

DUKE LAW MAGAZINE

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BUILDING BRIDGES.
CREATING CONNECTIONS.



From the Dean



DEAN DAVID F. LEVI

Dear Friends,

IT'S HARD FOR ME TO BELIEVE that it has been nearly five years since I left the bench to come to Duke Law School as its 14th dean. The time has passed quickly, but as a community we have accomplished much. Here are some highlights that stand out to me:

In 2007, we began construction of Star Commons and the renovation to what is now the J. Michael Goodson Library. Both projects were finished and dedicated in November 2008. Professor Tom Metzloff and Senior Associate Dean Dick Danner, and others, did a marvelous job of conceiving and effectuating these projects that completed our physical plant with grace and elegance and provided new spaces for study, reflection, and communal interaction.

In the fall of 2007 we were re-accredited by the ABA with flying colors; the head of the review team noted that Duke Law School had the strongest student culture of any law school he had ever seen.

In 2008, the financial system came close to total collapse, in turn causing a dramatic constriction to the legal economy. The new employment challenges for our students caused us to redouble our efforts to provide opportunities to develop professional skills, through new courses, internships and externships, and other programs, and to expand career development support to assist our students in competing in a difficult job market. The Duke Law network of alumni sprang into action and has never been more important to our new graduates. We also have doubled the amount of scholarship assistance we offer, from \$5 million in 2007 to \$10 million in 2012, and have expanded our loan repayment program to assist graduates who wish to serve in the public sector.

In 2009, we launched Duke in D.C., combining a full-time externship in a government office or regulatory agency with a course taught by Duke faculty in Washington. This "integrated externship" model is a natural complement to our strong clinical programs. We now offer several integrated externships, including one with the Federal Public Defender in Raleigh. Our increased focus on government service is enhanced by our public service summer grant program, which provides grants to 2Ls who work in government positions or judicial externships and is generously supported by our graduate Rick Horvitz '78. These programs are a reminder of the strong tradition of public service that Duke Law faculty and graduates aspire to, a tradition embodied in the life of our esteemed colleague Robinson Everett, who passed away in June of 2009.

In 2010, a remarkable three of our graduates — Amy Mason Saharia '05, Allison B. Jones '07, and Garrick Sevilla '07 clerked on the Supreme Court for Justices Sonia Sotomayor, Clarence Thomas, and Samuel Alito, respectively.

Like most really good and special things, the Law School is the product of generations of effort and community caretaking by faculty, staff, students, alumni, and deans.

Three more are clerking now or will clerk on the Court in the next term. Our students do so much. They excel academically. They create pro bono programs, like the Veterans Assistance Project; they serve in our clinics and in other pro bono efforts; they represent clients on appeal as a result of court appointments; they study areas of need and conflict and travel around the globe to places such as Brazil, Haiti, Ghana, and Jerusalem to conduct research and pursue law reform. And they have had remarkable success: In 2010, two men who served long sentences for crimes they did not commit were released from prison because of the efforts of our Innocence Project and Wrongful Convictions Clinic.

In 2011, one of our star faculty members, Professor Lisa Kern Griffin, received the Distinguished Teaching Award by vote of our students. She then won the Association of American Law Schools (AALS) Criminal Justice Section's award for the best paper by a junior scholar. Professor Griffin symbolizes the "triple threat" that each of our faculty members present: they are great teachers, scholars, and colleagues. In this same year we announced Stanley and Elizabeth Star's \$5 million gift, a matching gift that will create four distinguished professorships. It is the faculty, their scholarship, their teaching, and their dedication to one another and to our students that is at the heart of the Law School and that makes Duke one of the leading law schools in the country.

This brings me to the present and the future. We know that the years ahead will be filled with achievement, excitement, and unexpected challenges. The legal profession is changing and so will legal education. But the core mission of the Law School will not change. We are dedicated to teaching and studying law in its many contexts and forms, to preparing and training our students, to serving the profession, the nation, and the rule of law worldwide, and to taking our place within the scholarly community of the University.

Like most really good and special things, the Law School is the product of generations of effort and community caretaking by faculty, staff, students, alumni, and deans. I particularly acknowledge my wonderfully effective and helpful predecessor, Kate Bartlett. It has been a privilege to be a part of the Duke Law family these past five years and to work every day with such fine and creative people. I thank each of you for what you have done and will do for Duke Law School. I look forward to the future with optimism and high expectations for our continued excellence.

Sincerely,

David F. Levi

David F. Levi
Dean and Professor of Law

DEAN

David F. Levi

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The Bridge to Practice program is helping new graduates navigate a volatile market as they launch their careers in the public sector and beyond.



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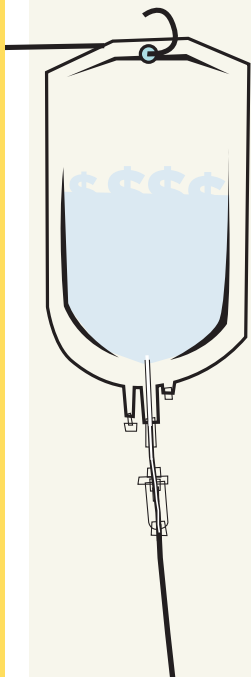


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News Briefs



“Jeff and Bettysue Hughes understand that what makes Duke Law School one of the great law schools in the world is the strength of its faculty. Their gift will help us maintain and deepen this remarkable group of scholars and teachers in the years to come.” — Dean David F. Levi

Hughes gift establishes endowed chair

A \$1.25 MILLION GIFT from Jeffrey P. Hughes '65 and Bettysue C. Hughes WC '65 will create a new faculty chair at Duke Law.

The couple's gift to establish the Jeffrey and Bettysue Hughes Professorship is being matched by funds from The Stanley A. Star Matching Gift Fund (the Star Challenge Fund). The combined endowment will further Dean David F. Levi's goal of adding more leading scholars to the faculty.

Jeff Hughes is succinct in explaining why he and his wife made their gift. "It's easy. David asked and the ability to maximize our gift using Stanley's challenge fund was appealing," said Hughes.

Hughes, vice chairman of The Cypress Group, said that he and his wife share Levi's interest in motivating other alumni to take advantage of maximizing their gifts through the Star Challenge Fund. "David very much wants to get this done, and I'm glad to help him."

"Jeff and Bettysue Hughes understand that what makes Duke Law School one of the great law schools in the world is the strength of its faculty," said Levi. "Their gift will help us maintain and deepen this

remarkable group of scholars and teachers in the years to come. The Hughes' leadership, and that of the Stars, helps us to continue making a difference to the legal profession, our society, our understanding of law, and our students. It is wonderful to have this generous and forward-looking gift as we try to reach our full potential as a still young institution of higher learning."

Jeff Hughes practiced at Simpson Thacher & Bartlett after his Duke Law graduation. He joined Lehman Brothers in 1968 and became a partner in 1976. He launched the firm's private-financing department, led early leveraged buyout financings, and had senior investment-banking coverage responsibilities for industrial, energy, and consumer-product companies. A member of Lehman Brothers' investment committee, he was head of the financial institutions group. He helped found The Cypress Group, a private equity firm, in 1994.

Bettysue Cameron Hughes graduated from the Duke Women's College in 1965. She taught in the private schools of New York City before retiring to raise two sons. She has continued her involvement in early childhood development through various volunteer activities.

The Hughes' gift to endow a chair in law is the latest in the couple's long history of philanthropy and service to Duke Law School. They are members of the Lanty L. Smith Society, which recognizes alumni and friends whose cumulative support of the Law School is \$1 million or more. Jeff, a life member of the Law School's Board of Visitors and a past chairman of the Global Capital Markets Center, served as chair of the Campaign for Duke Law School in the late 1990s. He received the Law School's Charles S. Rhyne Award in 2010 in recognition of his career achievements, as well as his commitment to education, professionalism, and public service in New York and elsewhere.

The Star Challenge Fund was established in late-2010 by Stanley A. Star '61 and Elizabeth Star as the centerpiece of a matching gift initiative designed to inspire alumni and friends to establish four new faculty positions at the Law School.

"The impact of providing gifts to establish faculty positions is transformative," said Associate Dean for Alumni & Development, Jeff Coates. "We are deeply appreciative of the Hughes' and Stars' generosity. They have come together to create something that will benefit our Law School's faculty and students for decades to come." ♡

Global Leader Scholarship to bring top Chinese students to Duke Law

A NEW FULL-TUITION SCHOLARSHIP draws on Duke Law School's strong relationships with the Chinese legal and academic communities to provide outstanding Chinese graduates the opportunity to earn a law degree from Duke Law School.

Beginning in the fall 2012 semester, the scholarship will be awarded annually to the applicant who demonstrates the highest level of academic achievement, a record of and capacity for leadership, and a commitment to the use of law in addressing the economic, social, and ethical challenges China faces as an increasingly important player on the world stage.

"Many of the very best students and lawyers in China already want to come study at Duke Law School and follow in the footsteps of our eminent Chinese graduates," said Dean David F. Levi. "We have long-standing institutional ties to China and our Chinese alumni, who are leaders in government, law, and business, maintain a strong commitment and loyalty to Duke. We are grateful for their contributions to our Law School and their enthusiastic support of this program in particular."

Four prominent Chinese alumni are serving on the committee to select scholarship recipients: Gao Xiqing '86, president and chief investment officer of the China Investment Corporation and a Duke University trustee; Yan Xuan '87, president of Nielsen Greater China; Li Xiaoming '90, who heads the China offices of the law firm of White & Case and is a member of the Board of Visitors; and Hui Mei MLS '02, secretary of the China financial Futures Exchange in Shanghai. Duke Law School graduated its first Chinese student in 1985 and now has more than 70 alumni in China.

Applicants may apply for any of the Duke Law degree programs: the JD; the one-year LLM for international law graduates; the LLM in Judicial Studies; the LLM in Law and Entrepreneurship; or the SJD. Nine Chinese law schools have been invited to nominate a candidate for the scholarship, and any individual student or graduate of any Chinese institution of higher education who meets the high standards required of a scholarship recipient may also apply through a self-nomination process. Scholarship applications are currently being processed; the inaugural recipient will be selected and notified later this spring.

Duke University Provost Peter Lange said the new scholarship is indicative of Duke's continued efforts to broaden and build on its worldwide network.

"This is a most exciting initiative, deeply connected to Duke's commitment to global engagement for mutual benefit," Lange said. "The opportunity to have such outstanding scholars study at the Duke Law School and become members of the Duke community will provide them with an outstanding educational opportunity as they prepare for their life's work on the global stage. At the same time it will enrich the Law School's culture and its ability to prepare all its students for 21st-century careers."

Professor Paul H. Haagen, senior associate dean for academic affairs, added that the scholarship program is an integral part of a broader effort to deepen Duke's relationships with Chinese law schools and "encourage scholarly exchange, student exchange, joint research, and the development of effective transnational teaching both with traditional methods and by taking advantage of new technologies, all to our mutual benefit and understanding."

The Global Leadership Scholarship builds on the Law School's many ties to China, including the Richard M. Nixon Scholarship program, which brought a number of distinguished Chinese scholars to Duke Law during the late 1980s and early 1990s, including Gao, Yan, and Li; the Duke Asia-America Transnational Institute in Law in partnership with the University of Hong Kong, founded in 1995; and various exchange programs for both students and faculty. ♡

Alumni help select Global Leader scholars

From top, **Gao Xiqing '86, Yan Xuan '87, Li Xiaoming '90, and Hui Mei MLS '02**



News Briefs

Center for Judicial Studies hosts inaugural conference and class

THE NEW Duke Law Center for Judicial Studies promises to have a busy spring and summer as it hosts its first conference and welcomes its inaugural class of judges pursuing an advanced degree in judicial studies.

APRIL 27 CONFERENCE TO FOCUS ON PRESIDENTIAL AND JUDICIAL CONTROL OF AGENCIES

THE CENTER'S INAUGURAL CONFERENCE will focus on the political and judicial control of administrative agencies. It is organized by Professor Arti Rai, an authority in patent law, administrative law, and innovation policy and former administrator of the Office of External Affairs at the U.S. Patent and Trademark Office, and Professor John de Figueiredo, a scholar of administrative law, business, and law and economics, as well as a leading empirical researcher.

The April 27 conference will bring together leading scholars of law and political science as well as judges and policymakers to examine presidential control of administrative agencies through executive branch mechanisms, such as the White House Office of Information and Regulatory Affairs (OIRA), and judicial mechanisms, such as judicial review of agencies' statutory interpretation. One panel discussion will focus on judicial control over agencies in the specific areas of intellectual property and antitrust, while a different panel will explore recent developments in the empirical analysis of administrative agencies.

"The conference will be unique in that it will bring together both the country's leading academic minds and influential federal judges and policymakers to engage in a discussion of topics that are of mutual interest to both the theory and practice of administrative law," said Rai, Duke's Elvin R. Latty Professor of Law. "By integrating the two perspectives, the goal is have practice better inform theory and theory better inform practice." ♫

MASTER OF LAWS IN JUDICIAL STUDIES

THE INAUGURAL CLASS OF JUDGES pursuing Duke Law's new Master of Laws in Judicial Studies is expected to be strong and diverse in its membership; the school is recruiting distinguished jurists from federal and state trial and appellate courts as well as international courts. During the summer 2012 session — the first of two required summer sessions — courses will be taught by an equally strong faculty of Duke Law scholars and distinguished visitors. U.S. Supreme Court Justice Samuel A. Alito will teach The United States Supreme Court and the Constitution, and the Judges' Seminar will feature lectures by a number of judges and scholars who have both shaped and closely observed the operations of U.S. courts. John C. Jeffries Jr. of the University of Virginia School of Law and Linda Greenhouse of Yale University, the longtime Supreme Court reporter for the *New York Times*, will teach a special short seminar on judicial biography.

The Master of Laws program was created under the auspices of the new Duke Center for Judicial Studies and is the only graduate degree program at a major law school devoted to the education of judges. The program is designed to address a need for advanced educational opportunities for judges and to support scholarly research on judicial institutions and judicial decision-making. Courses are offered over two four-week summer terms in two years, followed by a master's thesis; the curriculum aims to help judges better understand the institution of the judiciary, judicial systems around the world, and current research on judicial decision-making.

"I am very excited about the coming summer session — about the caliber of judges we have admitted to the program, the faculty, and the courses," said Dean David F. Levi, who is heading the Judges' Seminar, along with Judge Lee Rosenthal of the U.S. District Court for the Southern District of Texas, and Duke Law Professor Francis McGovern. "I know many of the judges who are enrolled in the program as well as those who are coming to teach. All are deeply interested in what is going on in the academic world and want to engage with it. So this program promises to do exactly what we hoped it would — to connect the world of the practicing judge and the world of scholars who study those judges. They can work together to identify interesting questions and possible ways of answering them." ♫

MASTER'S PROGRAM IN JUDICIAL STUDIES:

2012 FACULTY AND COURSES

Associate Justice Samuel A. Alito,
The United States Supreme Court
and the Constitution

Curtis A. Bradley, Duke University
International Law in U.S. Courts

Michael H. Bradley, Duke University
Finance for Judges

John de Figueiredo, Duke University
Analytic Methods

G. Mitu Gulati, Duke University
Study of the Judiciary

Laurence R. Helfer, Duke University
International Law in U.S. Courts

Jack Knight, Duke University
Study of the Judiciary

Margaret H. Lemos, Duke University
Federalism

David F. Levi, Duke University
Judges' Seminar

Francis McGovern, Duke University
Judges' Seminar

Judge Lee H. Rosenthal,
U.S. District Court, Southern District of Texas
Judges' Seminar

Neil S. Siegel, Duke University
Constitutional and Statutory Interpretation

Neil Vidmar, Duke University
Scholars' Seminar guest lecturer

Ernest A. Young, Duke University
Federalism

JUDGES' SEMINAR GUEST LECTURERS

Eldon E. Fallon, Judge, U.S. District Court
for the Eastern District of Louisiana

Christine M. Durham '71, Chief Justice,
Supreme Court of Utah

Linda Greenhouse, Yale University

Denise Page Hood, Judge, U.S. District
Court for the Eastern District of Michigan

Wallace B. Jefferson, Chief Justice,
Supreme Court of Texas

John C. Jeffries Jr., University of Virginia

William H. Pauley III '77,
Judge, U.S. District Court for the
Southern District of New York

Vaughn R. Walker, Retired Chief Judge,
U.S. District Court for the
Northern District of California

Duke Project on Custom and Law — an update

THE YEARLONG Duke Project on Custom and Law had a fruitful fall semester with a series of presentations by leading scholars on a diverse range of topics relating to the relationship between custom and law, including mercantile law, Islamic custom, and international finance.

“It has been great to see the entire Duke Law faculty engage, with each other and with outside speakers, around a common theme,” said Curtis Bradley, the Richard Horvitz Professor of Law and Public Policy studies, who co-directs the project with Professor Mitu Gulati. “Everyone looks forward to continuing the dialogue in the spring.”

Spring semester presenters will include Richard McAdams, from the University of Chicago, Carol Rose, of Yale and the James E. Rogers College of Law at the University of Arizona, and Yale’s Robert Ellickson.

The relationship between law and custom also will be the focus of a *Duke Law Journal* symposium on Feb. 11. Duke Law faculty will present works in progress that examine such questions as when custom becomes law, how it influences legal interpretation, and how the role of custom in private law compares with its role in public law. Scholarly papers will be presented in a *DLJ* symposium issue.

The Duke Project on Custom and Law is designed as a conversation across disciplines and institutions. Accordingly, the project aligned itself with the annual Duke-Harvard Foreign Relations Law Workshop, held at Harvard Law School in October; the 2011 gathering, organized by Bradley and Harvard’s Jack Goldsmith, focused on constitutional custom as it relates to the distribution of war authority between Congress and the president. ♪

SPRING SEMESTER SEMINAR, TRIP FOCUS ON GHANAIAN WOMEN’S RIGHTS, CUSTOM, AND LAW

A SPRING SEMESTER seminar is focusing on comparative legal and cultural issues relating to spousal intestate succession and property rights in Ghana. Developed by Professor Kathryn Webb Bradley, an expert in family law, the seminar will supplement weekly class sessions with a spring break trip to Ghana where students will assess the legal and cultural issues in context.



KATHRYN WEBB BRADLEY

Titled *Integrating Legal Frameworks: Customary Law, Statutory Law, and Spousal Property Rights in Ghana*, the seminar directly focuses on women’s rights, said Bradley, who is co-teaching with Professor Esther Acolatse of Duke Divinity School, a Ghanaian native.

Ghana’s 1992 constitution reflects the country’s history as a former British colony, through its reliance on common law and equitable principles derived from British law, and through its delineation of a parliamentary process for enacting statutory law, Bradley explained. An intestate succession law addresses spousal rights and, on its face, clearly gives women the right to inherit property from their deceased husbands. But customary law pertaining to spousal property and inheritance rights often conflicts with statutory law, she said.

“Customary law is treated as common law in Ghana. It’s defined that way in the constitution, as being part of Ghanaian common law. It’s tribal law, so it’s not all written down and it’s localized. But it’s also extremely important. So in a lot of areas, even though there is a statute that outlines what will happen when a spouse dies, customary law is applied. As a result, there has been a lot of inconsistency as to what women can get and whether they can get their rights under the statute.”

Other challenges, she noted, include the prevalence of polygamy, which as a matter of custom is recognized under Ghanaian common law, but not addressed by the intestate succession statute. Various mechanisms for recognizing marriage within the country and regional and tribal customs towards property distribution further complicate the picture.

Two bills currently pending before the Ghanaian parliament collectively seek to revise the intestate succession law and enact, for the first time, a spousal property law to apply at divorce. During the spring-break research trip to Ghana’s Volta region, students will examine the issues raised by the bills during meetings with various interested groups and individuals, such as government officials, lawyers’ groups, NGOs, tribal chieftains, and local citizens. Their subsequent writing project will involve preparing educational materials for a variety of audiences about the purpose of the bills and about marriage and spousal property rights generally. Bradley hopes the project will be of direct use to stakeholders, while providing students with a sense of “how the law plays out in people’s lives.” ♪





Frey Lecture in Intellectual Property

U.S. PTO director discusses America Invents Act

DAVID KAPPOS, UNDERSECRETARY OF COMMERCE for intellectual property and director of the United States Patent and Trademark Office (PTO), delivered the 10th annual Meredith and Kip Frey Lecture in Intellectual Property on Oct. 18. Kappos, who advises the Obama administration on IP policy, spoke about the America Invents Act (AIA), a sweeping patent-reform bill signed into law in September.

A key architect of the law, Kappos said the AIA promises to support innovation and lead to job creation. “By building the world’s first and only 21st-century patent system fit to manage the demands of a globalized economy, this new law enables a better-resourced PTO to grant IP rights with greater speed, greater clarity, and greater quality,” he said. “It also significantly advances the president’s strategy of deploying American innovation to build businesses and to build jobs for our country.”

The AIA speeds up the patent process, he said, by streamlining the application process, switching from a “first-to-invent” to a “first-to-file” system for granting patents, improving the mechanisms for keeping patent challenges out of the courts, and changing the way the PTO sets fees, among other changes.

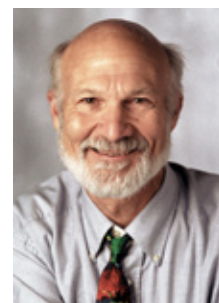
“We believe that by cutting costs for independent inventors and entrepreneurs, and issuing patents that obviate expensive court challenges by providing tools that enable us to reach patent decisions three times faster than in the past, the new law absolutely topples many existing structural impediments to business and technological growth for our country,” Kappos said. He predicted that the new process would greatly benefit research universities, early-stage startups, and independent investors, and improve America’s investment climate.

“Investors will have greater confidence in the American patent, and ... for investors, patent right is a strong indicator of the potential of a new enterprise,” he said. “For inventors, the other guys involved in this process, patents are essential to attracting capital to develop their product.” ♣

SCHOLARS EXAMINE WORK, LEGACY OF STANLEY HAUERWAS

LEGAL AND RELIGIOUS scholars from around the country gathered at Duke Law on Sept. 9 for a daylong conference devoted to the work of noted Duke University theologian Stanley Hauerwas. Hauerwas, the Gilbert T. Rowe Professor of Theological Ethics at Duke Divinity School, holds a joint appointment at the Law School.

“Theological Argument in Law: Engaging with Stanley Hauerwas” featured discussions of Hauerwas’s work as it relates to legal and political theory and a broad range of specific topics, ranging from disability law to bioethics. He has focused his research and writing on recovering the significance of the virtues for understanding the nature of Christian life, emphasizing the importance of the church as well as narrative for understanding Christian existence. His interdisciplinary work addresses systematic theology, philosophical theology and ethics, political theory, and the philosophy of social science and medical ethics. Conference organizer John Inazu ’00 pointed out the relevance of Hauerwas’s work to law, in particular.



STANLEY HAUERWAS

“He has written for decades about issues central to the law: violence, liberalism, bioethics, theories of disability, theories of interpretation, capital punishment, just war theory, reconciliation, public reason, patriotism, euthanasia, abortion, and religious freedom, to name only a few of the more obvious connections,” said Inazu, an assistant professor of law and political science at Washington University in St. Louis and a former visiting assistant professor at Duke Law.

Duke’s *Law & Contemporary Problems* sponsored the event and will publish a symposium issue of papers presented. Co-sponsors included Duke’s Program in Public Law, Divinity School, and the Franklin Humanities Institute, as well as the John C. Danforth Center on Religion and Politics and School of Law at Washington University in St. Louis. ♣

Bernstein Memorial Lecture in International and Comparative Law

South African Justice discusses groundbreaking high court ruling



JUSTICE EDWIN CAMERON of the Constitutional Court of South Africa delivered the 10th annual Herbert L. Bernstein Memorial Lecture in International and Comparative Law on Sept. 8. An internationally renowned activist, jurist, and human rights advocate, Cameron discussed his court's March 2011 judgment in *Glenister v. President of the Republic of South Africa*, in which a narrow majority upheld a challenge to the constitutional validity of legislation that disbanded the country's elite corruption-fighting unit.

The majority's pivotal finding was that the obligation to create an independent corruption-fighting unit, a requirement of international law, also had direct domestic constitutional effect. The ruling effectively cut through the theoretical divide regarding the relationship between international and national law, placing clear reliance on the South African constitution's own invocation of international law.

"Perhaps the most profound lesson of *Glenister* is that in a globalized world, there should be no cover from properly undertaken international law obligations in the thicket of domestic law," said Cameron, who co-authored the majority opinion. "There should be consonance, not dissonance, between what governments say and do internationally and what they say and do domestically. Our role as lawyers, and our duty, is to reduce the gap where it exists." ♪

CONSTITUTIONAL CHALLENGES TO THE AFFORDABLE CARE ACT: IDEAS FROM THE ACADEMY

A Sept. 16 Program in Public Law conference showcased the interdisciplinary contributions of legal academics — including several on the Duke Law faculty — to the resolution of constitutional challenges to the Patient Protection and Affordable Care Act (ACA); the U.S. Supreme Court will hear oral arguments pertaining to the ACA in March. Most challenges focus on the constitutionality of the ACA's so-called minimum coverage provision which requires most Americans to purchase health insurance or pay a penalty. Papers presented at the conference, organized by Professor Neil Siegel, will be published in spring 2012 in Duke's *Law & Contemporary Problems*, volume 75. (Read more, Pages 26 to 30.) ♪

» View webcasts of lectures and conferences at www.law.duke.edu/news/audiovideo.

Robert R. Wilson Lecture

Dudziak analyzes Franklin's work on militarization and race

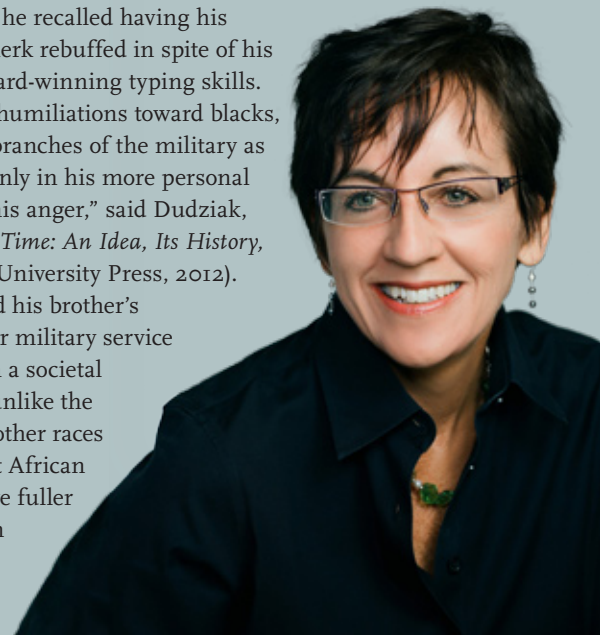
LEGAL HISTORIAN MARY L. DUDZIAK addressed the complex relationship between race and military culture in America, particularly in the South, when she delivered Duke University's Robert R. Wilson Lecture on Nov. 28. Visiting Duke Law in the fall 2011 semester as the John Hope Franklin Professor of American Legal History, Dudziak drew on the late Duke historian's work for her talk, titled "The 'Martial Spirit' in American History: John Hope Franklin on Militarization and War."

Franklin's view of slavery as a cause of martial culture can be found in such seminal works as *From Slavery to Freedom* and *The Militant South, 1800–1861*, said Dudziak, the Judge Edward J. and Ruey L. Guirado Professor of Law, History and Political Science at the University of Southern California. She recited some of Franklin's observations on the origins of Southern culture: "A Southerner seeking military activity in the early 19th century,' Franklin wrote, 'did not have to wait for war with Britain, Mexico or the North. He could find it in the continuing campaign against the subversion of slavery,'"

in which fortresses, arms, and "alert minutemen" were integral.

Dudziak found many of Franklin's most profound thoughts on militarization and race in America in his autobiography, where he recalled having his offer to serve as a Navy clerk rebuffed in spite of his Harvard PhD and his award-winning typing skills. His book recounts other humiliations toward blacks, who were put in service branches of the military as a matter of policy. "It is only in his more personal account that we can see his anger," said Dudziak, whose latest book is *War Time: An Idea, Its History, Its Consequences* (Oxford University Press, 2012).

Franklin found his and his brother's mistreatment during their military service particularly frustrating in a societal context, Dudziak noted; unlike the experience of citizens of other races in other wars, he saw that African Americans did not achieve fuller participation in American society in return for their wartime sacrifices. ♪



Six Duke Law grads clerk on Supreme Court over three terms

KATHERINE CRAWFORD YARGER '08 and Emily Kennedy '10 will clerk for Associate Justices Clarence Thomas and Samuel Alito, respectively, during the Supreme Court's 2012–2013 term. They will be the fifth and sixth Duke Law alumni to clerk at the Supreme Court over three terms.

A litigation associate at Wheeler Trigg O'Donnell in Denver, Yarger previously clerked for Justice Allison H. Eid of the Colorado Supreme Court — a former Thomas clerk — and Judge Neil M. Gorsuch of the United States Court of Appeals for the Tenth Circuit.

"It does not surprise me that Katie is clerking for Justice Thomas; she is an outstanding lawyer and a very nice person," said James E. Coleman Jr., the John S. Bradway Professor of the Practice of Law and co-director of the Appellate Litigation Clinic in which Duke Law students have the opportunity to handle appeals in the Fourth and District of Columbia Courts of Appeal. "Katie was among the first group of students to enroll in the Appellate Litigation Clinic. She started the tradition of excellence that has marked the work of the students who followed her. When her team won their *habeas* case in the Fourth Circuit, a lawyer who followed cases in the circuit wrote to congratulate her, pointing out that not many lawyers had won such cases in that court."

Professor Doriane Coleman had similar praise for Kennedy, whom she taught in

her Children and the Law class as well as first-year Torts; Coleman praised Kennedy's "excellent analytical mind, deep knowledge of and facility with legal doctrine, and a balanced, thoughtful, and especially creative approach to complicated legal issues."



KATHERINE YARGER '08

Currently a litigator at Kellogg Huber in Washington, D.C., Kennedy previously clerked for Chief Judge Alice Batchelder of the United States Court of Appeals for the Sixth Circuit.

Kennedy credits Coleman, Professor Ernest Young, and Dean David F. Levi for their guidance during the two-year clerkship application and interview process.

"Dean Levi has been tremendously helpful and supportive throughout this process, and I know that it wouldn't have worked out without his help," Kennedy said.

"I think that Duke Law is an incredible place to begin your legal career, and I feel grateful for the opportunities the school provided me," said Yarger. "I firmly believe that I would not be in the position I am now if I had not gone to law school at Duke. I'm very grateful to all my professors, and to the school, for their support."

Allison Jones '07, Garrick Sevilla '07, and Amy Mason Saharia '05 clerked during the 2010–2011 term for Justices Thomas, Alito, and Sonia Sotomayor, respectively. Sarah Campbell '09 is clerking for Alito during the current term. ♡

PUBLIC INTEREST

Students, alumna land prestigious fellowships

CAITLIN SWAIN '12, Joanna Darcus '12, and Lauren Fine '11 each has a passion for public interest work that predates her time at Duke Law. They share the goal of making it the focus of their legal careers. And all three have received prestigious post-graduate fellowships to get them started.

Swain has received a Skadden Fellowship to provide legal support to grassroots organizations in North Carolina that work with at-risk youth to enforce their constitutional right to a quality education. The two-year fellowship will support her work for the Advancement Project, a Washington, D.C.-based policy, communications, and legal action organization that facilitates community-based racial justice initiatives. In North Carolina she will partner with Advocates for Children's Services, a statewide project of Legal Aid of North Carolina, and the NAACP to target the systemic under-education of poor students of color, which sustains the "school-to-prison" pipeline.

Darcus has been awarded a one-year fellowship from the Independence Foundation to work with Community Legal Services of Philadelphia to combat abusive debt collection practices on multiple fronts: through the direct representation of low-income Philadelphians who are facing abusive debt collection practices; by enhancing the capacity of the private bar to provide legal services to these individuals; and through policy reform initiatives with local and national partners.

Fine, who currently clerks for Magistrate Judge David Strawbridge in the Eastern District of Pennsylvania, has been awarded Juvenile Law Center's

Justice Stevens to speak at 2012 hooding



Supreme Court Associate Justice John Paul Stevens, who retired in June 2010 after 35 years on the high court, will be the speaker at Duke Law's May 12 hooding ceremony honoring the Class of 2012.

"It will be an honor to welcome Justice Stevens to Duke, for all of us at Duke Law School and for me personally," said Dean David F. Levi, who has known the justice, a fellow Chicagoan, for much of his life; Levi's father, Edward H. Levi, was the United States attorney general when Stevens was nominated to the Court.

"Justice Stevens is one of the great figures in the law, and is also a delightful person. Having him speak to us at the hooding ceremony will be very special for the members of our graduating class and their families," Levi said. ♡



STARTING OUT WITH LONG PUBLIC INTEREST LEGACIES:

Caitlin Swain '12

Before law school, Swain worked at the NAACP in North Carolina and the Kentucky Commission on Human Rights.

Some of Swain's Duke Law activities:

- » Innocence Project: 1L investigator and outreach coordinator; 2L training director; 3L student director
- » Human Rights Society co-chair
- » Wrongful Convictions Clinic
- » Ad hoc seminar (helped develop statutory provisions to reform Haitian laws pertaining to domestic violence and violence against women)
- » Human Rights Advocacy (helped draft bylaws for a human rights commission for Iraq)
- » Education Law
- » AIDS Law
- » Summer service: 1L Center for Constitutional Rights; 2L Advancement Project



Zubrow Fellowship in Children's Law, which will provide her an opportunity to work on behalf of children in the delinquency and dependency systems. The Philadelphia-based Juvenile Law Center is the oldest nonprofit public interest law firm for children in the United States. The two-year fellowship will allow Fine to work on litigation, policy and legislative efforts, training, and direct representation on issues ranging from the rights of dependent youth aging out of the foster care system to the needs of juveniles reentering the community from delinquent placements.

All three women will be returning as fellows to work with organizations they first served as summer interns, assisted by Duke Law summer service grants and fellowships, among others. In addition to pursuing summer public interest work, each has taken advantage of Duke's clinical and skills-based classes to deepen professional skill-sets in their areas of interest and forged a long legacy of extracurricular public service at the Law School through such organizations as the Innocence Project, the Volunteer Income Tax Assistance program, and Street Law.

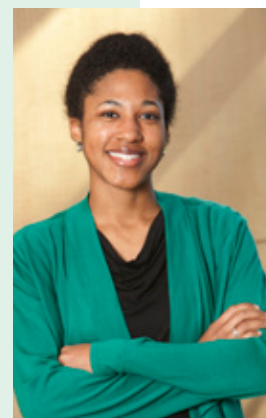
"Caitlin, Joanna, and Lauren all have demonstrated a commitment to building careers in social justice from their earliest days in the Law School," said Assistant Dean for Public Interest and Pro Bono Kim Bart '02. "They are effective and energetic leaders who have worked to develop strong sets of skills and experiences that will serve them well in their careers. I have no doubt that all will go on to do big things in their careers, bringing about important and good changes to law and policy that will improve the lives of their clients, as well as the communities in which they live." ♡

Joanna Darcus '12

Before law school, Darcus worked at Juvenile Law Center and volunteered through the IRS Volunteer Income Tax Assistance Program.

Some of Darcus's Duke Law activities:

- » Innocence Project: 1L investigator and outreach coordinator; 2L case manager; 3L managing director
- » Volunteer Income Tax Assistance
- » Children's Law Clinic
- » Community Enterprise Clinic
- » AIDS Law
- » Human Rights Advocacy (analyzed proposed legislation to evaluate effect on indigenous rights)
- » Environmental Law Project (researched property tax policies that promote viability of small farms)
- » Government & Public Service Society (helped coordinate inaugural Careers in Service Symposium)
- » Summer service: 1L Community Legal Services of Philadelphia; 2L Lawyers' Committee for Civil Rights Under Law

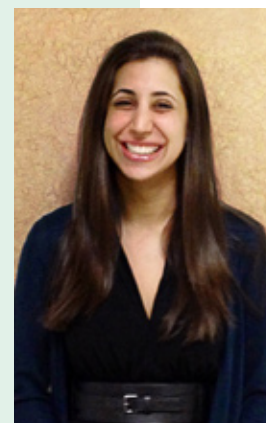


Lauren Fine '11

Fine has volunteered with child welfare and advocacy groups since high school.

Some of Fine's Duke Law activities:

- » Innocence Project: 1L investigator; 2L case manager; 3L reintegration team member
- » Street Law
- » Public Interest Law Foundation: secretary
- » Organized ad hoc seminar on juvenile justice
- » Children's Law Clinic
- » Southern Justice Spring Break trip to New Orleans
- » Interned with Durham's Medical-Legal Partnership for Children, through Legal Aid of North Carolina
- » *Duke Journal of Constitutional Law and Public Policy*: managing editor; author of "Death Behind Bars: Examining Juvenile Life Without Parole in *Sullivan v. Florida* and *Graham v. Florida*"
- » Summer service: 1L Juvenile Law Center



AIDS Legal Project/AIDS Policy Clinic

Report says HIV epidemic in the South has reached crisis proportion

THE SOUTHEASTERN UNITED STATES is experiencing the highest rate of new HIV/AIDS infections in the nation, according to a new report by the Southern HIV/AIDS Strategy Initiative (SASI), a coalition led by Duke's AIDS Legal Project.

With support from the Ford Foundation, SASI is developing research-based policy and strategy recommendations to call attention to the HIV/AIDS crisis faced by Southern states and to advocate for increased federal resources. The research, published in late fall, takes a close look at nine southern states that have been particularly hard hit by the epidemic in recent years: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and (East) Texas. All nine are among the 15 states with the highest death rates from HIV.

"With the highest rates of both new HIV diagnoses and HIV-related deaths in the country, as well as poor social determinants of health and high poverty rates, the South faces an urgent need for resources to fight the epidemic now," said Clinical Professor Carolyn McAllaster, director of the AIDS Legal Project and head of SASI's steering committee of HIV/AIDS experts. "We cannot afford to be complacent."

According to research commissioned by SASI and compiled by the Duke Center for Health Policy and Inequalities Research, 35 percent of new HIV infections in 2009 were in these nine targeted states, which contain only 22 percent of the U.S. population. The targeted states also lead the nation in new AIDS diagnoses rates. The data also indicate that 99.5 percent of people on waiting lists for the AIDS drug assistance programs live in the South.

Law students in Duke's new AIDS Policy Clinic have been assisting in data collection and advocacy initiatives related to the research and are working to inform policy recommendations at the state and county levels, gaining hands-

"With the highest rates of both new HIV diagnoses and HIV-related deaths in the country ... the South faces an urgent need for resources to fight the epidemic now."

— **Clinical Professor Carolyn McAllaster** directs the AIDS Legal Project as well as the steering committee of the Southern HIV/AIDS Strategy Initiative.



on experience in current and emerging health policy issues. In addition to conducting legal and fact-based research to inform policy recommendations, they are crafting reports, comment letters, presentations, and draft legislative or regulatory guidelines. A number are veterans of the AIDS Legal Project, the Law School's longest-running clinical program.

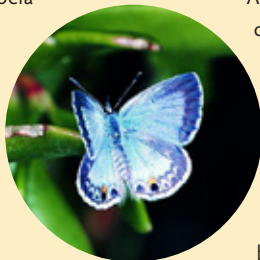
"The students who are doing this are grounded in the cases," McAllaster said. "What happens when you deal with several of these individual cases is that you see the need for systemic change. Through the funding we've received for the policy clinic, we are able to work on initiatives that take a broader approach and address these problems from both ends — the personal and the systemic." ♣

Environmental Law and Policy Clinic

Students pursue protection for endangered butterfly

DUKE'S ENVIRONMENTAL LAW and Policy Clinic is assisting the North American Butterfly Association (NABA) in the association's efforts to list the Miami Blue butterfly as an endangered species.

Comments submitted to the U.S. Fish and Wildlife Service written and researched by clinic Supervising Attorney Michelle Nowlin JD/MA '02 and clinic students Thomas Dominic '12 and Justine Chow, a student at the Nicholas School of the Environment, outline the decline of the Miami Blue, a small, brightly colored butterfly once common in coastal south



Florida. It now exists only in a small segment of the Florida Keys.

"As one of the rarest insects in the country, and as a species whose decline highlights that of similarly situated butterflies in the Florida Keys, it is important to protect the Miami Blue from extinction," the comments state.

The butterfly's population has been diminished by loss of habitat; all vacant land in the Keys that is not already protected for conservation purposes has been projected to be developed by 2060. The

region also has been devastated by the introduction of non-native predator species and aggressive mosquito control.

The clinic students, working with NABA, conducted in-depth scientific research and operated within a highly structured regulatory process.

"The Miami Blue project has given me an opportunity to see notice-and-comment rule-making firsthand," Dominic said. "After learning about the legal framework in Administrative Law, and participating in the process through the Environmental Law and Policy Clinic, I have a wider perspective on how some regulations are made." ♣

Kip A. Frey '85 takes helm of Law and Entrepreneurship LLM program

KIP A. FREY '85, an entrepreneur and visiting professor of the practice at Duke Law, has been named director of Duke's Law and Entrepreneurship LLM (LLMLE) program.

Frey is president and CEO of EvoApp, a Durham company that helps businesses strengthen customer relationships and social media intelligence through complex data analytics. He has led and advised a number of entrepreneurial and venture-backed enterprises throughout his career. Since 2010, he has served as chair of the LLMLE advisory board, has taught classes through the program, and has helped coordinate practicum experiences for students. Frey also is an adjunct professor at Duke's Sanford School of Public Policy, where he teaches intellectual property law and policy courses.

"It is tremendously exciting for me to be involved in the LLMLE program at Duke," Frey said. "It fills a distinct need in the business community, particularly as entrepreneurship becomes an increasingly important force in our economy. Lawyers who work with entrepreneurial companies need to be able to embrace risk, call upon deep knowledge of both the law and business, and find ways to move the companies forward within a rapidly changing economic and regulatory landscape. This requires a specific blend of skills and experience that you really can't get in any other law or business program."

The one-year LLMLE program at Duke integrates coursework, work experience, and high-level networking opportunities to prepare lawyers to advise, create, and lead entrepreneurial companies. Courses are designed to help students develop a deep understanding of relevant legal and regulatory issues as well as the unique business demands that entrepreneurs face; a required, full-semester practicum allows students to put that knowledge to work within the leadership team of a local entrepreneurial company.

Through the year, an LLMLE student might work in a local entrepreneurial venture, advise a student team in Duke's Startup Challenge, and conduct case studies of real-world problems presented by visiting scholars and practitioners.

Frey has already tapped his knowledge of the entrepreneurial landscape and connections within the startup community to assist LLMLE students in arranging their practicums. Students currently are working in practicums with companies around the Research Triangle and beyond, including Hatteras Venture Partners, Joystick Labs,

Sciquest, Bandwidth.com, and CBC New Media Group.

"Professor Frey did a great job of matching me with a good practicum host," said Karl Goodman LLMLE '11, who served in a practicum with the Triangle Community Foundation and is now an associate with Morgan, Lewis & Bockius in New York. "He has connections all over North Carolina and listened closely to what I wanted out of my practicum."

Prior to joining EvoApp, Frey was president and CEO of Zenph Sound Innovations. He has served as a partner at the venture capital firm Intersouth Partners and as the head of a variety of venture-backed companies. He served as executive vice president and general counsel of Ventana Communications Group, sold Ventana to the Thomson Corporation in 1994, and continued in an executive role at Thomson through 1997. He also has served as president of Accipiter, Inc., and as president and CEO of OpenSite Technologies, Inc.; each company sold for more than \$500 million during his tenure. Frey has been honored by Digital South Magazine as the Southeast's top entrepreneurial CEO and in 2000 received the Council for Entrepreneurial Development's Entrepreneurial Excellence Award.

Frey practiced intellectual property law for five years before joining Turner Broadcasting System in 1990 as associate general counsel. While at Turner he ran several business units and contributed to the acquisition of Castle Rock Entertainment, the formation of the Cartoon Network, and the construction of the MGM Grand Hotel and Casino. In addition to his Duke Law degree, he holds a bachelor's degree in cinema from the University of Southern California.

"Kip brings an entrepreneur's creativity, passion and vision to our LLMLE program," said Duke Law Dean David F. Levi. "He is in a great position to help our students and our school develop and deepen connections to entrepreneurial ventures. His legal and business skills and experience, as well as his leadership in the Triangle's entrepreneurial community, present a great opportunity to move this program forward." ♡



KIP A. FREY '85

Practicum Hosts for the LLMLE Class of 2012 Include:

CED
 Xin Ray Systems
 Sciquest
 Bandwidth.com
 Anthony & Co.
 Durham SciNergy
 Mark Properties
 Blackstone Entrepreneurs Network
 SportsEndeavors
 Community Empowerment Fund
 Cherokee Fund
 Hatteras Venture Partners
 CBC New Media Group
 Charleston Digital Corridor
 Joystick Labs
 Altometrics
 Savvy Marketing Group
 Clinipace Worldwide

Employers for the LLMLE Class of 2011 include:

Moore & Van Allen
 McGlinchey Stafford
 Proskauer Rose
 Morgan Lewis
 Smith Moore Leatherwood
 Wilson Sonsini
 Dental One Partners
 Snell Wylie & Tibbals
 Lowenstein Sadler
 Lenora & Upton
 Mercy College



Marilyn R. Forbes, a partner and litigation and product liability specialist at Womble Carlyle Sandridge & Rice in Raleigh, led students in a deposition practice seminar.

Wintersession classes focus on practical skills

MORE THAN 300 Duke Law students returned early from their holiday breaks to attend Duke Law School's second annual Wintersession, Jan. 4–7, immersing themselves in classes on such practical matters as taking depositions, drafting contracts, basic accounting, and the essential duties of corporate counsel. Their instructors during the free four-day program were Duke Law faculty and top practitioners from around the country.

Marilyn Forbes, a partner at Womble Carlyle Sandridge & Rice in Raleigh, taught Deposition Practice. Also a senior lecturing fellow at Duke Law, Forbes said associates who begin their practice with a working knowledge of how to conduct a deposition have an advantage.

"It's a critical skill for law students to have," Forbes said. "Jury trials, especially on the civil side, are really disappearing. I think most litigators, in

the course of their careers, will take hundreds of depositions and only have 10 to 15 big trials.

"I have found that, as a partner working with teams of associates, the associates who can quickly adapt to taking depositions and do a good job thinking on their feet in the moment — not in the quiet of a library — those associates really can succeed quickly."

Wintersession students had the option of taking two classes for up to one full credit.

LLM candidate Einat Levy '12 relished the opportunity to interact with practitioners like Forbes. "It's a chance to have almost a private session with a partner that would be hard to get at a law firm," said Levy, an Israeli lawyer. She also found her class titled Doing Business in China directly relevant to practice.

"You realize how different negotiations are with respect to the different cultures and how

important it is to know the cultural differences," Levy said. "Coming from a different country, I know that that could be an issue. Being prepared before you go into a negotiation with someone from abroad is important."

Jonathan Strauss '12, who is pursuing Duke's LLM in Law and Entrepreneurship (LLMLE), called Wintersession "relevant, current, and really, really valuable."

"I think it's really useful as a short, condensed, crash course with some practical, transactional experience," he said. "There are great professors who are actually practicing who can tell you about real-world experiences."

Martin Morgado '12, also an LLMLE student, had a specific goal in signing up for Basics of Accounting with Professor James Cox. "I wanted to get an understanding of financial statements and become more comfortable in my ability to



Clockwise from top left: Peter J. Romatowski, partner and securities litigation and SEC enforcement practice leader at Jones Day in Washington, D.C., taught a class on in-house investigations. Leonard B. Simon '73, of counsel at Robbins Geller Rudman & Dowd in San Diego and a class action and complex litigation specialist, taught a class titled Real World Litigation. Appellate litigation specialist Candace M. Carroll '74, of counsel at Sullivan Hill Lewin Rez & Engel in San Diego, instructed students on drafting civil motions and oppositions.



Wintersession “is one of the most important things Duke Law School does for students in preparing them for the actual practice of law.” — **Professor Donald Beskind '77**



review those and be able to communicate my conclusions to colleagues,” he said.

Visiting Assistant Professor Margaret Hu '00 taught 40 students a class titled National Security Biometric Dataveillance Policy.

“Increasingly, the U.S. is collecting biometric data — fingerprints, DNA, iris retinal scans, etc.— as a part of our domestic security policy, as well as part of our ‘war on terror’ in military operations abroad,” said Hu, who previously worked at the Department of Justice. “The students enthusiastically embraced the case study approach to this unfolding phenomenon. Specifically, the students put themselves in the position of policymakers who were tasked with examining what policy prescriptions might be useful to preempt the potential misuse and abuse of biometric databases.”

“It was great to have an opportunity to directly apply law school to a current issue of some significance in Professor Hu’s class, and it really made me think critically about something you read in

the news, but don’t normally study,” said Phil Aubart '13 who also took a Deposition Practice class. “I was also thrilled with the deposition class and the opportunity to learn real litigation skills and spend six hours practicing them under the guidance of an experienced practitioner.”

Wintersession “is one of the most important things Duke Law School does for students in preparing them for the actual practice of law,” said Professor Donald Beskind '77, who spent more than 30 years in private practice before joining the Duke Law faculty full time in 2010.

“We bring in some of the best people from around the country — real practicing lawyers with real expertise in the areas that students have been learning about in class — and we help them get the skills they need to put that substantive information to work.”

Along with four colleagues from the fields of neuroscience, psychology, and jury consulting — including Duke neurobiologist and 2L Pate

Skene and Artemis Malekpour '04 — Beskind taught a class titled Neuroscience, Juries and Decision-Making, geared to students bound for trial practice.

“The notion we had was to take neuroscience and see how it applies to jury decision-making, and to give students some exposure to the science while at the same time helping them put that science in the context of a trial,” he said. “On the first day of the program, some of the best neuroscientists in the country gave them information about the relevant neuroscience principles. On the second day we had them put that information to work in a combination opening statement/closing argument in a simulated trial.”

Karen Riewe '12 said she found Beskind’s class both challenging and insightful, and perceived Wintersession, overall, as “a good way to get a lot of information in a short time that is highly applicable to practice. These sessions will help us in the real world.” ♡



THE SECOND HALF



A LOOK AT DEAN DAVID F. LEVI'S SUCCESSFUL FIRST TERM



AND HIS PLAYBOOK FOR THE YEARS TO COME

ACCOLADES for David F. Levi poured in from all sectors of the Duke Law community with the news, in mid-November, that he had accepted a second term as dean. His new term begins on July 1.

“David has done a fabulous job in the four-plus years he has been at Duke — faculty hiring has been strong, student morale is high, and there is enormous energy around various initiatives he has undertaken,” said Katharine T. Bartlett, the A. Kenneth Pye Professor of Law and Levi’s predecessor as dean.

“We could not have a more capable individual leading us at this time,” said Peter Kahn ’76, a member of the Board of Visitors and Duke University trustee who served on the dean search committee that recruited Levi to Duke Law in 2007 from his position as chief judge of the U.S. District Court for the Eastern District of California.

“Having taken over an already strong law school from Kate Bartlett, Dean Levi in his first term has brought us to new heights despite having to deal with a very difficult economic climate for student placement, faculty recruitment, and fundraising,” said Kahn, a partner at Williams & Connolly in Washington, D.C.



By all accounts, Levi's leadership of Duke Law has not only helped the school to survive the economic downturn but to thrive. Outstanding faculty hires, new programs focused on developing professional skills and leadership traits in students, exciting new graduate degree programs for lawyers and judges, and impressive fundraising successes have created a sense of tremendous excitement and momentum that extends from first-year students to the faculty and administration to the alumni and broader community.

For his part, Levi is grateful for the opportunity to be of continued service to the "remarkable" Duke Law community. "The faculty are extraordinary scholars and teachers, and it is their dedication to their fields, their students, their colleagues and their profession that makes all the difference and makes Duke such a great law school. Our students are also wonderful young professionals who are determined to succeed as lawyers and civic leaders. Helping them to do so is one of the great joys of being dean.

"Our loyal and talented alumni provide daily support, encouragement, and advice. Coming to know them has been a delight. Finally, our dedicated and superb staff and administrators permit us to develop in new ways and meet the challenges of a dynamic and changing profession."

BUILDING FRONTCOURT DEPTH

Since joining the Duke Law faculty as dean and professor of law after a long career in public service as a U.S. attorney and federal judge, Levi has, indeed, forged an impressive record. "He immediately threw himself into the difficult work of being dean and has not slowed down," said James E. Coleman Jr., the John S. Bradway Professor of the Practice of Law, who co-directs the Center for Criminal Justice and Professional Responsibility, one of five new research centers launched during Levi's tenure.

Chief among his achievements has been a significant expansion of the Law School's faculty; he quickly identified Duke's ability to recruit and retain top entry-level and lateral scholars, professors of the practice, and writing and clinical faculty, as a golden opportunity during a time of recession-mandated hiring freezes elsewhere.

More than a dozen leading and emerging scholars and professors of the practice have joined the governing faculty during Levi's tenure, bringing exceptional depth of experience in law practice, business, and policymaking to their classes. He also annually recruits an impressive roster of visiting scholars who offer students specialized and topical curricular offerings and perspectives. Notable among these is U.S. Supreme Court Justice Samuel Alito, who for the past three years has taught a weeklong seminar titled Current Issues in Constitutional Interpretation to upper-year students. Justice Antonin Scalia joined the 2011 faculty of the Duke-Geneva Institute in Transnational Law.

"Dean Levi has been incredibly supportive of faculty scholarship and scholarly activities, and that support has included generous funding of a wide range of scholarly roundtables, conferences, and workshops," said Curtis A. Bradley, the Richard A. Horvitz Professor of

Law and Professor of Public Policy Studies. "To take just one example, he has enthusiastically supported the Project on Custom and Law that Professor [Mitu] Gulati and I organized this year, which includes both a series of workshops by leading scholars from around the country as well as an all-day symposium at which Duke faculty will present works in progress relating to the intersection of custom and law." (Read more, Page 5.)

He also has made time for scholarship of his own, regularly teaching classes relating to ethics, jurisprudence, and legal history (read more, Page 20) and has published several articles on judicial decision-making and the legal profession; his *Duke Law Journal* article, "Autocrat of the Armchair," a review of Judge Richard Posner's book, *How Judges Think*, was honored by *Green Bag* on its list of "Exemplary Legal Writing 2009."

Levi has initiated the addition of two unique LLM offerings at Duke Law: the LLM in Law and Entrepreneurship (LLMLE) and the Master of Laws in Judicial Studies for sitting judges. Launched in the 2010-2011 academic year, the one-year LLMLE blends rigorous academic study of the legal, business, institutional, strategic, and public-policy frameworks and considerations that apply to entrepreneurs and innovation with a hands-on practicum in a Research Triangle-area startup.

The Master of Laws in Judicial Studies is the only graduate degree program at a major law school devoted to the education of judges. Set to welcome its inaugural class this summer, the program is designed to address a need for advanced educational opportunities for judges and to support scholarly research on judicial institutions and judicial decision-making.

The Judicial Studies degree represents one of two core areas of programming of the Duke Center for Judicial Studies, which also focuses on the scholarly study of the judiciary. The center builds on the strength of the Duke Law faculty in judicial studies, empirical studies, the study of institutions, international and comparative law, public law, legal strategy, and law and economics. Other new interdisciplinary research centers at Duke Law include the Center for Law, Race and Politics, the Center for Criminal Justice and Professional Responsibility, and the Center for Sports Law and Policy.

MAXIMIZING OPPORTUNITIES

While maintaining and enhancing the rigorous academics that have long been the hallmark of a Duke Law education, Levi has taken various steps to maximize job opportunities for all students and to ensure they are prepared to distinguish themselves — from day one — in practice, in public service, in business, and as leaders. He has introduced integrated externships and skills-based classes (read more, Page 12), clinics, and programs, and targeted investment in specialized academic programs, such as the LLM in Law and Entrepreneurship; increased summer and post-graduate fellowship support for students interested in government and public interest positions. (Read more, Page 23.)

First-year students have benefited from the 2009 introduction of the yearlong Dean's Course, which Levi designed to introduce them to

“Dean David Levi is an extraordinary leader with a national reputation for brilliance and vision, and unflagging dedication to promoting excellence in legal education and scholarship.

As a former United States attorney and chief judge of a United States District Court, and as a past chair of the United States Supreme Court’s Committee on Procedural Rules, Dean Levi has been uniquely able to connect with all parts of the legal profession, domestically and internationally, and to forge significant cooperation between the academy, bench and Bar, so essential in fostering the rule of law.”

— Judge Anthony J. Scirica, United States Court of Appeals for the Third Circuit and member, Duke Law Board of Visitors

universal characteristics valued and modeled in the profession, and an expansion in the ranks of Legal Analysis, Research and Writing faculty — with a corresponding reduction in class sizes.

“Effective communication, including written analysis, is critical to all aspects of law practice,” said Senior Lecturing Fellow Sean Andrussier ’92, who co-directs the Appellate Litigation Clinic and teaches Legal Analysis, Research and Writing as well as Appellate Practice; before joining the faculty in 2009, Andrussier worked at large law firms as a litigator.

“Dean Levi values effective communication. He understands that students need enhanced legal writing skills to be the most effective lawyers they can be, whether they’re drafting agreements, evaluating legal issues for clients, or advocating before judges,” Andrussier said. “The dean also appreciates that students need opportunities to develop these skills, and so he has supported a variety of writing opportunities for students from the moment they arrive here through the third year.”

“EXCELLENCE IS WHAT WE’RE AFTER IN TEACHING AND SCHOLARSHIP. ... AS I OFTEN TELL OUR ALUMNI, WE’RE LOOKING FOR PEOPLE WHO CAN SHOOT *AND* WHO CAN DEFEND.” — Dean David F. Levi

“One of the things I think David does particularly well is promote this hybrid of a high-quality, rigorous scholarship with experiential learning,” said Professor Lawrence Baxter, a leading scholar of administrative law and financial regulation who served on the faculty from 1986 to 1995 and returned as a professor of the practice in 2009, after more than a decade in the private financial sector. Baxter offered the Duke in D.C. program as a specific example; the “integrated externship” program pairs full-time externship placements for students within congressional offices and agencies in and out of government with a weekly class examining federal regulation and policymaking from a scholarly perspective.

“This takes experiential learning to a new level, weaving the practical and the scholarly aspects of the endeavor together, so when students are engaging in an experience, they are still bringing a scholarly, academic mindset to bear on it,” said Baxter, who regularly teaches semester-long Duke in D.C. sections focused on financial regulation. “It helps them approach practice with ivory tower analytical minds. The best lawyers at leading law firms have that ability. The finest judges, too, have always displayed it. But it’s not something that comes without a lot of work and preparation in law school.

“And that is the aspiration we have for Duke students — and why David has set us up so well for it. He’s helping us move to the next level where the divide between the practical and the academic is just irrelevant.”

The Law and Entrepreneurship LLM program, which combines classwork with a semester-long placement in an entrepreneurial enterprise, offers an example of integrated learning in another context.

“There is a huge demand for the kinds of course work that we are developing for the LLM coming from the JD students,” said Levi. “The program already is enriching the entire school, and that’s what we hoped would happen.

“The LLM program — and classes that emerge from it — is about building a different kind of lawyer,” Levi said. “We’re building a lawyer who has all of the skills a traditional lawyer has — they are problem solvers. But in addition, they have the intention and skills to be decision-makers as well as wise advisers.”

Keeping pace with the dynamics of the legal economy and legal profession is challenging even for top-tier law schools at the best of times, Levi observed.

“Since we live in a time of high volatility, it’s been a significant challenge,” Levi said.

But even the somewhat contracted employment landscape faced by students and new graduates “has had its silver lining,” he added, as it has motivated students to bring their values, interests, and goals more to the fore in their job searches, and demanded greater strategy and initiative from them in a much tougher environment.

Like the deans who preceded him at Duke, Levi has put a premium on building and strengthening ties to the far-flung alumni community. His outreach has brought substantial returns as alumni volunteer their time as mentors to students; recruit on campus and hire recent Duke Law graduates and students; teach courses and offer lectures; and support scholarships, fellowships, programs, and professorships. And wherever possible, Levi has leveraged his knowledge of and contacts in the professional community across the country and shared his insight on such matters as clerkship success.

“Dean Levi was an invaluable resource as I attempted to navigate my way through the clerkship process,” said Sarah Boyce ’12, the editor in chief of the *Duke Law Journal*, who will clerk next year for Judge Jeffrey Sutton of the United States Court of Appeal for the Sixth Circuit. “His time spent on the district court in California gave him a familiarity with the federal judiciary that helped demystify what would otherwise have been an extremely intimidating experience. I can’t say enough about his patience with my endless and often last-minute questions, and I’m quite confident I wouldn’t have the clerkship I secured had he not graciously offered to call Judge Sutton on my behalf. I really don’t think the importance of his experience prior to coming to Duke can be overestimated.”

STAYING ON OFFENSE

Levi’s approach to navigating his first term as dean and his view for the future is to embrace opportunities for change, optimism, and leadership.

“The biggest opportunities are in the development of our faculty,” he said. “The excellence of our faculty, the range of our faculty, and the dedication of our faculty — our scholarly and teaching faculties — this is the most important thing at our school. It’s what makes us so distinctive. So excellence is what we’re after in teaching and scholarship.

“As I often tell our alumni, we’re looking for people who can shoot and who can defend.”

Expanding Duke’s international programs and reputation will be another priority, Levi said. “To benefit from our international alumni in the ways that we do from our domestic alumni — in part to provide opportunities for our students who want to work internationally — is an important challenge, one that we can meet, and one that draws upon our strength in the international arena.”

Making sure that every Duke Law student has an academically (and personally) balanced experience is an ongoing priority, he added.

“I want students who come here to feel good about their education and when they get into practice feel they are well prepared, thanks to the range of opportunities we have made available.”

Engaging alumni promises to be a highlight of his coming term, he said. “The alumni have been delightful. Their passion for Duke is great, and one of my challenges is to convince more of them that the passion they feel for Duke and the true gratitude they feel can be expressed in many ways, including through gifts and donations.”

Noting his gratitude to the entire Duke Law and Duke University communities for the opportunities and support that has been extended to him, Levi said he is looking forward to another productive term.

“I am excited to think what we will accomplish together in the years to come, and I am grateful to be part of something so good, both in its accomplishments and aspirations.” ♡ — Frances Presma

“David is an extraordinary person. I thought his move from the bench to become dean at a law school — even a top law school — was an unusual one at the time. I didn’t think he would love it. But he took to it like a fish to water. He managed, simultaneously, to show a real grasp of and understanding for academic culture, while still bringing to it the other dimensions that come from his career before he became dean, as a prosecutor and a judge. He brought a nuanced sense of what the legal profession really is, what it means, and what you need to inculcate in students.”

— Larry Kramer, Dean and Richard E. Lang Professor of Law, Stanford Law School

FOR THE RECORD

A FEW HIGHLIGHTS FROM
DEAN DAVID F. LEVI'S
FIRST TERM AT DUKE LAW

2007

DUKE LAW PERIOD 1

2012

“ I think the attention David has paid to preparing law school graduates better for the job market; the attention he’s given to building up a number of new clinics; the Duke in D.C. program; the Law and Entrepreneurship program — all of these represent a self-conscious effort on his part and on that of the faculty to expand the horizons of the Law School, to increase its societal engagement and at the same time, to offer to the students of the school a broader set of opportunities for how they can pursue their careers.”

— Duke University Provost Peter Lange



NEW FACULTY RECRUITS

“ Although I was initially drawn to Duke by the quality of the faculty, it was the collegiality of the faculty that sealed the deal for me. The faculty members I met were clearly very accomplished, but they were also nice people who were sincerely interested in each others' work and in life outside law school. I got the sense that David (and Kate Bartlett before him) had played an important role in creating and maintaining that friendly, collaborative atmosphere at the school — making it not only a first-rate institution but also a truly enjoyable place to work.”

— Professor Margaret Lemos

Matthew Adler
Samuel Buell
Guy-Uriel Charles
John de Figueiredo
Lisa Kern Griffin
Laurence Helfer
Kimberly Krawiec
Margaret Lemos

Entry-level hires:

Joseph Blocher
Daniel Chen
Stephen Sachs

Professors of the Practice

Lawrence Baxter
Donald Beskind '77
Bill Brown '80

And many more great visitors!

NEW RESEARCH CENTERS AND PROJECTS

Center for Judicial Studies
Center for Criminal Justice and Professional Responsibility
Center on Law, Race and Politics
Center for Sports Law and Policy
Duke Project on Custom and Law

NEW DEGREE PROGRAMS

LLM in Law and Entrepreneurship
Master of Laws in Judicial Studies

NEW EXPERIENTIAL PROGRAMS AND CLINICS

Duke in D.C.
Duke in Raleigh
Federal Defender Integrated Externship program
Course Plus
Wintersession (Read more, Page 12)
Appellate Litigation Clinic
Environmental Law and Policy Clinic
Startup Ventures Clinic
LLM in Law and Entrepreneurship
Expansion of Legal Analysis, Research and Writing faculty



NEW WAYS TO SUPPORT FACULTY

Robert H. and Joan Parsons Beber Chair in Business Law

Robinson O. Everett Chair

John Hope Franklin Chair in American Legal History

Jeffrey and Bettysue Hughes Chair
(Read more, Page 2)

David W. Ichel Chair in Constitutional Law and Government

Thomas D. Rowe Jr. Chair

Edward and Ellen Schwarzman Chair

Stanley A. Star Matching Gift Fund to fund four new chairs

David has really energized the entire Duke Law community by bringing his well-regarded judicial background, keen intellect, and warm personal touch to advancing Duke Law School's role as a preeminent center for legal education that is fully up to the challenges of the 21st century, both in the United States and globally,"

— **David W. Ichel '78**, chairman of the Board of Visitors and a partner at Simpson Thacher & Bartlett in New York

NEW WAYS TO SUPPORT STUDENTS

Doubled student scholarship support, from \$5.3 million in 2007 to \$10.2 million in 2011

Created 14 new endowed scholarships
Developed Dean's Summer Service Grant Program

Established Bridge to Practice Fellowship Program (Read more, Page 23)

SINCE 2007

2

Two Supreme Court justices — Justices Samuel Alito and Antonin Scalia — have taught at Duke Law and at the Duke-Geneva Institute in Transnational Law, respectively.

4

Four Supreme Court justices have visited Duke Law in the past four years, with a fifth — retired Justice John Paul Stevens — scheduled to speak in May 2012 at hooding.

6

Six recent Duke Law graduates have been selected as Supreme Court clerks over three consecutive terms.

AND IN HIS SPARE TIME

By appointment of Chief Justice of the United States John G. Roberts, Levi serves as a member of the Standing Committee on the Rules of Practice and Procedure, which he chaired from 2003 to 2007. He also serves as a member of the board of Equal Justice Works, among other professional boards and committees, and participates in a number of law reform initiatives.

Levi also moonlights as a ranch hand at Ranney Ranch in New Mexico, where his wife, Nancy Ranney, raises grass-fed beef.



“I’m a novice to the legal dimension, but that’s all right — I have a judge sitting next to me. But I do know things about the different chapters of history.”

DUKE UNIVERSITY PRESIDENT
RICHARD H. BRODHEAD



In the classroom:

Faces of the Law

Teaching trio brings diverse perspectives to examination of law forged during times of national stress

THIRTEEN DUKE LAW STUDENTS took a fall semester class led by a unique teaching trio: Professor Jedediah Purdy, Dean David F. Levi, and Duke University President Richard H. Brodhead.

The class, *Faces of the Law*, offered an examination of important American cases and law-related writings, explored within the context of their times. The teachers, a quietly compelling scholar, a former federal judge, and a longtime teacher of American literature with no legal background, created their own curious context.

“We’re different,” Levi says, his succinct statement mirroring the decisiveness that some students — and the other two-thirds of the *Faces* teaching team — say he brought to the class.

Enthusiasm, experience, and synthesis

The difference was on display during a September class when *Marbury v. Madison* and *The Federalist Papers* were among the readings. Brodhead was more demonstrative than his co-teachers, gesturing and laughing, reading passages aloud to emphasize their eloquence.

“He’s as enthusiastic a person as I’ve come across,” Purdy says. “He’s just alive with excitement about an idea, or the structure of a piece of writing, and his MO is just to grab some phrase and say ‘I found this fascinating!’ He’ll read it and you feel the weight of each word.”



“We hit on the plan of focusing on three time periods: the founding and the tradition that existed in American law prior to the founding; the civil war and the struggle over slavery; and the New Deal and the legacy of the New Deal period. ... These were extraordinary periods.”

DEAN DAVID F. LEVI

Brodhead’s 32-year teaching career at Yale ended when he became president at Duke in 2004. This was his first foray into legal teaching, but his presence made sense, given the focus of the class on the social and cultural structure around important legal moments.

“My work has all been in American cultural history,” Brodhead says later in an interview. “My PhD is in English but I’ve taught in an American studies program my whole life. I suppose that if someone asked me about my hobby, I spend much of my spare time reading around in the fields of American history and cultural history. I’m a novice to the legal dimension, but that’s all right — I have a judge sitting next to me. But I do know things about the different chapters of history.”

In the September class, the students and their instructors discussed the Constitution both in its purely legal context and as a very young document with a legitimacy that the new country’s citizens were willing into existence.

“Humans create institutions, but they’re not institutions on day one,” Brodhead told the class. “You have to act as if they’re real. It’s like when you play a game: you have to play by the rules you’ve invented as if they’re set in stone.”

The conversation focused on the sources of the new government’s claim to legitimacy, and Levi dove into a topic he enjoys, the roots of American jurisprudence in common law and natural law. He commented on the readings for the day, but also drew from his memory to cite relevant Supreme Court cases and an opinion he wrote as a Supreme Court clerk.

“I feel like it’s actually been a teaching inspiration for me,” Purdy later says. “They each have very, very different teaching styles from mine, and each is very effective. I think David teaches sort of like a scholar-judge. He has a really confident judgment about whether a court is being responsible, whether it’s making things up, whether it’s being cowardly. And it’s not just an opinion, it’s a grounded take.”

Several students talked about the readings and about Levi and Brodhead’s respective statements before Purdy offered a summary,

synthesizing the opinions and applying them to the next portion of the discussion.

“This is the kind of class where you could talk for hours, because the materials and the way we approach them really touch on enormously substantial ideas,” Purdy says.

“I think it’s right to say that Jed has the ability, maybe more than anyone I’ve known, to summarize a person’s or a group’s salient points,” Levi says. “It really moves the class forward.”

“I think they all complement each other nicely, and sort of amplify each others’ strengths,” says Katie Ertmer ’13. “One of the things that attracted me to Duke was Dean Levi, because I thought his background probably meant he understood the law from a different perspective than many other law school deans. So I was excited to take a class with him, and he definitely brings all that courtroom experience to class. I felt like these teachers and this material could be a great combination, and it has exceeded my expectations.”

Class built on legal legacy, lasting relationships

The class arose from the relationships the three professors have with each other, and from a class taught in the past by Levi’s father at the University of Chicago School of Law; the late Edward H. Levi served as law dean at Chicago, and subsequently as that institution’s provost and president before his appointment by President Gerald Ford to serve as U.S. attorney general.

“The genesis goes back to a conversation I had with Jed a year and a half ago,” Levi says. “He’d been out at Stanford and seen the dean there, who is a friend of mine. That dean, Larry Kramer, was my father’s research assistant at the University of Chicago, and my father taught the Elements of Law course at Chicago, which is a famous course for first-year students. Larry and I had been planning to teach this kind of course at Stanford. Larry told Jed that story, and Jed came to me and said ‘This is very much the kind of thing I’d like to be doing at the Law School.’”



PROFESSOR JEDEDIAH PURDY

“The materials served to give the students a kind of immersion in the way that the practice of the law and judging has been, among other things, a running argument about the relationship between the law on the one hand, and justice, or legitimacy, on the other hand.”

Brodhead, who says he spent more time on the class than he thought he would be able to find, says Levi lured him in with a persuasive argument.

“I asked David an obvious question: ‘Why wouldn’t I teach a subject I actually know backwards and forwards?’” Brodhead recalls. “David, intelligent man that he is, gave a killer reply. He said. ‘You’re always talking about how people should be stretching their knowledge and crossing disciplines. Wouldn’t it be more powerful for you to team-teach at the Law School than to teach a class in American literature?’ Now that’s a good arguer.”

Purdy and Brodhead also had a friendship stemming from a time before either came to Duke.

“He was dean of the college at Yale when I was in law school, and I was head teaching assistant for another quirky course,” Purdy recalls. “It was a series of public lectures which doubled as a class, and the head instructor, then the dean of the law school, recruited as lecturers prominent figures from across the school, including Dick Brodhead. As a result, I had a seminar with him and he was amazing.”

Brodhead admits to initial qualms over team teaching at Duke Law: “I’ve team taught with people I greatly respect where I don’t think the whole was greater than the sum of the parts. But in this case, it’s worked very well.”

Law forged in three “extraordinary eras”

The reading list was inspired by, but not identical to, the curriculum taught by Levi’s father.

“We started with a set of materials that are very jurisprudential, but we wanted to give the course greater focus,” Levi says. “We hit on the plan of focusing on three time periods: the founding and the tradition that existed in American law prior to the founding; the civil war and the struggle over slavery; and the New Deal and the legacy of the New Deal period. What that means in practical terms is that

we’ve looked at legal concepts, cases, principles of justice during periods of extreme national stress. That’s the drama of it. All times have their challenges, but these were extraordinary periods.

“When you read back through the materials regarding the struggle over slavery, many of them speak to you right now,” he adds. “We’re still very much living with the legacy of that period. The same thing is true with the New Deal: look at contemporary debates over the role of the federal government. These things don’t go away. They’re in our national DNA, our legal DNA. Seeing how people of good will and bad will, people on the winning and losing sides of history, thought about these things in a legal framework is amazingly interesting.”

Brodhead says the class played to his teaching strengths, and also to his interests.

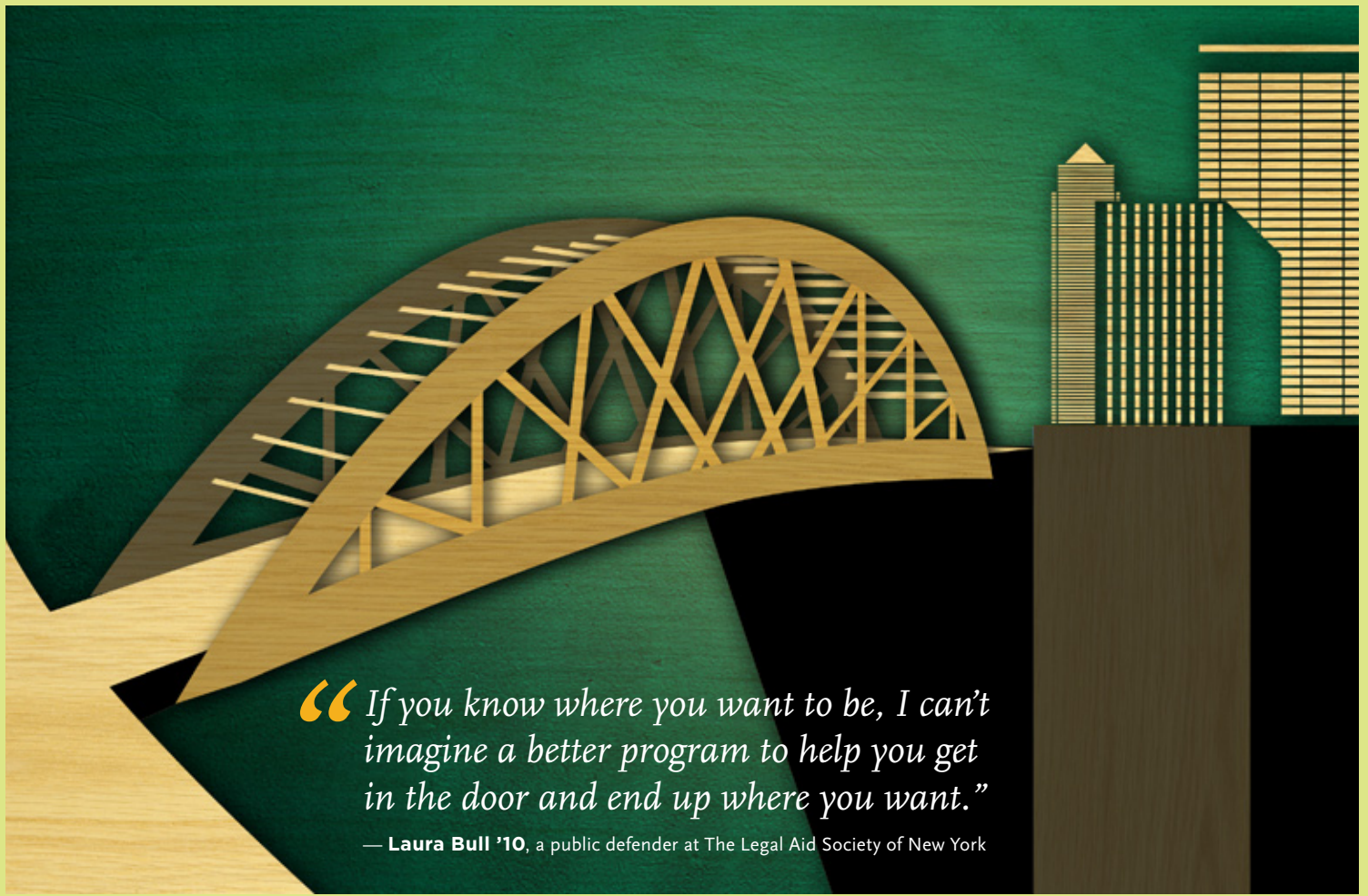
“Very little of this class turned on specifics of the law,” he says. “Every week we looked at how some large social question gets focused onto the structures of the law and how the law can be used to solve the problem or, in some cases, deflect or postpone a solution of the problem.”

Purdy says he found the combination of teachers with diverse experience and a long view of legal issues in their cultural context very fruitful.

“The materials served to give the students a kind of immersion in the way that the practice of the law and judging has been, among other things, a running argument about the relationship between the law on the one hand, and justice, or legitimacy, on the other hand. The materials convey a sense that these aren’t just philosophical questions for legal theorists, but actually arise from the activity of law itself.”

Thomas Dominic ’12 says he took the class because of his desire to learn something about the background principles that inform our current legal system.

“In the normal law curriculum we sometimes invoke the philosophers and scholars who shaped our modern understanding of law, but we never have the chance to confront them,” he says. “I will take away from this class a better understanding of the ways that our scholars, leaders, and judges have woven concepts of natural law, justice, and liberty into the fabric of our legal system.” ♡ — Forrest Norman



“If you know where you want to be, I can’t imagine a better program to help you get in the door and end up where you want.”

— **Laura Bull '10**, a public defender at The Legal Aid Society of New York

BUILDING BRIDGES. CREATING CONNECTIONS.

THE BRIDGE TO PRACTICE PROGRAM IS HELPING NEW GRADUATES NAVIGATE A VOLATILE MARKET AS THEY LAUNCH THEIR CAREERS IN THE PUBLIC SECTOR AND BEYOND.

LAURA BULL '10 CREDITS the Bridge to Practice program with helping her unlock a door that seemed all but stuck: landing her “dream job” as a public defender, right out of law school, during an economic downturn.

“The way the world is now, when you want to do a somewhat specialized job, you only have two options — to have summered there or [to do a] Bridge to Practice,” says Bull, who came to Duke Law with the goal of becoming a public interest lawyer. “These are organizations that don’t hire outsiders, particularly.”

Once she was in the door at The Legal Aid Society of New York, working on the civil side in its law reform unit, she was able to both prove her value as an attorney and develop the relationships that would facilitate a permanent position as a criminal defense attorney.

“I feel so grateful and appreciative for the [Law School’s] awareness of the needs of recent graduates,” Bull says of the Bridge to Practice program. “I could not have afforded to just not work or to not get paid at all. And just having the sponsorship of the school — having it be a program and having some stipend made it easier to work with [poten-

tial employers.] If you know where you want to be, I can’t imagine a better program to help you get in the door and end up where you want. I don’t think I’d be what I’m doing now if not for it.”

Getting a foothold

Duke Law School administrators launched the Bridge to Practice program in spring 2008 to help a handful of students who were committed to public service careers but found it difficult to get that all-important foothold on their first job.

“We were aware that 10 or so students each year were having difficulty getting into public service positions, including government jobs with district attorneys’ offices, public defenders’ offices, and public interest organizations,” says Dean David F. Levi. “Getting these jobs is hard for a number of reasons: Some of these employers require bar passage before considering a graduate. Some only will hire graduates who have interned in their offices or are otherwise known to the office. Some of the offices are interested in seeing how dedicated and hungry for the work the particular student is.”

BUILDING BRIDGES. CREATING CONNECTIONS.

The architecture of a bridge

1 The graduate: Patrick Joost '11

Joost's goal was to join a litigation practice. "I spent one summer clerking for a civil court judge in Houston, and last summer I worked in the District Attorney's office in Houston. I really like being in a courtroom." A Texas native, he also wanted to find a job in his home state.

2 The firm: Lehtola & Cannatti, Dallas

A small civil litigation firm with three partners, including founding partner Patricia Lehtola '84, the firm primarily serves clients in the finance industry, with some business in railroads and the health industry. The firm takes cases to trial.

3 The Bridge:

Thanks to referrals from staff in the Alumni and Development Office and Career Center at Duke, Joost connected with Lehtola and arranged a Bridge fellowship for fall 2011. Joost was able to take on a variety of assignments — drafting pleadings and research memos, attending hearings, and more. "It gave me the opportunity to work for a month and let the partners kind of see who I am and allowed them to become comfortable with me. I don't think they ever would have hired a first-year lawyer outside of this program. So it sort of gave me the opportunity to work my way into a job. I don't think I would have had the offer otherwise."

4 The partner: Patricia Lehtola '84

The firm's partners initially had no intention of hiring Joost, nor did they feel any obligation to do so. They certainly were not looking to hire a first-year associate. But Lehtola was happy to give a fellow Duke graduate a place to work while he continued his search. "It turned out that we had a lot of work that was suitable for him, and he surprised us by being a lot more capable than we thought a first-year would be. Whatever we gave him, he came back very, very quickly and, more importantly, with a very good work product. And very shortly we were starting to be impressed with his work ethic. Somewhere in there — it just seemed like the third week he was there, the partners started talking amongst ourselves about how well he had done. And then we decided to make him an offer."

The outcome:

Joost actually came off his Bridge fellowship early to join the firm full time. "The way I looked at it was, 'You have nothing to lose. You're helping a young person. Why not open your firm to it?'" Lehtola says. "I just felt that it's a wonderful thing the Law School does for these kids. We're just really pleased with the outcome, and we're glad we did it."

So Levi, and the cadre of talented staff who comprise Duke Law's Career Center, built the Bridge to Practice fellowship program to provide graduating students with eight-week post-bar exam fellowships for work in government offices and nonprofit agencies. The program was a win-win proposition: Graduates would gain a substantive work experience that advanced their efforts to secure permanent employment in the public sector; employers would gain the assistance of a well-trained and eager Duke Law graduate — at no cost. Participating graduates would receive a stipend paid by Duke Law (supported by alumni contributions) in exchange for a commitment to work throughout their fellowship with career counselors and mentors to continue their job searches.

The model proved highly successful: In that first year, seven of nine participants secured permanent employment through their Bridge positions.

"Through the Bridge to Practice, I was able to continue working on cases and prepare for one of my DA interviews, where I was asked to 'run the courtroom,'" said Kyle Pousson '08, whose fellowship led to a permanent position with the Durham County District Attorney's Office, where he is now in his third year of practice. "Because the office knew me well and I was working there before and after my bar studies, I was in a great position to become an ADA once I had passed the bar."

The Bridge to Practice program also put Duke Law in a good position to help students caught in the disruption in the legal job market following the 2008 economic crash. In spring 2009, the Career Center expanded the Bridge program to assist students whose career plans had fallen prey to the downturn. More employers were invited to participate, including small and boutique law firms. But the model remained the same: the Bridge offered graduates a path toward per-

manent employment and an opportunity to prove to newly reluctant-to-hire employers that they were a good investment.

Since 2008, Bridge to Practice fellows have worked around the country with nonprofit and advocacy organizations, district attorneys offices, courts, general counsels' offices, and small law firms. Altogether, 56 graduates participated in the Bridge to Practice program between 2008 and 2010; of those, 46 secured permanent employment thanks to their Bridge positions. Many continued in permanent roles with their Bridge employers; others found that the connections and skills developed in their Bridge positions led them to opportunities they might not have had otherwise.

[About 35 graduates of the Class of 2011 were participating in Bridge positions in fall 2011; many had turned into or led to permanent employment by press time. Duke Law reports employment data to the American Bar Association and National Association of Legal Career Professionals nine months after graduation and will post full data for the Class of 2011 on the Law School's website.]

"It would not have been possible for me to get my job without my Bridge fellowship," says Bethan Haaga '10, whose fellowship with the Montgomery County Public Defender's Office in Maryland led to her full-time position there. "Some public defenders' offices have well-established hiring programs, but this office is not one of them. You really have to volunteer here until a position opens up."

Haaga says the funding from the fellowship gave her the "luxury" of pursuing the position she wanted, and the formality of the fellowship gave her confidence in her work and her role in the office. She consulted regularly with Duke Law Associate Deans Kim Bart '02 and Bruce Elvin '93 throughout her fellowship, gaining "extremely helpful" guidance for how best to position herself for a full-time job. And when the job opened up, she was the obvious choice. "They had known me for months; they knew my work." She credits the Bridge to Practice program's combination of funding, support, and structure for helping her land "the best job I could ever hope for."

"In most cases, I think it would be really hard to get a job in the public interest field without a Bridge program, even in good economic times," Haaga adds. "They just can't afford to hire in the ways that firms can."

Breaking into a small or boutique law firm can present similar challenges; most do not have the capacity to recruit at law schools, and many prefer to hire associates with previous experience. Jason Rathod '10, who obtained his position with the Washington, D.C., boutique class-action firm of Mason LLP (now Whitfield, Bryson and Mason) through a Bridge fellowship, tapped into the Duke Law alumni network to line up a Bridge that would position him for a career in litigation.

"I knew I wanted to litigate class actions on the plaintiff side," says Rathod. "During my third year, I told my career adviser about my aspirations, and he provided the names of alums that I should talk to. I found that practitioners in niche firms are passionate about their work and eager to help law students and young lawyers break into their field."

His meeting with Gary Mason '87 led to a Bridge position and then to an offer of permanent employment with Mason's firm, where Rathod now litigates lawsuits related to consumer protection, worker rights, and civil rights.

"When I connected with Gary Mason about the possibility of working for him, he told me that the firm rarely hires, but that if I could

“Because the office knew me well and I was working there before and after my bar studies, I was in a great position to become an ADA once I had passed the bar.”

— Kyle Pousson '08, whose Bridge to Practice fellowship led to a permanent job as a Durham County assistant district attorney

show I would add value to the firm, he'd keep me on," Rathod says. "The Bridge fellowship was the perfect way for my firm to minimize risk and for me to prove that I could excel at the cases assigned to me."

Meeting the challenge of a changed market

Given the modest pace of the national economic recovery, making sure that every graduating student who wants a job has the resources and opportunities needed to land one will continue to be a challenge for the foreseeable future, says Elvin, who oversees Duke Law's career and professional development programs. He says his office will continue to call upon the commitment and involvement of the entire Law School community, from staff to faculty to alumni in every sector of practice, to assist graduating students.

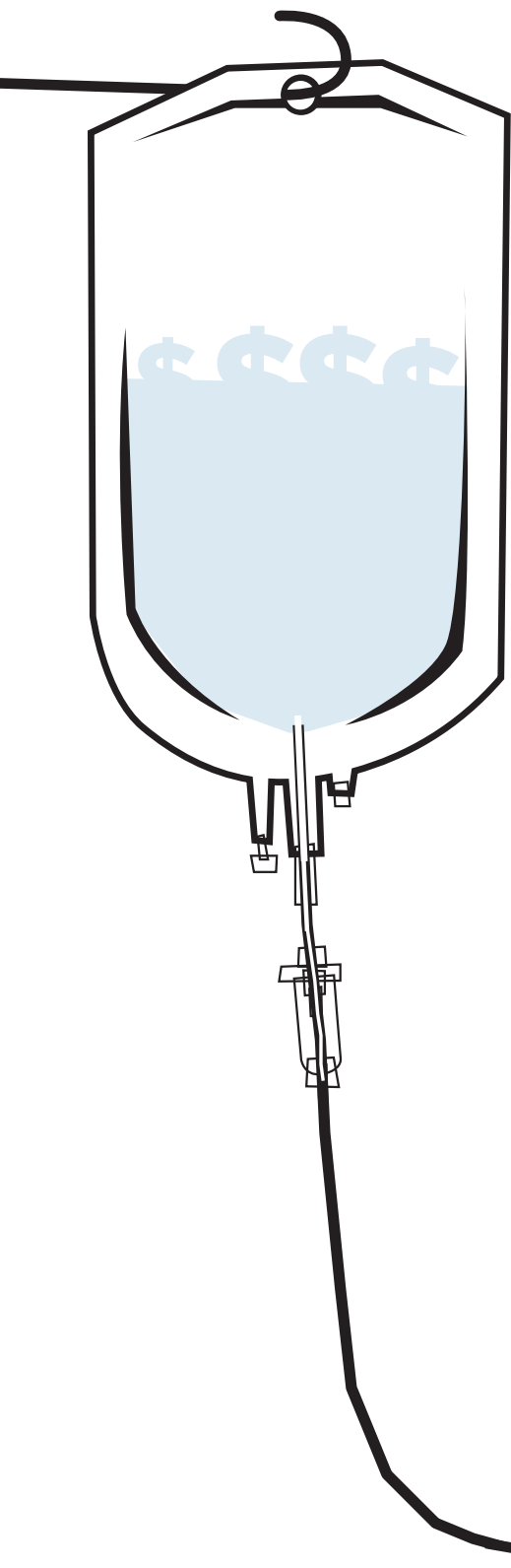
"We are working every possible angle, every possible idea that comes up," he says. "But we also are pushing our students hard. They have to be the ones who drive the job search. They have to own it and work for it. And when they do, we are able to deploy a broad array of resources in advocating on the students' behalf and helping them secure the jobs they want. Overall, they have done a great job these last few years, in the face of really tough circumstances. Our institutional employment record really is a reflection of our students' efforts and how hard they work, as well as the entire Duke Law community, including alumni and faculty, and the broad commitment to supporting students through their three years here and long afterward."

And the successes of the Bridge to Practice program have ensured that the program is here to stay, Levi says. "Many of our most talented students want to work in the public sector, and we are committed to doing everything we can to support them," says Levi. "The Bridge has been incredibly successful in helping them gain traction in positions that might otherwise be off limits to new law graduates, especially in the current economic climate. It has helped a number of other students who want to work for smaller firms that do not recruit in traditional ways. And it has helped those few students who are unsure of their paths at graduation find surer footing and develop confidence in choosing a career path."

"The Bridge, at its core, is a chance for our graduates to demonstrate how well-prepared they are for work," Levi says. "That they are able to make themselves invaluable to these employers is a reflection on these students, their hard work, their determination, and the quality of the education they receive here at Duke." ♡ — Melinda Myers Vaughn

» Duke Law publishes extensive employment data at www.law.duke.edu/career/employmentdata.

Faculty Focus



NEIL SIEGEL

Making the case on health care reform

THIS SPRING, the U.S. Supreme Court will hear oral arguments on one of the most hotly contested laws in recent memory: The Patient Protection and Affordable Care Act of 2010 (ACA). Should the appeal from a ruling of the U.S. Court of Appeals for the Eleventh Circuit pass a jurisdictional challenge, the key issue before the Court will be the constitutionality of the ACA's minimum coverage provision. Called the "individual mandate" by its critics, the provision requires most non-elderly Americans to purchase a minimum amount of health insurance coverage or pay what the law calls a "penalty" each year.

Various *amicus curiae* briefs being filed with the Court cite the work of Professor Neil Siegel. An expert in U.S. constitutional law and theory, Siegel has focused much of his recent scholarship on the ACA debate, directly addressing four matters central to the controversy. In a series of new and forthcoming articles, he argues that (1) Congress acted within the scope of its commerce power in passing the minimum coverage provision in an attempt to solve economic problems that spill over state boundaries; (2) a mandate to purchase health insurance does not leave the door open to any and all government mandates in the future; (3) the minimum coverage provision is not subject to the federal tax Anti-Injunction Act, which, if applicable, would delay resolution of the constitutional questions until after the first exactions are collected following the filing of 2014 taxes; and (4) the ACA exaction for remaining uninsured is, in fact, a tax for constitutional purposes.

With national spending on health care amounting to 16.2 percent of GDP in 2007 and rising, and with 50 million Americans lacking health insurance in 2009, Congress was seeking to address critical problems in passing the ACA, Siegel says. Still, he notes that his goal is not to defend the ACA as a policy matter, but to make the case that the Supreme

“I’m focused on the constitutionality of the minimum coverage provision. ... It’s one thing to say this law is problematic in various ways. It’s another for the justices to use arguments that have no basis in constitutional text, history, structure, or precedent to reject the verdict of the political process regarding a debate that extends over many decades going back to FDR.”

— Professor Neil Siegel

Court has no justifiable basis on which to strike down the minimum coverage requirement.

“I’m focused on the constitutionality of the minimum coverage provision,” says Siegel, who co-directs the Program in Public Law. “If, as certain conservatives have long said, plenty of stupid laws are constitutional, then it follows that plenty of imperfect laws are constitutional as well. It’s one thing to say that this law is problematic in various ways. It’s another for the justices to use arguments that have no basis in constitutional text, history, structure, or precedent to reject the verdict of the political process regarding a debate that extends over many decades going back to FDR.”

Finding Commerce Clause support for the individual mandate

On the merits, the debate over the minimum coverage provision centers primarily on its constitutionality under the Commerce Clause, either alone or combined with the Necessary and Proper Clause. Under current doctrine, the Commerce Clause permits Congress to regulate the channels and instrumentalities of interstate commerce, and economic activities that substantially affect interstate commerce.

Considerable debate has centered on whether Congress has the authority to regulate “inactivity” in the health insurance market — that is, an individual’s choice to not purchase something. The distinction between the regulation of “inactivity” and “activity” lies at the heart of the challenges to the minimum coverage provision and the current circuit split; the Eleventh Circuit ruled the purchase mandate unconstitutional, while the Sixth and District of Columbia Circuits upheld it.

“Critics who say Congress is improperly regulating inactivity are focusing on activity in the insurance market,” Siegel says. “But Congress was focused on the health care market as well, and almost all people are or eventually will be active in the health care market. The two markets are closely connected — health care is overwhelmingly financed by health insurance. And you can be completely inac-

tive in both markets for the time being and still benefit from the existence of the health care infrastructure.” ACA critics agree that once an individual participates in the health care market, Congress can mandate insurance as a condition of participation, he adds.

But, Siegel argues, the emphasis should not be on the distinction between inactivity and activity. Congress is regulating economic subject matter with the ACA, he maintains, as an individual’s decision to purchase or not to purchase health insurance is itself an economic decision about how to manage substantial financial risk.

The key federalism question, he says, is whether these economic problems are better dealt with by the states acting on their own, or via collective action among the states generally. “Are there good reasons to think Congress is better situated to deal with this than the states are? That’s the central question under the Commerce Clause.”

Reining in health care “free riders”

Siegel calls on earlier scholarly work to characterize the challenges in the interstate health care market as classic “collective action” problems worthy of federal intervention; the economic behavior of individuals — choosing not to purchase health insurance, for example — affects the welfare of others across state lines.

Congress, he says, sought with the minimum coverage provision to curb two problems of economic free-riding that spill over state boundaries: “cost-shifting” and “adverse selection” in the health care and health insurance markets.

“As a matter of federal and state law and as a matter of longstanding charitable practice, we don’t let people die in the streets,” he says. “When people come to the emergency room very ill or injured, we treat first and ask about insurance later.” Each year, uninsured Americans obtain more than \$40 billion worth of medical services, he points out. “Those costs are shifted from the uninsured to the insured, to federal and state governments, to insurance companies and providers, and other participants in the health care system.”

The adverse selection problem arises when people delay purchasing insurance until they are ill. “Without the minimum coverage provision, people have every incentive to wait and delay getting insurance until they are sick,” says Siegel, who adds that the ACA exacerbates the problem by prohibiting insurers from denying coverage based on preexisting conditions. “It’s basically insurance on demand.”

Addressing the “slippery slope”

Siegel disagrees with the assertions of ACA critics that “if Congress can make you buy health insurance, there are no limits to what Congress can do,” but notes that the government will have to make that case to the justices far more effectively than he believes it has done thus far. “Defenders of the ACA can’t spend all of their time explaining how [the minimum coverage provision] is easily and obviously constitutional under current doctrine,” he says. “The justices can change the doctrine.”

He recalls the government’s 1995 oral argument in *United States v. Lopez*, when, in response to direct inquiries from the justices regard-

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ing the federal regulation of guns near schools, the solicitor general failed to identify a single possible regulation that would exceed the scope of the commerce power. *Lopez* marked the first time since the New Deal that the Court struck down a federal law as beyond the scope of the commerce power.

By contrast, Siegel says the ACA's insurance requirement leaves the commerce power limited in at least four ways: it *does not* regulate non-economic subject matter; it *does not* violate other constitutional rights, such as the right to bodily integrity; it *does* mitigate a significant collective action problem involving multiple states; and it *does not* impose an economic mandate where Congress readily could have imposed an equally effective and less coercive alternative.

Addressing jurisdiction

In the interests of regulatory guidance, Siegel believes the Court should rule on the merits of the ACA challenge in its current term — not wait, as some lower courts have held, until after the minimum coverage provision comes into effect on Jan. 1, 2014. But there is a potential jurisdictional hurdle to the high court appeal posed by the federal tax Anti-Injunction Act (TAIA). Because that law bars taxpayer lawsuits that have the purpose of restraining tax assessments or collections until after an exaction is actually paid, it could delay challenges until 2015, following the assessment and collection of 2014 taxes.

“The substance of the health care law was and remains politically divisive. The timing of litigation over its constitutionality should not be,” Siegel says.

Last September, the U.S. Court of Appeals for the Fourth Circuit cited the TAIA in declining to rule on an ACA challenge, as did Judge Brett Kavanaugh in his dissent to the D.C. Circuit's ruling on the

“The substance of the health care law was and remains politically divisive. The timing of litigation over its constitutionality should not be.”

— Professor Neil Siegel

merits. Majorities on the D.C., Sixth, and Eleventh Circuits, however, said the TAIA's ban on pre-enforcement challenges to a “tax” assessment or collection does not apply to the “penalty” mandated by the ACA.

Siegel and collaborator Michael Dorf of Cornell Law School hope the Supreme Court will consider the novel jurisdictional argument they make in a new paper. In their view, even if the ACA exaction for noninsurance qualifies as a tax for purposes of the TAIA, the government's authority to *assess* that tax will not exist until Jan. 1, 2014. On that basis, they maintain that current challenges to the minimum coverage provision do not have the purpose, required by the TAIA, of restraining tax assessment or collection.

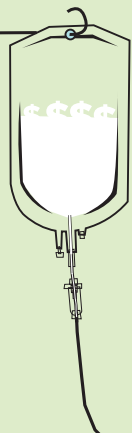
But Siegel and Dorf go further, encouraging Congress to pass a clearly permissible special-purpose statute allowing pre-enforcement challenges to the minimum coverage provision to proceed in the current Supreme Court term.

Duke Law scholars tackle the Affordable Care Act

IN HIS FOREWORD to a forthcoming symposium issue of *Law & Contemporary Problems*, Professor Neil Siegel observes that all Americans have at least a financial stake in the eventual outcome of court challenges to the Patient Protection and Affordable Care Act of 2010 (the ACA). The law represents the biggest expansion of the social safety net in more than 40 years, he writes; it intends to bring health insurance to approximately 95 percent of previously uninsured Americans and other lawful residents — more than 30 million people — and represents an attempt by Congress to gain control over mushrooming health care costs.

Siegel, who has focused much of his recent scholarship on the constitutionality of the minimum coverage provision, brought together a number of his Duke Law colleagues and other nationally prominent scholars last September to exchange insights on the ACA litigation from a range of perspectives. Titled “The Constitutionality of the Affordable Care Act: Ideas from the Academy,” and sponsored by the Program in Public Law, the conference was “inspired by the belief that legal academics who specialize in U.S. constitutional law, health law and policy, or statutory interpretation are making distinctive and important contributions to the national debate over the constitutionality of the ACA,” he explains.

The papers presented at the conference, including Siegel's “Free Riding on Benevolence: Collective Action Federalism and the Minimum Coverage Provision,” will be published in spring 2012 in Duke's *Law & Contemporary Problems*, volume 75. A number of Duke Law scholars — including student scholar Bryan Leitch '12 — have papers in the collection or have published scholarship relevant to health care reform.



Calling in the tax power

The exact nature of the monetary exaction mandated by the ACA for failing to buy health insurance is also central to the current Supreme Court case. Much controversy, like the jurisdictional question, has centered on whether the so-called “penalty” for being uninsured is or is not a tax for purposes of Congress’s tax power. The levy of a penalty, Siegel points out, requires Commerce Clause justification, while the levy of a tax can be justified by the tax power.

According to Siegel and Robert Cooter of Berkeley Law, his co-author of a forthcoming article, determining whether an exaction is a tax or a penalty should turn on the exaction’s material characteristics, not the label that Congress attaches to it. And with respect to the ACA, the exaction will work like a tax, Siegel says.

“In terms of its material characteristics and how it’s likely to operate in practice, it’s not just a tax — it’s emphatically a tax,” he says. Most importantly, the exaction is relatively low; it is never higher than the cost of the most basic level of private insurance. This means that the exaction will operate as a financial incentive, as taxes do; it will not prohibit the conduct of those who are

determined to remain uninsured, as regulatory penalties do. Because the exaction will dampen behavior without preventing it, the exaction is projected to raise a significant amount of revenue — about \$4 billion per year.

“From our point of view, it has all the earmarks of a tax, and the Court has said that the label doesn’t matter. What matters is how the exaction operates.” Offering a clear theory to distinguish between the two prevents Congress from evading limits on the Commerce Clause, Siegel adds.

Siegel’s overall approach to the ACA defends very broad, but not limitless, federal power, he points out.

“It’s basically a defense of the regime under which Americans have lived since 1937 — a regime that now is under attack, and that I think is worthy of being defended. There’s a reason why Article I, Section 8 gives Congress robust power. It’s to accomplish what Chief Justice John Marshall famously said in *McCulloch v. Maryland*, which is to ensure the preservation of the Constitution and the nation: ‘This provision is made in a constitution, intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.’” ♡ — Frances Presma

NEIL SIEGEL

Recent and forthcoming scholarship pertaining to the ACA:

“Early-Bird Special” Indeed!: Why the Tax Anti-Injunction Act Permits the Present Challenges to the Minimum Coverage Provision, 121 *Yale Law Journal Online* (2012) (with Michael C. Dorf)

Not the Power to Destroy: A Theory of the Tax Power for a Court that Limits the Commerce Power (in progress) (with Robert D. Cooter)

Free Riding on Benevolence: Collective Action Federalism and the Minimum Coverage Provision, 75 *Law & Contemporary Problems* (forthcoming 2012)

Four Constitutional Limits That the Minimum Coverage Provision Respects, 27 *Constitutional Commentary* 591-619 (2011)

The Liberty of Free Riders: The Minimum Coverage Provision, Mill’s “Harm” Principle, and American Social Morality, 38 *American Journal of Law & Medicine* (forthcoming 2012) (with Jedediah Purdy)

Collective Action Federalism: A General Theory of Article I, Section 8, 63 *Stanford Law Review* 115 (2010) (with Robert D. Cooter)



“The Supreme Court’s current doctrine underenforces constitutional norms of federalism and economic liberty. If that doctrine remains intact, then it is hard to see how the [ACA] will not ultimately survive the current challenges to its constitutionality. I have tried to show, however, that underenforcement is a historically contingent phenomenon, and doctrine that has shifted once can shift again. ... To the extent that the lawsuits challenging the [ACA] amount to a vehicle for articulating a different view of constitutional meaning, they may well find a more receptive public audience than they would have a decade or two ago. And if that happens, one should not expect the current underenforced status of federalism, or possibly even of economic liberty, to persist forever.”

— Ernest Young, Alston & Bird Professor of Law, “Popular Constitutionalism and the Underenforcement Problem: The Case of the National Healthcare Law”

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Faculty Focus

Duke Law scholars take on the Affordable Care Act

“Whether or not those who have raised concerns about bootstrapping in the [ACA] have put forward persuasive arguments against the legitimacy of the individual mandate, the problem is not the legitimacy of bootstrapping. If the final destination is impermissible, so be it. But that does not mean that the pathway should be abandoned as well.”

— **Stuart Benjamin**, Douglas B. Maggs Professor of Law, “Bootstrapping” (Benjamin defines “bootstrapping” broadly, as the situation where “an actor undertakes permissible action Y and thereby renders its action Z legally permissible.” Some critics of the ACA, for instance, argue that the law’s prohibition against denials of coverage based on pre-existing conditions “effectively necessitates an individual mandate, or something like it,” says Benjamin.)



“If concerns about economic liberty, and activity versus inactivity, are implausible under current due process doctrine, as the Florida ruling unequivocally indicates, then why should such concerns, under the structural pieties of federalism, be sufficient to invalidate the considered judgment of democratic processes? In other words, is there a constitutional vision of federalism in the plaintiffs’ claims that is distinct from the decentralizing laissez-faire vision of economic substantive due process, such that a different outcome is compelled in this litigation?”

“... In sum, it seems that the plaintiffs’ federalism challenges to the [minimum coverage provision] should stand or fall, as a matter of constitutional adjudication, with the freedom of contract theories that animate them.”

— **Bryan Leitch ’12**, “Where Law Meets Politics: Freedom of Contract, Federalism, and the Fight Over Health Care”

» View panels and papers from “The Constitutionality of the Affordable Care Act: Ideas from the Academy” conference at www.law.duke.edu/magazine.

SELECTED DUKE SCHOLARSHIP RELATED TO HEALTH CARE REFORM

Stuart M. Benjamin

Bootstrapping, 75 Law & Contemporary Problems (forthcoming 2012)

Joseph Blocher

What We Fret About When We Fret About Bootstrapping, 75 Law & Contemporary Problems (forthcoming 2012)

Clark C. Havighurst

Private Health Plans: Where Is the Value? What Is the Point?, American Enterprise Institute for Public Policy Research, Health Policy Outlook No. 13 (October 2009)

Bryan J. Leitch ’12

Where Law Meets Politics: Freedom of Contract, Federalism, and the Fight Over Health Care, 27 J.L. & Pol. (forthcoming 2011)

On the Difficulty of Separating Law and Politics: Federalism and the Affordable Care Act, 75 Law & Contemporary Problems (forthcoming 2012)

Jedediah Purdy

The Liberty of Free Riders: The Minimum Coverage Provision, Mill’s “Harm” Principle, and American Social Morality, 38 American Journal of Law & Medicine (forthcoming 2012) (with Neil Siegel)

Barak Richman and Clark C. Havighurst

Who Pays? Who Benefits? Unfairness in American Health Care, 25 Notre Dame Journal of Law, Ethics & Public Policy (forthcoming 2011)

Barak Richman

The Provider-Monopoly Problem in Health Care, 89 Oregon Law Review 847-883 (2011)

Fragmentation in Mental Health Benefits and Services: A Preliminary Examination into Consumption and Outcomes, in *The Fragmentation of U.S. Health Care: Causes and Solutions* (Einer Elhauge ed., 2010) (with Frank Sloan & Daniel Grossman)

Stephen Sachs

A Response to Professor Chemerinsky, 75 Law & Contemporary Problems (forthcoming 2012)

Ernest Young

Popular Constitutionalism and the Underenforcement Problem: The Case of the National Healthcare Law, 75 Law & Contemporary Problems (forthcoming 2012)

» More scholarship, Page 29

» FACULTY NEWS BRIEFS

Cox testifies before Senate Judiciary Committee on corporate behavior



Professor James D. Cox testified before the Senate Judiciary Committee on June 29, addressing how recent Supreme Court rulings are likely to affect corporate behavior. Cox, the Brainerd Currie Professor of Law and an expert on corporate and securities law, was highly critical of the Court's June ruling in *Janus Capital Groups, Inc. v. First Derivative Traders*, in which the Court found that a financial adviser who prepared a prospectus containing misstatements was not responsible for them, and was merely performing a role akin to that of a speechwriter.

"...[T]he analogy fails," Cox stated in his written testimony. He argued that unlike a human being delivering a speech, a corporation "can only act through individuals and then can act only through the symbiosis of the entity structure or structures by which the entity operates. Thus, financial reports pass through multiple individuals, each of which provides the voice to the inanimate corporate entity." The *Janus* decision and others, such as *Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc.* (2008), would likely have "perverse" consequences, Cox said. An excerpt of his testimony follows.

"In the wake of *Stoneridge* and *Janus*, executives and their counselors who cook the books and defraud investors avoid personal responsibility so long as the product of their chicanery does not bear their name (even though it bears their footprints). Vendors, such as those in *Stoneridge*, who cooperate in their client's fraud so as to retain the client's business escape responsibility for the losses their complicity caused investors. If they seek the advice of their counsel or others whether to participate in a fraudulent roundtrip scheme, such as occurred in *Stoneridge*, their advisers can correctly advise that the consequences of liability under the securities laws are nonexistent so long as their names are not directly linked to the falsely inflated revenues. This hardly adds to the deterrent effects of the antifraud provision. Similarly, the CEO or CFO who needs to 'meet the street's expectations' or wishes to pump up her bonus or option's value has much less concern for retribution via private suits if the means to this end is cooking the books. Stated simply, but correctly, *Stoneridge* and *Janus* severely reduce the deterrent effects of the antifraud provision." ♡

SILLIMAN NOMINATED TO THE COURT OF MILITARY COMMISSION REVIEW

Professor **Scott Silliman** has been nominated by President Barack Obama to the U.S. Court of Military Commission Review, the appellate court that reviews each military commission case held at Guantanamo Bay. The nomination awaits confirmation by the U.S. Senate.

In a Nov. 10 press release, the president said Silliman's extensive experience in both military and civilian law makes him "uniquely qualified to both protect our national security interests and uphold our highest judicial standards."

Silliman is a professor of the practice of law and director emeritus of the Duke Center on Law, Ethics and National Security (LENS); he was appointed director at

the center's inception in 1993 and served in that role until July 2011. His teaching and research interests focus on national security law, military law, and the law of armed conflict.

Silliman joined the Duke Law faculty after a 25-year career as an Air Force judge advocate during which he held a variety of leadership positions, including staff judge advocate and senior attorney for Tactical Air Command and later Air Combat Command. During the Persian Gulf War, he supervised the deployment of all Air Force attorneys and paralegals involved in Operations Desert Shield/Desert Storm. He retired from the Air Force with the rank of colonel. ♣



HAAGEN APPOINTED CHAIR OF DUKE'S CHINA FACULTY COUNCIL

Professor **Paul H. Haagen** has been appointed by Duke University Provost Peter Lange to chair Duke's new China Faculty Council. The council includes about 20 Duke faculty members who specialize in Chinese scholarship and advise administrators on academic programs at Duke Kunshan University (DKU) and elsewhere in China.

Haagen, the senior associate dean for academic affairs at Duke Law, is a former Duke Academic Council chair and the leader of Duke Law's China initiatives.

DKU is in a joint venture with the City of Kunshan and Wuhan University to create a Western-model liberal arts institution in China; it is intended to serve both as an educational center to offer degree programs and as a base of operations to support Duke research and scholarship throughout the country. Located about 37 miles west of Shanghai, campus operations are expected to begin during the 2012-2013 academic year. ♣



RAI RECEIVES 2011 WORLD TECHNOLOGY AWARD FOR LAW

Arti **K. Rai**, Duke's Elvin R. Latty Professor of Law, received the prestigious World Technology Award for Law for her work on intellectual property and synthetic biology and green technology. She was honored during an October ceremony at the United Nations, at the conclusion of the World Technology Summit.

The World Technology Awards are given annually to 20 individuals and 10 organizations who are "doing the innovative work of 'the greatest likely long-term significance' in their fields," according to the World Technology Network (WTN) website. "They are those creating the 21st century." The WTN is a curated, global membership community made up of peer-selected leaders engaged in more than 20 areas related to science and technology.

Rai is an authority in patent law, administrative law, and innovation policy. In 2009 and 2010 she served as the administrator of the Office of External Affairs at the U.S. Patent and Trademark Office, where she played a key role in advocating for the America Invents Act, the sweeping patent reform bill enacted by Congress in September. She earlier reviewed the PTO as a member of the Obama transition team and served as an expert adviser to the U.S. Department of Commerce Office of General Counsel.

Recent publications include *Intellectual Property Law and Biotechnology: Critical Concepts* (Edward Elgar, 2011), which she edited, and *Intellectual Property and Alternatives: Strategies for Green Innovation* (Chatham House, 2008), which she co-authored with Richard Newell and Duke Law faculty colleagues, Jerome Reichman and Jonathan B. Wiener. She currently is a principal investigator on a project funded by the National Institutes of Health studying "genomics as information," with a focus on synthetic biology. ♣





DEMOTT AMICA BRIEF IN MAPLES V. THOMAS GAINS NOTICE

AN AMICA CURIAE BRIEF filed with the Supreme Court on behalf of **Deborah DeMott**, the David F. Covers Professor of Law, in *Maples v. Thomas* garnered media attention this fall for two unusual characteristics. Tony Mauro of the *National Law Journal* called the brief unique because it was only the seventh amica brief — one filed on behalf of a single woman — in the Court’s history; and because it focused solely on the law of agency, DeMott’s specialty, which is rarely used in capital punishment cases such as *Maples*.

The case arose after pro bono lawyers for an Alabama death-row inmate left their firm and missed a deadline for filing his post-conviction appeal. DeMott’s brief argued that at the time the deadline passed, none of the inmate’s lawyers could have been regarded as his agents to the extent that he could be bound by their mistakes; they had abandoned him, according to the rules of agency. Because the attorneys did not inform the court of their departure from the firm or appointment of new counsel, their actions “do not meet any plausible standard for attributing responsibility to [Cory] Maples,” the brief states.

The brief was written and filed by Walter Dellinger, Duke’s Douglas B. Maggs Professor Emeritus of Law, a leading appellate advocate and partner at O’Melveny & Myers. ♪

» **Note:** On Jan. 18, as this issue of *Duke Law Magazine* was going to press, the Supreme Court ruled 7–2 in favor of Maples.

CLOTFELTER RECEIVES 2011 SPENCER FOUNDATION AWARD FOR WORK IN EDUCATION POLICY AND MANAGEMENT



Charles T. Clotfelter, the Z. Smith Reynolds Professor of Public Policy and Professor of Economics and Law, received the 2011 Spencer Foundation Award from the Association for Public Policy Analysis and Management (APPAM). The Spencer Foundation Award recognizes noteworthy contributions through research and analysis in the field of education policy and management. As the honoree, Clotfelter delivered a lecture at the APPAM Fall Research Conference in November. An expert in education policy, Clotfelter’s two most recent books are *After Brown: The Rise and Retreat of School Segregation*, a study of school desegregation during the past 50 years, and *Big-Time Sports in American Universities* (Cambridge University Press, 2010), a study of commercial sports in universities. With colleagues at Duke, he also has published empirical studies investigating racial segregation in schools, accountability, teacher quality, and teacher labor markets. ♪

SCHWARCZ DELIVERS KEYNOTE ADDRESS AT EUROPEAN CENTRAL BANK SYMPOSIUM

Steven L. Schwarcz, the Stanley A. Star Professor of Law and Business, delivered the keynote address at the European Central Bank’s Oct. 20 symposium, in Frankfurt, on the regulation of financial services in the European Union. In his talk titled “A Regulatory Framework for Managing Systemic Risk,” Schwarcz advocated for situating regulation of systemic risk within an analytical framework, noting that many regulatory measures, like the Dodd-Frank Act in the United States, are largely politically motivated reactions to the financial crisis.

Regulation, he said, could protect the financial system in at least three ways: “by limiting the triggers of systemic risk, by limiting the transmission of systemic shocks, and by attempting to stabilize the system.” ♪



SALZMAN ARTICLE ON COMPLEX ENVIRONMENTAL PROBLEMS SELECTED FOR BEST-OF-YEAR COLLECTION

AN ARTICLE by **Professor James Salzman** was selected for publication in an annual peer-selected compilation of the 10 most significant articles in the fields of land use and environmental law from 2010.

Salzman, Duke’s Mordecai Professor of Law and Nicholas Institute Professor of Environmental Policy, co-authored “Climate Change, Dead Zones, and Massive Problems in the Administrative State: Strategies for Whittling Away” (98 *California Law Review* 59-120) with Professor J.B. Ruhl of Vanderbilt Law School. Its selection for publication in the *Land Use & Environmental Law Review*’s annual review of scholarship (Volume 42) marks the fifth time one of Salzman’s articles has appeared in the special volume. ♪



SCHROEDER ARTICLE CITED ON *GREEN BAG* LIST OF EXEMPLARY WRITING

AN ARTICLE co-authored by **Christopher Schroeder**, the Charles S. Murphy Professor of Law and Professor of Public Policy Studies, was named to *Green Bag's* 2011 "Exemplary Legal Writing" list. "Constitutional Fidelity" appears in *Keeping Faith with the Constitution* (Oxford University Press, 2010), which Schroeder co-authored with Goodwin Liu, now an associate justice of the Supreme Court of California, and Stanford Law Professor Pamela S. Karlan. The article will be included in *Green Bag's 2012 Almanac & Reader*. Schroeder, co-director of the Program in Public Law, currently serves as assistant attorney general for the Office of Legal Policy (OLP) at the United States Department of Justice, a post he assumed in April 2010. He spoke to Duke Law students about the process of confirming federal judges during a lunchtime talk on Sept. 22. ♣

GRIFFIN'S "STORIES IN ADJUDICATION" WINS AALS AWARD

Professor Lisa Kern Griffin's article, "Stories in Adjudication," has won the Association of American Law School's (AALS) Criminal Justice Section's award for the best paper by a junior scholar. The award was presented at the AALS annual meeting in Washington, D.C., in early January.

Griffin's article, which is currently in manuscript form, examines the relationship between narrative theory and factual accuracy at trials. ♣



Griffin testifies before House subcommittee on prohibition against self-dealing by federal officials

Photo: Jay Mallin

Professor **Lisa Kern Griffin** testified before the Subcommittee on Crime, Terrorism and Homeland Security of the U.S. House Committee on the Judiciary on July 26. An expert on federal criminal justice policy, evidence, and constitutional criminal procedure, Griffin addressed aspects of pending legislative responses to recent Supreme Court decisions affecting public corruption prosecutions — specifically those provisions of H.R. 2572, "The Clean Up Government Act of 2011." The bill seeks to clarify the federal prohibition on self-dealing in the public sector, an area for which, she noted, the Supreme Court's recent decision in *Skilling v. United States* cut off prosecutions for some categories of public officials who abuse their posts for personal gain. Where an official has significant personal financial interests at stake, those should always be disclosed, Griffin wrote in her testimony. An excerpt follows.

"Pocketing money is presumptively unrelated to the public interest. And when officials deviate from a baseline position of neutrality because of money, the public is entitled to know. No law could compel officials to act in the public interest at all times, but the proposed legislation at least ensures that the public is informed about the most corrosive conflicting motivations.

"One section of the proposed statute would overturn restrictive interpretations of bribes and gratuities. ...

"That change does not, however, address the public official who conceals a personal financial interest in vendors who receive state contracts, or the conflict that arises when a public official takes actions that benefit a prospective employer. The advantage of focusing clearly on the problem of undisclosed self-dealing is that it would capture these situations and the secret retainer scenario — the stream of favors that later produces a stream of benefits — as well. Targeting undisclosed self-dealing also responds to the core harm of lost information in its various forms. This could be accomplished by a freestanding disclosure statute similar in structure to 18 U.S.C. § 208, which criminalizes undisclosed conflicts of interest by federal employees of the Executive Branch. The proposed addition of section 1346A, which responds to the *Skilling* decision and reinstates the undisclosed self-dealing theory of fraud, also fulfills that objective.

"Public corruption is complex, sometimes subtle, but always harmful. And a particularly harmful form of corruption now lies beyond the reach of federal law. Enlarging the terms of the current statutory scheme in response to recent Supreme Court decisions will also clarify its scope and thus decrease vagueness and overbreadth." ♣

John R. Knight '83 An open mind yields an international career

ONE DAY LAST SPRING, as the wave of protest movements swept across the Middle East into Bahrain and troops arrived to restore order, the phone rang in John Knight's office. The streets were unsettled, the markets were volatile, and Knight, who is chief operating officer for Mumtalakat Holding Company, the investment arm for the Kingdom of Bahrain, was engaged in his first encounter with martial law. Any number of emergencies could have been waiting on the other line.

Instead, it was Mohammed Al-Sheaibi LL.M. '90, S.J.D. '93, checking in on his safety. "I'd met Mohammed, who is the general counsel for the Central Bank in Saudi Arabia, at a Duke alumni event in Munich," Knight says. "His gesture says something about the Duke Law connection, and also about a certain civility in this region."

Proper training breeds versatility

It is a region that Knight has grown to admire, one in which he continues to nurture relationships and value connections, much like his ongoing engagement with the Duke community in myriad ways, including his membership on the Law School's Board of Visitors and his generous support of the Annual Fund.

When he left Duke Law, Knight had little inkling that he'd wind up halfway around the world, working for an investment firm in the Persian Gulf. "I did not go to law school having well-formed goals and aspirations,"

he says. "I did, though, have an open mind, a fair amount of curiosity and a willingness to try new things. And an understanding that law constitutes part of the framework by which society moves forward."

That demeanor, coupled with experiences along the way, helped mold Knight into a trusted adviser, well-suited for this time and place. In hindsight, he says, those experiences placed him squarely on the road to Bahrain.

After his graduation from law school, Knight clerked for a judge on the U.S. Fifth Circuit Court of Appeals. Thereafter, he was awarded a Henry Luce Scholarship and was placed with the Supreme Court of Malaysia. "Malaysia was one of the Asian tigers at the time, so I had my first experience with an emerging market there," explains Knight. "And though Malaysia operates under a common law system, I had the chance to study Islamic law while there."

He developed crisis management and sovereign debt experience from stints with Shearman & Sterling, where he worked on the restructuring of the Mexican sovereign debt, and JPMorgan Chase & Co., where he was a senior member of the team that restructured the Indonesian sovereign debt during the 1998 Asian financial crisis. Knight served in various legal and management positions while with JPMorgan Chase, working in Singapore as the chief operating officer for South and Southeast Asia.

In each he relied upon his sound legal education. "A rigorous legal education gives



people the confidence that they can step into difficult situations and take on challenges even when there are unknowns," says Knight. "If you have the proper training, it's the methodology and the general problem-solving skills that allow you to work through the unknowns. Certainly I got that at Duke."

In Singapore, Knight settled in with a rewarding and engaging community, participated in numerous philanthropic organizations and, in 2007, joined The Rohatyn Group, an emerging markets investment firm. "I was comfortable," he says. "Then along came this opportunity to help build an investment firm for the Kingdom of Bahrain. The chance to build something from the ground up was simply too attractive to pass up."

He describes his time in Bahrain as being both challenging and invigorating. "These are a culturally very rich people, very diverse, friendly, and gracious to outsiders who want to come in and help," Knight says. But they

Profiles

have also reminded him that there are limits to legal reasoning and to what an adviser can do. “Be a good advocate, but understand that local problems should be solved locally, by the owners of those problems,” he suggests. “Purely imported solutions aren’t always solutions that are sustained.”

Maintaining strong Duke Law ties

At each stop along his career path, Knight has relied upon lessons learned years ago in Duke Law classrooms, and recalled certain courses with ongoing relevance. “Contracts with John Weistart was one,” he says, “because that creates a framework by which understandings are reached, and which when broken are remediated.”

Don Horowitz’s course on social policy was another, he adds. “I learned that adjudication has its limitations, that there are other modes that may be appropriate for making policy and solving problems.”

And Corporations, with Jim Cox, was very important. “We are all about social responsibility, strong corporate governance, and raising local companies to international standards at Mumtalakat,” Knight says. “Everything I learned about corporate law comes into play here.”

Knight’s education is ongoing, as he meets and connects with alumni around the world and engages with students in Durham. While at Shearman & Sterling, he interviewed Duke Law students. At JPMorgan Singapore, he had Duke student interns. More recently, he has helped Duke students seeking placements in the Middle East. He has served on the Law School’s Board of Visitors since 2006 and returns annually for meetings, though his travel has been recently limited because of events in Bahrain.

“I’ve just thoroughly enjoyed staying in touch with students and alumni,” he says. “I’m still learning from some very interesting, well-educated people.”

Knight also has been a significant donor to the school’s Annual Fund, a role he underplays when reflecting upon his involvement. He views his donations to the school as incidental to a larger purpose. “Of course, funding is necessary for excellence in higher education,” said Knight. “But when alumni give back to Duke Law, they support an educational process that helps sustain and renew the rule of law in a society. In this sense, giving is about something even larger than Duke and is a way of supporting the rule of law as an element of a good society. That is something that most of us believe in.”

He has seen that vision of ordering justice in society take hold in his company, and is encouraged by the example it has set. “Mumtalakat is part of a reform agenda aimed at strong corporate governance and the responsible management of state-owned wealth,” says Knight. And he is proud, as well, of its staff of bright, young, and dedicated professionals, many of whom were educated in the U.S. “Throughout the period of unrest, our offices were open and attendance was very good, even though many employees had to negotiate either illegal civilian checkpoints set up by the protesters or military checkpoints,” says Knight. “The quality and integrity of our employees and the absence of sectarian tensions in our office leaves me optimistic about a promising future for Bahrain.” ♣ — Sharon McCloskey



Blaine Stanley '87

Legal assistance pays forward lifetime of opportunity

AS VICE PRESIDENT and counsel for ACE Group, a global insurance organization with U.S. headquarters in Philadelphia, Blaine Stanley works every day to represent her company’s policy interests through legislative efforts and with state regulatory groups. But insurance law was “absolutely not” her intended path when she attended Duke Law, she notes.

“I remember planning my courses second or third year and I specifically looked at the insurance law course and thought, ‘Well, I’m never going to need that,’” she says. “My career — it’s funny — has evolved. Now when you look at my resume it makes a lot of sense, but at one point it might not have.”

Stanley joined a Philadelphia firm as a litigation associate after graduating from Duke Law, and in subsequent positions began to represent insurers in litigation involving insurance disputes. It became her specialty.

She took a detour into the public sector in 1994, when she was invited to interview for the position of assistant counsel to Christine Todd Whitman, who was then embarking on her first term as governor of New Jersey.

“I’ve always been fascinated by politics, so I jumped at the chance,” Stanley says. “I wasn’t sure exactly what it was going to entail, but I thought, ‘Oh well, it’s a chance to learn something new.’ That’s my continuing theme.”

Relocating across the state line to the bucolic town of Lambertville, N.J., Stanley advised Governor Whitman on matters involving various governmental departments, reporting directly to the governor’s chief counsel. She also served as liaison to the New Jersey General Assembly and as Whitman’s elections counsel.

Although she loved the work and it cemented her fascination with politics, Stanley says it also deterred her from ever wanting to directly enter the fray.

“I would probably never want to run for office,” she explains. “You really put yourself out there when you do that. It would be a very difficult thing to do to yourself and your family. It’s a very demanding job.”

A passion for helping homeless Philadelphians

Throughout the course of her varied career, Stanley’s volunteer service on behalf of homeless Philadelphians has been a constant.

Shortly after her initial arrival in Philadelphia, Stanley came together with an informal group of local young professionals, only one of whom was a native of the city.

“Just in meeting each other socially and talking, we kept going back to how upsetting it was for us to see so many people on the streets,” Stanley recalls. “Except for the person who had grown up in Philadelphia, none of us had really ever experienced this firsthand.”

They decided to do something about it.

In the fall of 1987 the group incorporated a nonprofit organization called Young Philadelphians for the Homeless. While members volunteered their time with local shelters, soup kitchens, and Habitat for Humanity, their primary focus was fundraising.

“We were fairly ambitious,” Stanley says. “I guess it was idealism and it never occurred to us how difficult this could be.”

For three consecutive years, the group threw a fall fundraising ball, raising a “considerable amount,” she says. They disseminated grants to local organizations that worked directly with homeless citizens, giving preference to applicants focused on moving people toward independence through education, training, and transitional housing. In 1990, Stanley and her friends learned that the Philadelphia Bar Association was teaming up with other local groups to form an organization to provide free legal services to the homeless, the Homeless Advocacy Project, or HAP.

“We were so taken with them that we gave them everything we had left in our treasury, dissolved our corporation, and joined forces,” Stanley says.

“The philosophy was that homeless people have very unique and complex legal problems that are not often adequately addressed by traditional providers of legal services to the average low income person,” she says. “Part of that is because homeless individuals are so transient. They also feel so disenfranchised that they would not go to a community legal services office in search of help. In fact, they may be hesitant to speak to anybody because they’re not even sure if they have a legal problem or not.”

HAP goes out into the community and holds legal clinics — about 130 per year — in shelters and soup kitchens. “We meet our clients in an environment where they’re more comfortable,” Stanley says. “It also makes it much easier for someone to approach an attorney and explain what is going on and just say, ‘Can you help me with this or not.’”

Much of HAP’s work deals with helping individuals who are eligible to obtain benefits, including social security, disability and veterans’ compensation — benefits that might help pay for transitional or, possibly, permanent housing. It also assists with wrongful evictions, child custody disputes, and mounts a biannual birth certificate clinic.

“In Pennsylvania, if you have no other identification you can’t apply for a copy of your birth certificate unless an attorney signs the applications,” says Stanley, who, along with five ACE colleagues, processed more than 30 applications for birth certificates during one recent clinic. “If you don’t have a birth certificate you can’t apply for benefits, a picture ID, or some types of housing. Someone who has been bounced around and possibly evicted doesn’t have anything.”

Since its inception, HAP has served more than 27,000 clients, providing legal services worth \$35 million. Stanley served as president in 2009 and continues to serve on its executive board.

“Blaine has served faithfully on the HAP board of directors for over 20 years, stewarding an agency which started with one employee and a budget of \$50,000 in 1990 to an organization with 17 employees and a budget of \$1.2 million in 2012,” says Marsha Cohen, HAP’s executive director. “Blaine brings great energy, intelligence, creativity, and leadership to all of the decisions, big and small, that have gone into making HAP the thriving legal services agency that it has become today.”

Stanley says her compulsion to act is partly spurred by her emotional reaction to the plight of homeless people, and also by her desire to pay forward some of the good fortune she’s had in her own life.

“I have been so fortunate and had so many opportunities in my life — chief among them the opportunity to go to a law school such as Duke,” Stanley says. “I feel very compelled to help people, to reach out, and to try to give other people some opportunities as well. I think those people who are fortunate really have a duty to share with those who are not.” ♡ — *Valerie Marino*

Solomon Njeru LLM '12

Duke classes shape perspective on human rights advocacy

FOR SOLOMON NJERU, it was a long road from his home village of Rungu, in arid east Kenya, to the teeming city of Nairobi, where he practiced corporate law before becoming a homicide prosecutor. A Ford Foundation grant has helped him take a considerably less arduous trip to Duke Law, where he is pursuing an LLM, broadening his perspective and honing his legal skills in hopes of becoming a better prosecutor and more effectively pursuing his passion, human rights advocacy.



“I come from a very poor community and family, and the issue of human rights to me is personal,” says Njeru. “We have been persecuted as a community, we don’t have land rights. I have seen the issue of human rights really affect people. That really shaped my thinking.”

Rungu is in a part of Kenya where jobs, water, and food are scarce. “It is by the grace of God that I got an education,” says Njeru, who has nine siblings and worked to help pay for his secondary and university education. He and other educated villagers

from Rungu have formed a group to improve conditions.

“With our little money we have been able to educate some of the children,” he says. “People there mostly have to rely on government relief for food, so we had the idea of irrigating the village. We dug the trenches ourselves, and at least the village now has water. Many villagers can now feed themselves.”

Njeru’s commitment to service extends to his membership in an informal group of lawyers doing rights-based outreach in poor communities across Kenya.

“I also work with prisoners to teach them their human rights, and in the town where I work, I link with childrens’ offices to assist juvenile offenders,” he adds. “In Kenya we have a problem with juvenile offenders, and I help young people and get them placed in childrens’ homes.”

Njeru, who plans to continue human rights advocacy on his return to Kenya, says his Duke Law experience is helping shape his perspective.

“My classes and the Duke Human Rights Society have touched on transition-of-justice issues in post-conflict countries,” he says, noting that Professor Laurence Helfer’s International Law class is a favorite. “This is

the most pressing problem in Kenya. We changed our constitution just last year, but before that, there were many abuses. For instance, we’re trying to address land rights issues and also to get justice for the victims of intertribal violence that occurred before the 2007 election. Six of our leaders are facing International Criminal Court charges, but there are other people who we have to prosecute in Kenya.”

Tribal identity makes arresting and trying war criminals difficult and also allows politi-

“My classes and the Duke Human Rights Society have touched on transition-of-justice issues in post-conflict countries. This is the most pressing problem in Kenya.” — Solomon Njeru LLM '12

cians to affect legal outcomes by playing on tribal loyalty, Njeru says. It’s a situation he and others have been working to change. “We are trying to push the independence of the judiciary. And we are trying to sensitize and educate them to the fact that when we arrest a wrongdoer, it’s not their community or tribe we’re punishing.”

Njeru says rights activists often find themselves competing with political forces as they attempt grassroots education. “It’s very hard to get people to understand what they’re entitled to from a legal point of view, especially when there are politicians who want something different. And the politicians have bigger, better ways of communicating than human rights advocates.”

At Duke, the new Custom and Law seminar is helping Njeru get a fresh perspective on Kenyan law.

“I come from a country where custom is custom. I’ve never gone through a system where you examined specific customs as they applied to specific legal subjects,” he says. “It’s an exceptional class, and it has made me think of the Kenyan customs. We have 42 tribes with different customs. I wonder, ‘How would I apply those customs to teaching and advocating for human rights?’” — Forrest Norman



Haley Warden '13 Pursuing justice for misunderstood minorities

HALEY WARDEN'S 1L summer job at the Servicemembers Legal Defense Network in Washington, D.C., hit particularly close to home. Her partner is a United States Air Force veteran who was affected by "Don't Ask, Don't Tell" (DADT).

"Issues of equality in the military were something I was just very aware of on a personal level," says Warden, who was honored as a "Summer Stand-out" in Equal Justice Works' Summer Corps program for her work with service members who faced discharge or discrimination under DADT and researching benefits available to families of gay and lesbian service members.

Her summer experience has also proven useful back at Duke.

"With the repeal of DADT, the Law School's stated policy on military recruiting became outdated, as it referred to an exception for JAG Corps recruiters from the nondiscrimination policy for sexual orientation," she explains. "Duke University has adopted a nondiscrimination policy that includes gender identity, and the Law School is subject to those policies as well. Because of my experience at SLDN, I've been sought out for information on the details of the military policy

on transgender service and whether and how it should interact with Duke's policies and the Solomon Amendment."

As president of OUTLaw, Duke Law's student affinity group for LGBT individuals and allies, Warden also has become involved in the activity surrounding North Carolina's "Defense of Marriage" amendment, which will be on the primary ballot in May 2012. If passed, it will enshrine marriage between a man and a woman in the state constitution as the only valid domestic legal union; state law already bans same-sex marriage.

"We have quite the fight ahead of us," says Warden, who already has organized two Duke Law events on the matter. OUTLaw is partnering with campus and state groups to register voters and mobilize students against the amendment.

Having apparently found a natural fit in civil rights and marriage equality matters, Warden, who majored in Chinese at Yale, says she took a winding path to law school.

"I think I resisted it for a while and I've kind of been all over," she admits. "The one strain that runs through everything is a sort of abiding interest in freedom of thought and information. I became more appreciative

and aware of that when living in China and encountering some really brilliant people at some of the best schools in the country, and some of my classmates didn't really know what happened in Tiananmen Square in 1989 — in our lifetime."

After returning from China, Warden joined Google's advertising department at the company's Mountain View, Calif., headquarters.

"Their sort of company ethos is if you provide information, people will be better citizens of the world. That culture was really appealing," she says.

She got a nudge toward law school in 2008, with the debate over California's Proposition 8.

"I voted in that election. I remember just feeling so sad, despite the excitement about Obama's election," she recalls. "It was really jarring to feel like all these people in this supposedly liberal state are taking away my right to marry the person I love."

Now, Warden's involvement in marriage equality has even extended to the classroom.

"I'm working on a note in an independent study this year, and my goal is to craft model legislation for extending the right to marry to same-sex couples, specifically discussing the appropriate scope of religious exemptions to marriage nondiscrimination laws," she says. "It's proven to be really interesting research, and I'm hoping to publish the final project next year."

Warden recalls a day in 2008 when she was still living in California, riding the Google shuttle and reading the majority opinion *Strauss v. Horton*, the case in which the California Supreme Court upheld Proposition 8.

"I remember being so mad about it and taking notes in the margins — and this is when I'm an advertising person — about what I thought was unjust and terrible. Then I read the dissent and thought, '[The judge] talks about all my points! This is amazing,'" Warden says. "That kind of cemented why I'm here. It's the lofty goals of the profession, with a capital P, to strive for justice and especially justice for unpopular or misunderstood minorities. It's a force for good." ♡
— Valerie Marino

Alumni Notes



Half Century Club

Harold D. Spears '47 (above with his wife, Wanda) received the Ohio State Bar Foundation's Honorary Life Fellowship Award on Nov. 4 at the Foundation's annual awards dinner, in Columbus. The award is given annually to an Ohio attorney whose career has been distinguished by service to the public and the community and integrity, honor, courtesy, and professionalism. Over two terms as Lawrence County prosecutor in the 1950s, Harold was credited with helping clean up pervasive gambling, vice, and prostitution largely backed by organized crime syndicates. Next elected probate and juvenile court judge, he was instrumental in modernizing the court. He subsequently founded the law firm of Spears & Spears in Ironton. ♡

1957

Robert C. Wagner has published his third book entitled *Share & Tell*, a series of stories about his family, friends, military service, and adventures.

1961

Phillip A. Hubbard has published his second book, *An Iowa Soldier Writes Home: The Civil War Letters of Union Private Daniel J. Parvin* (Carolina Academic Press). The book is an edited collection with commentary of 117 letters that Phillip's great-grandfather wrote home while serving as a Union private in an Iowa regiment.

1963

Gerald T. Wetherington was appointed, in June, to serve as one of 25 impartial appeals judges for the Gulf Coast Claims Facility. Jerry is a former chief judge of the 11th Judicial Circuit Court of Florida who also has served as judge *pro tempore* of the Second and Fourth District Courts of Appeal of Florida.

This section reflects notifications received by October 15, 2011.

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

1964

W. Erwin Fuller Jr. received the North Carolina Bar Association's Citizen Lawyer Award in June, at the NCBA Annual Meeting in Asheville. The award recognizes lawyers who provide exemplary public service to their communities. Erwin practices with Brooks Pierce in Greensboro and has held numerous bar and community leadership positions.

1968

Robert Fox has been appointed to the board of directors of Capella University. He is a professor emeritus at Metropolitan State University in St. Paul.

1969

Charles Becton received the John B. McMillan Distinguished Service Award from the North Carolina State Bar in June in honor of his exemplary service to the legal profession. A former judge of the N.C. Court of Appeals and a founding member of the Raleigh firm of Becton, Slifkin and Bell, he has led many professional organizations including the N.C. Academy of Trial Lawyers, the N.C. Association of Black Lawyers, and the N.C. Bar Association, which he served as president from 2008 to 2009. He teaches Trial Practice and Rhetoric and Advocacy at Duke Law School as a visiting professor.

John Canning received the Lifetime Achievement Award from Smart Business Online, which also profiled him in its July 5, 2011 issue. John is co-founder and chairman of Madison Dearborn Partners; he previously served as both president and CEO of the Chicago-based private equity investment firm. He and his wife, Rita, also administer The Canning Foundation, which provides financial aid to Chicago-area schools and funds shelters and transitional programs for abused women and their children. **BOV**

1971

James R. Fox became president of the North Carolina State Bar in October. Jim is the general counsel, corporate secretary, and vice president of risk management for Pike Electric Corp. in Mount Airy. He also is of counsel for the law firm of Bell Davis & Pitt in Winston-Salem. He is a fellow of the American College of Trial Lawyers.

Bryan Thomas was a member of the winning team in the United States Polo Association Senior's Championship held in May 2011.

1972

John D. Englar returned to Duke's Fuqua School of Business as executive in residence in January 2011 after committing three years to establishing the corporate law curriculum at the Elon University School of Law, in Greensboro, N.C.



Barbara Arnwine '76

Barbara Arnwine, executive director of the Lawyers' Committee for Civil Rights under Law since 1989, received the 2011 Gruber International Justice Prize awarded by the Peter and Patricia Gruber Foundation. She shared the \$500,000 prize with four other human rights advocates from the United States, South America, Europe, and the Middle East. In its June announcement, the Foundation noted that Barbara led the effort to secure passage of what became the Civil Rights Act of 1991 and played a significant role in securing the 2006 Reauthorization of the Voting Rights Act. Following thousands of complaints of racial intimidation and disenfranchisement in Florida during the 2000 presidential election, she became a leader in The Election Protection Program, which by 2008 was one of the largest pro bono programs in the nation. She supported creation of the Disaster Victims' Assistance Project after Hurricane Katrina in 2005 and helped prevent the eviction of over 250,000 displaced families from hotels and shelters until alternative housing had been provided. **BOV**

David O. Smith has published a literary analysis of the synoptic gospels titled *Matthew, Mark, Luke and Paul: The Influence of the Epistles on the Synoptic Gospels* (Wipf and Stock Publishers). Selected portions of the book are available on amazon.com.

James W. Ummer, a partner at Rothman Gordon in Pittsburgh, has been named to the 2012 edition of *Best Lawyers in America* for trusts and estates. His practice is primarily focused on planning for privately-owned businesses and families of substantial net worth.

1973

Dana G. Bradford II has been named to the 2011 Florida Super Lawyers list as a top general litigation attorney. The managing partner and head of the litigation practice for the Jacksonville office of Smith, Gambrell & Russell, Dana specializes in commercial litigation, including class actions and insurance matters and products liability defense.

1974



Roger K. Ferland, a partner in the Phoenix office of Quarles & Brady, has been named to the 2012 edition of *Best Lawyers* in the areas of environmental law and litigation. He is a member of his firm's environmental practice group and chairs its clean energy, climate change, and sustainability practice.

Ron Janke, a partner with Jones Day in Cleveland, has been inducted as a fellow of the American College of Environmental Lawyers. Ron has practiced environmental law since 1974, and currently chairs the Ohio Water Resources Council Advisory Group.

Robert Kofman was recognized in the 2011 edition of *Chambers USA* in the area of labor and employment law. He is a shareholder and co-chair of the labor law department at Stearns Weaver Miller in Miami.

1975

Carlos Alvarez was inducted into the 2011 Class of the College Football Hall of Fame. As a Florida Gator, Carlos set the Florida and SEC career receptions mark (172) in 1971. He has a general law practice in Tallahassee, with a specialty in environmental land-use law.

Allyson K. Duncan joined the Duke University Board of Trustees on July 1, 2011, beginning a six-year term. She is a judge on the United States Court of Appeals for the Fourth Circuit. **BOV**



Michael Stajduhar was elected to the city council of Charleston W. Va., on May 17, and sworn in for a four-year term on June 21. He is a senior vice president at BB&T in Charleston.

1976



Steven M. Shaber has been named to the 2012 edition of *Best Lawyers* in the areas of administrative/regulatory law and health care law. He is a partner in the Raleigh office of Poyner Spruill where he specializes in health law.

1977

Jay Hone has joined the General Services Department of the State of New Mexico as general counsel and director of the Risk Management Division. He oversees state employee benefits, as well as civil litigation in which the state is a defendant. Jay previously was in private practice.

Calvin L. Scovel III, inspector general of the U.S. Department of Transportation, was appointed to the Government Accountability and Transparency Board established in July by the Obama administration to enhance transparency in federal spending and find and stop waste, fraud, and abuse in federal programs. Calvin was appointed DOT inspector general in 2006 by President George W. Bush after 29 years of active service in the U.S. Marine Corps, from which he retired as a brigadier general.

Michael Siegel is an administrative appeals judge for the Social Security Administration in Falls Church, Va.



Jeri Whitfield, an attorney in the Greensboro office of Smith Moore Leatherwood, has been appointed chair of the N.C. State Bar's Board of Legal Specialization. Jeri's civil practice includes handling toxic tort and asbestos-related litigation and premises liability claims.

1978

Rodney Smolla has published *The Constitution Goes to College: Five Constitutional Ideas That Have Shaped the American University* (NYU Press). In April, he was confirmed to serve a four-year term on the South Carolina Commission on Higher Education. Rod is the president of Furman University.

1979

Mark R. High, a member at Dickinson Wright in Detroit, has been recognized as a "Leader in Their Field" by *Chambers USA*. He is recognized for providing expert counsel to the domestic offices of numerous foreign businesses and represents both buyers and sellers in M&A transactions throughout a diverse range of industries, including food service, retail, and real estate.

Duncan Maysilles has published *Ducktown Smoke: The Fight over One of the South's Greatest Environmental Disasters* (UNC Press). He examines the environmental consequences of copper smelting and destructive logging practices in the southern Appalachian Mountains and their impact on environmental law and Appalachian conservation.



Thomas R. West has been named to the 2012 edition of *Best Lawyers* in the area of administrative/regulatory law. A former administrative law judge, Tom is a partner in the Raleigh office of Poyner Spruill.

1980

Daniel S. Bowling III delivered an address titled “What’s Up with Young Lawyers” to the annual conference of the Eleventh Circuit in April. He discussed generational differences in the practice of law and their impact on the current crop of law school graduates. He also is The CEO of Positive Workplace Solutions. Dan teaches at Duke Law and at the University of Pennsylvania.



David Dreifus has been named to the 2011 issue of *Best Lawyers* in the areas of commercial litigation and banking and finance litigation. He is a partner in the Raleigh office of Poyner Spruill, where he chairs the litigation practice group.

Michael L. Hall, a partner at Burr & Forman in Birmingham, Ala., has been ranked as a leading practitioner in the 2011 edition of *Chambers USA* for bankruptcy/restructuring. Mike chairs his firm’s creditors’ rights and bankruptcy practice group.

Eric J. Holshouser, a shareholder in the Jacksonville office of Fowler White Boggs, has been named “2012 Jacksonville Labor Law — Management Lawyer of the Year” and “Litigation — Labor & Employment Lawyer of the Year” by *Best Lawyers*. Eric recently served as chair of the Labor and Employment Law Section of the Florida Bar.

Jack Marin competed in the Cox Celebrity Championship golf tournament hosted by Drew Brees and the Brees Dream Foundation at Morgan Run Club & Resort in Rancho Santa Fe, Calif. in May. A partner at Williams Mullen in Research Triangle Park, N.C., Jack’s practice focuses on sports and contract law.

Harold D. Pope has been appointed to the American Bar Association’s House of Delegates as a minority member-at-large. Harold is a shareholder and member of the litigation practice group at Jaffe Raitt Heuer & Weiss in Southfield, Mich.

Elizabeth M. Weaver has joined the environmental practice in the Los Angeles office of Fulbright & Jaworski. She previously was a partner at Howrey.

1981

John J. Coleman III, a partner at Burr & Forman in Birmingham, Ala., has been ranked as a leading practitioner in the 2011 edition of *Chambers USA* for labor and employment law. John also was the sole Alabama attorney named to *Human Resource Executive/Lawdragon’s* 2011 “Nation’s Most Powerful Corporate Employment Attorneys” list.

Irene Keyse-Walker, a partner at Tucker Ellis & West, has been named “2012 Cleveland Appellate Practice Lawyer of the Year” by *Best Lawyers*. She has argued hundreds of appeals in state and federal courts, including the U.S. Supreme Court, and was the first woman lawyer in Ohio to be elected to the American Academy of Appellate Lawyers.

Jeffrey P. Libson was honored as “Best Consultant” at the *Philadelphia Business Journal’s* 2011 Life Sciences Awards Breakfast held Oct. 6. Jeff is a corporate and securities partner in Pepper Hamilton’s Berwyn office and heads the firm’s life sciences practice.

David E. Sturgess, formerly a partner in Updike, Kelly & Spellacy in Hartford, Conn., has been named general counsel of Re Community Holdings, a major processor of residential and commercial recyclable materials, based in Charlotte.

John C. Yates has been selected to chair the 2013 Atlanta Basketball Host Committee and the Local Organizing Committee for the NCAA Men’s Basketball Final Four Tournament to be held in Atlanta. John chairs the corporate technology practice at Morris, Manning & Martin in Atlanta. **BOV**

1982

Paul Russell Hardin has been appointed to Northwestern Mutual Life Insurance Co.’s Board of Trustees. He serves as president of the Robert W. Woodruff Foundation, Joseph B. Whitehead Foundation, Lettie Pate Evans Foundation, and Lettie Pate Whitehead Foundation.

Daniel S. Jacobs is directing the new master of science in sustainability management program at the Kogod School of Business at American University in Washington, D.C. Dan teaches courses in business strategies for environmental sustainability and global corporate citizenship. He joined Kogod following a distinguished career in the federal government, where he was a trial attorney in the Department of Justice and a senior negotiator and office director in the State Department’s Economic, Energy, and Business Bureau.

Mark D. Shepard, a shareholder in the litigation services group at Babst Calland in Pittsburgh, was named by *Pennsylvania Super Lawyers* magazine as one of the state’s 2011 top lawyers. He also was named as one of the top 50 Pittsburgh Super Lawyers for 2011 in the area of general litigation.

1983

Richard N. Baer was named Best Corporate Counsel for a public company by the *Denver Business Journal* which featured him in a June article. He received the honor for his work as general counsel and chief administrative officer of Qwest Communications International Inc., during its merger with CenturyLink. Rich is now chief legal officer of UnitedHealth Group in Minneapolis. **BOV**

Sam Glasscock III was appointed to a seat on the Delaware Court of Chancery by Delaware Gov. Jack Markell in June. He previously served as a court master for 12 years.

Marianne Philip has been elected chairman of the board at Kromann Reumert in Copenhagen, where she is a partner and specializes in capital markets and M&A transactions. **BOV**

1984

Mitchell I. Horowitz, a shareholder with Fowler White Boggs in Tampa, has been named “2012 Tampa Litigation & Controversy — Tax Lawyer of the Year,” by *Best Lawyers*. Mitchell practices in the area of civil tax controversies with the Internal Revenue Service and Florida Department of Revenue.

Audrey M. Moran has joined Baptist Health in Jacksonville, Fla., as senior vice president of social responsibility and community advocacy. She previously was president and CEO of the Sulzbacher Center, a health and homeless services organization, and co-chaired the transition team for Jacksonville Mayor Alvin Brown. She also has held various senior administrative positions in Jacksonville city government.

Victoria Safran has been appointed a public integrity officer in the Attorney General’s office in Nassau County, N.Y. She is charged with receiving complaints of government corruption. Vicki has served in the Office of the Attorney General since 2004 in the area of public advocacy.

Lori S. Smith has joined White and Williams as a partner in the business and corporate, private equity and venture capital and securities practice groups. She is based in the firm’s New York office.

1985

John J. “Lou” Michels Jr. has joined the Chicago office of Lewis, Brisbois, Bisgaard & Smith as a partner practicing labor and employment litigation. He previously was a partner at McGuireWoods.

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.

David A. Trott, president and managing partner of Trott & Trott, a Farmington Hills, Mich.-based law firm servicing the mortgage banking industry, was recently appointed to a four-year term on the State Building Authority board of trustees. The Authority issues and sells bonds and notes to acquire equipment and construct facilities.

1986



George W. Finkbohner III, a partner with Cunningham Bounds in Mobile, has been named by *Alabama Super Lawyers* as being among the top attorneys in Alabama for 2011. Skip also has been named to the 2012 edition of *Best Lawyers* in the area of personal injury litigation — plaintiff.

Gao Xiqing was ranked seventh in *Fortune* magazine’s list of “Asia’s Most Powerful People in Business,” published in May 2011. He is vice chairman, president, and chief investment officer of the China Investment Corp., China’s sovereign investment fund.



T. Richard Kane has been named to the 2012 edition of *Best Lawyers* in the areas of environmental law and environmental litigation. Rick is a partner in the Charlotte office of Poyner Spruill where, in addition to his comprehensive environmental practice, he handles matters relating to legal ethics, legal malpractice, and lawyer professional negligence insurance issues.

Mary LaFrance, the IGT Professor of Intellectual Property Law at the University of Nevada, Las Vegas William S. Boyd School of Law, was awarded a \$5,000 grant from the Intellectual Property and Information Law Sponsored Scholarship Grants Program at the University of Houston Law Center for her 2011 article published in the *Harvard Journal of Sports and Entertainment Law*, "From Whether to How: The Challenge of Implementing a Full Public Performance Right in Sound Recordings." Mary also was selected to present her article at the Rethink Music Conference held in Boston last April.

1987



Robert E. Harrington, a partner with Robinson Bradshaw & Hinson in Charlotte, is president-elect of the Mecklenburg County Bar. His practice includes a range of commercial litigation matters, including the representation of consumer lenders, financial institutions in their capacity as fiduciaries, and the defense of employment actions. **BOV**

Timothy Johnson Timothy Johnson is serving as a management officer with the Bureau of International Narcotics & Law Enforcement Affairs of the U.S. State Department in Washington, D.C., having recently completed a posting at the U.S. Embassy in Baghdad.

Stephanie Lucie has joined Austin Ventures, an Austin, Texas-based venture capital and growth equity firm, as general counsel and chief compliance officer. She previously was senior vice president and general counsel of Entorian Technologies, an Austin Ventures portfolio company.

Brian Rubin won the 2011 "Highly Commended Award" presented by the Emerald Literati Network for co-authoring "FINRA's Sanctions in 2009: A Sign of Things to Come?" published in the November 2010 issue of the *Journal of Investment Compliance*. Brian is a partner at Sutherland in Washington, D.C.



Jonathan Shapiro, regional managing partner in the New England office of Fisher & Phillips, has been named "Portland, Maine *Best Lawyers* Litigation — Labor & Employment Lawyer of the Year" for 2012. He also has been named to the 2012 edition of *Best Lawyers* in the areas of labor and employment law.



James D. Smith '86

James D. Smith became chief administrative patent judge of the Board of Patent Appeals and Interferences (BPAI) at the U.S. Patent and Trademark Office on May 8, after being appointed to the post by then-U.S. Commerce Secretary Gary Locke. As BPAI chief judge, Smith leads the board that hears and adjudicates patent appeals from decisions of patent examiners. He previously served as associate general and chief intellectual property counsel for Baxter International, an Illinois-based healthcare company, where he oversaw global patent, trademark, and copyright affairs. **BOV**

Yan Xuan became president of Nielsen Greater China and a member of the Nielsen Executive Council on June 1. Based in Shanghai, he oversees Nielsen's business activity in the Greater China region, including accelerating the growth of its Watch and Buy businesses. He previously oversaw Qualcomm's operations in the China and Taiwan markets.

1988

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

1989

Gregg Melinson has joined HP as vice president, global government affairs, and deputy general counsel. He is based in HP's Palo Alto headquarters. Gregg previously was chief marketing partner at Drinker Biddle & Reath in Philadelphia.

1991

Maurice Green, the superintendent for Guilford County Schools in Greensboro, N.C., received the 2011 Bob Grossman Leadership in School Communications Award, given by the National School Public Relations Association in July.

David Greene has joined the media, entertainment, and advertising practice group of Holme Roberts & Owen as senior counsel. He is in the firm's San Francisco office, and his practice focuses on First Amendment and media law matters. He also is an adjunct professor at the University of San Francisco School of Law, teaching courses on First Amendment law and the law of mass communication and the press, and is an instructor in the Journalism Department at San Francisco State University.

1992

Albert Bloomsbury is co-chairman of the Committee on International Contract and Commercial Law of the New York State Bar Association International Section and has recently co-authored an article titled "The Lisbon Treaty's Impact on U.S.-EU Trade, Investment and Finance."

Edward H. Trent joined Wimberly Lawson Wright Daves & Jones in Knoxville, Tenn., as a member in July. His practice includes labor and employment law matters in both state and federal courts and agencies.

1993



Brett A. Axelrod has become managing partner of the Las Vegas office of Fox Rothschild. She focuses her bankruptcy practice on the representation of Chapter 11 debtors, unsecured creditors' committees, and purchasers of bankruptcy assets. She is the director of the Turnaround Management Association of Nevada and a member of the American Bankruptcy Institute.

Jeffrey Benson, a partner with Kilpatrick Townsend in Raleigh, been selected to the 2011 edition of *Chambers USA* in the area of real estate law. Jeff concentrates his practice on commercial real estate, including development, zoning and land use, leasing, and real estate finance.

David Hoffman, director of security policy and global privacy officer at Intel Corporation, has joined the board of directors of the nonprofit National Cyber Security Alliance.

Edward Prince Jr. was named president of National Geographic Ventures and COO of National Geographic Global Media, the profit arm of National Geographic that oversees consumer media. Ted also recently joined the Board of Visitors of Duke University's Nicholas School of the Environment.

1994



Theodore M. Edwards II, a partner with Smith Moore Leatherwood in Raleigh, began his term as president of the Wake County Bar Association on Jan. 1, 2012. He received the North Carolina Bar Association's 2011 Citizen Lawyer Award in June. The award recognizes attorneys who provide outstanding public service for their communities. Ted focuses his practice on providing counsel to owners, engineers and contractors regarding construction project administration and construction litigation.

Quin Snyder joined the Los Angeles Lakers as an assistant coach in July after spending one season as assistant coach with the Philadelphia 76ers. He previously spent three years as head coach of the Austin Toros in the NBA D-League, guiding them to three playoff appearances and earning the league's Dennis Johnson Coach of the Year Award in 2008-09.

Christopher J. Vaughn, a partner at Carruthers, Roth in Greensboro, N.C., has been named to the 2012 edition of *Best Lawyers* in the area of real estate law. Chris focuses his practice on commercial real estate, including real estate development, finance, and title claims.

1995

James Davlin has joined General Motors as treasurer. He has oversight over capital planning, stock market activities, worldwide banking, and pension funding. Jim previously was vice president of corporate strategy and business development for Deere, an Illinois-based firm that makes John Deere farm and construction equipment, and had served as the firm's treasurer from 2007 to 2010.

Taras Gracey has joined the Chicago office of Steptoe & Johnson as a partner in the intellectual property group. In addition to patent litigation, his practice includes complex civil and securities litigation, class action lawsuits, and antitrust matters. He previously was with Winston & Strawn.

Paul W. Hespel, a partner in the financial services practice group at Pepper Hamilton in New York, was named by *New York Super Lawyers* magazine as a top attorney in the state for 2011. He specializes in finance and restructuring transactions, with a particular focus on transactional finance matters, mezzanine financings, out-of-court restructurings, and liability management transactions.

Teresa Pearson was named to the top 10 list of the 2011 Oregon "Super Lawyers" list and named to the "Top 25 Women Oregon Super Lawyers" list for the third time by *Super Lawyers* magazine. Teresa is a partner in the business department at Miller Nash in Portland, where her practice focuses primarily on creditors' rights, insolvency, and reorganization.

1996

Pakvipa Ahvipphan has recently completed her four-year tenure at the Royal Thai Embassy in Kathmandu, Nepal, and is currently working at the Department of Treaties and Legal Affairs at the Thailand Ministry of Foreign Affairs.

Steven D. Moore, a partner with Kilpatrick Townsend, has been included in the 2011 edition of *Chambers USA* for intellectual property. Steve focuses his practice on patent infringement litigation in the firm's Atlanta and Winston-Salem offices.

Takero Tanojiri is the deputy director (councilor) of the General Affairs Division in the Criminal Affairs Bureau in Japan's Ministry of Justice. He is based in Tokyo.

1997

John L. Barlament has joined Quarles & Brady's Milwaukee office as a partner in the employee benefits group. He represents employers, third party administrators, brokers, and benefit consultants. He previously practiced with Michael Best & Friedrich in Milwaukee. He also has been named to the 2012 edition of *Best Lawyers* in the area of employee benefits law.

Jennifer Yelton Henry completed her first Olympic Distance triathlon in June in Las Colinas, Texas, finishing second in the Athena division, with a time of 3:38:40. She previously competed in six Sprint Distance triathlons, and completed two half-marathons in 2011.

Dayatra King Matthews and her husband, Rickey, announce the birth of their first child, Rickey Jr., on Sept. 14, 2010. In 2010 Dayatra was named president of Capital City Lawyers Association for a two-year term and to the board of directors of the North Carolina Association of Defense Attorneys for a four-year term. She concentrates her practice at Baily & Dixon in Raleigh on civil litigation at both the trial and appellate levels.



Clay C. Wheeler has joined Kilpatrick Townsend as a partner in its litigation department, based in the firm's Winston-Salem and Raleigh offices. Clay previously was an assistant United States attorney for the Eastern District of North Carolina (2002-2011), and chief of the Economic Crimes Section there (2009-2011).

1998

Adam Chodos and his wife, Natalie, announce the birth of their fourth child, Nate, on July 1, 2011. Adam is managing member of Chodos & Associates in Greenwich, Conn.

Peggy Wang has been promoted to partner at Linklaters in Hong Kong, where she specializes in mergers and acquisitions and corporate law.

Kevin Zolot, an assistant United States attorney for the Western District of North Carolina, is on a two-year detail as the resident legal adviser for the Department of Justice in Turkey. He is working out of the U.S. embassy in Ankara and is joined by his wife, **Miranda '98**, and children.

1999

David Bowsher, a partner at Adams and Reese in Birmingham, has joined the Public Affairs Research Council of the Alabama Roundtable, which gives young civic and business leaders the opportunity to study issues and government policy in the state. At Adams and Reese, David's practice includes bankruptcy, corporate, transactional matters, and governmental relations matters.

Theresa Carnegie has been promoted to member at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo. She practices health law in the firm's Washington, D.C., office.

Carsten Herresthal has become tenured at the University of Regensburg, in Germany, where he teaches Private Law, Corporate Law, and Law of the European Union.

Rut Ley is working as an international war crimes prosecutor with the State Prosecutor's Office of Bosnia and Herzegovina in Sarajevo. She previously worked at the International Criminal Tribunal for the former Yugoslavia.

Andrew McNee and his wife, Deb, announce the birth of their daughter, Georgia, on June 28, 2011, in Sydney, Australia. She joins big sister Isabella. Andy is a partner in the commercial group at Maddocks.

Susan and **Paul Rozelle** announce the birth of their second child, Joseph Paul, on March 27, 2010. Susan is a professor at Stetson University College of Law, and Paul is a partner at Fudge & McArthur.

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DOING?
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2000

George Hackett joined Clifford Chance's Frankfurt office as a partner in April of 2010. He has experience in international capital market transactions and is an expert in IPOs and capital raisings in Austria. He previously was counsel at Davis Polk & Wardwell.

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.

John D. Inazu joined the Washington University law faculty as an associate professor on July 1. He is a political theorist and scholar of First Amendment law, whose work addresses issues of political and religious freedom, among others. He served as an assistant visiting professor of law at Duke from 2009 to 2011.

Brett Lund is vice president and general counsel for Gevo, a Denver-based renewable fuels and chemicals company. He sold Agarigen, a biologics company he founded, in February 2011.

Sara Peterson founded her own boutique law firm, Parkway Law, in Minneapolis. She previously was a partner at Dorsey & Whitney. She focuses on providing environmental legal services in transactional and regulatory matters. Sara co-teaches the Environmental Capstone Course and teaches in the Sustainability Law Clinic at the University of Minnesota Law School.

Barry Uhrman, a senior associate with Jones, Skelton & Hochuli in Phoenix, was selected as one of "Arizona's Finest Lawyers." Barry specializes in employment, government, and municipal law.



Dustin B. Rawlin has joined Tucker Ellis & West in Cleveland as a partner in the firm's trial department. He previously was a partner at Jones Day. He represents businesses in complex civil litigation matters involving product liability, business tort, breach of warranty, consumer fraud, and commercial litigation, with a focus on the defense of medical device litigation.

2001

Kristi Bowman is an associate professor at Michigan State University College of Law. She has written a number of articles examining public school students' First and Fourteenth Amendment rights and regularly teaches Torts, Property, Education Law, and Street Law. In 2010, she received the Education Law Association's Steven S. Goldberg Award for Distinguished Scholarship in Education Law.

Rodney D. Bullard has joined Chick-fil-A's S. Truett Cathy Foundation as executive director. He previously served as an assistant U.S. Attorney in the Northern District of Georgia. In that position he was recognized by Outstanding Atlanta, Leadership Atlanta, and U.S. Attorney General Eric Holder with the Department of Justice's Director's Award.

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

Ben Fletcher married Rebecca Garrett in November 2010.

Fernando Fresco is currently working at Kuwait Foreign Petroleum.

Jay N. Moffitt has been elected partner at Morris, Nichols, Arsh & Tunnell in Wilmington, Del. His practice focuses on corporate and commercial litigation, with an emphasis on cases involving mergers and acquisitions, proxy contests, and shareholder class and derivative actions.

Chandra Quayle has joined Strayer University as dean of the Washington, D.C./Maryland region, which includes nine campuses in the District of Columbia, Maryland, and Pittsburgh.

Mary Richardson has joined Williams College in Williamstown, Mass., as associate director of gift planning.



Peter A. Tomasi has been named to the 2012 edition of *Best Lawyers* for environmental law. He is a partner in the Milwaukee office of Quarles & Brady.

Kate White-Arnold has opened The Bar Method DC in Washington, D.C., where she teaches The Bar Method exercise format which merges the principles of interval training, isometrics, dance conditioning, and physical therapy.

2002

Allyson Collins has joined the Eanes Independent School District, a district of approximately 7,500 students in Austin, Texas, as general counsel.

Drew Dropkin married Tallulah Passyn on May 7, 2011 in Philadelphia. They currently reside in Smyrna, Ga.

Jessica Richman Dworkin and her husband, Matthew, announce the birth of their daughter, Eleanor Mina, on June 13, 2011.

David A. Shuford has joined Robinson Bradshaw & Hinson as counsel in the firm's Charlotte office. He practices in a wide range of corporate and transactional areas, with an emphasis on international law, the regulation of international trade and investment, risk assessment and mitigation, and government relations.

Anne M. Verschuur has been appointed counsel to the IP department of NautaDutilh N.V., a law firm in the Netherlands.

Kerry Tynan Wenzel and her husband, Patrick, announce the birth of their daughter, Reagan Catherine, on Feb. 4, 2011. They live in Atlanta where Kerry is counsel at Alston & Bird.



Christopher Kang '01

Christopher Kang was appointed, in August, as special assistant to the president and senior counsel to the president in the Office of the White House Counsel. His duties include overseeing the selection process for judicial nominees and helping facilitate the Senate confirmation process. Chris previously served as a special assistant to the president for legislative affairs and as a senior floor counsel to Sen. Richard Durbin, D-Ill. In October Chris was named to the *National Law Journal's* list "The Minority 40 Under 40;" the accompanying profile noted that "the imprint of his work will be visible for decades." 🇺🇸

2003

Divesh Gupta has been promoted to managing counsel at Constellation Energy in Baltimore.

Tarja Krehic has launched Krehic & Lacmanovic Law Office in Zagreb, where she advises on foreign investments, capital markets, international trade law and corporate matters in Croatia. Tarja previously practiced at Wolf Theiss, the largest law firm in Austria.

Sean O'Neil has published *Bare Knuckle People Management: Creating Success With the Team You Have — Winners, Losers, Misfits and All* (BenBella Books, with John Kulisek). Sean is a principal owner and CEO of One to One Leadership, a sales and management training firm in Pelham Manor, N.Y.

Fan Yu has joined CITIC Securities International, a China-based investment company, as in-house counsel.

2004

Krista Barnes has joined King & Spalding in Houston as an associate in the health group. She previously was a health associate at Baker & Hostetler.

Sarah Elizabeth Bell and her husband, Jay Wechsler, welcomed their daughter, Eliza Rose, on May 18, 2011.

Kimberly Drake and her husband, Kirk, announce the birth of their son and daughter, Jasper Kirk and Violet Kay, on May 20, 2011. Jasper and Violet join big brother, Warren.

Sean Kammer is serving as a visiting assistant professor at Lewis and Clark Law School in the Environmental and Natural Resources Law Program for the 2011-2012 academic year.

David H. Koysza has been elected partner at Wyche, in Greenville, S.C. He practices in the areas of business litigation and commercial bankruptcy.

Urmaz Peiker has joined AS GA Fund Management, a private investment company in Tallinn, Estonia. For the past three summers he has participated in L'Etape du Tour in France, a stage of the Tour de France for amateurs; he also ran his first ultra marathon — 100km — in October 2010.

Miki Shapira was recently elected to chair the M&A section of the Young Attorneys' Forum of the Israeli Bar Association.

Olga Shmakova has joined Integra, an integrated project management and technology services company where she was recently promoted to vice president for corporate governance and strategic transactions.

Gregory Walsh and **Kathrin Weston Walsh '05** welcomed their daughter, Fionnuala "Fiona," in September 2010.

Garrett Weiner has joined the Chapman Consulting Group, a Singapore based human resources and consulting company.

2005

Gretchen Bellamy has joined University of Miami Law School as the director of international public interest programs for the HOPE Public Interest Resource Center.

Britt Whitesell Biles has been elected partner at Kirkland & Ellis. Based in the Washington, D.C., office, Britt concentrates on trial litigation with an emphasis on products liability.

Megan Gaudette Fairchild is contract manager for Oracle Inc. in Bellevue, Wash. She previously was an attorney with the Department of Judicial Administration in King County.

Thomas E. Felsberg has moved to Sao Paulo, Brazil, to take the lead on several large-scale capital markets projects. He is the managing partner of the New York office of Felsberg & Associates, to which he commutes on a regular basis.

Gayathri Gunasekaran has recently transferred to the New York office of Gibson Dunn & Crutcher from the Singapore office. She specializes in M&A, private equity, and capital markets transactions.

Zachary Klughaupt has recently joined Schwartz LLC, a boutique New York firm, as counsel. His practice focuses on international corporate and securities transactions, finance, mergers and acquisitions, joint ventures, private equity investments, and other corporate and financial transactions.

Brandon Long has joined the U.S. Attorney's Office in Washington, D.C., as an assistant U.S. attorney. He previously was an associate at King & Spalding.

Peter Naismith has joined Reservoir Capital Group, a private investment firm based in New York, as associate general counsel.

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

Carrie Ryan has published *The Dark and Hollow Places* (Delacorte Press), the third in a series of novels for young adults.

Robert Stevenson has joined Disney Interactive Media Group in Burbank, Calif., as counsel. Disney Interactive is responsible for the company's websites and video games.

Kathrin Weston Walsh and **Gregory Walsh '04**, welcomed their daughter, Fionnuala "Fiona," in September 2010.

2006

Wells Bennett married Debra Coletti in April in Washington, D.C.

Kristin Ely Blazewicz and Julian Blazewicz announce the birth of their son, Julian Jackson, on May 29, 2011, in San Francisco.

Philippe Chinu has joined the corporate department of Loyens & Loeff in New York as a senior associate.

Lê-Binh Hoang has joined Lachenal & Le Fort in Lausanne, Switzerland, as an associate and member of the corporate, mergers and acquisitions, and commercial law group.

Phillip Laconte has joined Jones Day in Washington, D.C., where he focuses his practice on EU competition law, telecommunications matters, and general litigation.

Jose Rodriguez has completed a master of sciences degree in public policy and administration at the London School of Economics.

Javier Robalino-Orellana has joined Paz Horowitz in Quito, Ecuador, as an equity partner and head of the international arbitration practice. The firm is now known as Paz Horowitz Robalino. He also is a professor of administrative law at the San Francisco University of Quito and has worked as a foreign associate at King & Spalding in Houston. In September, he was recognized by *Global Arbitration Review* as one of the best 45 arbitration professionals in the world, under 45 years old.

2007

Felipe Benavides was named the "Associate to Watch" by Chambers and Partners for his work at Cariola Diez Perez-Cotapos & Cia in Santiago, Chile.

Alexis Finkelberg Bortniker married Ethan Bortniker on Sept. 5, 2011. She has joined Foley & Lardner as an associate on the firm's health care industry team, in Boston.

Christian Burghart has recently joined H. Roske & Associates in New York.

Elizabeth Gilbert, a social psychology graduate student at the University of Virginia, has received a "Double 'Hoo" research award, which funds pairings of undergraduate and graduate students who collaborate on research projects at UVA.

J. Benjamin Mitchell and his wife, Amanda, welcomed a daughter, Clara Jane, on July 24, 2011. She joins big brother, Quinn. Ben is an associate at Maynard, Cooper, & Gale in Birmingham, Ala.

Natchapon Padungkittimal has joined Clifford Chance in Bangkok.

Kelcey Patrick-Ferree has opened her own business law firm in Minneapolis. Her primary areas of practice are technology and Internet law, including intellectual property, privacy and data security, e-commerce, and technology commerce; basic estate planning; and business formation.

Garrick A. Sevilla has joined the litigation section of Williams Mullen in Raleigh. He is part of the appellate litigation team and complex business litigation teams. Garrick clerked for Associate Justice Samuel A. Alito Jr. at the U.S. Supreme Court during the 2010-2011 term.

Daisuke Watanabe has joined Fast Retailing Co., Ltd., as in-house counsel. He previously was with Anderson Mori & Tomotsune, in Tokyo.

2008

Christopher Dodrill was elected to the city council in Charleston, W. Va., on May 17 and was sworn in for a four-year term on June 21. Chris is an associate with Allen Guthrie & Thomas in Charleston.

2009

Michael T. Hasper has joined Moore & Van Allen in Charlotte as an associate in the intellectual property practice group. Michael concentrates his practice in intellectual property law with a focus on technology transactions, patent, and trademark matters.

Michael E. Kaplan has joined Otten Johnson Robinson Neff & Ragonetti in Denver as an associate. He concentrates in the areas of real estate development, zoning, acquisitions, and loan matters. He previously worked for a land-use nonprofit.

Conrad Van Loggarenberg has joined the corporate department at Paul, Weiss in New York, as an associate.

Thomas J. Mascia has joined Hunton & Williams in Richmond, Va., as an associate. TJ's practice focuses on a broad range of environmental issues, with emphasis on regulatory counseling, compliance strategy, permitting, and enforcement defense.

Tremain Mattress has joined Waller Lansden Dortch & Davis in Nashville, as an attorney in the labor and employment group. His practice includes counseling and advising employers on all aspects of the employment relationship and representing employers in a wide range of federal and state employment litigation and administrative proceedings.

Sonja Ralston has joined the U.S. Attorney's Office for the Central District of California as a special assistant U.S. attorney in the General Crimes Division. She previously clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.

Daniel Ribeiro was appointed by the Brazilian Prosecutor General to lead prosecution of environmental cases. He also teaches at FGB, a Brazilian law school, where he supervises an environmental law clinic. Additionally, he is coordinating a working group to reform and redesign the state system of environmental impact assessment.

Christopher D. Thompson joined Moore & Van Allen in Charlotte as an associate in the real estate practice group.

2010

Arthur-Jean Bertin has joined Loyens & Loeff in Luxembourg as a mergers and acquisitions associate. He also is working on his PhD in corporate restructuring at the Sorbonne.

Aagje De Graeve has joined Eversheds in Brussels as a commercial and litigation lawyer.

William Edward Dolan and **Stephanie Lam Dolan '11** were married on Sept. 17, 2011.

Stuart Duguid has joined Lagardere Unlimited, a sports management company in Washington, D.C.

Nir Friedman has recently joined Cassouto-Noeff & Co., a litigation-focused law firm in Tel-Aviv.

Vanessa Jacob has joined Allen & Overy in New York.

Kazuhide Ohya has joined Kelvin Chia in Singapore.

Sinem Sahin has joined Gide Loyrette Nouel in Istanbul, Turkey.

2011

Padowithz Alce has joined Moore & Van Allen's Charlotte office intellectual property practice group as an associate. In addition to intellectual property, his specialties include mergers and acquisitions, private equity and investment banking.

Stephanie Lam Dolan and **William Edward Dolan '10** were married on Sept. 17, 2011.

Andrea Gewirtzman is serving as an AmeriCorps VISTA leader with the California Conservation Corps in Sacramento.

Matthew Turetzky started a two-year clerkship with Judge Lawrence J. Block at the United States Court of Federal Claims in Washington, D.C., in August.

IN MEMORIAM

Class of '38 Charles Holt Young

July 4, 2011

Class of '47 Harold Bloomenthal

Aug. 15, 2011

Rufus Cecil Boutwell Jr.

Aug. 31, 2011

James M. Jones Jr.

Oct. 7, 2011

Linton Robeson Lovett

July 30, 2011

Class of '48 William H. Gray

Nov. 14, 2011

Edward Rocap

Aug. 11, 2011

Class of '50 Arbor W. Gray

Aug. 2, 2011

Thomas G. Hart

July 21, 2011

Class of '52 William G. Kaelin

Aug. 28, 2011

Grady Bernell Stott

June 25, 2011

Class of '55 Roland R. Wilkins

Sept. 24, 2011

Class of '65 David C. Hjelmfelt

Aug. 5, 2011

Class of '67 Daniel Bernard

Aug. 3, 2011

Class of '72 Ernst Mueller

July 21, 2011

Class of '77 Peter Brian Bothel

June 20, 2011

Class of '78 Marilyn Jane Devine

Nov. 8, 2011

Class of '82 Dirk G. Christensen

Feb. 18, 2011

This list reflects information received by the Duke Law Alumni and Development Office by Nov. 30, 2011.

» View obituaries at www.law.duke.edu/magazine.



Celebrating public service

Duke Law students gathered at Durham's Motorco Music Hall on Oct. 1 to reflect on their commitment to public interest legal work and brainstorm new initiatives at the 14th annual Public Interest Retreat.

Are you up to the challenge?

The Alemán Matching Challenge Initiative for the Annual Fund

Jaime Alemán '78 has donated \$100,000 to encourage alumni to become members of the Barrister Donor Society with a gift to the Annual Fund. The Alemán Matching Challenge Initiative provides a dollar-for-dollar match for every Barrister-level gift made to the Annual Fund by a graduate who did not make a gift of that level last year.

Your gift to the Annual Fund supports:

STUDENTS like **Maia Pelleg '13**, who spent a year before starting law school as a microfinance fellow for Kiva in Kenya and Ghana. During her 1L summer, Pelleg interned at the Irish Centre for Human Rights in Ireland and studied at Duke Law's Asia-America Institute in Transnational Law.

FACULTY like **Jim Cox**, the Brainerd Currie Professor of Law, an expert in corporate and securities law who writes extensively on market regulation and corporate governance and is frequently called upon for commentary in the national media and testimony before congressional committees.

PROGRAMS like the **Center for Judicial Studies**, which advances the study of the judiciary through interdisciplinary scholarship and cooperative thinking from multiple perspectives to help both judges and scholars better understand the judicial process and generate ideas for improvements.



"Duke Law School has been a conduit through which I've gained so many meaningful relationships that have helped me succeed in life and business. I believe that supporting the Annual Fund and being a Barrister is one of the surest ways to enable future generations of Duke Law students to enjoy the same privilege."
— **Jaime Alemán '78**, former Ambassador of Panama to the United States and life member of the Duke Law Board of Visitors

Selected spring 2012 speakers:

- 2/1 **Lanny Breuer, Assistant Attorney General,**
Criminal Division, U.S. Department of Justice
- 3/1 **Judge Kenneth Starr '73 discusses *Snyder v. Phelps***
- 3/13 **Judge J. Harvie Wilkinson III**
Lives in the Law
- 3/27 **Professor Heather Gerken, Yale Law School**
Annual Brainerd Currie Memorial Lecture
- 4/9 **Duncan Maysilles '79**
Ducktown Smoke: The Fight over One of the South's Greatest Environmental Disasters
- 4/20-22 **Law School Alumni Reunion 2012**
- 5/12 **Associate Justice John Paul Stevens**
Hoarding 2012

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THE SECOND HALF

A LOOK AT DEAN DAVID F. LEVI'S SUCCESSFUL FIRST TERM

AND HIS PLAYBOOK FOR THE YEARS TO COME

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