FROM PROFESSOR BARAK RICHMAN.



PAULA BARBOZA WAITS TO BE HOODED WITH HER LLM CLASSMATES.



MARTINA LEWIS BRADFORD '75, DEPUTY SERGEANT AT ARMS OF THE U.S. SENATE, ADDRESSES THE GRADUATES.



## Reunion 2011

Alumni from classes ending in "1" and "6" reconnected at Duke during Reunion 2011. The Law Alumni Association honored **Stanley A. Star '61**, **David D. Noble '66**, **Barbara Arnwine '76**, **Young-Gak (Ken) Yun '88**, **Linda Martin '96**, and Professor **James D. Cox** for their career achievements, service, and dedication to Duke Law. ♫



THE CLASS OF 1961

# EDUCATION WITH IMPACT

Duke Law students tackle international  
human rights challenges

By Frances Presma

In the past academic year, Duke Law students have studied two highly sensitive topics involving international law and international human rights law: reform of Haiti's gender violence laws and housing issues in East Jerusalem. In their approaches to these challenging real-world problems they have demonstrated initiative, acuity, and energy coupled with compassion, cultural sensitivity, and pragmatism.



REFORMING

Haiti's gender violence laws p. 12



EXAMINING

Housing issues in East Jerusalem p. 17

# Haiti

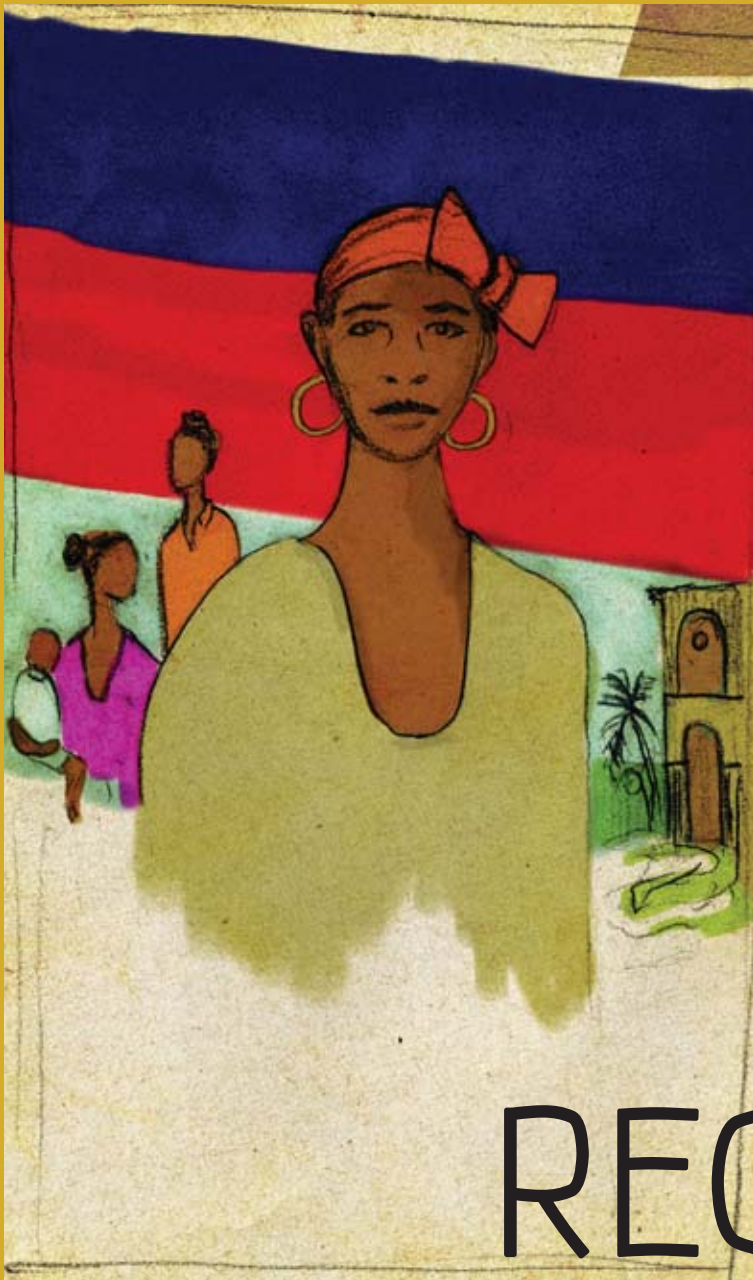


Illustration: Marc Harkness

In late February, Professor Guy-Uriel aPort-au-Prince, Haiti, at the offices of the Organization of American States (OAS).

Joining him around the table were an OAS liaison, a representative from the Haitian Ministry of Women's Affairs, and a lawyer with the International Senior Lawyers Project (ISLP), a U.S.-based organization that provides high-level legal services to advance democracy and human rights protection in developing countries. The discussion, conducted in French and Creole, focused on a comprehensively researched memorandum, drafted by 10 Duke Law students, containing provisions to reform Haitian laws pertaining to domestic violence and violence against women.

"We went over the draft in fine detail over four or five hours," reported Charles, a native of Haiti. "Everyone at the meeting said they thought the product was absolutely wonderful and their intention was to incorporate it all into final legislation that would be presented to the

# RECOVERY, REFORM

Duke Law students contribute to legal protections for women in Haiti

Haitian legislature. They were all extremely positive and grateful for the work our students did.”

For the students who immersed themselves in the enterprise throughout the fall semester, finding out that their work had been considered and positively reviewed by key policymakers in Haiti was “an amazing feeling,” said Caitlin Swain ’12. “We weren’t expecting official acknowledgment, but to know that our work has now been seen by the Women’s Ministry and is helpful to them is thrilling.”

## Student initiative, community effort

It all started at Clifford Chance in New York, where associate Aleksandra Kopec ’07 worked with other law firm colleagues on a pro bono project for the OAS and ISLP — a survey conducted in developing and developed countries of anti-violence legislation that might be relevant to law-reform initiatives in Haiti. Kopec took a lead role in drafting a memorandum to the OAS summarizing a range of primary and secondary legal sources and options.

“The OAS then came back with a secondary request to craft provisions for a practical set of anti-violence laws that could work in Haiti,” said Kopec. “That’s where we paused to consider what resources we have here at Clifford Chance and where we could reach out. We thought about what sort of group would be well-versed in research, interested in these types of issues, have the time to do this, and have the legal background needed to understand analyzing and drafting legislation. That’s how we came to think of working with a group of students and professors, and Duke seemed a natural choice.”

Kopec and Clifford Chance partner Jonathan Zonis ’90, who supervises pro bono initiatives in the New York office, reached out to Laurence Helfer, Duke’s Harry R. Chadwick, Sr. Professor of Law. An expert in international law and international human rights law who has written extensively on the implementation of international legal norms in developing countries, Helfer immediately recognized the educational value of the proposal.

“I’ve long been interested in legal transplants — laws and institutions taken from one location and adapted for use elsewhere. Legal transplants raise many difficult issues, such as identifying source materials in countries with comparable features and adapting them to local needs and contexts. Those are very big challenges at the level of legitimacy and the level of expertise,” he said. “And the problem translates pedagogically into what and how we teach our students.”

The problem also is a good fit with the Law School’s and Duke University’s institutional commitment to knowledge in the service of society. Violence against women and girls in Haiti, already “widespread” and “alarming,” according to a 2009 report by the Inter-American Commission on Human Rights, intensified with the displacement caused by the January 2010 earthquake. But along with personal and societal tragedy, the earthquake presented opportunities for change. The United Nations and other international bodies have advocated rebuilding the country’s rule of law and justice systems along with its infrastructure, Helfer notes, and the Haitian Ministry of Women’s Affairs committed to drafting new legislation on gender-based violence as one important avenue for advancing these goals.

Helfer worked with Zonis, Kopec, and others to lay the groundwork for an ad hoc seminar; aided by David Thompson JD/LLM ’07 in the Law School’s Alumni and Development Office, they secured a grant for overhead and translation services from the Clifford Chance

Foundation, which supports global projects that promote equal access to justice. Helfer also recruited two Duke Law colleagues to join him as faculty advisers for the seminar — Charles, a scholar with expertise in statutory interpretation and cross-disciplinary ties to Duke University’s Haiti Lab, a site for research and teaching, and Senior Lecturing Fellow Deborah Ross who, as a longtime member of the North Carolina House of Representatives, was instrumental in drafting the state’s domestic violence legislation.

With financial and academic support for a student-run seminar in place, Helfer reached out to students he knew were interested in human rights law. He contacted Karen Gift at her 1L summer job with the International Justice Mission in Mumbai, India, where she was working on issues related to human trafficking.

“My experience in India informs my passion for the topic — combatting violence against women — and the opportunity to work

Violence against women and girls in Haiti, already reported as “widespread” and “alarming,” intensified with the displacement caused by the January 2010 earthquake. But along with personal and societal tragedy, the earthquake presented opportunities for change.

from the legislative perspective was something that I hadn’t done,” said Gift, who was immediately persuaded to participate.

Swain, a co-chair of the Human Rights Law Society whose 1L summer work for the Center for Constitutional Rights in New York involved international criminal law as well as domestic civil rights issues, also was eager to sign on to the project. “We had been pushing hard to develop more opportunities for students interested in human rights law, so it was very exciting when Professor Helfer told us about this project,” said Swain, who worked for the Kentucky Commission on Human Rights prior to arriving at Duke.

Other students brought skills and experience in such matters as the operation of state courts that specialize in domestic violence crimes, violence in immigrant communities, and fluency in French. Their varied backgrounds allowed the group to break up their tasks based on individual students’ interests and strengths.

“This was a big undertaking because it involved considering an overhaul of both the criminal law and the civil code, which includes family law, employment discrimination, sexual harassment, and civil remedies for intra-family violence,” said Swain.

## A “Herculean task”

Charles listed the many challenges the project posed for the students. “They had to transplant themselves into a different legal system, one that is *sui generis* in many respects — the laws aren’t compiled in one particular place,” he said. “There are different forms of legislation and



TEN DUKE LAW STUDENTS WORKED ON THE HAITI ANTI-VIOLENCE PROJECT. STANDING (L-R): CASSIE WEBSTER '11, KATHRYN BARRY '11, MIRA KASLIWAL '11, JACY GAIGE '12, ASHLEY WATKINS '12. SEATED (L-R): MERLYNE JEAN-LOUIS '12, THERESA GILBERTSON '12, CAITLIN SWAIN '12, KAREN GIFT '12. (NOT PICTURED: DANIELLE DUFF '12)

Divided into research teams focused on civil and criminal laws and remedies respectively, the students began by identifying and aggregating the Haitian codes, decrees, and treaties that collectively comprise Haitian law pertaining to the relevant areas and researching comparative approaches in the United States, Latin America, and other civil law jurisdictions. They then recommended changes to the law that would promote gender equality and end violence. After presenting the recommendations as a “mark-up” to existing Haitian law to the Clifford Chance team in New York during a videoconference, the students were asked to craft a comprehensive research proposal and provide legislative support for a statute actually being drafted by the Ministry of Women’s Affairs.

As they tackled their broader mandate, the students were careful to track the sources for their suggestions, whether they were decrees or international treaties ratified by Haiti, said Gift. “We always tried to track our proposals back to existing sources of law that Haiti had already adopted in order to aid in the legitimacy of our statute, while pulling in comparative examples.” Some of their team members, for example, reviewed penalties used in Latin American countries and in France line by line, trying to find an appropriate comparative model.

“We tried to look at things that would protect women and children but also would have cultural integrity,” Gift explained.

Investing their process and product with cultural integrity meant withholding judgment as they examined societal circumstances that might put women in danger, while also crafting appropriate recommendations to improve safety. Violence against pre-teen and teenage girls who work as domestic servants is prevalent in Haiti, Ross noted by way of example. “We’re not going to suggest they outlaw child labor, but we want young women who are in people’s households to be free of sexual abuse.”

“We tried to look at things that would protect women and children but also would have cultural integrity.”  
— Karen Gift '12

legal forms, so there is both legislation and there is a law by decree. And there is no place where you can find judicial opinions collected.

“Not only did the students research and try to establish a comparative baseline — identifying what we do in the U.S. and other countries that could serve as comparisons — they had to settle on a model that would work. They had to try to understand the legal system they were writing for. And, of course, they were working on a research proposal that would support law reform for a country that has two different languages, French and Creole,” he said. “This was a Herculean task and these students were unbelievable. They brought so many skills to bear — as scholars, as statutory interpreters, as legislative drafters, and in public policy. At the same time, they never lost sight of their common sense or their humanity. They asked difficult questions and answered them with aplomb.”

## Marshaling resources, institutional support

The students gathered information and assistance as they proceeded through the term. Two team members who spoke French — 2Ls Merlyne Jean-Louis and Jacy Gaige — gathered testimony from women’s groups and aid workers in Haiti to get a sense of the scope of gender-based problems there; that information was later included in an appendix to the statute.

They marshaled all of the resources available to them at Duke and abroad. Professor Ralf Michaels, a comparative law scholar, gave them guidance regarding the different legal systems — civil law and common law — that would be relevant to their research. Kristina Alayan,





THE SUPPORTING DUKE LAW FACULTY:  
DEBORAH ROSS, GUY-URIEL CHARLES, AND LAURENCE HELFER



AT CLIFFORD CHANCE IN NEW YORK (L-R): ALEKSANDRA KOPEC '07, JONATHAN ZONIS '90, MARIE-CLAUDE JEAN-BAPTISTE (ISLP), AND ELIZABETH SCHULTZ

“The students looked at the issues with an academic perspective that led to a far more comprehensive product than we, working solely as a law firm, could have achieved. They also brought a level of energy that was pretty amazing.”

– Jonathan Zonis '90

the Goodson Law Library's foreign and international law librarian, researched potential comparator countries and guided the students to information about their laws and policies. Faculty and students at Duke's Haiti Lab were critical partners; several undergraduates picked research projects that dovetailed with the law students' work.

Students also met, via teleconference, with a Haitian attorney who helped them understand how the country's existing law is actually applied. “We talked with him about some of the operational challenges of the law — how it is implemented on the ground, and how we could recognize those challenges and draft around them,” said Gift. “That was enormously instructive for me in understanding what the situation was like in Haiti.” Duke University faculty and Duke Law LLM students pitched in with translation services at critical times.

Their “three stars” — as Swain characterized Charles, Helfer, and Ross, the faculty trio who provided core support — were invaluable.

“They were encouraging and acted as mentors throughout the process,” she said. “They gave us the room to make decisions among ourselves about what we could accomplish, and I think the confidence they placed in us pushed everyone to work harder.”

In addition to spearheading the project along with Clifford Chance, Helfer helped the students understand how the international agreements Haiti has ratified created specific human rights obligations and how the country might also be bound by customary international law, said Gift.

Ross offered her broad experience as a legislator as well as her specific experience drafting North Carolina's laws pertaining to domestic violence, pointing out the concerns of stakeholders in that process that might be shared by those in Haiti.

Along with his academic expertise, Charles brought essential knowledge of Haitian culture and history as well as fluency in French and Creole to the project. He also encouraged the students to be forward-thinking in their recommendations. “He told us we ‘need to be true to Haiti in this moment,’” said Swain. “His point was that it was OK to focus our efforts on protecting women in the best way possible, because those are the goals the Haitian Women's Ministry has set for itself.

“I can't say enough about how impressed I was with the way the three of them were able to negotiate with us some very complex questions about what our role was and how to create a product that would matter while maintaining a commitment to building our skills,” she said.

### The result: A solid statute, solid skills

In mid-December, the students delivered their work product, in the form of a fully drafted proposed statute, to Clifford Chance. Multiple footnotes explained the origins and rationale for their recommendations, and a supplement included background information such as reports relating to violence against women and testimony from activists and aid workers. Original contributions included a proposal for a specialized court to handle cases of violence against women; revisions in the asymmetric obligations of men and women within marriage and in dissolution; and structuring of penalties for crimes of violence in accordance with aggravating circumstances.

“The students looked at the issues with an academic perspective that led to a far more comprehensive product than we, working solely as a law firm, could have achieved,” said Zonis. “They also brought a level of energy that was pretty amazing. I don't think we can say

enough good things about the responsibility and professionalism shown by the Duke students who took on this task and executed it.”

The Clifford Chance team incorporated the students’ research proposal and supplement into a memorandum that was presented at the February meeting in Haiti.

For the students, the process was as educational as the substantive topics they encountered. “Professor Ross emphasized this throughout — ‘We want you as students to gain valuable skills that you are going to be able to build on through your future careers,’” said Swain. “We learned something with real practical implications,

“This is a moment where this kind of reform is not only needed — it’s possible. Getting a chance to play even a small part in that was just an extraordinary opportunity.”

— Caitlin Swain ’12

not just about the subject matter, but about the process of working together and producing high-quality legal work as a team.”

“I learned how to identify our limitations and where we needed to get outside help or an outside perspective,” added Gift. “Navigating and negotiating with the multiple stakeholders involved here was ultimately rewarding.”

And playing a role in reforming Haitian law in such a crucial area was well worth the work, said Swain. “This is a moment where this kind of reform is not only needed — it’s possible,” she said. “Getting a chance to play even a small part in that was just an extraordinary opportunity.” ♣

## A growing curriculum in international human rights law

**A**S DUKE LAW HAS expanded programs in human rights law, students are gaining new opportunities to apply their knowledge and skills to real-world, practical problems in the field.

Having spent a year working on international human rights projects in Africa and South America prior to entering law school, that’s exactly what Anne Dana ’11 was hoping to accomplish with an ad hoc seminar she organized as a 2L; as one of three student conveners, she worked closely with Professor Laurence Helfer to coordinate the research curriculum and spring break field work that culminated in a report on indigenous land rights in Brazil.

“I was interested in an experience that would allow students to apply what we were learning in law school to the real world,” said Dana who, as a 3L, also conducted in-depth academic and field research on housing rights in East Jerusalem as a member of Professor Curtis Bradley’s international human rights seminar, contributing to a significant report on the situation. (See story, Page 17.)

“Both experiences helped me to understand how much more complicated the issues become once problems are no longer hypotheticals but include working with people who have different religious or cultural beliefs, stakeholders with different agendas, and real budgetary constraints,” she said.

One of Dana’s classmates in the housing seminar, Cassie Webster ’11, also took part, as a 3L, in an ad hoc seminar on reform of Haitian anti-violence laws (see story, Page 12) and a pilot course on Human Rights Advocacy that included a clinical component.

“All three seminars have contributed in some way to my personal development and assisted me in my long-term career goals,” said Webster, who

intends to make international human rights the focus of her career, as it has been during both her 1L and 2L summers.

“The Haiti seminar helped solidify my knowledge and understanding of the causes and consequences of violence against women, a human rights issue that remains one of the most prevalent around the world. The Jerusalem seminar provided me with my first on-the-ground fact-finding



**DURING SPRING BREAK 2010, DUKE LAW STUDENTS CONDUCTED FIELD RESEARCH ON INDIGENOUS LAND RIGHTS IN BRAZIL WITH PROFESSOR LAURENCE HELFER.**

mission, an invaluable experience to any budding human rights lawyer. And the Human Rights Advocacy seminar forced me to take a step back and analyze what it means to be a human rights lawyer and to practice from a human rights-based approach — what the ethics of human rights lawyering are and, most importantly, how to conduct human rights investigations, documentations, and interviews. All the tools I gained in these seminars will be beneficial to me when I begin to practice.”

Caitlin Swain ’12 said that her work as a co-convenor of and participant in the ad hoc seminar on reform of Haitian anti-violence laws directly informed and improved the subsequent work she did in Human Rights Advocacy, both in

terms of subject matter — violence against women in developing countries — and the process for effectively working with a team on a complex matter. A co-chair of the Human Rights Law Society who worked on human rights matters prior to law school and during her 1L and 2L summers, Swain also intends to make it her career. She has watched the growth in opportunities to build skills at Duke and credits Helfer with being a critical source of faculty support and influence.

“We are building strong institutional support for students who are interested in this growing, emerging field of international human rights law,” Swain said. “I think it’s a *great* investment.” ♣

# East Jerusalem

Student research and field work address the collision of law, history, and emotion

## HOUSE & HOME

The concept of “competing narratives” came up repeatedly as students in Professor Curtis Bradley’s spring seminar characterized the subject of their intensive academic study and field work — housing rights in East Jerusalem.

“There is, at minimum, an Israeli and a Palestinian narrative, and there’s quite a lot of diversity within those,” James Pearce ’11 told an audience of fellow students and Duke Law faculty on March 31, shortly after he and 10 classmates returned from a research trip to Jerusalem and the West Bank. The trip was sponsored by the Center for International and Comparative Law, which Bradley co-directs.

Over eight days they toured the disputed area, talking to Palestinian and Israeli residents, government officials, lawyers, activists, academics, and international aid workers, observing how the international law, international human rights law, and history they had been researching in preparation for the trip played out on the ground.

The trip “brought the dispute to life in a way that simply reading about it couldn’t because we were able to see the people whose lives are actually shaped by these different policy positions and decisions every day,” said Sarah Boyce ’12. “It reminded us that there really are strong policy positions on both sides. It was a little like reading a Supreme Court case where you feel just as strongly that the majority and dissent are



Illustration: Marc Harkness Photo: Alexandra Koeng '12

# EDUCATION WITH IMPACT

SILWAN, EAST JERUSALEM



Photo: Mark Irvine '12



IN JERUSALEM, FRONT ROW, L-R: ANNE DANA '11, JOHANNA COLLINS '13, CASSIE WEBSTER '11, JESSICA STRINGER '12, ALEXANDRA KOENIG '12, TATIANA SAINATI '13, AND SARAH BOYCE '12. BACK ROW, L-R: JAMES PEARCE '11, SEAN LOBAR '12, MARK IRVINE '12, ADAM SCHUPACK '11, AND PROFESSOR CURTIS BRADLEY

right. But it could be frustrating for those of us who were looking for a way to reconcile the two narratives.”

Still, that is exactly what the students are attempting to do in a substantive paper, the collaborative project for the seminar and the capstone of an educational experience that brought to life the operation and limitations of the law.

## Translating international human rights law

Challenging students to approach a highly contentious issue with objectivity was Bradley’s goal in developing the seminar, conceived after he first toured Israel and the West Bank in 2009.

“There is pedagogic value in having students navigate through politicized issues in an objective and balanced manner that considers the roles and limitations of law and legal analysis,” said Bradley, the Richard A. Horvitz Professor of Law. A leading scholar of international law, he saw in the dispute a rich “translational” experience in law — an opportunity for students to immerse themselves in the principles of international human rights law and translate them into very specific issues. That sort of experiential learning is a hallmark of a Duke Law education and a part of the overall mission of Duke University.

It also mirrors the type of work that might be done by U.S. State Department lawyers, said Bradley, who served as counselor on international law in the Office of the Legal Adviser in 2004.

“I’m sure the Legal Adviser’s Office has worked on these issues because the United States has to determine what position to take,” he said. “A lot of diplomacy involves quiet discussions with the Israelis or the Palestinians, but policymakers need advice from the lawyers in the State Department about the relationship between these contested issues and international law.”

During the first eight weeks of the semester, Bradley guided his students through a rigorous syllabus of reading and discussion on the history of the Israel-Palestine conflict, the status of Jerusalem, and applicable aspects of international law and international human rights law. Readings addressed aspects of modern Israeli and Palestinian history and the various approaches international actors such as the United Nations and the European Union have taken to the dispute; hearing from guest lecturers and students who have lived in or visited the Middle East helped the group grasp some of the cultural sensitivities and nuances involved.

Each student conducted in-depth research and wrote a short paper on a relevant subject. These covered areas such as the contested sovereignty over Jerusalem, the applicability of the Fourth Geneva Convention, and the law of occupation; pertinent regional laws and practices for proving ownership of land and distribution and delivery of municipal services; processes for obtaining building and demoli-

tion permits; evictions; regulation and control of Jerusalem’s holy sites; laws regarding residency and family reunification; archaeology; and the barrier Israel has constructed along and within the West Bank over the past decade.

“The barrier cuts right through Jerusalem, creating something of a *de facto* separation and border between populations. On our tours and in our conversations it came up a lot in terms of changing the dynamics — within Israel and Palestine as a whole and within Jerusalem itself,” said Pearce, who made it the focus of his initial research paper. It bears directly on housing in numerous ways, the students noted during their presentation: Municipal authorities do not deliver services outside the barrier; it has separated some families and spurred an increase in non-permitted — illegal — construction on both sides of the barrier; and it has led to the establishment of military-controlled checkpoints, which, critics say, disproportionately impede the movement of Palestinians within Jerusalem.

## Negotiating checkpoints — and flashpoints

The International Court of Justice issued a 2004 advisory opinion stating that the barrier violates international human rights law and international humanitarian law for a variety of reasons. That prompted a response from the Israeli Supreme Court, which invoked Israeli domestic law.

“The Israeli Supreme Court responded to the ICJ by saying, ‘Israel is interested in upholding its obligations under international law, but the ICJ didn’t take into account the security consequences and the security implications of the barrier,’” Pearce explained. “‘So first of all, it was an advisory opinion and we’re not bound by it, and second, the reasoning is weak and thus not particularly useful for our policy and legal conclusions.’ It’s yet another flashpoint in the debate.”

He observed that the barrier, which the students crossed many times during their trip, also demonstrates one — of many — semantic flashpoints: What Palestinians refer to as a “segregation wall,” “apartheid wall,” or simply “the wall” (as it was called in the ICJ advisory opinion), Israelis call a “security fence,” which they credit with substantially reducing suicide attacks in Jerusalem. Likewise, what the Israeli government calls “neighborhoods” of Jews within East Jerusalem, Palestinian residents and their supporters call “settlements.”

“This sort of gets to the educational value of the trip,” Pearce said. “It is an introduction to a part of the world where everything is political and everything has valence politically and legally. One of the values I think a lawyer or law student can bring is the ability to walk into a conflict and in a very careful, thoughtful way, navigate that minefield. As a lawyer, you have to advocate the side of ‘your client.’ In this situation, however, if you’ve identified who your client is

“[The trip] reminded us that there really are strong policy positions on both sides. But it could be frustrating for those of us who were looking for a way to reconcile the two narratives.”

– Sarah Boyce ’12

and come in with throaty, adversarial advocacy on that client's behalf, then you've lost the other side."

## A listening tour

Each day's itinerary, which Bradley developed with assistance from the Minerva Center for Human Rights at Hebrew University, included a tour of a different part of East Jerusalem, giving students a chance to engage with residents and experts on site. One Palestinian family discussed their eviction from their home in the Sheikh Jarrah neighborhood near the Old City; another told the students about having to vacate a portion of their home in order for an Israeli family to move in.

A frequent guide, in addition to Minerva Center colleagues, was a Palestinian lawyer who represents individuals in litigation in Israeli courts concerning evictions and demolitions and tries to contest these actions. "As an Arab-Israeli lawyer who is committed to the rule of law, he had an invaluable perspective on trying to use the judicial process to foster social change," said Bradley.

"I learned how little practical effect international law can have. Understanding aspects of international human rights and humanitarian law is important to see the overview, but in reality, they have little effective value. They are more bargaining chips than rights that can be asserted. They can be given up in return for control of some areas."

– Jessica Stringer '12

In the Silwan neighborhood, the students toured the City of David excavation site as part of their examination of the varying claims to the land. Run by an organization named Elad, the dig seeks to unearth the city built by King David, a key anchor for Jews' biblical claim of sovereignty over Jerusalem. While controversial both in its encroachment on Palestinian homes — dozens are likely to be demolished — and in Elad's facilitation of Israeli settlement in traditionally Palestinian areas, a number of students found that their discussion with an Elad representative further revealed the complexity of the dispute.

"I realized that they are simply utilizing the legal system in place in order to achieve a goal," said Jessica Stringer '12. "That's really why we are becoming lawyers — we want to further our clients' interests and further their goals."

"During our time in Jerusalem it became increasingly difficult to distinguish between the concepts of 'housing' and 'home,'" Boyce noted. "Those are two very separate things. The notion of 'home' brings out a very visceral reaction in all of us. Both Israelis and



THREE PALESTINIAN RESIDENTS OF THE SHEIKH JARRAH NEIGHBORHOOD TOLD DUKE LAW STUDENTS ABOUT THEIR CONCERNS OVER EVICTIONS AND EXPROPRIATIONS.

Photo: Alexandra Koenig '12

Palestinians have a very intimate connection to the land and very clear senses of why they are justified in calling it their 'home,' and that's what makes the situation so complex. It makes it very difficult to zero in on housing as if it's a discrete thing, as opposed to something that's inextricably linked with every aspect of our lives."

## Backroom candor, polarized rhetoric, and the limits of international law

The students said they appreciated the candor offered by many of the individuals they met with on both sides of the dispute, such as a Jerusalem zoning official and a lawyer for the municipality, and an outgoing member of the Palestine Liberation Organization's negotiating team, which was in the process of dissolution.

"These meetings tended to reflect the nuance and sophistication on both sides and the parties' acknowledgment of the competing narratives. The people we met with seemed to say, 'OK, let's work within this framework and try to figure something out,'" said Pearce. "That was a refreshing change from some of the more tendentious and overstated approaches from some of the groups advocating on one side or the other."

"You have these crucial issues of sovereignty, but when it comes to determining what that actually means and who would have control over things like allowing people into the city, it seemed that there was more willingness to agree on certain aspects," added Stringer. Still, polarized rhetoric and domestic political issues on both sides are likely to keep the conflict simmering — if not exploding — the students agreed. It also was clear that in legal terms, the parties rely on different sources of law: Broadly speaking, Palestinians and their advocates assert rights and obligations under an international system, while Israelis invoke domestic law as authoritative.

"I learned how little practical effect international law can have," said Stringer. "Understanding aspects of international human rights and humanitarian law is important to see the overview, but in reality, they have little effective value. They are more bargaining chips

than rights that can be asserted. They can be given up in return for control of some areas.”

“There are certainly limits to either of these bodies of law vis-à-vis trying to negotiate and reach settlements on the broad issues in dispute,” said Pearce. “There’s a legal framework and a political framework, but there are all kinds of other ways we need to think creatively.” Alternative dispute resolution and analogous systems might be more helpful to the parties than a legal solution, he suggested. “You have contesting legal systems and contesting narratives about what’s going on. A ‘legal’ answer is inadequate.”

## Proposing small steps

The students completed a polished draft of their paper by the end of the semester and are continuing to work on it with a view to publishing the piece. At their late March presentation to the Duke Law community, Boyce summarized the observations shared by the diverse group after their trip, and noted the dueling narratives on most points in the Israel-Palestine conflict.

“A key theme is the notion of distrust,” she said. “Through our visits and talks with community members, we all got the sense that distrust can make it very hard to find common ground, even where it exists. The people we talked to really did not have very different ideas about what peace would look like or about where boundaries should be drawn, but they had spent so much time treating each other without dignity and dehumanizing one another that the prospect of moving forward toward peace and reconciliation looked very bleak.

“More than anything we tried to formulate solutions that might attempt to rebuild that trust. To us it became less about where the lines are drawn and more about any actions that can start rebuilding relationships and restoring trust.”

How might that work? “Coming from the outside, you don’t want to dictate to people what they should do,” said Adam Schupack ’11, who credited the March trip, his fourth to Israel, with giving him a greater appreciation of the complexities on the ground as well as a deeper personal desire to see both sides move toward a peaceful settlement of their differences. “Israel could consider increasing the amounts of municipal services into Palestinian neighborhoods and, on the flip side, Palestinians could try to cooperate more with the municipality in making sure those services can be delivered.”

The trip refreshed the students’ concept of law as a “living instrument,” according to Boyce. “I think that for all of us this trip was a great reminder of how the law can be a driving force in all of our lives and of the way the law molds our notion of ‘home’ and our understanding of whom we can trust.” ♡



Photo: Anne Dana '11

THE CITY OF DAVID ARCHAEOLOGICAL DIG SEEKS TO UNEARTH A KEY ANCHOR OF JEWS' BIBLICAL CLAIM OF SOVEREIGNTY, BUT AFFECTS PALESTINIAN HOMES.

## Student report: Rebuilding trust is key

In the introduction of their draft report titled “Housing Issues in East Jerusalem,” the student authors acknowledge the difficulty of isolating the issue of housing from others that comprise the conflict over Jerusalem, such as the city’s legal status, borders, and refugees. Jerusalem, they note, represents the epicenter of a larger geopolitical dispute.

But the issue of housing, they suggest, may “offer an avenue for devising workable solutions that counter the atmosphere of distrust that pervades the Israeli-Palestinian relationship” — an atmosphere that presents, in their view, the biggest roadblock to a workable, lasting peace.

Because Palestinians and Israelis disagree on whether domestic Israeli law or international legal norms should govern the disputed area, and recognizing the difficulties inherent in enforcing international law, the students suggest the parties consider taking pragmatic and often non-legal steps toward solving problems of daily living. In the process, they see an opportunity for Israelis and Palestinians to establish the mutual trust needed to address larger problems.

Although more of their suggestions call for Israeli action, a reflection of Israel’s full control over Jerusalem, the students recommend a *quid pro quo* on the part of Palestinians, urging them to respond with constructive action and cooperation with the municipality — seeking building permits through lawful means, recognizing the importance of Jewish sites in Palestinian neighborhoods, and voting in municipal elections.

### Among other suggestions, the students propose that Israeli authorities:

- » streamline the permitting process for building or adding on to existing structures in East Jerusalem;
- » reconsider the current zoning that designates large swaths of East Jerusalem as “green areas” where building is restricted or prohibited;
- » permit more Palestinian high-rise construction to address a severe housing shortage;
- » provide a process for legalizing illegal buildings;
- » consider limiting or even repealing the Absentee Property Law, which allows Israel to confiscate the land of Palestinians who may have fled war or lived in a state with which Israel found itself at war;
- » increase funding for municipal services in Palestinian neighborhoods and involve Palestinians in providing those services where possible;
- » expand nascent outreach efforts to Palestinians on local planning and zoning matters and increase the use of neighborhood councils;
- » alter the route of the separation barrier in order to minimize its impact on Palestinian daily life and ensure contiguity between East Jerusalem and the West Bank;
- » consider abolishing the “center of life requirement” that requires Palestinian residents of East Jerusalem to maintain their center of life in the city or risk losing their residency status; and
- » consider using government expropriation powers to ensure that certain housing remains in Palestinian hands. ♡

*more than*  
**A GUY  
IN A  
WHEELCHAIR**



*How a QUADRIPLLEGIC STUDENT  
SURVIVED and THRIVED at DUKE LAW  
— and PROFOUNDLY AFFECTED his  
COMMUNITY ALONG THE WAY*

*by* MELINDA MYERS VAUGHN



# DANIEL LESLIE GOT A STANDING OVATION FROM MANY OF HIS CLASSMATES WHEN HE CROSSED THE STAGE IN CAMERON INDOOR STADIUM TO RECEIVE HIS DUKE LAW HOOD ON MAY 14.

He received similar applause when he was presented with the Justin Miller Award for citizenship at a graduation gala two nights earlier — recognized by his classmates as one who “celebrates Duke, participates in the Duke community, and exudes a spirit of optimism.”

“I think I speak for everyone in our class when I say that [Daniel] has taught us about life,” said Kristen Wolff ’11, who presented him with the award. “He has taught us to never be too proud to ask for help. He has taught us that asking for help is courageous. He has reminded us that there are things in life that are so much more important than grades and project deadlines. He reminds us to savor life’s blessings.”

For Leslie, graduation was a reminder of life’s possibilities and a momentous marker on a journey that began on a June 2004 evening, when he broke his neck with a dive into the shallow end of a friend’s pool.



BEFORE THE ACCIDENT, Leslie was an accounting student at Brigham Young University. A native of Evergreen, Colo., he envisioned a life of international work and travel. He had launched his own business developing wireless Internet infrastructure and looked forward to a career as an entrepreneur.

In the immediate aftermath of his accident, Leslie held onto those plans. Though he could not feel his body below his shoulders, he maintained a calm conviction that he would resume his “real life” soon. But after weeks of surgeries, tubes, pain relievers, and complications including pneumonia, blood clots, and partial blindness, Leslie’s doctor made him face his new reality: He would not walk again. He was a quadriplegic.

“I knew this was somehow in God’s plan for me, and that I would be able to accomplish the things I need to accomplish in life,” Leslie recalls. “That hasn’t really wavered. But there have been times when I wanted to give up, when it seemed to be more than I could do. I really relied on my family, my friends, and my faith.

“And who doesn’t do that? When life is hard, it’s your family and faith in God that keep you going.”

As Leslie recovered, he had to relearn to eat, to breathe, to speak. He could not move his body below



his neck, so he learned to operate a motorized wheelchair by blowing into a tube. He took each day, each challenge at a time.

He resolved to return to school at BYU. That meant learning to use his computer again — without his hands.

“I had two methods of interacting with the computer,” he wrote in his application essay for law school. “First, I dictated commands using voice recognition software, which quickly turned into yelling commands and then giving the computer the silent treatment and hoping it could guess what I wanted. Second, I used an 18-inch stick clasped in my mouth to punch out my instructions key-by-key. After seven months, I was proficient with both methods — but I preferred the stick.”

One year after his accident, he returned to BYU. At first his sister took notes for him in classes. But

LEFT: RYAN SPIERS AND DANIEL LESLIE STRUCK UP A FRIENDSHIP ON THEIR FIRST DAY AT DUKE LAW IN MAY 2008.

“...[Daniel] has taught us about life. He has taught us to never be too proud to ask for help. He has taught us that asking for help is courageous. He has reminded us that there are things in life that are so much more important than grades and project deadlines. He reminds us to savor life’s blessings.”

— Kristen Wolff '11



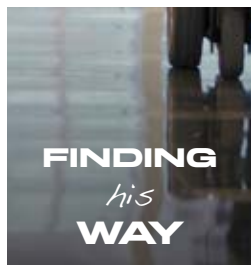
KRISTEN WOLFF '11 PRESENTED DANIEL LESLIE WITH THE JUSTIN MILLER AWARD FOR CITIZENSHIP AT THE GRADUATION GALA ON MAY 12.

he gradually found ways to live and work more independently. As he adapted and excelled, his goals expanded.

He volunteered with the local low-income taxpayer program, assisting individuals, families, and small business owners in completing their taxes. He was one of the top three filers of his group, managed a team of 10 volunteers, and received a scholarship in recognition for his service.

Leslie completed his bachelor's degree in accounting and was accepted into BYU's graduate program, also in accounting. His interest in international travel and business — sparked by his two-year Mormon mission to Russia prior to his accident — was reinvigorated by his study of international markets, securities, and finance.

He focused on his next goal: law school.



LESLIE PICKED DUKE because of its reputation, because he received financial aid, and because he wanted to study with Professor James Cox, whose expertise in business law and securities regulation fit perfectly with Leslie's interests.

Leslie also was intrigued by Duke's unique JD/LLM program, which allows students to complete a juris doctor and a master's in international and comparative law in three years by starting school in the summer and completing additional coursework. Leslie arrived in May 2008 to begin his law school career, along with about 45 other 1Ls pursuing dual degrees.

“Being a summer starter gave me a huge advantage,” he says. “I think I would have gotten a little lost if I started in the fall with the rest of the class. I met a University of Utah graduate, Ryan Spiers, on

my very first day, and he became one of my best friends. The summer starters become close friends, and that helped me.”

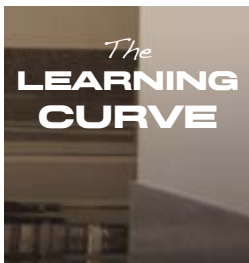
And Leslie needed help. In Utah, he had lived in his own apartment with care from home health aides. He assumed he would do the same in North Carolina, but he had difficulty finding the necessary assistance. When it became apparent that he could not live on his own as he had in Utah, his mother, Lauri, decided to stay in Durham, leaving her husband behind in Colorado.

“My mom deserves so much credit. None of this would have been possible without her help,” Leslie says of his mom, who missed milestones in her three daughters' lives, including the birth of a grandchild, while caring for her son. “I wouldn't have even tried without her.”

His mother, for her part, didn't think twice about her decision to stay in Durham. “Daniel earned the right to come to law school — he *earned* it,” she says. “We felt like he deserved the opportunity for success. I quit working after he broke his neck; we knew his needs would be so great, and my husband and I decided that I would be the one to be there for him. In some ways, it's been harder for my husband. I get to see what's going on; I get to be part of what Daniel is doing.”

Leslie also had to rely on his classmates for help with moment-to-moment needs at school — eating, setting up his laptop, and arranging his backpack on his motorized wheelchair. Administrators learned to anticipate his needs, ordering books in alternative formats and investigating options for voice-recognition software. Members of his church helped him and his mother settle into their apartments and Durham.

“Dan was the first person I met in law school,” says classmate Spiers, who frequently drove Leslie to school. “It was sort of a novelty to see someone typing with a stick in his mouth. But it didn't take long before I stopped noticing the chair altogether.”



LESLIE READILY ADMITS that law school challenged him in ways he didn't anticipate — and not just physically. The first year was a “huge learning curve,” he says. “My grades were terrible.”

He had no idea how to outline a case. He “never liked writing” and, as an accounting student, rarely had to write. After his

first-year writing professor, Diane Dimond, told him it was critical to success in the law — and that he barely would pass his first semester of legal writing — he made a point of taking a writing class each semester for the rest of his time at Duke.

“I still struggle with writing. I still dislike it,” Leslie says. “But I am a lot better at it, and I know I can do it.”

He received his lowest grade ever, a 2.7, in Professor Doriane Coleman's notoriously tough Torts class.

Leslie was stunned by the grade. He had enjoyed the class and felt certain he knew the material. So he met with Coleman to seek feedback on his exam. She reread it with him and told him the problem was not so much that his answers were wrong, but that they were inadequate. He hadn't discussed the relevant cases or cited applicable rules. “What are your notes like?” Coleman asked.

Leslie can't take notes.

“When I told her I didn't take notes, she said, ‘That's ridiculous. You have to have notes.’ And she was right. I had been paying attention in class, reading the cases. I could tell you who did what, that this person crashed his buggy into this person. I remembered the facts, but not the law. And the law is what I needed to know. I needed notes.”

Leslie changed his approach. He asked someone in each class to take notes for him. He listened differently. His grades improved. And he started to have fun.

Even as he surmounted challenge after challenge in the classroom, he learned to take advantage of the many benefits of attending Duke University. Chief among them: basketball games. “I was not a basketball fan when I came to Duke, but it's impossible to be here and not become one,” says Leslie, who came up a winner in the graduate-student basketball ticket lottery in each of his three years at Duke.

“When they built Cameron [Indoor Stadium], they obviously didn't think much about people in wheelchairs coming to games. This was a *great thing*. There was no place for me to sit except on the floor, court-side. I've been to the Dean Dome [at UNC] two times, and it's terrible! I had to sit halfway up the stadium. I couldn't see anything. In Cameron, one of the players once fell into me diving for a ball. It was great!”

Leslie also got involved in a variety of Law School programs. He served as vice president of the J. Reuben Clark Society (the Mormon law student organization), prepared tax returns with the Volunteer Income Tax Assistance program, and, through the Business Law Society, helped organize ESQ, the Law School's annual business law symposium.

“One of my favorite memories from my 1L year is going to the Duke Lemur Center with Dan and some other friends,” says class-

“You just can't help but be impressed by him. He's not just talented; he's gifted. He's knowledgeable and resourceful. It somehow happens that you don't think of him as disabled. He's just a guy who comes around in a chair.”

— Professor James Cox

mate and fellow summer starter Elizabeth Hall '11. “I ordinarily would not have taken time away from studying to do this, but Dan helped organize the trip and convinced me to go. It turned out to be a really good day and was definitely worth the study break. Dan really likes to try new things, and his enthusiasm is contagious.”



NEGOTIATING A TRIP in a wheelchair to Duke's Lemur Center is one thing; a trip abroad is quite another. The prospect of studying at one of Duke's summer institutes in either Hong Kong or Geneva — a requirement for all students in Duke's JD/LLM program — was highly unsettling for Leslie.

“I was really afraid of the idea of going from one location to another,” he says. “I had only been on one plane since my accident, for a short flight from Salt Lake to Los Angeles. An international trip was a whole different thing — I didn't know how I would handle my health care. I didn't know if public transportation would be accessible.”

He decided to go to Geneva. He researched transportation options and connected online with people in wheelchairs who lived there. Law School administrators gathered information about wheelchair access in classrooms and housing. He also found catastrophic insurance that would cover anything unrelated to his “pre-existing condition.” His mother agreed to go as well. “I couldn't have done it without her,” Leslie says.

And when he got to Geneva, he asked for help — and he found it.

“The international students were angels,” says Spiers, who also attended the Geneva institute. “They carried him into the buses, carried him to the top deck of the cruise boat. Because he had to take his manual chair instead of his powered chair, all the students pitched in to help him. Every 30 or 40 minutes in class, we knew we needed to lean his chair back to shift his weight. Someone would just jump up and do it.”

Leslie excelled in his courses in Geneva, too, which was a welcome boost after a trying first year. “It gave me the confidence that I could perform at a very high level despite not being able to get around as

“So many people have invested in me — whether they gave me a ride to school, gave me their notes, or just opened a door for me.”

— Daniel Leslie '11



easily,” he says. “I realized I really could do anything — I just might need to ask for help.”

During his second year, Leslie hit his academic stride. He took several business law and finance courses and relished his immersion in a subject that excited him.

“Dan is a remarkable student,” says Professor Cox, for whom Leslie served as research assistant on a project examining shareholder lawsuits filed under the Private Securities Litigation Reform Act. “The acuity with which he can penetrate dense material is amazing. He brought real maturity and insightfulness to our classes, and he received the highest grade — by a wide margin — in Corporate Finance. When he worked for me, he created a program to extract data, organize it, and format it in a way that saved us a tremendous amount of time and effort. He did this completely on his own initiative. His work was tremendous. He worked mostly [at a distance] with one of the economists working with me on the study, and she had no idea of his disability.”

For his 2L summer, Leslie secured an internship at the Securities and Exchange Commission in Washington, D.C. He worked in the Division of Corporate Finance, reviewing corporate disclosure statements to ensure accuracy and compliance with disclosure and accounting requirements for publicly traded companies. He loved the work, and he made an impression on his colleagues.

“He received rave reviews from his colleagues at the SEC,” Cox says. “You just can’t help but be impressed by him. He’s not just talented; he’s gifted. He’s knowledgeable and resourceful. It somehow

happens that you don’t think of him as disabled. He’s just a guy who comes around in a chair. Everything else about him is not just normal — it’s extraordinary.”



MANY WHO CAME TO KNOW Leslie during his time at Duke Law say his lack of self-consciousness is among his most striking traits. His openness and ability to put people at ease are indications of his courage and determination to engage fully in his life, says Professor Coleman.

“I think he just decided very early on that he would embrace his life fully, and that to do that he has to allow himself to be dependent on others who could take care of him in the ways he can’t take care of himself,” Coleman says.

“For Daniel, everything from getting to school to getting to class to getting his lunch to going to the bathroom to putting on a jacket or taking off a jacket — everything takes a team,” she adds. “He embraces his team, and we embrace being his team. It happens seamlessly because he has decided to live his life, to become a lawyer, to engage. It is remarkable to watch. I’ve just been a teacher. Many others have been bigger parts of that team. Both he and the team have been extraordinary.”

Leslie, who plans a career in international business law and securities after he takes the California bar exam this summer, believes he has thrived at Duke in part because the community is small and collaborative.

“I wanted a place where I could get to know everybody by name,” he says. “When people don’t know me, I’m just a guy in a wheelchair. But when people get to know me, they see past my disability.

“And I always have to ask for help, so there was a practical reason for choosing a law school with a smaller student body,” he adds. “It’s easier to say, ‘Hey, Paul, could you get that door for me?’ than ‘Hey, you!’”

In much the same way that he pushed himself through recovery after his accident — step by step, challenge by challenge — Leslie pushed himself to succeed at Duke Law. He says he has done so both for himself and for “his team.”

“My whole family is supporting me,” he says. “I have the confidence of the people at this great Law School who brought me here, the alumni who made donations that supported my scholarship. So many people have invested in me — whether they gave me a ride to school, gave me their notes, or just opened a door for me.

“It’s like when you watch a movie: You want to see the hero beat the bad guy, or find the treasure, or get to the top of the mountain. I think that’s why we help each other. We like to see people overcome challenges and accomplish great things. People are rooting for me. And I don’t want to let them down.” ♡

“My mom deserves so much credit. None of this would have been possible without her help.”

— Daniel Leslie '11



LAURI LESLIE (ABOVE, CENTER) REMAINED WITH DANIEL IN DURHAM WHILE HE ATTENDED DUKE LAW. THEY TOURED DUKE GARDENS DURING THE DUAL-DEGREE STUDENTS' ORIENTATION IN MAY 2008, ALONG WITH ASSISTANT DEAN JENNIFER MAHER '83 (THIRD FROM LEFT) AND CLASSMATES.

“WHAT  
CHOICE  
do we  
HAVE?”

LAURI LESLIE didn't hesitate to put her life on hold to help her son go to law school. “Why become a parent if you're going to quit when the job gets hard?” she says. “My job wasn't finished.”

She has been a regular presence in the hallways at Duke, working on and off in temporary positions for various departments and getting to know her son's classmates. She even became something of a surrogate grandmother to the young daughter of Ryan Spiers '11 and his wife, who lived nearby.

“One thing most parents don't get to know is how amazing the young people who attend this school are,” she says. “They are the most kind, most generous, brightest people you could ever hope to meet. I hear people make

lawyer jokes and I think, ‘You just haven't met the students at Duke Law School.’ I have been so impressed.”

Daniel, of course, has made an impression on his classmates. Many have noted that seeing him push past so many obstacles in order to succeed academically has helped to reshape their own attitudes about life and success.

“It's sort of a joke among people with spinal cord injuries — everyone always says, ‘You are such an inspiration,’ and the comments almost seem trite,” Lauri says. “This is just our life — what choice do we have? But I do think that when you encounter someone who is different from you or has overcome challenges — if you take time to get to know them, you get to know more about yourself, too. You develop a new understanding of what truly is important.” ♡

# Faculty Focus

Interview:

## Sara Sun Beale

### SCHOLAR OF FEDERAL CRIMINAL LAW AND POLICY TURNS HER EYE TO THE WAY PROSECUTORS ASSUME POWER

**T**HE UNITED STATES MAY BE the only country with a system of electing prosecutors, and even its process of appointing U.S. attorneys “may be more fraught with political influence” than that in other common law countries, according to Sara Sun Beale, the Charles L.B. Lowndes Professor of Law. To find out, she has launched a comparative study of the way prosecutors assume power in the United States and elsewhere; to date she has examined the prosecutorial systems in Australia and New Zealand as part of this effort.

The project builds on Beale’s lengthy body of scholarship on the federal government’s involvement in the criminal justice system and was sparked, in part, by her recent examination of the identity and role of U.S. attorneys following allegations that politics influenced hiring within the Department of Justice during the Bush administration. Beale spoke with *Duke Law Magazine* about her current study.

**Duke Law Magazine:** How did our system of appointing U.S. attorneys and electing district attorneys come about?

**Sara Beale:** The Constitution puts all federal judicial power in the Supreme Court “and such lower courts as Congress may create.” Congress almost immediately decided to create a system of federal trial courts. They created the districts and judges, and that’s the way they did the U.S. attorneys, too. They were selected and sent off to their districts to be federal law enforcement. They weren’t even paid by Congress, they were paid by the fees in their cases. There was very little supervision, transportation, and communication in the late 1700s. U.S. attorneys were appointed from the state, usually with the support of the local senator.

The position of U.S. attorney general was originally a part-time position. The Department of Justice was created after the Civil War, and eventually we got the criminal and civil divisions, headed by political appointees. So we now have a two-tier system, part of which is geographically based and part of which is subject-matter based and centralized in Washington. The interaction between those is pretty interesting.

I think there is some real value to adapting federal law to the values and problems of local areas and that happens well when the people administering federal law are from that locality. It’s an interesting question, whether you should have that lack of uniformity.

**DLM:** What are your concerns about the way U.S. prosecutors assume power?

**SB:** Political influence seems to be a clear danger. Strom Thurmond’s 28-year-old son was appointed to be a prosecutor when he had tried something like four cases. He ended up supervising an office full of prosecutors with an average of 11 years of experience.

The bigger difference is that other countries don’t elect prosecutors. I can’t tell you how many prosecutors from other countries have said to me, “This is hard enough, what I do. I can’t even imagine what it would be like trying to do this job with an election always looming.” Their idea of professional neutrality and independence means that you are not appointed by or responsible directly to elected officials.

Looking at the U.S. system, I was concerned about the problems that can arise from our methods of selecting prosecutors, such as the U.S. attorney firings in the Bush administration, the problems related to the conduct of Durham D.A. Mike Nifong, among other things. It made me think, “I just



really want to figure out how other people do this, because I know they do it differently.”

**DLM:** Are other systems translatable to the United States?

**SB:** You have to ask, “To what degree are there differences in the political, social, and legal cultures?”

In New Zealand, the prosecution of individual cases is done by private lawyers, if you can imagine that. The attorney general selects these attorneys, called crown solicitors, from firms, and they decide whether to prosecute and try most serious criminal cases. That’s an interesting system, and there are things we can learn from it, but it’s hard to imagine that translating directly to the U.S., where many law firms have political ties and where there is such cutthroat competition between firms.

**DLM:** Is it your intent to suggest a different way of doing things?

**SB:** I don’t expect either the states or the federal government will change the basic process of selecting chief prosecutors. But there

may still be lessons that can be applied here. For example, in some prior work on U.S. attorneys I suggested some feasible changes that might have a beneficial effect, such as having a group with some professional stature advise the senator and the president on a slate of nominees for U.S. attorney, so that you don't start out with the senator's son who has no experience. Similarly, I think it's appropriate to limit contacts between the White House and members of Congress with prosecutors. There's no good reason for them to be in contact. It might be that similarly, in the state system, we might be willing to think about structural changes if we can be persuaded that this can be a problem.

But I don't know how many people really think of our system as flawed. The disaggregation and dispersion of this power is something that people don't appreciate, and they don't appreciate how different it is in other places and how this culture of political control, for pretty obvious reasons, has taken root. ♣ — *Forrest Norman*

## Sara Sun Beale

### Recent and forthcoming scholarship

- » *The Story of 'Ewing v. California': Three Strikes Laws and the Limits of the Eighth Amendment Proportionality Review*, in *CRIMINAL LAW STORIES* (Donna Coker & Robert Weisberg, eds., forthcoming 2011)
- » *What Are the Rules if Everybody Wants to Play: Multiple Federal and State Prosecutors Acting as Regulators*, in *PROSECUTORS IN THE BOARDROOM: USING CRIMINAL LAW TO REGULATE CORPORATE CONDUCT 202-225* (Anthony S. Barkow & Rachel E. Barkow eds., 2011)
- » *An Honest Services Debate*, 8 *Ohio State Journal of Criminal Law* 251-272 (2010)
- » *Enlisting and Deploying Federal Grand Jurors in the War on Terrorism*, in *GRAND JURY 2.0: MODERN PERSPECTIVES ON THE GRAND JURY 3-24* (Roger A. Fairfax, Jr. ed., 2010) (with James E. Felman)
- » *A Response to the Critics of Corporate Criminal Liability*, 46 *American Criminal Law Review* 1481-1505 (2009)
- » *Rethinking the Identity and Role of United States Attorneys*, 6 *Ohio State Journal of Criminal Law* 369-439 (2009)

# Margaret H. Lemos and Stephen E. Sachs

## PUBLIC LAW SCHOLARS JOIN FACULTY

**T**WO TOP PUBLIC LAW SCHOLARS joined the governing faculty on July 1. Margaret H. Lemos, a scholar of constitutional law, federal courts, and civil procedure joins the faculty as a professor of law. She came to Duke from the Benjamin N. Cardozo School of Law, where she was an associate professor. Stephen E. Sachs is an emerging scholar in the areas of civil procedure, constitutional law, Anglo-American legal history, and conflict of laws. He previously was an associate in the litigation practice at Mayer Brown in Washington, D.C.

"These are two wonderful additions to our faculty," said Dean David F. Levi. "Professor Lemos brings significant strength to our public law faculty. She has a remarkable facility for reimagining existing and even settled questions from a new viewpoint. She is a superb teacher and mentor who will contribute greatly to our students' experience at Duke Law.

"Professor Sachs is one of the most promising young scholars of his generation. He has distinguished himself in every academic setting and comes to us having clerked for the Chief Justice and for Judge Stephen Williams. His scholarship is already well advanced. He is a great fit for Duke Law."

### Margaret Lemos

*Distinguished scholar of constitutional law, federal courts, and civil procedure also lauded as exceptional teacher and mentor*

Lemos focuses her scholarship on the institutions of law interpretation and enforcement and their effects on substantive rights.

A productive scholar, Lemos writes in four related fields: federalism and the relationship between federal and state enforcement authorities; administrative law, including the relationship between courts and agencies; statutory interpretation; and civil procedure. She also is a highly regarded teacher; Cardozo students voted Lemos the "best first-year teacher" in 2010 and in 2011.

In her most recent work on federalism, "State Enforcement of Federal Law," forthcoming in the *New York University Law Review*, she focuses on the importance of state attorneys general in the enforcement of federal law. She argues that state officials can use enforcement choices to further their own policy preferences, and that state enforcement can fill gaps in federal enforcement. Such augmentation of federal enforcement with the efforts of state officials, she says, can help reduce agency

capture, or the risk of companies developing undue influence on the government agencies that regulate them.

Prior to launching her academic career at Cardozo in 2006, Lemos was a Furman Fellow and then the Furman Program coordinator at the New York University School of Law. She clerked for Judge Kermit V. Lipez of the United States Court of Appeals for the First Circuit from 2001 to 2002 and then served a year as a Bristow Fellow in



the Office of the Solicitor General in the U.S. Department of Justice. She also clerked for Justice John Paul Stevens.

Lemos received her JD *summa cum laude* from NYU School of Law in 2001. She was senior notes editor of the *New York University Law Review* and a member of Order of the Coif. At NYU, she won the Benjamin F. Butler Memorial Award for unusual distinction in scholarship; the Edward Weinfeld Prize for distinguished scholarship in the area of federal courts and civil procedure; and the Paul D. Kaufman Award for most outstanding note for *Law Review*. She received a BA in political science from Brown University, *magna cum laude*, with honors in 1997, winning the Philo Sherman Bennett Award for the best thesis in political theory.

“Maggie Lemos is an award-winning teacher, an institutional citizen of the first rank, and an excellent scholar of administrative law, legislation, procedure, and federalism,” said Neil Siegel, professor of law and political science and director of Duke’s Program in Public Law. “An expert on statutory implementation, Maggie examines what happens to legislation after it is enacted, and she clarifies the ways in which the ‘how’ of enforcement and interpretation determine what the law really means in practice. This illuminating approach has led her to write recently about courts, agencies, private plaintiffs, and state attorneys general.”

“For me, the best parts of being a law professor are interactive. They happen when students and faculty members get together to think and talk about the law and legal systems, not when we professors are holed up alone with our computers,” Lemos said. “Duke is a great place for those interactions, as it combines impressive student and faculty credentials with a real emphasis on collegiality. My scholarly interests touch on several different fields, and being part of Duke’s fantastic public law faculty will give me an opportunity to work with and learn from colleagues in all of those fields.” ♡



### Stephen Sachs

*Prolific emerging scholar focuses on Anglo-American legal history, civil procedure, and constitutional law*

Sachs’ research, which spans a variety of substantive topics, centers on the history of procedural and private law and the current implications of that history for public law and current disputes. In a recent work, he applied historical analysis to interpret the Full Faith and Credit Clause and the power of Congress over the effect of state records in other states. Much of Sachs’ research addresses “topics that are normally thought of as ‘constitutional law,’ but which cannot be considered as fully contained within the Constitution’s text,” he wrote in a research statement. “Rather, they concern pre-existing bodies of law — ‘backdrops’ — that have been entrenched against various forms of subconstitutional change.” In one forthcoming work, he defends the existence and legitimacy of these backdrops as a category of American law.

“I am particularly impressed by the scholarly respect that his work on the Full Faith and Credit Clause shows for the historical materials he engages,” said Siegel.

Sachs clerked for Chief Justice John G. Roberts Jr. during the 2009-2010 Supreme Court term. He clerked for Judge Stephen F.

Williams on the U.S. Court of Appeals for the D.C. Circuit in 2007-2008, prior to joining Mayer Brown.

A 2007 graduate of Yale Law School, where he was executive editor of the *Yale Law Journal* and served both as executive editor and articles editor of the *Yale Law & Policy Review*, Sachs was a Rhodes Scholar, graduating from Oxford University in 2004 with a first-class BA degree in politics, philosophy, and economics. He received his AB *summa cum laude* in history from Harvard University in 2002, graduating first in his class and winning the Sophia Freund Prize.

Having shared classes with his future colleague at Yale, Professor Joseph Blocher, a constitutional scholar, says Sachs possesses a “truly astonishing” intellect. “His brain waves are strong enough to toast bread,” Blocher jokes. “Steve has an absolutely relentless mind, which is equally adept when addressing overarching questions of constitutional structure and detailed questions of civil procedure. When you combine that with his curiosity, sense of humor, and open-mindedness, he’s a natural scholar. He simply loves ideas. He’s also extremely generous and warm and will be a fantastic teacher and colleague. We’re extremely lucky to have landed him.”

“I am thrilled to be coming to Duke,” says Sachs. “It’s got an extremely warm and engaging atmosphere. It’s rare to find a place where people are so brilliant and so collegial at the same time.”

Sachs will teach Civil Procedure in the fall 2011 semester.

Both Lemos and Sachs add additional heft to the Law School’s renowned constitutional and public law faculty, which includes Ernest Young, Curtis Bradley, Neil Siegel, Guy-Uriel Charles, and Joseph Blocher; Christopher Schroeder, the Charles S. Murphy Professor of Law and Public Policy Studies, is on leave while heading the Office of Legal Policy in the U.S. Department of Justice. Duke also is home to the Program in Public Law, which sponsors scholarship, symposia, and other programming to promote a better understanding of public institutions and the constitutional framework in which they function. The Program in Public Law is generously supported by Richard Horvitz ’78. ♡



»» FACULTY NEWS BRIEFS

Photo: Joshua Roberts



**SCHWARCZ TESTIFIES BEFORE SENATE PANEL ABOUT SECURITIZATION MARKETS**

**P**rofessor Steven Schwarcz testified on the state of the securitization markets before the Subcommittee on Securities, Insurance, and Investment of the U.S. Senate Committee on Banking, Housing, and Urban Affairs on May 18. The Stanley A. Star Professor of Law & Business, Schwarcz is a leading scholar of international finance and capital markets, bankruptcy, and commercial law, and helped pioneer the field of asset securitization as a practitioner. His book, *Structured Finance, A Guide to the Principles of Asset Securitization* (3d edition with supplements), is one of the most widely used texts in the field, and he is the author of numerous scholarly articles on the subject.

Arguing that securitization markets can be “a major source of capital formation, yielding critical economic benefits” and have, by and large, worked well for decades, Schwarcz cautioned that regulation must respond to the fact that “increasing complexity, coupled with human complacency, among other factors, will make failures virtually inevitable.” An excerpt from his testimony follows.

“To that end, it is important to put into place, before these failures occur, regulatory responses to failures that supplement regulatory restrictions intended to prevent failures. The financial crisis has shown the increasing importance, for example, of financial (e.g., securities) markets and the need to protect them against the potential that investor panic artificially drives down market prices, becoming a self-fulfilling prophecy. A possible regulatory response would be to create financial market stabilizers, such as a market liquidity provider of last resort that could act at the outset of a panic, profitably investing in securities at a deep discount from the market price and still providing a ‘floor’ to how low the market will drop.

“It also is important to provide incentives for financial institutions to try to minimize the impact of failures (‘externalities’), and to absorb (i.e., ‘internalize’) the cost when failures occur. This could be done, for example, by regulation requiring at least systemically important market participants to contribute to a risk fund, which could be used as a source of stabilization (such as by funding the financial market stabilizers referenced above). Fund contributors would then be motivated not only to better monitor their own behavior but also to monitor the behavior of other financial institutions whose failures could deplete the fund (requiring contributors to pay in more).” ♣

**DE FIGUEIREDO SECURES GRANT FOR GOOD GOVERNMENT STUDY**

**P**rofessor John de Figueiredo has received a \$177,616 grant from the National Science Foundation to pursue a study on balancing politics and expertise in government agencies.

De Figueiredo is collaborating with political scientists Charles Cameron of Princeton University and David Lewis of Vanderbilt University on an empirical study to understand, in essence, how to make good government. They are focusing on the operations of bureaucracies and the administrative process, asking how governments can best incentivize civil servants without paying them monetary rewards, the gold standard for incentivizing workers in the private sector.



“One of the hallmarks of good government is that you have civil servants who invest in building expertise in a given area,” explains de Figueiredo, a top scholar of competitive strategy, political and legal strategy, law and economics, and the management of innovation.

Keeping political appointees from overly politicizing agencies is an important incentive for civil servants, he adds. ♣

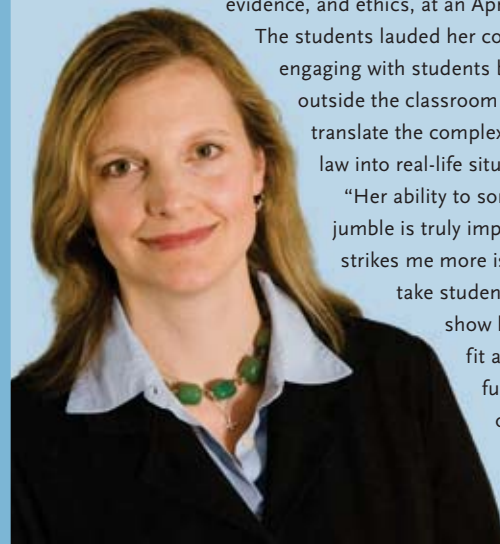
**GRIFFIN RECEIVES DBA'S DISTINGUISHED TEACHING AWARD**

**D**UKE LAW STUDENTS honored Professor Lisa Kern Griffin with the Duke Bar Association's 2011 Distinguished Teaching Award.

Leigh Llewelyn '12 and Paul Woodard '11 presented the award to Griffin, a former federal prosecutor who teaches criminal procedure, evidence, and ethics, at an April 18 ceremony.

The students lauded her commitment to engaging with students both inside and outside the classroom and her ability to translate the complexities of criminal law into real-life situations.

“Her ability to sort through this jumble is truly impressive, but what strikes me more is her ability to take students with her, to show how the parts fit as a whole and function outside of these walls,” Llewelyn said. ♣

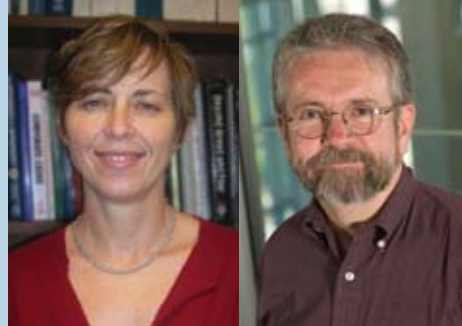


### KRAWIEC, KNIGHT HONORED WITH DISTINGUISHED CHAIRS

**P**rofessors **Kimberly D. Krawiec** and **Jack Knight** have been honored with Distinguished Chair awards from Duke University.

Krawiec became the Kathrine Robinson Everett Professor of Law on July 1. A highly regarded scholar in corporate law and financial markets who joined the Duke Law faculty in 2009, her research interests span a variety of fields, including the empirical analysis of contract disputes; the choice of organizational form by professional service firms, including law firms; banned commercial exchanges; corporate compliance systems; insider trading; derivatives hedging practices; and “rogue” trading.

“In 2000, she wrote an article in the *Oregon Law Review* making an argument that was unusual for the time but now appears prescient, that banks had an incentive to reward ‘rogue’ trading because the increased risk meant they would profit from this activity,” noted Duke President Richard Brodhead in his citation. Krawiec’s recent scholarship addresses issues of diversity in the corporate



boardroom and organizational misconduct and trade within forbidden or contested markets, including the competing forces at work, such as altruism and money, in the “baby market.”

At Duke Law, Krawiec teaches Business Associations, Financial Derivatives, Taboo Trades and Forbidden Exchanges, and Readings in Ethics.

Knight became the Frederic Cleveland Professor of Law and Political Science on July 1.

A leading figure in the study of democratic institutions who joined the Duke Law faculty in 2008, Knight studies modern social and political theory, law and legal theory, and political economy. He serves as inaugural co-director of the Law School’s new Center for Judicial Studies. (See story, Page 2.)

“It has been said that he bridges the worlds of the scholar of political philosophy and the theorist and practitioner of the law,” Brodhead said. “His path-breaking research has studied the motivations and decisions of judges, how courts make decisions, and how judges choose their positions in opinions. He has also considered the effects of the norm of extensive prior judicial experience as a prerequisite for service on the U.S. Supreme Court. These considerations have rapidly become essential in legal scholarship.”

Knight holds a joint appointment with Duke Law School and Duke’s Trinity College of Arts and Sciences, where he teaches in the Politics, Philosophy and Economics Program. ♪

### HOROWITZ RECEIVES HONORARY DEGREE



**P**rofessor **Donald L. Horowitz**, the James B. Duke Professor of Law and Political Science, received an honorary doctorate from the Vrije Universiteit Brussel on May 25. The honor was awarded in appreciation of Horowitz’s “academic contributions at several prestigious universities and research institutes and for [his] achievements in research on ethnic conflicts, federalism, and democratization,” wrote Professor Paul De Knop, rector of the institution.

A leading expert on the problems of divided societies and issues related to constitution building, Horowitz spent the 2010-2011 academic year as a fellow at the Woodrow Wilson International Center for Scholars (the Wilson Center) in Washington, D.C. Having already completed case studies on constitutional design in Northern Ireland, Fiji, Bosnia, and Cyprus, he devoted his fellowship to the cross-national analytical portion of a book on that subject.

In 2011-2012 Horowitz will be a Jennings-Randolph Senior Fellow at the U.S. Institute of Peace.

Horowitz’s books include *The Deadly Ethnic Riot* (2001), *Ethnic Groups in Conflict* (1985; 2d ed. 2000), and *A Democratic South Africa? Constitutional Engineering in a Divided Society* (1991), and he has published an extensive study of Islamic law and the theory of legal change. He recently completed a book manuscript on how Indonesia became a constitutional democracy. He also has consulted widely on institutions and policies that might be adopted to promote democracy and reduce ethnic strife in conflict areas throughout the world. ♪

### HELPER SERVES AS STATE DEPARTMENT’S INAUGURAL MARTIN FELLOW

**P**rofessor **Laurence R. Helfer**, the Harry R. Chadwick, Sr. Professor of Law, served as the inaugural Jacob L. Martin Fellow at the U.S. Department of State on Feb. 22.

A scholar of international law whose expertise includes international human rights, Helfer briefed attorneys in the Office of the Legal Adviser on international lesbian, gay, bisexual, and transgender (LGBT) rights and laid the groundwork for an ongoing relationship.

Each Martin Fellow is a distinguished law professor invited by Legal Adviser Harold Hongju Koh to address and interact with attorneys from different sections in the State Department on a particular area of interest and later to serve as a continuing resource on those matters.

As the Martin fellow, Helfer spoke to State Department attorneys about trends in international and domestic lawmaking and litigation relating to sexual orientation and human rights. In addition to tracing the evolution of issues such as privacy, discrimination, and recognition of same-sex relationships in various countries and international venues, he addressed the recent legal and social backlash against LGBT individuals in certain regions. In areas of East and West Africa, for example, violence against gay men and lesbians is widespread and national legislatures have introduced bills to impose harsh criminal penalties against individuals who engage in private, consensual homosexual sex and, in some cases, their advocates. ♪

## FOUR NEW FACULTY BOOKS FOCUS ON DIVERSE ASPECTS OF INTERNATIONAL AND COMPARATIVE LAW

**F**OUR MEMBERS OF THE DUKE LAW FACULTY — George C. Christie, Laurence R. Helfer, Jonathan B. Wiener, and Jerome H. Reichman — have recently published books relating to international and comparative law and transnational relations.



In *Philosopher Kings? The Adjudication of Conflicting Human Rights and Social Values* (Oxford University Press, 2011), **George Christie**, the James B. Duke Professor of Law, examines how different legal systems attempt to balance the rights of free expression and privacy. “These areas offer a good illustration of the differences between continental methods of reasoning and common law methods of reasoning,” says Christie. “Suppose you had a law that was common to both common law countries and civil law countries. Would you get the same sorts of results?”



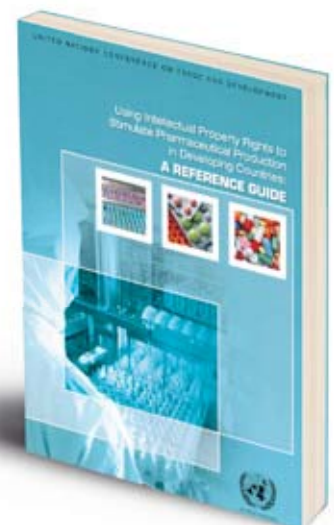
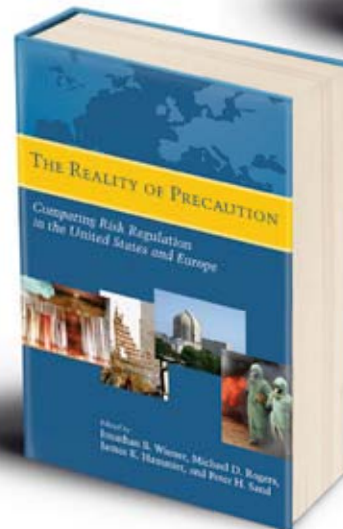
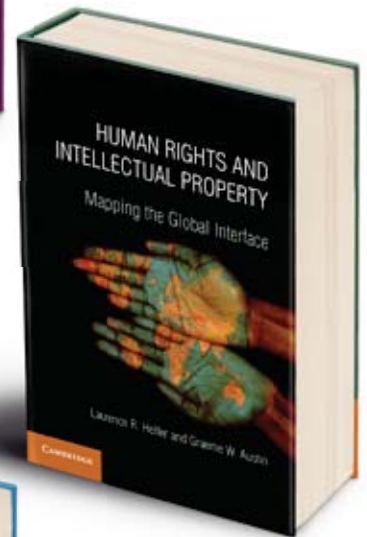
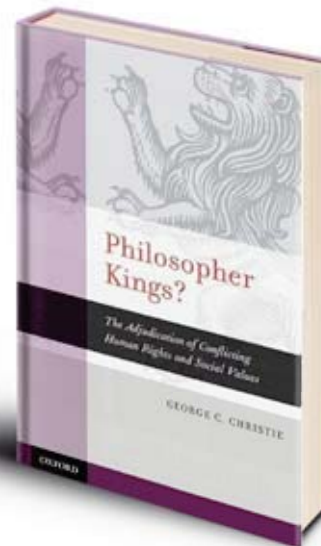
In *Human Rights and Intellectual Property: Mapping the Global Interface* (Cambridge University Press, 2011) Professor **Laurence Helfer** and co-author Graeme W. Austin of Melbourne University and Victoria University of Wellington, examine the tensions that arise when rights and intellectual property law intersect, such as the right to health and patented medicines and the right to education and copyrighted materials. “There is a trade-off between incentivizing creation and access to the fruits of creativity,” says Helfer, the Harry R. Chadwick, Sr. Professor of Law. “We are not anti-IP, but we recognize that the existing systems are misaligned or mis-structured to achieve human rights ends.”



Along with a team of transatlantic legal scholars, scientists, and experts in specific areas of risk and regulation, Professor **Jonathan Wiener** undertook a multi-year examination of comparative risk regulation in the United States and Europe. The project involved what may be the most comprehensive and methodologically rigorous comparative study of relative precaution in risk regulation conducted to date, says Wiener, Duke’s Perkins Professor of Law, professor of public policy, and professor of environmental policy. He is the co-editor of *The Reality of Precaution: Comparing Risk Regulation in the United States and Europe* (RFF Press/Earthscan, 2011, with Michael D. Rogers, James K. Hammitt, and Peter H. Sand eds.).



*Using Intellectual Property Rights to Stimulate Pharmaceutical Production in Developing Countries – A Reference Guide*, furthers Professor **Jerome Reichman’s** lengthy examination of the connections between intellectual property and international trade law, as well as his innovative scholarship on ways to facilitate access to essential medicines in the world’s poorest countries. The book was published in April by the United Nations Conference on Trade and Development (UNCTAD), and co-authored by Christoph Spennemann, a legal expert in UNCTAD’s Intellectual Property Unit’s Division on International Investment and Enterprise. Reichman is Duke’s Bunyan S. Womble Professor of Law. ♡



# Profiles



ELLEN T'79 AND JOHN YATES AT DUKE LAW SCHOOL'S 2011 BARRISTER SOCIETY RECEPTION

## John Yates '81 Tech law pioneer focuses on building “business friendship”

**A**S HE REFLECTS ON serving entrepreneurial clients in high-tech, fast-growth companies, John Yates emphasizes the need to look beyond the legal issues.

“The best solution to the problem may not be a legal solution,” says Yates, the partner in charge of the technology practice at Morris, Manning & Martin in Atlanta. “It may involve introducing a client to a particular person who can help them out. It may be adding somebody to their board. It may be

introducing them to a potential customer. That may solve their problem at hand. Then, when they have a legal problem, they know that we both understand their business and have their best interests at heart.

“It’s a very proactive model,” he adds. “You help clients see the market, pursue the business opportunity, find key leaders for their team, and connect them all.”

It’s a model of practice Yates has pursued since he entered the field, then known as

computer law, shortly after his graduation from Duke Law. He credits his sister, Jean, for inspiring and often informing his career path; although he turned down her attempts to lure him to Silicon Valley where she was a pioneering high-tech entrepreneur, he decided to join her at a 1982 computer trade show in Atlantic City.

“I walked the exhibit floor and realized there was a tech revolution going on,” he recalls. “I listened to one presentation on

“Developing complete business friendships would serve [young lawyers] well, particularly in establishing a sustainable business development system.”

— John Yates '81

computer law given by a New York lawyer — a close friend to this day — and concluded that there were myriad legal issues that needed to be addressed.” And while only a handful of companies at the show were from the Southeast, he saw the potential of a ripe and untapped market in the region.

“I saw the opportunity to get into this unexplored legal area, to build a practice and a reputation, and then to bring resources from around the globe to companies in the Southeast. It was the right way to build a unique practice in a new area of the law,” he says. He quickly became a featured speaker at computer industry shows and further built a reputation by writing columns on computer law in trade publications. And he immediately saw the need to offer his clients “value-added” legal services.

“Most of my tech clients weren’t in Silicon Valley, but they were looking for the benefits of the Valley ‘ecosystem’ — contacts with venture capitalists, prospective board members, management candidates, and customer contacts,” he notes. “We made those connections through my sister and contacts in Silicon Valley and other parts of the country. Our mission was to capture that data, put it into our ecosystem and share the value-added information with our clients. It’s not billable, it’s not legal services, but it’s plugging clients into our broader network of relationships, influencers, and sources of capital that can be critical to company growth.”

In addition to building a highly collaborative team within his firm, Yates has co-founded and led several organizations that facilitate connections and dialogue among executives in the various industry groups he serves in his practice. These include the Southeastern Software Association, Minority Technology Entrepreneurs, the Southeastern Medical Device Association, and the Technology Association of Georgia.

A member of the Law School’s Board of Visitors and the Furman University Board

of Trustees, among other corporate and community boards, Yates has recently been appointed to chair Atlanta’s 2013 NCAA Men’s Basketball Tournament Final Four Committee. “I’ve dreamed of being a part of the Final Four Tournament since I played high school basketball, and it’s an honor to not only lead the committee, but also be part of the 75th anniversary. It’s the next best thing to being on the court,” he says.

Yates counts his service as chair of the Technology Council for the United Way of Metro Atlanta as the activity “nearest and dearest” to him. His efforts to mobilize the resources of tech entrepreneurs to serve broad community needs began right after 9/11 — “a tough, tough time” — yet resulted in an increase in giving of almost 600 percent; the Technology Council now bestows an annual award named in Yates’ honor.

Being able to integrate service to his community and to his firm through the relationships developed during the United Way campaign has served as a paradigm for his activities since, he says. And now he and a friend are co-writing a book titled *The Art of Business Friendship*, focusing on the business value of building relationships.

“We decided that both of our careers developed around building business friends and business friendship networks,” Yates explains. “The successful businessperson, especially success in business development, requires doing more than just networking. They are creating a closer bond and relationship with their clients, prospects, and strategic partners. That’s really friendship, not just ‘networking.’ These business friendship networks are the key to providing sustained growth and opportunities for business leaders.”

The book, which they hope to complete by year’s end, also examines the layers of personal relationships in business, “from



IN JANUARY, Yates released *Super Rainmaking: 10 Secrets to Raising the Bar in Your Law Practice*, an eBook coauthored with Robin Hensley, an Atlanta-based executive coach. “A goal

of every lawyer should be to improve business generation and ‘rainmaking’ skills,” says Yates. “Based on my three decades of experience in building a legal career, and the current challenges facing law firms, I know that lawyers at all career stages need a tactical plan and process for attracting and retaining new businesses.”

Among his rainmaking tips: build a positive and lasting reputation; nail your mission statement; build your network and find the connections; develop and nurture strategic partners; build a dynamic, feel-good sales pipeline.

Available at [www.raisingthebar.com](http://www.raisingthebar.com), the book’s profits benefit CURE Childhood Cancer, of which Yates and his wife, Ellen, are longtime supporters. ♡

simple networking, to business acquaintanceships, to ‘incomplete’ friendship and finally ‘complete’ friendship,” says Yates. To be relevant in the digital age, the book also addresses social networking factors in forming complete business friendships and why they matter, he says.

“Lawyers often look at business relationships in a reactive mode: ‘I’m only here to react to a client’s need,’ as opposed to asking, ‘Can I put myself in that client’s shoes and find a unique way to help them? How can I become a trusted adviser and friend to clients and business contacts?’ That’s a mindset many lawyers, especially younger ones, don’t adopt. Developing complete business friendships would serve them well, particularly in establishing a sustainable business development system.” ♡

— Frances Presma



### Marianne Philip and Per Haakon Schmidt LLM '83

**M**ARIANNE PHILIP and Per Haakon Schmidt each maintain powerhouse legal careers in Copenhagen — she as a capital markets and M&A specialist and board chair at Kromann Reumert, and he as head of the intellectual property practice at Plesner Law Firm, where he also focuses on European Union law and other areas. Two years ago the couple, who met as law students at the University of Copenhagen in 1977, added another

practice to their busy lives: making fine Beaujolais wines in France.

The endeavor began with the purchase of an 1842 castle and winery as a family vacation home. Within their first year as wine producers at Chateau Grand'Grange vineyard, each of their two red wines won bronze medals in competition against others produced in Beaujolais at the Villefranche sur Saone exhibition and at an exhibition at Macon for wines produced across Burgundy.

Clearly passionate about oenology, Schmidt wants to prove it is possible to produce “good and full-bodied” Beaujolais wines that are “still fruitful if you take the necessary care and use old grape vines,” he says.

“We are having a great but demanding time renovating the beautiful old buildings and updating the winery,” he says. “Marianne is the sales manager, and even if this is my passion more than hers, we will both enjoy this challenge for many years to come.”

That doesn't mean they will be winding down their lives in the law any time soon. Schmidt continues to enjoy the intellectual property litigation he started practicing at Plesner in 1978, when it was a relatively new field, and resumed when he returned after his LLM studies and a year at the firm now known as Holland & Knight in New York.

"Back in the 1980s, IP law was still a fairly unknown specialty in the broad legal community," says Schmidt, who also has a mediation practice. "Now it's hard to find a transaction that does not focus in some way on IP-related questions.

"I have handled cases across the IP spectrum, from patent protection of computer programs to theft of works of art, including landmark cases in the Supreme Court on copyright of Danish design, on the extension of copyright protection for drawings on the Danish currency, and on injunctions against telecommunications companies giving pirates access to music and film sites," adds Schmidt, who earned a degree in art history at the University of Copenhagen earlier this year.

For 12 years, he also taught courses in IP and competition law at the University of Copenhagen Law School, where he obtained his SJD in 1989. Schmidt also taught at "Duke in Denmark," as the Law School's summer institute in transnational law was known in its early years (see box). Today he continues to teach IP law to the young attorneys at Plesner, where he is a partner.

Philip started her legal career at Reumert & Partners, Kromann Reumert's predecessor, taking a leave of absence when she and Schmidt came to study at Duke shortly after the birth of their first child. A year spent working on mergers and acquisitions at Shearman & Sterling in New York following her LLM sealed her specialty, she says. "When I returned to Copenhagen, I focused on expanding that part of the business at our office, which had been a more general corporate practice focused on transportation, shipping, and insurance law."

A partner at her firm since 1987, Philip advises businesses on M&A, stock exchange law, and general commercial and company law. She has advised on several landmark capital markets and M&A transactions in Denmark, assisting both Danish and international clients, and she also serves as non-executive director on a number of boards.

*"To us, it was a great achievement to have Duke come to Denmark. The world was not as globalized as today ... but developments since then have shown how important such institutes are to gaining human insight into different cultures and providing individuals with opportunities to further their understanding of law and culture in a different environment."*

— Per Haakon Schmidt LLM '83 on helping establish the Duke Law summer institutes in 1986

## Helping launch Duke Law's summer institutes

MARIANNE PHILIP and Per Haakon Schmidt were instrumental in launching the Law School's summer program in transnational law, which celebrates its 25th anniversary this year. Having enjoyed a summer program in American law in Holland before they came to Duke, they proposed the idea to Dean Paul Carrington during their LLM studies. Philip and Schmidt then worked closely with Associate Dean for International Studies Judith Horowitz to host "Duke in Denmark" at their alma mater in the summer of 1986.

"To us, it was a great achievement to have Duke come to Denmark," says Schmidt, who also taught in the Duke in Denmark program. "The world was not as globalized as today, and

Marianne and I were among only six international LLM students at Duke. But developments since then have shown how important such institutes are to gaining human insight into different cultures and providing individuals with opportunities to further their understanding of law and culture in a different environment."

Philip adds, "We both do a lot to try to get young lawyers to go abroad to get the same experience as we had."

Today, Duke's Asia-America Institute in Transnational Law in Hong Kong and the Duke-Geneva Institute in Transnational Law, which annually draw students and faculty from all corners of the globe, attest to the prescience of their proposal. (See story, Page 8.) ♡

Since June 2009, Philip has been vice-chairman of the Danish Corporate Governance Committee, which published new corporate governance recommendations last year. She has spent quite a lot of time since then training corporate officers and lawyers on the operation of the recommendations.

Philip and Schmidt have maintained strong connections to Duke Law School in the years since their graduation, helping organize alumni events in Europe and returning often for reunions. Philip also has been active on the Board of Visitors, now serving as a lifetime member. During the four years that the Law School's summer institute was held at the University of Copenhagen, the couple hosted an annual party for students and faculty at their home — "which was a lot of fun and made it easy to stay in touch," Philip notes.

The couple agree that their lives are challenging. "With a busy career, three children and now two grandchildren and two daughters-in-law, you need to be very well organized, efficient, and punctual in daily life," she says. "Family life has always been important to us, and we have taken the children with us to many conferences over the years." Their two eldest, Mikael and Jesper, have followed their parents into law practice and law school, respectively. Their youngest son, Frederik, is a teenager.

Their winemaking enterprise adds a new dimension to family life, Philip says with a laugh.

"We spent a wonderful Easter vacation there with some of our family," she says. "It is a different, but very nice, way of being together when you spend half a day packing 200 boxes of wine." ♡ — Debbie Selinsky

## Profiles

# Hollee Schwartz Temple '99

## Balancing act



Photo: Amy L. Hatch



“You have to define what your ‘all’ is and you have to realize that you can’t be 100 percent on all cylinders at all times.”

— Hollee Schwartz Temple '99

**I**N JUGGLING THE DEMANDS of 6- and 8-year-old sons, a full-time academic career, and a parallel career as a writer, blogger, and public speaker, Hollee Schwartz Temple says she may finally have found a way to “have it all,” a concept that also happens to be the subject of her newly published book, *Good Enough is the New Perfect: Finding Happiness and Success in Modern Motherhood* (Harlequin, 2011).

“I don’t want to misinform anyone that I was able to do it all perfectly, but I did the best I could on all fronts,” says Temple of the three years she spent researching and writing the book, a column on work-life balance for the *ABA Journal*, and blogging on work-life and parenting issues at [thenewperfect.com](http://thenewperfect.com) (all with co-author Becky Beaupre

Gillespie) while keeping up with her day job as director of the legal analysis, research, and writing program at the West Virginia University College of Law.

“While we were writing the book, I didn’t volunteer as much in my kids’ school. Things that I enjoy and normally prioritize I had to dial back — I had to put the focus on the book, because at that point, it was my priority.” And that’s the key to having it all — or at least getting close, Temple adds.

“You have to define what your ‘all’ is and you have to realize that you can’t be 100 percent on all cylinders at all times.”

Based on a survey of more than 900 professional women, the book offers a blueprint for crafting one’s path to success for those torn by the desire to engage fully with both

family and career. Temple and her co-author acknowledge up front that they and most of the women they surveyed have the luxury of choosing, to some extent, whether to work and how much to work, and to decide how best to balance competing interests. They share their personal journeys to finding professional and family roles that fit them perfectly as individuals.

For Temple, who arrived at Duke Law with undergraduate and graduate degrees from the Medill School of Journalism at Northwestern University, the journey started at a large Pittsburgh law firm where she focused on estates and trusts for more than four years.

“I don’t regret my time there because it helped prepare me to do what I’m doing now, which is a much better fit for me,” she says.



She noted that long hours at the firm made her feel isolated and kept her from engaging in networking and other activities she enjoys, such as singing. A career counselor helped her understand that teaching was a better match for her skill sets and interests.

Temple made that career transition when she landed a position as a law lecturer at the University of West Virginia where her husband, John, had joined the journalism faculty. But she says her initial attempts to mold herself as a traditional law professor were misplaced.

“I had always done the ‘gold star route,’ wanting to do whatever was considered to be the best work,” she says. “I was encouraged to write law review articles of the traditional type, which I did — I slaved over every footnote. But that was not the kind of writing career I wanted.”

A “moment of reckoning” came, she says, with the trauma of helping her husband through a long and serious illness and period of recovery when their children were very young. “It inspired me to focus on my passion and stop trying to mold myself into

something I wasn’t. I wasn’t meant to be an estates and trusts professor. It wasn’t what I loved. And after having that experience, I came to just accept myself as I am and do things that light me up and excite me and not really try to bend to somebody else’s definition of success.

“It was the turning point for me. I was not going to write one more law review article that I didn’t take pleasure in. That’s when I started [the book] project.” That’s also when she was asked to lead her school’s legal writing program. “Right now, this is a really good fit for me,” she says, adding that the flexibility of her husband’s academic position allows them to fully share in parenting duties.

Reflecting on the stories of the women in the book, as well as their own, Temple says she and her co-author were surprised to pinpoint “unrelenting perfectionism” as the biggest roadblock for women in their quest for work-life balance.

“We thought it was going to be not having enough money, or not having a flexible enough employer, or not having

a partner who contributes enough. And none of those things turned out to be the key factor, according to our survey,” she says. “We found that women were really doing it to themselves — by placing so much pressure on themselves, they weren’t really getting farther ahead at work and they were miserable at home. Ours is the first [study] to empirically prove that taking a more relaxed, balanced approach will actually lead to greater overall success.”

Temple says her project has resonated with many of her Duke Law classmates. “My friends from law school are some of my biggest champions on the blog and really relate to ‘the new perfect.’ They say this is a movement they might want to join,” she says, with a laugh. “Obviously, as Duke Law graduates they’re high achievers, but they realize that to have balance and happiness in their lives they can’t be shooting for the moon all the time. So I really appreciate the support I’ve had from my friends in the Class of ’99.” ♣

— Frances Presma

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# Alumni Notes



Photo: Anthony Clark/NRDC

## John Adams '62

**John Adams** was presented with the Presidential Medal of Freedom, the nation's highest civilian honor, by President Barack Obama at a White House ceremony on Feb. 15. The award recognizes Adams' achievements in environmental advocacy as co-founder and longtime president of the Natural Resources Defense Council. **BOV** ♣

## 1963

**Gerald T. Wetherington** was featured in a May 9 *Daily Business Review* series on individuals who contributed in a significant way to the development of the Eleventh Judicial Circuit in Miami-Dade County, Fla. An article titled "Circuit's best judge secured resources to fight cocaine wars" highlighted Jerry's role, as chief judge, in creating the nation's first drug court, which allows nonviolent offenders to receive counseling and vocational training. On the bench from 1974 to 1991, Jerry is a mediator and arbitrator with Wetherington Klein & Hubbard in Coral Gables.

**J. David Ross** retired as president and chairman of Ross, Johnston & Kersting, Inc., a national fundraising consulting firm, in December. He is writing a book on the history of philanthropy at Duke University. **BOV**

This section reflects notifications received by March 27, 2011.

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

## 1964

**Charles E. Burgin** received the J. Robert Elster Award for Professional Excellence for 2010 from the North Carolina Association of Defense Attorneys (NCADA). Charles is a principal of Dameron, Burgin Law Firm in Marion, N.C. He is a charter member of the NCADA.

## 1966

**Richard W. Buhrman** received the 2010 Ralph H. Kelley Humanitarian Award from the Chattanooga Bar Association, the CBA's highest honor. Richard is the principal of Buhrman & Associates, where his practice focuses on estate planning, estate and trust administration, probate, and business and contract law. He recently received the designation of accredited estate planner by the National Association of Estate Planners and Councils. In October 2010 the Duke University Estate Planning Council announced the establishment of a scholarship at Duke Law in honor of Richard's 14-year service as chairman.

## 1968

**Donald H. Messinger**, a partner at Thompson Hine in Cleveland, was recognized by Cleveland's United Way for the volunteer service he provides to one of its member agencies and by ORT America's Cleveland Region, which awarded him its Jurisprudence Award for his professionalism. He also is the inaugural recipient of his firm's Malvin E. Bank Award for Exemplary Client Service. Don is a member of Thompson Hine's corporate transactions and securities practice.

## 1969

**Thomas S. Evans** was named to the 2011 edition of *Best Lawyers* in corporate and education law. He is a partner at Bond Schoeneck & King in Syracuse, N.Y., where he is a senior member in, and former chair of, the business law department, as well as former chair of the higher education practice group. He has practiced in the field of college and university law for more than 35 years. He also serves as senior vice president and general counsel for Syracuse University.

**Edward Leydon** has retired as general counsel of Reichhold, Inc., and is living on his farm in New Hope, Pa.

**Robert Pringle** was honored by the California State Bar as the state's 2010 Antitrust Attorney of the Year. Bob is a partner in Winston & Strawn's San Francisco office whose practice focuses on antitrust, trade regulation, and litigation. **BOV**

## 1971

**Karla Harbin Fox** serves as executive director of the Office of Institutional Effectiveness and executive director of the School of Business MBA Programs at the University of Connecticut.

## 1973

**Don Burns** was named the 2010 Professional Services CEO of the Year in Oregon by the *Portland Business Journal*. Don is managing director for Miller Nash, a business law firm in Portland.

**Larry J. Rosen** is serving as distinguished jurist in residence at Siena College in Loudonville, N.Y. He mentors and advises students about careers in law and coaches the moot court and mock trial teams, among other activities. Larry served as Albany City Court judge from 1985-1995 and Albany County Court judge from 1996-2001, and has been in private practice since 2001, serving as New York Senate minority counsel from 2001-2005. Larry has chaired the City of Albany Charter Revision Commission and the City of Albany police chief search since his departure from the bench.

1974



**Roger K. Ferland** has been named one of Arizona's Green Pioneers by the *Phoenix Business Journal*. Roger is a partner in the Phoenix office of Quarles & Brady where he is a member of the environmental practice group and chair of its clean energy, climate change and sustainability practice. He is chairman of the board of Audubon Arizona and co-chairs the Audubon Science and Policy Committee.



**Wendy Collins Perdue '78**

**Wendy Collins Perdue** began her tenure as dean of the University of Richmond School of Law on July 1. A scholar of civil procedure and conflict of laws, as well as land use and public health, she previously was an associate dean and professor of law at Georgetown University Law Center. She practiced law in Washington, D.C., before joining the Georgetown faculty in 1982. A life member of the Duke Law Board of Visitors, Perdue is vice president of Order of the Coif, the legal education honor society. She has served the Association of American Law Schools as chair of its membership review committee and the sections on civil procedure and conflict of laws, and as a member of the nominations committee; she also was on the editorial board of the *Journal of Legal Education*. **BOV**

1975

**Carlos Alvarez** has been elected to the College Football Hall of Fame. He will be inducted in December. As a Florida Gator, Carlos set the Florida and SEC career receptions mark (172) in 1971. He has a general law practice in Tallahassee.

**Martina Lewis Bradford** was appointed deputy Senate sergeant at arms by Senate Majority Leader Harry Reid in December. In her previous capacity as a senior adviser for human resources to the senator, she was responsible for increasing diversity in Senate Democratic offices. Martina addressed Duke Law's 2011 graduates at their hooding ceremony on May 14. (See story, Page 9.) **BOV**



**Bruce A. Christensen**, a shareholder with Richman Greer, has been named among the Top Attorneys of South Florida by the 2011 *South Florida Legal Guide*. Based in the firm's Miami office, Bruce specializes in marital and family law and practices commercial litigation and construction litigation.

**James H. Carll** has been selected to serve on the Board of Directors of the Union League of Philadelphia, a society devoted to patriotism, philanthropy, and civic endeavors. He is chairman of Archer & Greiner in Haddonfield, N.J., where he practices corporate law with an emphasis on complex business transactions.

1976

**Charles Wiggins** was elected to the Washington Supreme Court in November 2010 and was sworn in on Jan. 7, 2011. Charlie previously practiced law on Bainbridge Island.

1977

**Jeff Cook** has resigned his post as Adams County (Pa.) chief public defender after 24 years. He continues to practice law in Gettysburg. Jeff also writes about sports for the *Gettysburg Times*, coaches women's rugby at Gettysburg College, and calls games on Adams Community Television.

**Michael Wald** has returned to Underwood Perkins in Dallas as senior counsel after a two-year sabbatical in the Peace Corps during which he served as a volunteer in rural Panama.

1978

**H. Michael Keller** received the Distinguished Service Award from the Energy, Natural Resources and Environmental Law Section of the Utah State Bar. Michael is a shareholder at Van Cott, Bagley, Cornwall & McCarthy in Salt Lake City where he specializes in environmental and natural resources law.

**Suzanne Melendez** has been re-appointed to the New York City Criminal Court by Mayor Michael Bloomberg. She was first appointed to the court in June 1995, after a long career with the Kings County District Attorney's Office where she last served as deputy bureau chief of the Sex Crimes Bureau.

1980

**Paul Pantano Jr.** has joined Cadwalader, Wickersham & Taft as a partner in the Washington, D.C., office where he heads the energy and commodities group. Paul focuses his practice in the areas of energy, commodities, and derivatives law. He represents energy companies, commodity and swap dealers, brokerage firms, trade associations, and financial industry professionals in a wide variety of transactional, regulatory, legislative, and litigation matters. He previously was a partner at McDermott, Will & Emery.



## Michael R. Dreeben '81

**Michael Dreeben**, deputy U.S. solicitor general for criminal matters, received the 2010 Justice Tom C. Clark Award for Outstanding Government Lawyer from the District of Columbia Chapter of the Federal Bar Association on May 12. Supreme Court Associate Justice Elena Kagan, the former solicitor general, presented Dreeben with the award and offered remarks. In April, Dreeben received the Presidential Rank Award, the nation's highest honor for federal civil servants.

Dreeben joined the Office of the Solicitor General in 1988 and has held his current post for 15 years, a record tenure for the position. He has argued 79 cases in the Supreme Court on behalf of the United States and its agencies and more than a dozen in the lower appellate courts. He taught Appellate Practice and Constitutional Litigation and Criminal Law at Duke Law School in the fall 2010 semester. ♣

**John J. "Lou" Michels Jr.** has joined the Chicago office of Lewis, Brisbois, Bisgaard & Smith as a partner practicing in labor and employment litigation.

**Grant B. Osborne** recently completed the ALI-ABA Advanced Employment Law and Litigation course. Grant is an attorney at McGuire, Wood & Bissette in Asheville, N.C.

## 1986

**Ellen Fishbein** recently became general counsel and CFO of Equidity, Inc, in Vienna, Va. Ellen also is owner of EKFishbein Art Designs.

**Filip Klavins** was named a Band 1 leading lawyer in corporate/commercial law by *Chambers Global* in March, one of four Latvian lawyers to be so honored. He is a principal of Klavins & Slaidins in Riga.



## Manuel Sager LLM '85

**Manuel Sager** became Switzerland's ambassador to the United States on Dec. 7, 2010. He received the appointment after heading the Political Affairs Division of the Federal Department of Foreign Affairs (FDFA), responsible for coordinating thematic foreign policy from 2008 to 2010. During his diplomatic career he also has served as executive director at the European Bank for Reconstruction and Development in London (2005 to 2008); head of communications in the FDFA and the Federal Department of Economic Affairs (2002 to 2005); and head of the Coordination Office for Humanitarian Law for the Euro-Atlantic Partnership Council and the Partnership for Peace (EAPC/PfP) of the Directorate of International Law (2001 to 2002). Sager practiced law in Phoenix prior to joining the Foreign Service in 1988. ♣

## 1981

**Barry Warhit** was elected a Westchester County (N.Y.) court judge in 2010. He presides over felony criminal cases.

## 1982

**Michael M. Darby** was sworn in as the probate judge for the District of Greater Manchester (Conn.), on Jan. 5 for a four-year term. Mike serves the Towns of Manchester, Andover, Bolton, and Columbia. He has practiced law in Manchester for 29 years and served as town attorney for the Town of Manchester for 16 of those years.

**Kelley A. Grady** has joined Lincoln Financial Group in Radnor, Pa., as vice president and head of enterprise litigation. She previously was a litigation partner at Ballard Spahr.

**Rick Travis** has joined Equitable Trust Company in Nashville as a principal of the firm and senior vice president. Rick was formerly an equity partner with the Nashville law firm of Manier and Herod.

## 1983

**Seth Forman** married Mylene Calaguio on Dec. 16, 2010. Seth practices with Dooley Roberts & Fowler in Guam.

## 1984

**Mary J. Hildebrand** has been selected as one of the 2011 "Best 50 Women in Business," by *NJBiz* magazine. Winners are selected based on their professional work, community involvement, and advocacy for women in business. Mary is partner at Lowenstein Sandler in Roseland, N.J.

## 1985



**Janet Ward Black** was named to the 2011 class of "Enterprising Woman of the Year" by *Enterprising Women* at a ceremony in Boca Raton, Fla. Successful candidates in the global competition manage fast-growth businesses, mentor or actively support other women and girls involved in entrepreneurship, and are community leaders. The principal of Ward Black Law in Greensboro, N.C. Janet specializes in personal injury, workers' compensation, and social security disability claims, and is a past president of the North Carolina Bar Association.



**R. Daniel Douglass**, a member of the construction service group of Stites & Harbison in Atlanta, was honored in the 2011 edition of *Georgia Super Lawyers*.

## 1988

**Stephen Doyle** is mobilized and deployed to Afghanistan as a senior legal adviser to the Afghan National Army (ANA). A colonel, Steve is assigned to the 209th ANA Corps in Mazar-i-Sharif. He is the staff judge advocate of the Maryland National Guard and is an assistant U.S. attorney in his civilian career.

**Michael Krimminger** was appointed general counsel of the Federal Deposit Insurance Corp. in February. He leads the agency's legal division, overseeing all regulatory issues, FDIC transactions, litigation, and commercial claims. Michael previously served as policy adviser to the FDIC chair. Since 2009 he has served as deputy to the chairman for policy.

**David A. Payne** has joined Gannett Co., Inc., as senior vice president and chief digital officer. He previously served as president and CEO at ShortTail Media, Inc., a video ad technology startup he co-founded in 2008, after a long career at Turner Broadcasting and CNN.

**Claire Richards** served on the transition leadership team of Rhode Island Gov. Lincoln Chafee following his November election. Claire advises state agencies and private clients as a sole practitioner.

## 1989

**Daniel Grossman** was named 2010 Person of the Year by *GA Voice* for his role in civil rights law and advocacy. Dan spearheaded a successful civil rights lawsuit against the Atlanta Police Department following a 2009 raid on an LGBT bar. He was profiled in *GA Voice* in December.

## 1990

**Stéphan Alamowitch** has joined Olswang as managing partner of its Paris office. He previously was an equity partner with Dechert in Paris. He specializes in structured finance and securitization, international finance, capital markets, and financial disputes in Europe and emerging markets, with a particular focus on West Africa.

**Bernard Chao** won a Samsung-Stanford Patent Prize for his article entitled "The Case for Contribution in Patent Law." In addition to a monetary prize, he participated in a conference on patent remedies at Stanford Law School in February. Bernard is an assistant professor of law at the University of Denver Sturm College of Law where he teaches intellectual property.

## 1991

**Angela Lykos** has been appointed as a judge of the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office.

**Michael Popok** was named a Florida Super Lawyer for 2010. A partner at Weiss Serota, he also was appointed to his firm's management committee and named managing partner of its Miami-Dade office. He is a member of the firm's construction litigation group.

**Joel Reed** is vice president for product development and transaction management at Wells Real Estate Funds in Norcross, Ga.

## 1992

**Jayne Powell**, a financial adviser with Edward Jones in Flagstaff, Ariz., became a limited partner with the firm in January. Jayne is also a leader in the firm's initiative to recruit more female financial advisers to the firm.

**Cliona Mary Robb** has been appointed to a three-year term on the Board of Directors at Commonwealth Catholic Charities, which provides human services to individuals and families throughout central and southwestern Virginia regardless of faith. Cliona is an attorney at Christian & Barton in Richmond, Va., where she chairs the law firm's sustainability practice and is part of the energy and telecommunications groups.

## 1993



**Robert Marcus** has been named a top attorney for 2011 by *North Carolina Super Lawyers* magazine. Rob is a partner with Smith Moore Leatherwood in Charlotte where his practice focuses on complex commercial and appellate litigation. He also chairs the firm's management committee.

**Jennifer Buchanan O'Neill** has joined The Nielsen Company as senior vice president and general counsel. She has offices in Manhattan and Wilton, Conn. Jennifer spoke at the American Conference Institute's Cloud Computing Workshop and Annual Software Licensing Conference and was a featured speaker on intellectual property at the American Bar Association's 2011 spring meeting.

**Philip Cooper** has joined Nelson Mullins Riley & Scarborough in Atlanta as a partner in its corporate department, where his practice focuses on mergers and acquisitions, joint ventures, debt and equity financings, and general corporate counseling.

**Lee Bryan Rauch**, a partner at Tydings & Rosenberg in Baltimore, has been recognized as an outstanding business litigation and general litigation attorney in the 2011 edition of *Super Lawyers*.

**Keith Wexelblatt** was named a 2011 "Leader in the Law" by the *Massachusetts Lawyers Weekly*. Keith is associate general counsel of Reebok International.

## 1994

**Russell Miller** has been named a non-resident fellow at the American Institute for Contemporary German Studies, a think-tank devoted to strengthening German-American ties and collaboration. Russell is professor of law at Washington & Lee University.



**Christopher J. Vaughn** has been named to the 2011 edition of *Best Lawyers* and as one of *Business North Carolina's* 2011 "Legal Elite" for real estate law. Chris is a director at Carruthers & Roth in Greensboro, N.C., where his practice focuses on commercial real estate including development, finance, and title claims.

## 1995

**Marc Eumann**, a judge at the District Court (Landgericht) in Bonn, Germany, since 1998, was promoted to presiding judge (Vorsitzender Richter) at the District Court in Bonn on Jan. 31. He is now assigned to preside over the 5th Criminal Chamber, hearing criminal appeals cases from the trial courts with a maximum penal power of up to four years' imprisonment.

**Subhash Viswanathan** was named to the 2011 edition of *Best Lawyers* for education law. Subhash is a partner in the Syracuse, N.Y., office of Bond, Schoeneck & King, where he represents and counsels employers in a variety of labor and employment matters and co-chairs the firm's school districts practice group.

## 1996

**James C. Pistorino** is a partner in the patent litigation practice at Perkins Coie in Palo Alto, Calif.

**Michael Samway** has left Yahoo after serving as the company's vice president and general counsel for 10 years in order to go on a yearlong maritime adventure with his wife and two children around the coast of the U.S. and up the Mississippi.

## 1997

**Jeremy Hushon** has been elevated to partner at Fulbright & Jaworski's Washington, D.C., office. He represents clients in international project financings and commercial real estate transactions, with an emphasis on emerging markets and infrastructure development on behalf of development banks and other financial institutions.

**Matthew Kirsch** has been appointed chief of the Economic Crimes Section in the U.S. Attorney's Office for the District of Colorado. He has been an assistant United States attorney since 1999.

**David Morgenstern** has joined the Podesta Group in Washington, D.C., where he manages legislative strategy and advocacy efforts on a variety of issues, including budget, education, financial services, energy, and transportation. During a 10-year Senate career, David worked as legislative correspondent for the late Sen. Paul Coverdell, R-Ga.; counsel to Sen. Lincoln Chafee, R-R.I.; as legislative director for Sen. Lamar Alexander, R-Tenn.; and, most recently, as Alexander's chief of staff for four years.

**Patricia Northrop** has joined the Law Department of WNET/Channel 13, New York's public television station. Previously she was an assistant attorney general in the Charities Bureau of the New York State Attorney General's Office.

**Erik Rickard** and his wife, Brandy, announce the birth of their son, Xavier Breck, on Oct. 20, 2010. Erik specializes in real estate and housing at Squire, Sanders & Dempsey in Columbus, Ohio.

**Stephen Romine** was named a 2011 "Leader in the Law" by the *Massachusetts Lawyers Weekly*. Stephen is senior intellectual property counsel at Bose Corporation.

## 1998

**Michael Edward Coles** married Amanda Lee Picha on Nov. 27, 2010. Michael is a shareholder at The Coles Firm in Dallas where he practices labor and employment law.

**Stacey Nahrwold** and **Jay Campbell** announce the birth of their son, Rex Michael Nahrwold Campbell, on Dec. 21, 2010.

**C. Talley Wells** was awarded the 2010 Humanitarian of the Year Award from the Georgia Mental Health Consumer Network. Talley is the director for the Mental Health and Disability Rights Project at the Atlanta Legal Aid Society.

## 1999

**David Bowsher** has been elected partner at Adams and Reese in Birmingham, Ala. His practice focuses principally on mergers and acquisitions involving troubled companies and on corporate restructuring and bankruptcy issues, as well as other corporate and transactional matters. He also spends time in the firm's Washington, D.C., office on governmental relations matters.

**Les P. Carnegie** has joined Latham & Watkins' litigation department as counsel in the Washington, D.C., office. Les has more than a decade of experience in U.S. export and re-export controls, trade and economic sanctions, controls on foreign investment in the U.S., the Foreign Corrupt Practices Act, immigration laws, and U.S. anti-boycott laws.

**Stan Chelney** has joined Bracewell & Giuliani in New York as a partner. His practice involves a broad range of complex commercial litigation in federal and state courts as well as before U.S. and international arbitration panels. Stan previously was a partner in the New York office of Orrick, Herrington & Sutcliffe.

**James Goldfarb** joined Murphy & McGonigle as a litigation partner in January 2011. His practice focuses on securities and complex commercial litigation defense. James lives in northern New Jersey with his wife, Alyson, and their three children.

**Amy Kolczak** joined Poudre Valley Health System in Fort Collins, Colo., as associate general counsel in January. She previously was a partner at Owen, Gleaton, Egan, Jones & Sweeney in Atlanta. Amy received the 2010 Honorable Debra Bernes Community Leader Award presented by the Georgia Association for Women Lawyers in November and was named a "Legal Elite" in labor and employment, civil litigation, and personal injury defense by *Georgia Trend* magazine in December.

**James H. O'Doherty**, a partner in the litigation practice group of Shumaker, Loop & Kendrick in Toledo, has been named to the 2011 edition of *Ohio Rising Stars*. His principal areas of practice are products liability litigation, commercial litigation, and franchise litigation; he also litigates matters related to ERISA, health care law, and environmental law.

**Cynthia A. O'Neal** was awarded the Marshall Memorial Fellowship for 2011 by the German Marshall Fund of the United States. The 24-day program in February included travel to five European cities and works to educate emerging American and European leaders on the importance of the transatlantic relationship and encourage them to collaborate on a range of international and domestic policy challenges. Cynthia is general counsel in the office of North Carolina Lt. Gov. Walter H. Dalton.

**Hollee Schwartz Temple** has co-authored *Good Enough is the New Perfect*, a book on finding happiness and success in modern motherhood. Hollee directs the legal writing program at West Virginia University College of Law and writes a bi-monthly national column on work/life balance issues for the *ABA Journal*. (See profile, Page 38.)

## 2000

**Michael Buckler** has published from *Microsoft to Malawi: Learning on the Front Lines as a Peace Corps Volunteer*. Visit <http://teachmebook.com/wp/>.

**Jason Goode** and his wife, Annie, announce the birth of their daughter, Alice Susan, on Dec. 19, 2010. She joins siblings Julia and Clinton. They live in Atlanta where Jason is a partner at Alston & Bird.

**Mirah Horowitz** has joined Russell Reynolds Associates in Washington, D.C., as a consultant in its corporate officers and not-for-profit sectors. She previously was senior counsel in the Office of Legal Policy in the U.S. Department of Justice.

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**Janet Hutchinson** and her husband, Bomani Lee, announce the birth of their daughter, Layla Anaya Madhubuti Lee, on Nov. 10, 2010. Janet is the assistant dean for career services at Emory University School of Law in Atlanta.

**Sang-Soo Jun** serves as counsel for economic legislation in the South Korean National Assembly's Legislative Counseling Office, in Seoul. He previously served as consul at the Korean Consulate in Los Angeles.

**Cory J. Skolnick** has been appointed a member at Frost Brown Todd in Louisville, Ky. He represents clients in a wide array of complex civil litigation at the federal and state levels as well as before various alternative dispute resolution forums.

**Mechelle Zarou**, a partner in the labor and employment group at Shumaker, Loop & Kendrick in Toledo, has been named to the 2011 edition of *Ohio Rising Stars*. Her practice encompasses all areas of labor and employment law, including wrongful discharge, discrimination, workers' compensation, unemployment compensation, business immigration, labor negotiations and arbitrations, and unfair labor practice charges.

## 2001

**Amy Angel** has been named a partner at Barran Liebman in Portland, Ore. Amy represents management in employment law matters. She has been listed in *Oregon Super Lawyers* as a "Rising Star" and she is the past chair of the Oregon State Bar Civil Rights Section.

**Amy Bomse** has been named a director at Howard Rice in San Francisco. She represents law firms in malpractice litigation.

**J.D. Hickey** has joined BlueCross BlueShield of Tennessee as senior vice president as well as president and CEO of Volunteer State Health Plan, BlueCross' TennCare managed care organization. J.D. previously has held executive positions with Hospital Corporation of America and Qualifacts Systems, Inc., and has led strategic health care consulting and management teams as a principal with McKinsey & Company. He served as director of the TennCare Bureau from 2004 to 2006.

**Michael Holy** is deployed to Iraq with the 40th Combat Aviation Brigade. Michael is a judge advocate with the California Army National Guard.

**Shymeka L. Hunter** has been promoted to partner at Jackson Lewis in Atlanta. Her practice focuses on all aspects of labor and employment law including race, gender, age, and disability discrimination, wage and hour disputes, leave issues, contract disputes, and common law tort claims.

**Charles Larsen** has been promoted to partnership at Ropes & Gray in Boston. Chuck works in the intellectual property rights management group, focusing on international intellectual property transactions and strategies for medical device and other life sciences companies and their investors.

**Allison McCarthy** has become a partner with Holland & Knight in its Fort Lauderdale, Fla., office. Allison practices in the firm's real estate section and is a member of the global hospitality and resort group.

**Luckey McDowell** has been elected partner at Baker Botts. Based in the Dallas office, Luckey represents debtors, creditors, lenders, and asset acquirers in corporate reorganization cases and out-of-court workouts, as well as in bankruptcy and related state court litigation.

**Gideon Moore** was elected chair of the Mecklenburg (N.C.) Republican Party, "MeckGOP." Gideon is managing partner of FSB FisherBroyles' Charlotte, N.C., and New York offices.

**Antony Sanacory** has been named partner at Duane Morris. A trial lawyer in the firm's Atlanta office, Antony's practice includes resolution of construction disputes, patent infringement and technology licensing disputes, and other complex commercial litigation matters.

**Desiree Sumilang** has been promoted to counsel in Allen and Overy's international capital markets department in Hong Kong. She also is a member of the firm's U.S. law group. Desiree represents corporate and sovereign issuers and investment banks in a variety of corporate finance transactions.

**Peter A. Tomasi** was named to the 2010 "Wisconsin Rising Stars" list by *Wisconsin Super Lawyers* magazine. Peter is a partner in the Milwaukee office of Quarles & Brady, where he focuses on environmental law.

**Jonathan Werner** joined Jackson, DeMarco, Tidus & Peckenpaugh's employment law department as a senior counsel in the firm's Irvine, Calif., office in September 2010.

**Travis Wheeler** was elected member at Nexsen Pruet, where he practices antitrust law in the Columbia, S.C., office.

## 2002

**Jennifer Westerhaus Adams** has been elected a partner, effective Jan. 1, 2011, in Barnes & Thornburg's Indianapolis office. She concentrates her practice on business and commercial litigation, including insurance coverage matters.

**Erin Bradham** has been named of counsel in Steptoe & Johnson's Phoenix office. Her practice includes nationwide class action litigation, insurance coverage and bad faith litigation, and general contract litigation in federal and state courts.

**Glen E. Caplan** has joined Robinson Bradshaw & Hinson as a partner in the Research Triangle office. He advises clients on private equity and venture capital financings, mergers and acquisitions, joint ventures, and other business transactions, and securities offerings and compliance. He previously worked with Hutchison Law Group in Raleigh.

**Adam Ford**, the managing member at Ford & Huff in Salt Lake City, was named by *Utah Business Magazine* as one of their 2011 Utah Legal Elite in the area of civil litigation.

**John Garvish** has been promoted to principal in the Austin, Texas, office of McKool Smith, where his practice deals with intellectual property and complex commercial litigation.

**David Hawkins** has been promoted to partnership at Vinson & Elkins in Washington, D.C. David is a trial lawyer in the firm's condemnation and land-use practice group. He principally represents landowners whose property is being taken through the power of eminent domain.

**Marjorie Josel Menza** and her husband, Richard Andrew Murphy, announce the birth of their second son, Hugh Menza, on Oct. 15, 2010. Marjorie is an associate in the litigation department at Debevoise and Plimpton in New York City.

**Holly R. Rogers** has been elected partner at Dilworth Paxson's Philadelphia office, where she practices in the labor and employment group and the litigation department.

## 2003

**Thomas A. Burns** has joined Greenberg Traurig's appellate practice in Tampa as an associate. He previously practiced appellate and complex civil litigation with Sidley Austin and Gibson, Dunn & Crutcher in Washington, D.C.



**Elizabeth Johnson** has been elected partner at Poynor Spruill in Raleigh. Elizabeth's practice focuses on privacy, information security, and records management.

**Matthew Kane** and his wife, Jennifer, announce the birth of their son, Evan Cornelius, on Nov. 2, 2010. Matthew is a senior associate with Storch Amini & Munves, a litigation boutique in New York City.

**Amy Schoenhard** and her husband, Paul, announce the birth of their son, Aidan Drake, on Oct. 10, 2010. Aidan joins his sister Elizabeth. Amy is an associate at Arent Fox in Washington, D.C., where she focuses on patent litigation, patent prosecution, and opinion work.

**Aaron Wolfson** has been appointed attorney-in-charge of international investigations, a newly created position in the Major Economic Crimes Bureau of the Office of the District Attorney of the County of New York.

## 2004

**Campbell Chiang**, associate patent counsel at Qualcomm in San Diego, is spending a six-month rotation in Beijing with the company.

**Luciana de Ocariz** and **Thomas Franca** announce the arrival of their son, Bernardo, on Oct. 28, 2010. He joins big sister, Joana. They live in Rio de Janeiro, Brazil.

**S. Hannah Demeritt** served as co-counsel in *J.D.B. v. North Carolina*, argued March 23 in the U.S. Supreme Court and decided in June. Hannah is a lecturing fellow at Duke Law.

**Joseph Gagnon** and his wife, Kendra, announce the birth of their son, Charles Joseph, on Sept. 1, 2010. Joe is the founding member of the Gagnon Law Firm in Lathrop, Mo.

**Carrie Zimpritch Michaelis** and her husband, Ben, announce the birth of their son, Charles Wolf Michaelis, on Oct. 10, 2010.

**Sarah North** began serving as an assistant United States attorney for the Southern District of New York in January.

**Mayur Patel** joined the Office of the United States Trade Representative in Washington, D.C., as an assistant general counsel in March.



**Matt Schneller** has joined Bracewell & Giuliani in Seattle as an associate in the intellectual property group.

**Brian T. Sumner** and his wife, Louise T'01, announce the birth of their son, George Pendley, on Nov. 25, 2010. He joins his brother, Henry.

## 2005

**Nora Adkins** and her husband, David, announce the birth of their son, Nathan Christopher, Oct. 16, 2010. Nora is a senior attorney in the U.S. Government Accountability Office in Washington, D.C.



**Joy L. Ganes** has joined Dykema in Los Angeles as an associate in the business and commercial practice. Joy previously was a legal consultant to Majek Pictures.

**Kylie Inman Holladay** and **Brian Holladay '06** announce the birth of their daughter, Julia Alice, on Jan. 23, 2011. They live in Atlanta.

**Samantha Ferris Lunn** and her husband, Matt Lunn E'99, B'05, welcomed their daughter, Olivia Grace, on Nov. 30, 2010.

**David Moncure** has joined Donovan & Watkins in Houston as general counsel and executive vice president of e-discovery services. He previously was e-discovery counsel at Shell Oil Company.

**Nicolas Robeson** and his wife, Malu, announce the birth of their son, Nicolas, on Nov. 12, 2010. Nicolas joins his sister, Olivia.

**Bastiaan Ryckaert** became legal director for Goodyear in Central Southeastern Europe (CSEE) in September and has joined the CSEE Executive Committee. Bastiaan has moved to Slovenia with his wife, Elisabeth, and their son, Adrian.

**Chandra Westergaard** has been named to the Children's Law Center Advisory Board. Chandra is counsel in the Health Care Group of Crowell & Moring's Washington, D.C., office.

## 2006

**Luciano Cruz Morandé** has been appointed partner at Arteaga Gorziglia & Cía in Santiago, Chile. Luciano specializes in commercial and financial transactions, primarily in such areas as infrastructure and energy, capital markets, and antitrust.

**Alyssa Greenwald** and her husband, Edward Wittenstein, announce the birth of their daughter, Lily Aileen Wittenstein, on Nov. 11, 2010. Alyssa is an assistant general counsel for Yale University.

**Jason Hollis** married Kate Ruddock in November 2010 and recently qualified as a solicitor in England. He is currently taking a year off to ski in Colorado and cycle from Ireland to Indonesia.

**Vanessa Singh Johannes** joined the U.S. Attorney's Office in the Southern District of Florida's Major Crimes Division as an assistant U.S. attorney in January. She is based in the Miami office. She previously was with Kirkland & Ellis.

**Glenn E. Ketner III** and Katherine Annas were married on Feb. 26, 2011, in Palmetto Bluff, S.C. They currently reside in Charlotte where Bo is an associate at K & L Gates focusing on commercial litigation.

**Sylvester McRae II** married Erika Melissa Villarreal Zorita in Panama City, Panama, on Jan. 15. The couple resides in Panama City.

**John Plecnik** has joined Cleveland-Marshall College of Law as an assistant professor teaching estates and trusts, tax law, and wealth transfer tax. John previously was an adjunct professor of law at Georgetown University Law Center and served as an attorney adviser to Judge David Gustafson of the United States Tax Court in Washington, D.C.

**Natalie Prescott** was honored with the 2010 Outstanding Young Lawyer of the Year Award by the Young Lawyers' Committee of the International Bar Association. Natalie is a litigation associate who specializes in appellate, insurance, and product liability litigation in the San Diego office of Latham & Watkins.



**Javier Robalino-Orellana** has published *Global Administrative Law: Towards a Lex Administrativa* (Cameron-May Publishing, with Jaime Rodriguez-Arana Munoz). Javier is a professor of administrative and international law at San Francisco University of Quito, Ecuador, and visiting professor at Carlos III University, Madrid, Spain. He is a partner at Pérez Bustamante & Ponce Abogados and is involved in the fields of oil and energy, international investment and commercial arbitration. He also is a foreign associate of King & Spalding.

**Teddy Schwarzman** founded and is principal of Black Bear Pictures, a capitalized film production and film financing company located in New York City.

**2007**

**Nathan Chapman** is an Olin-Searle Fellow in Law at Stanford Law School. Nathan previously worked at WilmerHale in Washington, D.C., where he litigated a variety of complex commercial and civil rights cases.

**2008**

**Serena Stein Rakhlin** is working as vice president, strategic planning and hotel business development for The Trump Organization, where she is responsible for business strategy and locating branding, partnership, and management opportunities for the Trump Hotel Collection. Prior to joining The Trump Organization in 2010, Serena was a real estate associate at the New York office of Skadden, Arps, where she was involved in various hospitality-related real estate transactions, foreclosures, and workouts.

**2009**

**Matthew Levy** married Jill Kalish on Aug. 15, 2010 at the Rockleigh Country Club in New Jersey. Matt is an associate at Simpson Thacher & Bartlett in New York.

**Jennifer Ma**, an associate with Parker Poe in Raleigh, received the firm's 2010 Francis I. Parker Pro Bono Award for her pro bono service.

**Kate Berlitz ShROUT** married **Travis Scott ShROUT '10** on Aug. 14, 2010.

**2010**

**Paul Esformes** has joined Morrison & Foerster in San Francisco as an associate in the environment and energy group.

**Daniel Ferguson** has joined Weil Gotshal & Manges in New York as a corporate associate.

**Monique McNellie** has joined Weil, Gotshal & Manges in New York as a litigation associate.

**Lori Rubin** has joined Foley & Lardner in Washington, D.C., as an associate. She is a member of the business litigation and dispute resolution practice. She previously was an intern at Kalu Yala where she worked on a social enterprise project to build a modern sustainable village in the rainforest of Panama.

**Travis Scott ShROUT** married **Kate Berlitz ShROUT '09** on Aug. 14, 2010.

**Cassius Sims** is an associate in the litigation department at Paul Weiss in New York. He focuses on intellectual property litigation, particularly patent litigation.

**In Memoriam**

This list reflects information received by the Duke Law Alumni and Development Office by June 1, 2011.

View obituaries at [www.law.duke.edu/magazine](http://www.law.duke.edu/magazine)

**Class of '47**

**Henry A. McKinnon Jr.**  
Jan. 10, 2011

**Class of '77**

**Roberto M. Piñero**  
Dec. 9, 2010

**Class of '51**

**John McCoy**  
Jan. 12, 2011

**Class of '80**

**Michael Stewart Thwaites**  
Feb. 24, 2011

**Class of '62**

**Wallace Claude "Wally" Harrelson**  
Feb. 8, 2011

**Class of '85**

**Mary Louise Woodbridge deVeer**  
Feb. 7, 2011

**Richard A. Wood Jr.**  
May 30, 2011

**John L. Toumaras**  
Jan. 9, 2011

**Class of '05**

**Kimberly French Warn**  
May 5, 2011

**Class of '68**

**Peter Francis Kearns**  
March 23, 2011

# Sua Sponte

## A family tradition

Adam Harris '11 was hooded by his father, **Tom Harris '71**, his fiancée, **Junko Kawai LLM '10**, and his grandmother, **Margaret Adams Harris '40**, on May 14, as Professor Lisa Griffin looked on. Adam's family ties to Duke Law also include his uncle, **Marc Harris '72**. Ψ

