

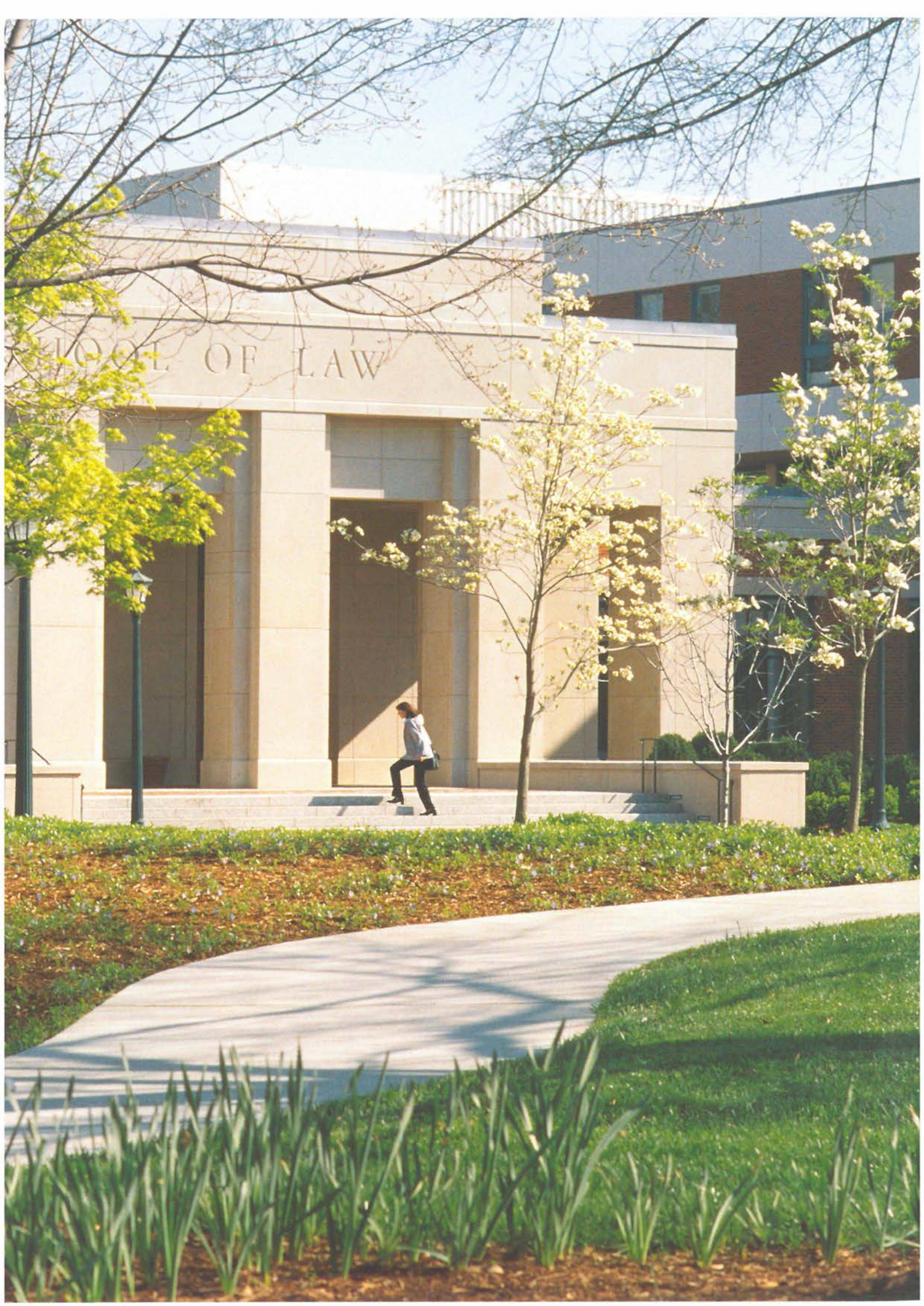
The University of Virginia School of Law

UVA *Lawyer*

Spring 2000



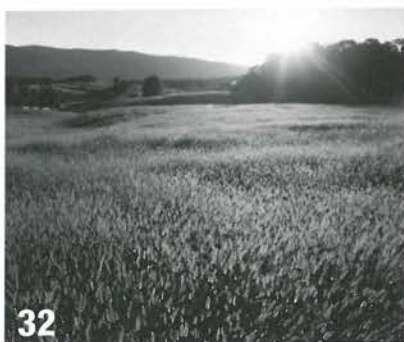
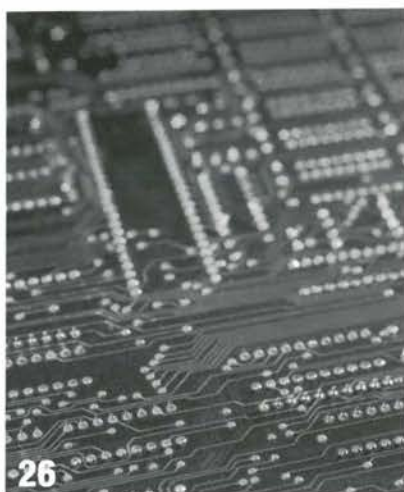
**Inside: Janet Reno at the Law School
U.Va. Lawyers and New Technology
Environmental Law at Virginia**



SCHOOL OF LAW

UVA *Lawyer*

Spring 2000 Vol. 24, No. 1



EDITOR Cathy L. Eberly

CONTRIBUTING WRITERS Penny Chang,
Denise M. Forster, Linda A. Skove

DESIGN Helleberg + Roseberry

PHOTOGRAPHY Robert Benson, Jim Carpenter,
Tom Cogill, Stephanie Gross, Law School Archives

ILLUSTRATION Charles Peale

PRINTING Schmitz Press

Departments

- 2** Inbox
- 3** Dean's Message
- 6** Law School News
- 59** In Memoriam
- 60** In Print
- 62** Opinion
*My Closer View of the
Death Penalty*
William G. Broaddus '68

Features

- 26** e-summit: U.Va. Lawyers and
the New Technology
Cathy L. Eberly and
Denise M. Forster
- 32** Environmental Law at Virginia:
Meeting the Profession's Changing Needs
Linda A. Skove

Alumni News

- 41** Class Notes

We welcome your letters about *UVA Lawyer* or other matters related to the Law School. Please send them to the editor at 580 Massie Road, Charlottesville, VA 22903, or by e-mail at lawalum@virginia.edu.

DEAR READERS,
You may notice that this issue of *UVA Lawyer* has a new look. The look comes courtesy of a new, Charlottesville-based design team, Helleberg + Roseberry, who have turned fresh eyes on the magazine's five-year-old design. You may also notice that, while the contents of the publication have not changed all that much (thanks to input we received from you through our recent Reader Survey), the way we are presenting it has. We hope you like the new design, and that you are willing to bear with us as we fine-tune it in the months ahead. As always, we welcome your comments.

Cathy L. Eberly
Editor

Dear Ms. Eberly,

I liked the form and content of the Fall issue of the *UVA Lawyer* in all but one respect. While we all like to tout Virginia's reputation as a "national" law school, the Alumni News reads like a monthly report from the Richmond Bar Association. I recognize that you depend on letters from alumni, but should you really be reaching out for such accolades as "Top Legal Beagle in Hampton Roads"?

Sincerely,
William J. O'Shaughnessy '62
Princeton, NJ

You are correct in your assumption that we rely upon submissions from alumni for the Class Notes section. Generally speaking, I publish what our alumni want their classmates to know, whether or not their message positions Virginia as a "national" law school. In a recent reader survey, alumni told us that, upon receiving the magazine, they read their own class notes first; furthermore the Class Notes section is something they always read. Accordingly, we have made a

decision to run more, not fewer, class notes, and to follow the model established by private colleges and universities that publish a long, chatty class notes section. I realize this decision marks a departure from the traditional class note, with its brief, "so-and-so made partner at such-and-such-a-firm" message to include information that may seem less important to many. However, I think we are trying to keep more of our alumni linked with the Law School and reading about each other's activities.

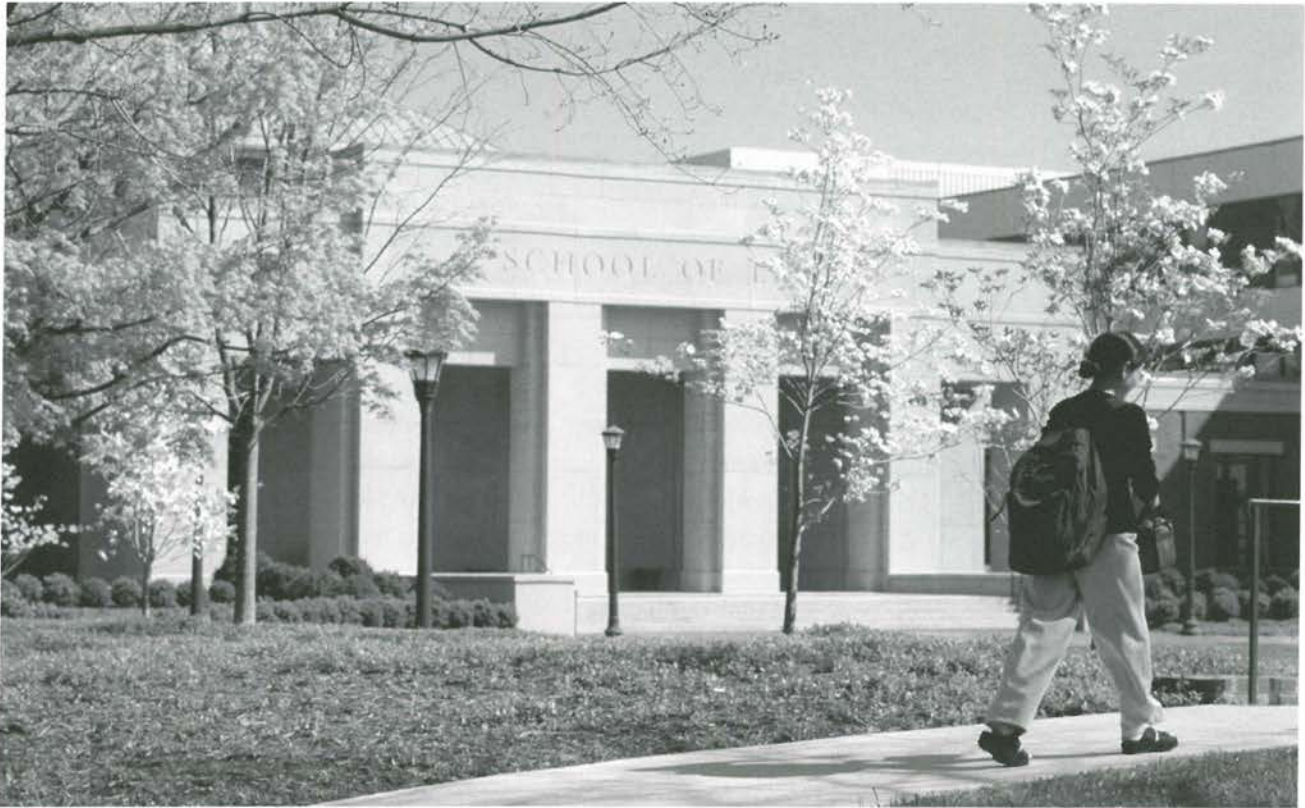
Dear Ms. Eberly:

I enjoy the *UVA Lawyer* very much, and usually read it cover to cover. In doing so, I occasionally find small errors which I ignore. However, in the Fall 1999 issue, on pages 47, 48, 49, and perhaps elsewhere, I find at least nine references to a banquet at White Sulphur Springs, Virginia. Since the Virginia Bar Association frequently exercises good judgment by meeting at White Sulphur Springs, West Virginia at the Greenbrier Hotel, I have to assume that this is an unintentional effort to slip the joint state line between these two states over to include Greenbrier County, West Virginia.

Since Virginia has so much, I am sure you will be willing to give us back the Greenbrier at White Sulphur Springs, West (B-G) Virginia. Yes, Virginia, there is a West Virginia.

Kindest regards,
W. H. File, Jr. '37
File, Payne, Scherer & File
Beckley, West Virginia

Thank you for your letter and its most valuable geography lesson. I am more than willing to give back to wonderful West Virginia its elegant Greenbrier if you—and our other 91 West Virginia alumni—accept my apology for allowing the mistake to be made in the first place.



What Makes Our Law School Special

■ Robert E. Scott

AFTER A SEMESTER-LONG SABBATICAL—including several months at New York University—I am back at the Law School. It is good to be home. My experiences of last fall have convinced me, more than ever, that your law school is a very special place. Let me tell you why.

It is no surprise to any of you that attending law school at Virginia is an exceptional experience. The faculty is tremendously talented and committed to teaching as well as to their research. The students are extraordinarily



Robert E. Scott

intelligent but bring as well to the community a great complement of interpersonal skills. Faculty and students choose Virginia, in part, because it is located in one of the greatest college towns in America. Once in Charlottesville, faculty and students become part of an academic community that is universally recognized as the most engaged and collegial of any major law school. As a

member of the faculty, I can attest that the ability to engage and to collaborate with my colleagues—without some of the distractions found in other environments—has greatly enriched my teaching and scholarship over the years. And the product of this experience is a cohort of graduates who have been, quite literally, transformed by the place. Their talents are widely recognized in the world. Virginia produces leaders—leaders in the emerging

Once in Charlottesville, faculty and students become part of an academic community that is universally recognized as the most engaged and collegial of any major law school.

world of the Internet and e-commerce and leaders in the bar, as exemplified by the fact that Virginia ranks second only to Harvard in the number of graduates who work as managing partners in the top 700 law firms in the country.

In spite of this unique institutional ethos, Virginia still faces major challenges. We have exceptional faculty and, by any measure, the best young faculty in the nation. But it is sometimes difficult to retain great faculty in a small college town when many faculty have partners, and those partners have their own career needs. Faculty who come to Charlottesville without a partner—and are looking to change that—may find it difficult to meet someone here. It also can be difficult to attract the very finest students to a small college town—no matter how wonderful—when those students are also being lured by the excitement of an urban life that is increasingly appealing in the modern context.


Over a year ago, I convened a group of faculty called the 2020 Planning Committee to suggest ways to meet these challenges. Among several recommendations, the group proposed that we create a fund to invest in the continued vibrancy of intellectual life at the Law School. Thanks to the generosity of many of you, the fund is growing steadily, and is attracting speakers and supporting conferences, symposia, and workshops for the benefit of students, faculty,

and alumni. The tangible benefits from this fund are already evident. To take a recent typical example, several weeks ago the Law School welcomed Eric Foner, a leading legal historian from Columbia University, Lynn Baker from the University of Texas, who presented a work in progress in a faculty workshop, and Avery Katz of Columbia Law School, who promoted his latest project to the Colloquium on Contract and Commercial Law I am co-teaching with Clay Gillette. Professor Alan Ryan from Oxford was here to teach a two-week course, called Rights, Bills of Rights, and Conventions: Contrary Perspectives, and to deliver a delightful lecture, "Why the British Don't Think of Law the Way Americans Do." At the same time, the Fourth Circuit Court of Appeals held oral arguments at the Law School and we hosted the first Conference on Public Service and the Law, featuring leading scholars and practitioners in areas such as child advocacy, human rights, and legal services to the poor. Clearly, much can be done to bring the world to Charlottesville.

The 2020 group also recommended dramatically increased funding for both public service and merit scholarships. I am committed to providing our students increased scholarship support. Since the beginning of the Law School's capital campaign in 1993, in an era of rising tuition and increased competition for the

Virginia produces leaders—leaders in the emerging world of the Internet and e-commerce and leaders in the bar, as exemplified by the fact that Virginia ranks second only to Harvard in the number of graduates who work as managing partners in the top 700 law firms in the country.

best students, we have tripled the amount of scholarship funds we offer. But our task is not yet finished. We continue to raise funds for the Dillard Scholars Program. Among the most attractive law school scholarships in the nation, Dillard Scholarships provide a full scholarship and a stipend to our strongest prospective students. As we move into the final year of the campaign, we need additional Dillard Scholarships to help us remain competitive with our peer schools, and we need increased support for public service fellowships and scholarships to enable students, who wish to do so, to choose careers in public service unencumbered by crippling debt burdens.

As I return from my sabbatical, I am more convinced than ever that Virginia is a wonderful place to be. But I need your help to take the next step. I believe that what we accomplish together in the years ahead will ensure that Virginia maintains its rightful place among the nation's very finest law schools. 

Janet Reno Speaks on International Cooperation at Law School Journal Anniversary Celebration



Janet Reno met informally with Law School students before delivering her remarks on April 1.

“Make sure the firms you go to, the offices you go to, are family-friendly.... Remember that, if we invest in children in terms of love and time, we can make a difference.”

ACCORDING TO U.S. ATTORNEY GENERAL Janet Reno, the world has become too small a place for its citizens not to work together to embrace and enforce the rule of law. She stressed the importance of cooperatively developing and creating a criminal code during an April 1 visit to the Law School, where she delivered the keynote address and met informally with students as the Law School hosted a conference celebrating the 40th anniversary of the *Virginia Journal of International Law* (VJIL).

In addition to emphasizing the importance of public service work, Reno encouraged the law students in the audience to “hone your problem-solving skills,” suggesting that a prosecutor whose client has a drug problem should do more for that client than just win the case. According to Reno, the lawyer should “help the person ... to resolve the problem that caused the crime in the first place.”

Reno recommended that students deciding where they want to practice law following graduation make family life a priority. “Make sure the firms you go to, the offices you go to, are family-friendly.... Remember that, if we invest in children in terms of love and time, we can make a difference,” she said.

Following her speech, Reno responded to audience questions, including several about the fate of Elián González, the Cuban boy found floating off the coast of Florida. “I think it is so important for all of America to make sure that we don’t politicize the issue. That we do it based on the law. That we do it in a way that will not further cause harm to the little boy who has been through so much,” she said.

The VJIL conference also featured panel discussions at the University’s White Burkett Miller Center of Public Affairs by international law experts involved with or close observers of

Abraham Receives All-University Teaching Award

the recent extradition proceedings involving Chilean General Augusto Pinochet and the development of a new permanent International Criminal Court. The panel of the Pinochet extradition case featured Clive Nicholls, the British lawyer who headed Pinochet's legal defense; Duke University law professor Michael Byers; Yale University law professor Ruth Wedgwood; and Curtis Bradley, a visiting associate professor of law at Virginia who will join the faculty in the fall. The International Criminal Law panel featured Shabtai Rosenne, retired Israeli ambassador-at-large; David Scheffer, U.S. ambassador-at-large for war crimes issues; John R. Bolton of the American Enterprise Institute; and David Martin, Henry L. & Grace Doherty Charitable Foundation Professor of Law at the Law School.


KENNETH ABRAHAM IS A RECIPIENT OF THE All-University Outstanding Teacher Award for 1999–2000. The award is presented to select University faculty members in recognition of their outstanding teaching skills. This marks the sixth straight year that a member of the Law School faculty has been honored with this award.



Kenneth Abraham

One of the leading insurance and tort law scholars in the nation, Abraham joined the Law School faculty in 1984, after nine years on the faculty of the University of Maryland Law School. A member of the American Law Institute Council, he is the author of four books, including a ground-breaking book on insurance. Published in 1986, *Distributing Risk: Insurance, Legal Theory, and Public Policy*, is a systematic examination of insurance law from the perspectives of rights theory, economic analysis, and the comparative competence of the various legal institutions that regulate insurance. His casebook, *Insurance Law and Regulation*, is now in its third edition and is used in more than 90 American law schools.

Abraham describes himself as a “practical theorist.” “I have always thought that law teaching and legal scholarship must be theoretical or they will be nothing more than reporting and description,” he says. “But my taste runs to the kind of theory that can actually help to solve real-world problems. I have tried to use theory—and show my students and those who read my work how to use theory—to solve actual legal problems.”

The Class of 1962 Professor of Law and the Albert C. Tate, Jr. Research Professor, Abraham earned his A.B. from Indiana University and his J.D. from Yale Law School. Before entering law teaching, he was in private practice in New Jersey. 



Students present Reno with a U.Va. sweatshirt and cap as Professor David Martin looks on.

The conference was sponsored by VJIL, the oldest student-edited international law journal in the world, and by the Miller Center. VJIL is recognized as one of the top scholarly publications in its field and is distributed to subscribers in 35 countries. 

Second Circuit Judge Guido Calabresi Honored with Thomas Jefferson Memorial Foundation Medal



THE HONORABLE GUIDO CALABRESI OF the U.S. Second Circuit Court of Appeals, a widely respected jurist, scholar, and former dean of the Yale Law School, received the 24th annual Thomas Jefferson Memorial Foundation Medal in Law during Founder's Day celebrations at the University of Virginia on April 13.

The award is the highest outside honor conferred by the University—which, in compliance with Thomas Jefferson's wishes,

“Judge Calabresi is one of the giants in American law of the last half century.”

does not award honorary degrees—and is sponsored jointly by the University and the Thomas Jefferson Memorial Foundation, which operates Jefferson's home, Monticello.

Calabresi, who was born in Italy and whose family fled fascism in 1939 to settle in the United States, earned degrees in economics and later law at Yale. He studied as a Rhodes Scholar at Oxford University and clerked for Justice Hugo Black of the Supreme Court of the United States before returning to Yale as one of its youngest law professors ever.

Calabresi developed a national reputation as a legal scholar and is the author of several influential books, including *The Cost of Accidents: A Legal and Economic Analysis*, and *A Common Law for the Age of Statutes*. Appointed dean of Yale Law School in 1985, he became one of the most effective and dynamic law deans in the nation, known for his integrity, enthusiasm, and dedication to promoting



Guido Calabresi

excellence in the legal profession.

In 1994 Calabresi was appointed by President Clinton to the Second Circuit Court of Appeals, where he has continued to express as core values his concerns about discrimination and the need for decency.

“Judge Calabresi is one of the giants in American law of the last half century. A legendary teacher, preeminent legal scholar, and academic leader, he has taken these enormous talents to the bench where he has served with distinction as one of the most respected federal judges in the country,” said Dean Robert Scott. “Awarding Judge Calabresi the Jefferson Medal is a fitting tribute to a man who has dedicated his life to the Jeffersonian ideal of lawyer as public citizen.”

Faculty Briefs



Lillian BeVier delivered the Coen Lecture during a two-day visit at the University of Colorado Law School in March. Entitled “When I Speak Is the State Acting?”, the lecture addressed the

“state action” requirement of the Fourteenth Amendment as it applies to free speech controversies. In particular, BeVier discussed the “realist” argument that, because the state enforces contracts and protects property rights, the supposed constitutional distinction between state and private action is meaningless. She compared the implications of this argument with existing First Amendment doctrines that clearly assume that the distinction reflects genuine constitutional realities. BeVier is a Henry L. & Grace Doherty Charitable Foundation Professor of Law and the Class of 1948 Professor of Scholarly Research.



Richard Bonnie continued his involvement with a number of public health issues during the spring semester. He was appointed to the Committee on Tobacco Harm Reduction, created

by the Institute of Medicine to advise the Food and Drug Administration on regulatory policy relating to new products that aim to deliver nicotine while reducing exposure to tobacco toxins. He also continued to serve on the

National Academy of Sciences (NAS) Committee on Data and Research for Policy on Illicit Drugs, whose charge is to study the adequacy of the scientific basis of the nation’s drug control policy.

Closer to home, Bonnie taught a new seminar this spring, called Illicit Drug Control, to introduce Law School students to his NAS committee work. He also formed a working group of University faculty to focus on public health issues and law. Funded by the Donchian Foundation, the group brings together University scholars from various disciplines—philosophy, medicine, religious studies, ethics, biomedical ethics, and business ethics, among others—to explore underlying ethical issues in U.S. public health policy. The group recently received a Greenwall Foundation Presidential Grant to support collaborative work in public health policy among University scholars and their colleagues nationwide. This support is helping Bonnie and his colleagues produce case materials for courses, publications, and new projects on ethics and public health that will be used to augment instruction across the Grounds. The group of faculty taught a course, Public Health Law and Ethics, to law students and graduate students in ethics this spring.

Bonnie is the John S. Battle Professor of Law and the Roy L. and Rosamond Woodruff Morgan Research Professor.





George Cohen made two presentations during the annual meeting of the American Association of Law Schools in Washington, D.C., on January 7. First, as part of a panel sponsored by the

Contracts and Remedies sections entitled "Whither the Reliance Interest," he commented on a paper by Professor Christopher Wonnell of San Diego Law School, entitled "Expectation, Reliance and the Two Contractual Wrongs." Wonnell's work draws significantly on Cohen's paper of several years ago on contract damages, entitled "The Fault Lines in Contract Damages." In this paper, Cohen asserted that, in applying contract damage measures, courts do and should take the reason for the breach of contract into account, even though traditional contract damages doctrine holds that the reason for the breach should not matter.

Cohen also served on the Insurance Section's panel on insurance class actions, where he presented a short summary of a new paper, entitled "The 'Fair' is the Enemy of the Good: *Ortiz v. Fibreboard Corporation* and Class Action Settlements." The paper, which will be published in the *Supreme Court Economic Review*, analyzes and critiques the recent Supreme Court decision in *Ortiz v. Fibreboard Corporation*. In this case, the Court struck down an asbestos class action settlement as inconsistent with the requirements of Federal Rule of Civil Procedure 23. Cohen's paper focuses on the role that Fibreboard's liability insurance played in the settlement. He argues that, while the Court correctly rejected the settlement, it should not have relied solely on abstract principle to reach the decision. He offers a more concrete explanation of why the settlement should have been rejected.

Finally, Cohen presented his paper on *Ortiz* at a faculty workshop at Cornell Law School on March 31. He is the Edward F. Howrey Research Professor of Law and director of the Olin Program in Law and Economics.



Michael Dooley spoke on the market for corporate control and moderated a panel, "Problems and Pressures Facing the Board of Directors," at an international corporate

governance conference for international corporate executives sponsored by CNA Insurance and Pfizer and held in New York on February 24. Dooley argued that what are widely regarded as beneficial aspects of today's U.S. corporate governance—namely, stronger and more independent boards of directors, increased institutional shareholder activism, and emphasis on shareholder value—are all products of the unsolicited tender offer. He also traced the development of legal regulation of tender offers and explained how different approaches to legal regulation would have produced less desirable results.

To mark the 50th anniversary of the Model Business Corporation Act, Dooley and Jack B. Jacobs, vice chancellor of the Delaware Chancery Court, presented a comparison of the Model Business Corporation Act and the Delaware General Corporation Law during the spring meeting of the American Bar Association's Business Law Section, held March 24 in Columbus, OH. Dooley serves as reporter for the Model Business Corporation Act.

Finally, Dooley discussed corporate governance at the annual meeting of the Seville Bar Association held April 8 in Seville, Spain.

Dooley is the William S. Potter Professor of Law and director of the Graduate Legal Studies Program.



A. E. Dick Howard continues to assist nations in post-communist Central and Eastern Europe with issues related to constitution-making, democratization, and the rule of law. In response to

a request from the Bar Association of India, which organized a constitutional assembly last year to undertake proposals for revisions to India's constitution, he submitted a paper on judicial review in India and the United States

Howard also serves on the advisory board of the Central and East European Law Initiative (CELLI), a 10-year-old project of the American Bar Association through which more than 5,000 judges, lawyers, and legal scholars help facilitate law reform in 25 countries. During the past year, he has been working with other experts to develop a curriculum for training lawyers in Central and Eastern Europe. This curriculum will be offered through the CELLI Institute, established last year in Prague, Czech Republic, as a regional focal point supporting the law reform process throughout the region.

In other matters, Howard participated in "America's Millennium on the Mall," a series of programs on America's history, present, and future sponsored by the Smithsonian Institution and held in Washington, D.C., from December 31, 1999, to January 2, 2000. His talk, "The Future of Democracy," served as one of the program's concluding sessions and was broadcast on C-SPAN.

Howard is the White Burkett Miller Professor of Law and Public Affairs.



Jody Kraus presented one of the main papers at the Conference for Law and Politics, held December 11–14 in Mazatlan, Mexico. This conference, held annually in a city outside the U.S., brings

experts together to review the latest scholarship in the analytical philosophy of law and philosophy. This year's conference was devoted to law and political philosophy. In his paper, entitled "Legal Theory and Contract Law: Groundwork for the Reconciliation of Autonomy and Efficiency," Kraus demonstrates the possibility that legal theories traditionally viewed as incompatible—such as consequentialist theories, which embrace some economic principle of efficiency as their principal methodological tool, and deontological theories, which embrace some principle of autonomy—might be interpreted or revised to be compatible or at least mutually informative. First establishing that each of these theories can stand alone independently, Kraus then presents them as two logically distinct elements that can co-exist within one unified theory. Relating them to contract law, he suggests that autonomy theories are most plausible when construed as normative, rather than descriptive, theories, while efficiency theories are most plausible when interpreted as explanatory and predictive, rather than normative, theories. He claims that the two theories, in effect, complement each other, forming a more complete theoretical basis for a particular body of law. The paper is forthcoming in *Philosophical Issues*, supplement to *Nous*.

Closer to home, Kraus joined a fellow philosopher in the classroom when he and A. John Simmons, a nationally renowned professor in the University's Philosophy Department, taught Contemporary Political Theory this spring. Calling the course





“unapologetically *not* a course about legal doctrine,” Kraus noted that more than half of the 30 students enrolled in the class nonetheless were law students interested in learning political philosophy to gain an interdisciplinary perspective on law. He and Simmons led the students through a study of the liberal political philosophy of John Rawls and various critics of political liberalism. According to Simmons, classroom discussions drew on Rawls’s thought, with the goal of developing ideas about how political philosophy “should be done.” Delighted with this collaboration, both Kraus and Simmons look forward to continuing to offer the course on a regular basis.

Kraus, a professor of law, has been a member of the faculty since 1990.



Daryl Levinson presented a paper to the Constitutional Theory Colloquium at New York University on March 9. Entitled “Making Government Pay: Markets,

Politics, and the Allocation of Constitutional Costs,” the paper explores whether there is any justification for forcing government agencies to pay money for interferences with constitutionally protected entitlements. The issue arises in such areas as “just compensation” for takings, damages for constitutional torts, and prohibitions on unfunded mandates. Levinson offers the tentative answer of no; he believes that monetary compensation does not necessarily raise the costs of these activities for government, nor is compensation for the “victims” clearly justified as a matter of moral or political theory.

Levinson is an associate professor of law.



Clarisa Long presented two new papers during the spring semester. She presented the first, “Proprietary Rights and Why Initial Allocations Matter,” at the Thrower Symposium at Emory

University Law School in February. In this paper, she examines why intellectual property licensing transactions often break down, even when the transaction would be beneficial to both sides.

Long presented her second paper, “Patents and Cumulative Innovation,” at the Patent Law and Policy Symposium at Washington University School of Law in St. Louis in March. In this paper, she notes that patents are frequently granted on inventions that are not yet commercial products, and that further research and development must be conducted to transform the inventions into saleable products. Long suggests that current models of intellectual property protection, however, do not take into account this need for additional innovation; they fail to distinguish between patented inventions that are ready to be commercialized and those that are not.

Long is an associate professor of law.



Paul Mahoney took advantage of the holiday break by teaching an intensive two-week course, called U.S. Securities Regulation, at the University of Toronto

College of Law in early January. He also served on a panel on law and finance at the American Finance Association’s annual meeting in Boston on January 7.

Closer to home, Mahoney is organizing a conference on law and finance to be held at the Law School May 12–13. Sponsored by the

Business Law Program, the conference will examine the ways in which law affects the operation of financial markets. Papers will be presented by Barry Adler and Rob Daines from New York University Law School; Susan Chaplinsky from Virginia's Darden Graduate School of Business Administration; Michael Knoll from the University of Southern California Law School, who is currently visiting at Virginia; Randy Kroszner from the University of Chicago Graduate School of Business; Ross Levine from the University of Minnesota Carlson School of Management; Adam Pritchard from the University of Michigan Law School; and Mark Weinstein from the University of Southern California Marshall School of Business.

Mahoney is a professor of law, Albert C. BeVier Research Professor, and academic associate dean.



Immigration expert David Martin is co-chair of the Dual Nationality Project, supported by the German Marshall Fund and established to examine the rising trend among

nations to accept—or even to promote—dual nationality. The project is not aimed at debating whether the trend represents good policy, but instead examines whether new international law or practice may be needed to manage the phenomenon—especially since classic international law is largely built on the assumption that all persons will have only one nationality. The co-chair, Professor Kay Hailbronner of the University of Konstanz, Germany, initiated the project in the midst of a major debate over dual nationality in Germany, stimulated by ideas in a paper Martin presented at a Paris conference in 1998. The paper, “New Rules on Dual Nationality for a Democratizing Globe: Between Rejection and Embrace,” was

published last year in the *Georgetown Immigration Law Journal*. Martin organized a February project meeting in Mexico City, involving scholars and officials from Europe and the Western Hemisphere. The meeting focused on recent legal changes by countries of historic emigration, including Mexico, that were meant to foster dual nationality on the part of their expatriates. Future meetings are planned in Germany and Turkey. The project will lead to a book of essays on the topic, with publication expected in 2001.

In related activities, Martin participated in an unusual conference in Washington, D.C., on February 1, as the Department of Justice marked the five-year anniversary of major reforms to the procedures used to consider political asylum applications in the United States. As former chief consultant to the Immigration and Naturalization Service (INS) on the reforms—who later assisted in their implementation as INS general counsel—Martin was uniquely qualified to speak on how these reforms compare to asylum reform measures implemented in Europe at about the same time. His Refugee Law class was also invited to attend the conference in Washington, which included remarks by the U.S. attorney general; the commissioner of immigration; other scholars, activists, and officials; and two successful asylum seekers. The students also visited the asylum office in nearby Arlington, VA, where they learned firsthand from veteran asylum officers about the challenges in deciding asylum claims.

Closer to home, Martin followed up on appearances in the national media as an expert commentator on the case of Elián González, the Cuban boy found floating off the coast of Florida last November, by conducting a forum at the University's White Burkett Miller Center of Public Affairs. Held March 7, the forum was titled “Politics, Law, and Immigration: A Volatile Mix.” He also moderated a panel on the International Criminal Court as part of *Virginia Journal of International Law's* 40th anniversary celebration, held April 1 at the Law School.





Finally, Martin chaired a panel at the American Society of International Law's annual meeting, entitled "The Foreign Affairs Powers of the U.S. Executive in Light of Changing Conceptions of States' Rights," and held April 6 in Washington, D.C. He is a member of the society's executive committee.

Martin is a Henry L. & Grace Doherty Charitable Foundation Professor of Law.



Daniel Meador received the William B. Spong Professionalism Award from the Virginia Bar Association during the association's 110th annual meeting in Williamsburg,

VA, on January 14. The award, presented in recognition of the exemplary professionalism Meador has demonstrated throughout his career, is named in honor of the late William B. Spong '47, former U.S. senator, dean of the Marshall-Wythe School of Law at the College of William & Mary, and president of the association.

Meador, the third recipient of the Spong Award, is an emeritus professor of law, who taught thousands of Law School students between 1957 and 1994.



Richard Merrill moderated a seminar that launched the Food and Drug Law Institute's law symposium series on regulatory compliance at Georgetown University

Law Center on October 8, 1999. To prepare for the symposium, and inspired by the Supreme Court's decision in *Lohr v. Medtronic*, six scholars were invited to write papers addressing whether a manufacturer's

fulfillment of the obligations imposed by FDA laws and regulations should be viewed as meeting its obligations under the common law of torts. The principal paper was written by Robert Rabin of Stanford University, who argued in favor of a cautious approach to adopting the regulatory compliance defense. Five responsive papers were authored by Viet Dinh of Georgetown University; Michael Green of the University of Iowa; Lars Noah of the University of Florida; William Schultz, former FDA deputy commissioner and now deputy assistant attorney general with the U.S. Department of Justice; and Richard Stewart of New York University. The papers will be published in an upcoming issue of *Georgetown Law Journal*.

In other activities, Merrill is co-chairing a new panel convened by the National Academy and Sciences (NAS) to explore the relationship between science and law. The 20 scholars on the panel—10 lawyers and 10 scientists—will help develop, oversee, and occasionally conduct NAS programs related to science and law. Merrill's co-chair is Donald Kennedy, Bing Professor of Environmental Studies and co-director of the Center for Environmental Science and Policy in the Institute for International Studies at Stanford University.

Merrill is the Daniel Caplin Professor of Law and the Sullivan & Cromwell Research Professor.



John Monahan is directing the planning process for a new initiative on legally mandated community treatment for people with mental disorder. Funded by the MacArthur

Foundation, the year-long process will establish a research agenda for determining the effectiveness of "outpatient commitment"—required adherence to mental health treatment in the community—in controlling the behavior of

individuals with severe and persistent mental illness.

By examining practices developed within the health care, criminal justice, and social welfare systems to mandate treatment compliance, Monahan and his colleagues—including Law School colleague **Richard Bonnie**—will develop a new and broader conceptual framework for understanding the various forms of mandated community treatment. This will include an accessible “lay” version for the media and others that will add depth and context to ongoing policy debates about outpatient commitment and other forms of mandated treatment in the community. They also plan to develop a detailed research agenda for mandated community treatment and a set of specific proposed studies to fulfill the research agenda.

This initiative complements Monahan’s earlier work directing the eight-year MacArthur Research Network on Mental Health and the Law, which examined mandated mental health treatment among institutionalized individuals. In that project, Monahan and his colleagues addressed three fundamental issues relevant to mandated treatment: the competence of people with mental disorder to make legally relevant decisions, the relationship between mental order and violence, and how patients come to perceive mental health treatment as coercive.

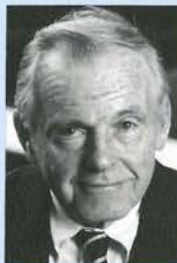
Monahan is a Henry L. & Grace Doherty Charitable Foundation Professor of Law.



Caleb Nelson is the winner of the 1999 Scholarly Papers Competition sponsored by the Association of American Law Schools (AALS). The competition

is designed to showcase the work of faculty members who have been teaching law fewer than seven years. Nelson’s winning paper,

“Preemption,” which was published in the March issue of the *Virginia Law Review*, proposes a new way to think about whether federal statutes preempt state law. Drawing on historical materials, Nelson argues that the Supremacy Clause of the Constitution puts preemption within the same framework as the traditional doctrine of repeal; the question of whether a federal statute preempts state law resembles the question of whether one statute repeals another. Nelson’s paper explores how this understanding of the Supremacy Clause would affect modern preemption jurisprudence. Nelson, an associate professor of law who joined the faculty in 1998, presented the paper at the AALS annual meeting in Washington, D.C., in January.



Jeffrey O’Connell was recognized by the editor of *American Lawyer* magazine in its December 1999 “The Lawyers of the Century” issue for his work in creating no-fault

auto insurance. The editor called O’Connell’s work “too important to ignore.”

O’Connell’s expertise with no-fault insurance led him to participate in the presentation of a report by the Research and Policy Committee of the Committee for Economic Development in Washington, D.C., in March. Chaired by Roderick Hills, former chairman of the Securities and Exchange Commission, the Research and Policy Committee was charged with recommending viable and effective economic incentives for civil justice reform. The report recommended only two reforms, both of them based on O’Connell’s research: “choice” no-fault legislation for auto accidents and an “early offers” neo no-fault system for personal injury cases. Neo no-fault insurance encourages—



with incentives—and sanctions the early settlement of personal injury cases by paying claimants' net economic losses.

In April, O'Connell took his neo no-fault proposal to an audience of medical and insurance personnel in Cork, Ireland, where he explained how the concept would work with cases of medical malpractice in that nation. He also addressed a group of insurance personnel at the University of Minnesota's Carlson School of Business Management on the state's experience under its 25-year-old, no-fault insurance law.

O'Connell is the Samuel H. McCoy II Professor of Law.



Kent Olson's book, *Legal Information: How to Find It, How to Use It* (Oryx Press, 1999), was named an outstanding academic title in the January 2000 issue of *Choice: Current*

Reviews for Academic Libraries, a publication of the Association of College and Research Libraries. *Choice* reviews more than 6,500 scholarly books and electronic resources each year, and about 10 percent are chosen as outstanding academic titles.

Olson, who has worked in the law library since 1985, is director of reference, research, and instruction.

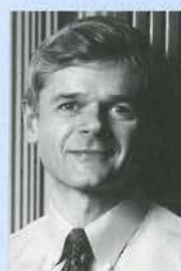


Robert O'Neil participated in a conference, "The First Amendment and Public Interest Litigation: From *NAACP v. Button* to Today," sponsored by the Thomas Jefferson Center

for the Protection of Free Expression in Charlottesville, where he is director, and

Howard University Law School. The conference, which was held at Howard University on February 4, was one in a series of conferences examining the history and significance of landmark First Amendment cases decided by the Supreme Court of the United States.

O'Neil is a professor of law and a University professor.



Daniel Ortiz taught a course in contemporary legal theory to a group of California state judges in Monterey, CA, on January 12. The visit, his second session before this group,

was sponsored by the California Center for Judicial Education and Research, which is the part of the California Administrative Office of the Courts responsible for providing continuing legal education to the state's judges.

Ortiz also has been selected to chair the Law School Admission Council's (LSAC) working group on computer-adaptive testing. The group is charged with helping LSAC decide whether, when, and how to move from the traditional paper-and-pencil law school admissions test to one that is administered on computers.

Ortiz is the John Allan Love Professor of Law.



Mildred Robinson has been elected a member of the American Law Institute (ALI), an organization that was established in 1923 to improve the law and its

administration. She is one of 3,000 lawyers, law teachers, and judges from the United States and abroad elected to the ALI on the basis of

their professional achievement and their demonstrated interest in improving the law.

The ALI is best known for addressing uncertainty in the law through issuing restatements of basic legal subjects that clarify the law for judges and lawyers. In addition to recommending various legal reforms, the group also collaborates with the National Conference of Commissioners on Uniform State Laws in developing and monitoring the Uniform Commercial Code and developing model statutory formulations, and with the American Bar Association to develop a national program of continuing legal education aimed at enhancing the competence of the practicing bar.

Robinson, a professor of law, has been a member of the faculty since 1985.



Elizabeth Scott presented a new paper during a conference, “The Legal Construction of Norms,” held February 25–26 at the Law School. The conference was sponsored by the John

M. Olin Program in Law and Economics and the *Virginia Tax Review*. In her paper, “Social Norms and the Legal Regulation of Marriage,” Scott analyzes the complex interaction of law and social norms in regulating the institution of marriage. Commitment norms, which define marriage as a cooperative relationship of lifelong obligation, and gender norms, which prescribe different and hierarchical roles for husbands and wives, played powerful roles in regulating traditional marriage. The law, which for many years reinforced traditional commitment and gender norms, has changed over the last generation. It now embraces egalitarian gender norms and, with the advent of no-fault divorce, has “deregulated” traditional commitment norms.

Although many Americans regret the instability of modern marriage, efforts to reinforce commitment norms through initiatives such as covenant marriage are met with suspicion in many quarters. Scott argues that this wariness is due to the continued effects of what she calls “norm bundling”—the intricate interweaving of commitment norms and hierarchical gender norms. Norm bundling and other complexities surrounding marriage make predictions about the impact of legal reforms on norms very uncertain.

In addition to presenting her paper at the Law School, Scott also visited Quinnipiac Law School on March 23, the Marshall-Wythe Law School at the College of William and Mary on March 27, and the University of Pennsylvania Law School on March 30, where she led faculty workshops on the subject. She is a University professor and the Robert C. Taylor Research Professor.



Paul Stephan and his international law colleagues discussed what the future holds for their field during the annual meeting of the American Society for International

Law, held April 5–8 in Washington, D.C. One of the meeting’s program co-chairs, Stephan also served on two panels.

The meeting, entitled “International Law in Ferment: A New Vision for Theory and Practice,” examined how the field of international law—long recognized for its body of universal norms as opposed to clusters of regional or sectoral rules and practices—should best respond to challenges from an increasingly diversified and rapidly changing world.

Earlier in the semester, Stephan spoke at a conference held at Brooklyn Law School on January 28. In his talk, “Software as a Commodity: International Licensing of





Intellectual Property," he questioned efforts to regulate the terms of licensing contracts. He then suggested why a clear choice of rules to determine the validity of those contracts would do a better job of meeting social concerns.

Stephan also advised the J.B. Moore Society in the organization of their annual conference on February 19, entitled "Accountability and International Law." He spoke on the political economy of lawmaking in the area of international commercial transactions.

Stephan presented the lead paper at a conference organized by the American Enterprise Institute on International Law and U.S. Democracy and held on April 4 in Washington, D.C. In this paper, he reviewed the arguments raised by critics of modern international institutions, in particular the World Trade Organization, and argued for reforms in the way the United States approaches its international commitments.

Stephan is the Percy Brown, Jr. Professor of Law.



George Yin advocates greater uniformity in the taxation of private businesses in a paper he presented with University of Pennsylvania Law School colleague David

Shakow at a tax policy colloquium held at New York University on March 2. The paper is part of a larger study of nonpublicly held businesses that Yin and Shakow undertook as reporters to the American Law Institute's federal income tax project. Published last fall, the reporters' study provides a blueprint for the future taxation of private businesses, whether organized as partnerships, corporations, limited liability companies, or in some other form.

Yin is the Howard W. Smith Professor of Law and the Barron F. Black Research Professor.



Morris Named Law School Registrar

EDITH "DIDDY" MORRIS has been named the new assistant dean for academic support and registrar for the Law School. Her responsibilities include academic scheduling, student records, and exam administration, among other duties.

Morris joined the Law School staff in 1996 as a special assistant to the dean. In this role, she helped the Career Services staff develop CASE, the Law School's online career services program for students, which made its debut in 1998. More recently, she worked with Law Information Technology and Communications, where she provided technical support to the faculty.

A U.Va. graduate who earned a J.D. from Stanford, Morris replaces Abby Gillette as assistant dean and registrar. Gillette, a member of the Law School administrative faculty for eight years, resigned in February to accept a similar post at New York University Law School, where her husband, Clayton P. Gillette, the Perre Bowen Professor of Law, will join the teaching faculty in the fall.

Klarman Offers Race and Constitution Seminar

IT IS HARD TO BELIEVE THAT MICHAEL Klarman would be nervous about, of all things, teaching. Yet the award-winning instructor—he received Virginia’s Outstanding Teacher Award in 1997, the Harrison Achievement Award in 1997, and the State Council of Higher Education’s Outstanding Faculty Award in 1998—admitted to having the jitters when he began teaching a seminar this spring.

“It was the first seminar I ever taught alone,” the legal historian explained with a smile. “I had been postponing the inevitable for years because I wasn’t sure how effective I would be in a small-group situation. I’ve become accustomed to larger classes where I exercise more control over the discussion.”

Klarman managed to swallow his fears and offer *Race and the Constitution in American History* to 17 second- and third-year Law School students. The result, he said, was a surprise. “Teaching to a small group was easier in some ways than lecturing, because I didn’t have to script it to the same extent. It was a more intimate experience, because we all sat around a table and had a lot of back-and-forth discussion.”

The seminar traced the history of race and the Constitution in America from the Constitutional Convention to the Rehnquist Court. In preparation for each class, held weekly in one of the Law School’s seminar rooms, students were assigned readings ranging from Supreme Court decisions and articles and book excerpts written by leading legal historians, to political speeches, including excerpts from the Lincoln-Douglas debates. Each student wrote two papers on topics designed to focus discussion for the weekly class sessions. Klarman also assigned excerpts from his work-in-progress, a book tentatively entitled *Neither Hero, Nor Villain: The Supreme Court, Race and the Constitution in the 20th Century*.

According to Keri Holleb, a third-year student who took the seminar, “Professor


Klarman was very enthusiastic; I could tell how much he cares about the topic. Moreover, he forced students to rethink and refine their reactions to the readings. This was not a seminar where we merely recited what we read, but rather where we took what we read and focused in on how that added to our discussion of race and the Constitution.”



Michael Klarman

“A big part of what we tried to do in this class was to place ourselves in the period when the Court made important decisions so that we could understand what the justices were dealing with at the time,” said second-year student Will Crossley. “That sort of exercise makes the study of legal history really useful to me.”

While Klarman believed that teaching a seminar would be “riskier” than teaching a large lecture class, he was pleased that his interactions with students in the seminar will continue to inform his scholarship. “My book is far from finished, and the questions the students ask me about it and the observations they make may well compel me to revise the draft,” he said.

Klarman, who joined the Law School faculty in 1987, is the James Monroe Professor of Law and the F. Palmer Weber Research Professor of Civil Liberties and Human Rights. 



Law School Students Organize Major Public Service Conference

"EACH TIME A MAN STANDS UP FOR an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

When former U.S. Attorney General, Senator, and presidential candidate Robert F. Kennedy '51 spoke these words to students at the University of Capetown, South Africa, in 1966, he was telling them that each had the power to make a difference in the world. Nearly 50 years after his Law School graduation and more than 30 years after his assassination, Kennedy's message echoed through the corridors, as Virginia held its first Public Service and Law Conference March 3-4.

Organized by a committee of Law School students headed by second-year students John Henning and Forrest Christian and sponsored by the Mortimer Caplin Public Service Center, the conference featured dozens of practicing lawyers, policy makers, and law students from around the nation who talked about the importance of public service. Alumni speakers included Evan Bayh '82, a U.S. senator from Indiana; the Honorable Diana Gribbon Motz '68, a judge on the U.S. Fourth Circuit Court of Appeals; and Sean Maloney '97, the youngest member of President Clinton's senior staff.

The conference's panels each included a policy maker, a professor, and an advocate selected from the nation's nonprofit organizations, law firms, law schools, and government. Topics included immigration and refugee law, criminal litigation, child advocacy and juvenile justice, employment law,

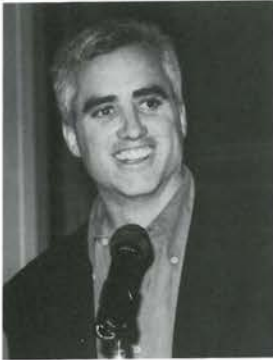


Dean Robert E. Scott accepts the bust of Robert F. Kennedy from RFK's widow, Ethel Kennedy, as Evan Bayh '82 looks on.

international human rights, legislative and political affairs, education, poverty and housing law, the death penalty in the United States, civil rights, pro bono practice, women in the law, and environmental justice. The conference also was an ideal time for students and panelists to speak informally about public service careers.

A highlight of the conference was the presentation to the Law School of a bust of Robert F. Kennedy before 150 conference attendees. Second-year student Ryan Coonerty worked with the Robert F. Kennedy Memorial Center for Human Rights to bring the bust to Charlottesville. The ceremony was attended by Kennedy's widow, Ethel, and the couple's son, Maxwell Taylor Kennedy '92. The bust will be displayed in the Caplin Reading Room in the law library.

The conference was funded by numerous donations from alumni and law firms and additional support from the Law School and the Law School Foundation. According to Kimberly Carpenter Emery '91, director of the Mortimer Caplin Public Service Center, one of the center's goals is to secure the funding necessary to make the conference an annual event at the Law School.



Maxwell Taylor Kennedy '92



Sean Maloney '97



Honorable Diana Gribbon Motz '68



Public Service Conference Alumni Panelists

Michael Allen '85

Bazelon Center for Mental Health Law

John Conover '78

Charlottesville Legal Aid Society

Earl Dudley '67

University of Virginia School of Law

Tim Freilich '99

Charlottesville Legal Aid Society

Avi Garbow '92

U.S. Department of Justice,
Environmental Crimes Section

James Hingeley '76

Albemarle County and Charlottesville Public
Defender's Office

Renee Hooper '93

Virginia Department of Environmental Quality

Douglas Kendall '92

Community Rights Counsel

William Kincaid '93

U.S. Department of Education

Michael Kitsis '83

New York City District Attorney's Office

H. L. Kneedler III '69

Hazel & Thomas PC

Robert Lee '92

Virginia Capital Representation Resource Center

George Martin '87

Board of Immigration Appeals

Neil McBride '70

Rural Legal Services of Tennessee

Patricia McCubbin '90

U.S. Department of Justice,
Environmental Defense Section

Erik Olson '84

National Resources Defense Council

Veronique Pluviose-Fenton '94

Senior Legislative Assistant/Counsel to
Congresswoman Maxine Waters

Charles Rosenberg '90

Assistant U.S. Attorney, Eastern District of
Virginia, and Criminal Supervisor, Major Crimes
Section

James Ryan '92

University of Virginia School of Law

Deborah Sanders '78

Capital Area Immigrant's Rights Coalition

Alfred Schumutzer '67

District Attorney General,
Fourth District of Tennessee

Ridge Schuyler III '87

Legislative Director/General Counsel for
U.S. Senator Charles Robb '73

Mark Shelton '92

Wilmer, Cutler & Pickering

Susan Siegfried '85

Virginia Housing Development Authority

Jacques Toliver '83

U.S. Department of Education Office of
Civil Rights

Elizabeth Tucci '97

U.S. Department of Justice, Civil Rights Division

Tom Walls '87

Legislative Director for U.S. Senator
Russ Feingold

G. E. White Writes Holmes Biography for Young Adults



IF SIX OF THE NINE SCHOLARLY BOOKS YOU wrote were honored by organizations ranging from the American Bar Association to the American Historical Association, what would you write for an encore?

If you were G. Edward White, you would write a legal biography geared toward young adults.

“I wasn’t looking for this assignment,”

White admitted of the call he received from an

“I realized that I was going to have to reorganize the material from my adult biography and present it in a new way.”

editor at Oxford University Press, the publisher of his 1993 biography, *Justice Holmes: Law and the Inner Self*. “Oxford has this biography series for young people called Oxford Portraits, and they asked

me to launch the legal series with a book on Oliver Wendell Holmes. The more I thought about it, the more I thought that it would really be an interesting challenge.”

And challenging it was. White figured that he could simply collapse the structure of his

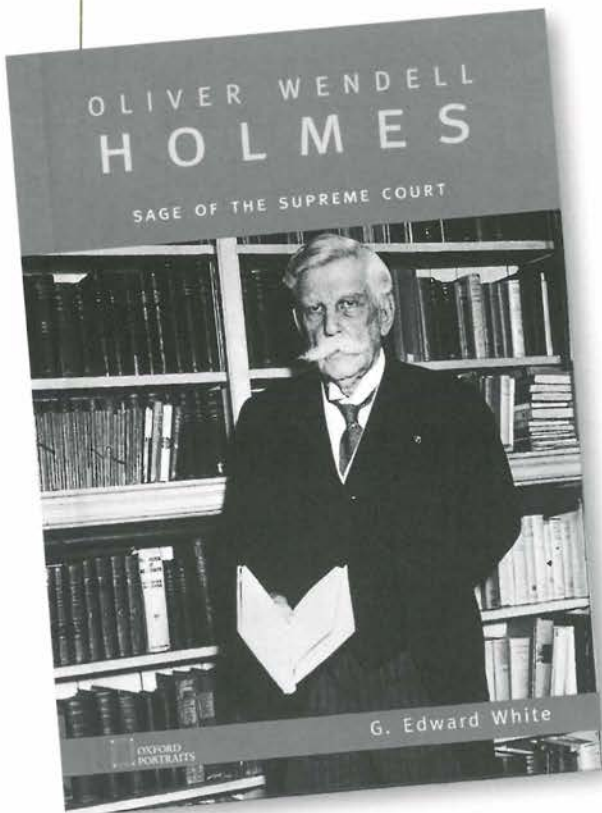
Holmes biography to produce a much shorter and less complicated book. But his first draft, which took about a month to write, was rejected by the editor. “They didn’t accept it because I didn’t tell Holmes’s story in strictly chronological order, and that, apparently, is a requirement for this audience,” White explained.

“After hearing that, I realized that I was going to have to reorganize the material from my adult biography and present it in a new way.”

This was not the first time that White, a University professor, John B. Minor Professor of Law and History, and Class of 1963 Research Professor, has written for a non legal audience. The winner of the 1996 Triennial Coif Award of the American Association of American Law Schools for distinguished scholarship said he writes “some popular stuff, including some travel pieces. And my baseball book (*Creating the National Pastime: Baseball Transforms Itself, 1903–1953*, published in 1996 by Princeton University Press) was pitched at a popular as well as an academic market. Writing for a different audience is not entirely foreign to me.”

Fortunately, the story of Holmes’s life was a naturally interesting one for White to tell. With guidance from the Oxford editor, who helped guarantee that he wrote, in his words, “accessible prose,” White finished the book, *Oliver Wendell Holmes: Sage of the Supreme Court*. Released late last year, it is attracting favorable attention. According to Kirkus Reviews, “This... is both very good and very useful.... White creates a vivid portrait of this scholarly and philosophical thinker while including rich details of his intellectual but reserved home life.... readers will absorb a history of the development of legal education, the growth of the Supreme Court, and how law unfolds as a study and a discipline.”

In the end, however, the success of White’s small, 142-page biography of Oliver Wendell Holmes will be determined by the high school librarians who order it for their shelves and by the young people who read it. According to White, his late mother—who taught high school English, and to whom this book was dedicated—would have enjoyed knowing that one of her son’s books appeared in a high school library. “Let’s hope it gets checked out now and then,” White said.



Armacost Seminar Debates Freedom of Religion Clauses

THE U.S. DEBATE OVER THE SEPARATION OF church and state has grown more intense in the last 20 years, due in part to cultural diversity, Barbara Armacost said.

This spring, she provided a forum for that debate in her classroom when she taught a new seminar, called Readings in the Religion Clauses. Modeled after a seminar her Law School colleague Vincent Blasi leads on freedom of speech, the seminar required second- and third-year students to read articles on the freedom of religion clauses of the Constitution and come to class prepared to defend or critique the article on their own merits.


“Students are understandably not very bold about responding to scholarly articles,” Armacost said. Normally, she said, they reach for other sources to support their analysis. But she asked them to examine the articles “on their own terms,” without referring to outside sources, developing the critical analysis skills necessary for making legal arguments.

Armacost said defending an article would be a particularly valuable exercise.

“Students always want to jump right into a

critique,” she noted, “but you can’t critique something until you really understand it. You’ve got to understand it from the inside out.”

The 1989 Law School graduate said the seminar is particularly relevant in light of the current debate over “charitable choice,” a provision in recent welfare legislation that allows religious organizations, as well as secular charitable organizations, to receive federal grants to provide certain welfare-related services.

Armacost, a professor of law who earned a master’s degree in theological studies at Regent College of the University of British Columbia in 1984, said her graduate studies did not relate directly to First Amendment law, but did influence her interest in entering the debate over the religion clauses. Actually, she admits, theology led her to law: Her professor at Regent College was the one who suggested that she attend law school. 



Barbara Armacost

Distinguished Columbia University Historian Visits Law School

“*The Story of American Freedom* (W.W. Norton, 1998) is one of the most learned books I’ve ever come across,” Professor Mike Klarman told an audience of law students and faculty at a panel discussion featuring the book’s author, Columbia University Professor of History Eric Foner, earlier this spring. “It’s beautifully crafted and quite compelling.”

Foner’s book examines the growth and development of freedom throughout American history, especially emphasizing its contested nature and the constant struggle to redefine its pool of beneficiaries. His narrative shows freedom to have been shaped not only in congressional debates and political treatises but also by countless anonymous Americans who have sought freedom’s benefits.

Klarman, the James Monroe Professor of Law and

F. Palmer Weber Research Professor of Civil Liberties and Human Rights, and Vince Blasi, the David Lurton Masee, Jr. Professor of Law and Hunton & Williams Research Professor, offered their comments on the book in the second in a series of panel discussions sponsored by the Program on Legal and Constitutional History. Established in 1998 by G. Edward White, University professor, John Barbee Minor Professor of Law and History, and Class of 1963 Research Professor, the program consists of a cluster of course offerings and a colloquium in legal and constitutional history, a series of annual lectures and panel discussions, and faculty workshops featuring prominent speakers from other institutions and members of the Law School faculty. 

Admitted Students Weekend



NEARLY 160 PROSPECTIVE STUDENTS WERE introduced to the Law School during this year's Admitted Students Weekend, held April 6–8. Now in its sixth year, the weekend features presentations on Law School life, tours, and opportunities to meet informally with faculty, students, and staff. Current Law School students host attendees in their homes and

provide an insider's view of life at Virginia. Prospective students who have not yet decided which law school to attend find the experience quite persuasive. According to the Admissions staff, approximately 70 percent of the students who attend Admitted Students Weekend ultimately choose Virginia.



Law School faculty greet admitted students at a breakfast reception. Above, Jonathan Cannon; above right, a prospective student; right, Ann Coughlin; and below right, Earl Dudley.



Alex Johnson (top) answers a question; Steve Hopson (above) discusses career services.



Elizabeth Scott (above) chats with a student.



e-summit: U.Va. Lawyers and the New Technology

■ Cathy L. Eberly and Denise M. Forster



When *Fortune* magazine asked in its April 1999 issue, “So what’s in the water down in Charlottesville?”, the editors were wondering how the University of Virginia has managed

to graduate so many individuals who are, in *Fortune*’s words, “big-time Internet players.” The Law School has its own share of graduates who play major roles in Internet business and information technology. Four of them joined more than 30 other U.Va. alumni in Charlottesville last November for “e-summit@virginia,” a conference about the Internet and its impact on business, communications, and the way we live our lives.

The panel discussions—some of which were broadcast live on the Internet—focused on topics ranging from “Jeffersonian Principles in the Internet Age” to “Creativity, Entertainment and the Arts.” Law alumni who took part in the conference include

Allen Morgan ’81, venture partner of the Mayfield Fund, a venture capital firm; Jeffrey D. Nuechterlein ’86, managing director of National Gypsum Company; Thomas C. Power ’85, legal adviser to the chairman of the Federal Communications



Commission; and Jonathan B. Sallet ’78, chief policy counsel of MCI WorldCom. Morgan participated in a session on “Entrepreneurship and Wealth Creation,” Nuechterlein took part in “Internet, Media and Politics,” and Power and Sallet were members of the panel on “Legal and Regulatory Issues,” which was chaired by Glen Robinson, David A. Harrison Professor of Law.

Who are the U.Va. lawyers shaping the new technology? Read on to find out.



NUECHTERLEIN @ THE CONFERENCE:

“The Internet is changing politics tremendously by its interactive nature, and what makes the Internet so superior to television is the ability to interact, rather than only to receive a message.”

NAME:

Jeffrey D. Nuechterlein

CURRENT JOB:

Manage public and private equity investments for NGC investments. I am an active venture capital investor in early-stage Internet companies.

HOME:

New York, NY
Charlotte, NC
Alexandria, VA

EDUCATION:

B.A., Virginia, 1979
B.A./M.A., Oxford University, 1983
D. Phil., Oxford University, 1985
J.D., Virginia, 1986

FAVORITE LAW SCHOOL CLASS:

Constitutional Law

CAREER HIGHLIGHTS:

Outside legal counsel to several U.S. semiconductor companies, counsel to the U.S. Senate’s Technology & Law subcommittee, and senior counsel to the U.S. Trade Representative. Article, “International Venture Capital: The Role of Start-Up Financing in the U.S., Europe, and Asia,” recently published by the Council on Foreign Relations and Westview Press.

HOW THE LAW SCHOOL PREPARED YOU FOR YOUR CURRENT JOB:

It taught me to think analytically and to consider all aspects and possible outcomes of any given situation.

RECENT CIVIC ACTIVITY:

I teach a short course on venture capital investing each summer at Oxford and lecture frequently at U.S. business schools.

TECHNOLOGY TREND YOU’RE KEEPING AN EYE ON:

I focus on companies that enable business-to-business commerce on the Internet.

**NAME:**

Jonathan Sallet

CURRENT JOB:

Chief policy counsel for MCI WorldCom, Inc.

HOME:

Bethesda, MD

EDUCATION:

A.B., Brown University, 1974

J.D., Virginia, 1978

FAVORITE LAW SCHOOL CLASS:

Peter Low's federal-courts course because of his extraordinary examination of federalism and its implications for judicial authority and discretion.

CAREER HIGHLIGHTS:

Law clerk to Justice Lewis F. Powell, Jr. and Judge Edward A. Tamm; partner, Miller, Cassidy, Larocca & Lewin and Jenner & Block; assistant to Secretary of Commerce Ronald H. Brown; chief policy counsel & senior vice president, MCI WorldCom.

HOW THE LAW SCHOOL PREPARED YOU FOR YOUR CURRENT JOB:

By teaching how to think critically and by teaching the importance of looking creatively to the future, not just to the precedents of the past.

RECENT CIVIC ACTIVITY:

In 1999, I wrote an original piano composition for a recital benefiting Kosovo refugees.

PERSONAL HERO:

Lewis F. Powell, Jr. because he showed us that enduring honor is much more than transient public regard, self-promotion or material success (and because he told me that Ted Williams was the best hitter he had ever seen).

TECHNOLOGY TREND YOU'RE KEEPING AN EYE ON:

The personalization of the Net, symbolized (for me at least) by my new email address: jonathan@sallet.com.

WHAT OTHER LAWYERS SHOULD KNOW ABOUT YOUR JOB:

Law is the public policy that someone took the time to write down.

SALLET @ THE CONFERENCE:

"The Internet is a fundamentally forward-looking regime. The question of whether one looks backward for comfort or to the future for opportunity seems to me a cultural clash between the law and the Internet at a very fundamental level."



MORGAN @ THE CONFERENCE:

“What are the leading causes of death for start-ups? ... the inability of companies to manage growth. It’s sort of a bargain with the devil ... because you can’t afford not to grow at hyper-speed, but you also can’t afford not to manage your growth. Most of the car crashes you see in the Internet start-up world are when somebody forgot because they were up all night (17 nights in a row) to tighten the lug nuts on the wheels. So when the car started and got back to 100 mph, all four wheels came off and the car spun out of control.”

NAME:

Allen L. Morgan

CURRENT JOB:

Venture partner with the Mayfield Fund

HOME:

Menlo Park, CA

EDUCATION:

B.A., Dartmouth College, 1976
B.A., 1978, & M.A., 1983, Oxford University
J.D., Virginia, 1981

FAVORITE LAW SCHOOL CLASS:

Bob Scott’s Contracts class

in my first year. I found first-year courses wonderfully exciting as we focused on learning new ways of thinking. I also enjoyed Torts very much, taught by visiting professor Scott Bice.

CAREER HIGHLIGHTS:

I represented Mayfield and other venture capital funds throughout my 18-year law career, and briefly toyed with the idea of joining Mayfield earlier than I did. However, I decided to continue practicing law and joined Latham & Watkins. After two years there I received three unrelated job offers in one weekend. Obviously that caused me to reassess my situation, and I realized then how much I enjoyed working in a capacity other than legal

counsel. That’s when I made the move to Mayfield.

HOW THE LAW SCHOOL PREPARED YOU FOR YOUR CURRENT JOB:

The Law School enabled me to think critically and to be comfortable disagreeing with people (once I have thought critically). It also gave me the skills to articulate my reasoning, listen to others’, and then create a synthesis of ideas, allowing the parties to come together.

RECENT CIVIC ACTIVITY:

I serve on the board of directors of the Electronic Frontier Foundation, which protects rights and promotes freedom in the electronic frontier.

TECHNOLOGY TREND YOU’RE KEEPING AN EYE ON:

It’s so early in the life of the Internet that we can’t even imagine the amount of creativity that will be unleashed once more people have broadband access to the Web. A lot of that creativity is now spent minimalizing Internet offerings for people who have dial-in modem access.

WHAT OTHER LAWYERS SHOULD KNOW ABOUT YOUR JOB:

I still work pretty hard! The venture capital business is not what it used to be, but I do enjoy what I do. In addition, I want to remind others to think about what is enjoyable to them—and then to think about ways to use your legal skills to get there.

**NAME:**

Tom Power

CURRENT JOB:

Senior legal advisor to the chairman of the Federal Communications Commission

HOME:

Vienna, VA

EDUCATION:

B.A., Virginia, 1981

J.D., Virginia, 1985

FAVORITE LAW SCHOOL CLASS:

My favorite class was a seminar called Law and Economics because I learned that you should trust lawyers more than economists. I should also mention The Welfare State, where Professor Woodard taught me about the role government can play, or not play, in serving the needs of all its citizens. And I took Sports and the Law, plus two semesters of tax from Professor Cohen, who gave me insights into baseball and Richard Nixon and bloody marys and enjoying life. And I learned a little tax law too.

CAREER HIGHLIGHTS:

After nine years in private practice, primarily as a litigator, I traded in my partnership for a stint in public service at the Federal Communications Commission—more hours, for less money. It's been over five years, and now, as the senior legal adviser to the chairman of the FCC, I'm trying to make sure that the average American reaps the benefits of the communications revolution.

HOW THE LAW SCHOOL PREPARED YOU FOR YOUR CURRENT JOB:

I batted over .300 on the FCC softball team.

RECENT CIVIC ACTIVITY:

I recently started volunteering with Martha's Table, a terrific organization in D.C. that prepares meals for the homeless.

YOUR PERSONAL HERO:

Still looking ...

TECHNOLOGY TREND YOU'RE KEEPING AN EYE ON:

Broadband and the Internet will change the way all of us live, but nowhere is the potential more dramatic than in the case of people with physical disabilities. Millions of Americans face barriers in the physical world that the rest of us don't even notice. We need to make sure that in cyberspace those barriers are never erected in the first place, so that Americans with disabilities can enjoy, and contribute to, society in the same measure as everyone else.

WHAT OTHER LAWYERS SHOULD KNOW ABOUT YOUR JOB:

This is probably the best job I'll ever have (assuming that, at age 40, baseball and rock star are out of the question).

POWER @ THE CONFERENCE:

"I think we have to fight the urge to treat everything new the way we've treated everything old. Rather, the answer is to figure out what's the thing to do right now for Internet Service Providers, for instance—exempt them from access charges and not saddle them with the type of regulation that has been typical of phone companies in this century."



Environmental Law at Virginia:

Meeting the Profession's Changing Needs

■ Linda A. Skove

IF YOU STUDIED LAW AT VIRGINIA WHEN Clark Hall was the school's home, you probably never gave environmental law much thought. The same might well be true even if you attended the Law School after its move to Withers Hall, on the University's North Grounds. After all, there was at first just one specialized course available to students interested in this brand new field. But over the years the field of environmental law has become increasingly complex and pervasive, and the need for expanded and more specialized environmental offerings has become clear. To meet the need, the Law School has developed a program in environmental law that brings to the classroom innovative courses taught by outstanding practitioners and scholars backed with resources from an academic center that coordinates related activities.

Alumni have always benefitted from the Law School's emphasis on a firm grounding in legal basics and exceptional skills-based training; the J.D. they earned at Virginia provided the foundation for a wide variety of environmental careers. These days hundreds of Virginia graduates are practicing environmental law in public interest organizations, major corporations, federal and state agencies, and private practice. They use their training to promote conservation and protect ecosystems. They counsel corporations on environmental compliance issues. They advise buyers, sellers, and lenders about the



Hundreds of Virginia alumni are practicing environmental law in public interest organizations, major corporations, federal and state agencies, and private practice. They use their training to promote conservation and protect ecosystems. They counsel corporations on environmental compliance issues. • They serve as advocates for the world's rainforests, oceans, open space, and wildlife. They help shape environmental policy.



Richard Merrill

environmental aspects of business transactions. They serve as advocates for the world's rainforests, oceans, open space, and wildlife. They help shape environmental policy.

The academic program the Law School is offering today is more diverse and specialized, providing students greater opportunities to explore a wider range of environmental issues in depth and to develop the skills they need to be effective leaders in tackling the environmental challenges that lie ahead.



Kenneth Abraham

According to Jerry Stokes, senior assistant dean for admissions and financial aid, prospective students he meets while recruiting in the fall often ask about Virginia's environmental law program. "It's easily one of the two most-asked-about aspects of our training, the other being

our program in international law," he said. "And students seem impressed when I tell them about what we have to offer."

A Modest Beginning

The Law School's environmental law program did not always have the depth and breadth that it has today. It began modestly, in the early 1970s, with the addition of an introductory course to the basic J.D. curriculum. Initially taught by visiting lecturers, the course provided an overview of federal environmental law.

In the early 1980s, the course was co-taught by Richard Merrill, Daniel Caplin

Professor of Law and Sullivan & Cromwell Research Professor, and Kenneth Abraham, Class of 1962 Professor of Law and Albert Clark Tate, Jr. Research Professor. Merrill, an expert in administrative, environmental, and food and drug law, and Abraham, one of the nation's leading insurance and tort law scholars and author of *Environmental Liability Insurance Law: An Analysis of Toxic Tort and Hazardous Waste Insurance Coverage Issues*, continued to lend their considerable expertise to the course over the next six years.

For the past decade, more than a dozen environmental law courses have been added to the Law School curriculum, providing students more specialized training in the field. Principles & Practice courses and clinical offerings, which provide hands-on training, round out the curriculum. A list of courses offered during recent semesters is included on page 35.

Law School students interested in environmental law also may take advantage of dozens of related graduate courses offered by other departments and schools in the University. They may earn up to 12 hours toward the J.D. degree for courses offered by the Graduate School of Architecture's Department of Urban and Environmental Design, which is well known for its leadership in sustainable design; the Darden Graduate School of Business Administration, whose programs have featured sustainable economic development and business practices; and the University's Department of Environmental Sciences. The myriad of related courses provide students an opportunity to augment their traditional legal studies with environmental courses from other disciplines.

New Scholars Enrich Faculty

With the recent addition of a number of environmental law scholars and practitioners to the resident faculty, and talented visiting faculty and lecturers who teach short courses throughout the semester, the Law School has furthered its commitment to providing

Environmental Law Curriculum

STUDENTS AT THE LAW SCHOOL INTERESTED IN A concentration in environmental law have a variety of courses, seminars, clinics, and Principles & Practice courses from which to choose. The following courses were offered in recent semesters:

- Environmental Law
- Land Use Law
- Federal Land and Natural Resources Legislation
- Administrative Law
- Clean Air Act Regulation of Industry
- Environmental Justice
- Global Warming
- Managing to Scale
- International Environmental Law
- Environmental Practice Seminar and Clinic
- Local Government Law Clinic
- Environmental Drafting and Negotiating
- Environmental Risk/Toxic Substances

Up to 12 hours of Law School credit may also be earned for related graduate courses offered by other departments and schools in the University.

Department of Urban and Environmental

Design courses:

- Preservation Planning
- Land Development Workshop
- Natural Systems and Environmental Planning
- Sustainable Communities
- Environmental Policy and Planning
- Environmental Values and Ethics
- Environmental Impact Assessment
- Coastal Planning Workshop
- Land Use Policy and Planning
- Transportation and Land Use
- Environmental Choices

Department of Environmental Sciences courses:

- Air Quality Planning
- Physical Oceanography
- Applied Statistics for Environmental Scientists
- Environmental Chemistry
- Seminar in Environmental Sciences
- Environmental Climatology
- Aquatic Ecology
- Terrestrial Ecology
- Microbial Ecology
- Ecological Issues in Global Change

Darden Graduate School of Business

Administration courses:

- Sustainable Business
- Business/Government Relations
- Cross-Cultural Communication and Business
- Multiparty Negotiations
- Bargaining and Negotiating
- Environmental Management
- Management of Nonprofit Organizations



The Center for Environmental Studies

GROWTH MANAGEMENT HAS EMERGED AS AN


issue of social, economic, and environmental concern across the country. But how and by whom should decisions about growth be made? Are regulatory controls (federal, state, regional or local) the most effective strategies for addressing sprawl development? Do "smart growth" policies offer a more promising approach? What is the "smart growth" or anti-sprawl movement really concerned about and why? What are the intellectual premises of that concern, and what are the implications for implementing institutions and strategies? These and other challenging questions were addressed by experts from a variety of disciplines during the 1999 conference,

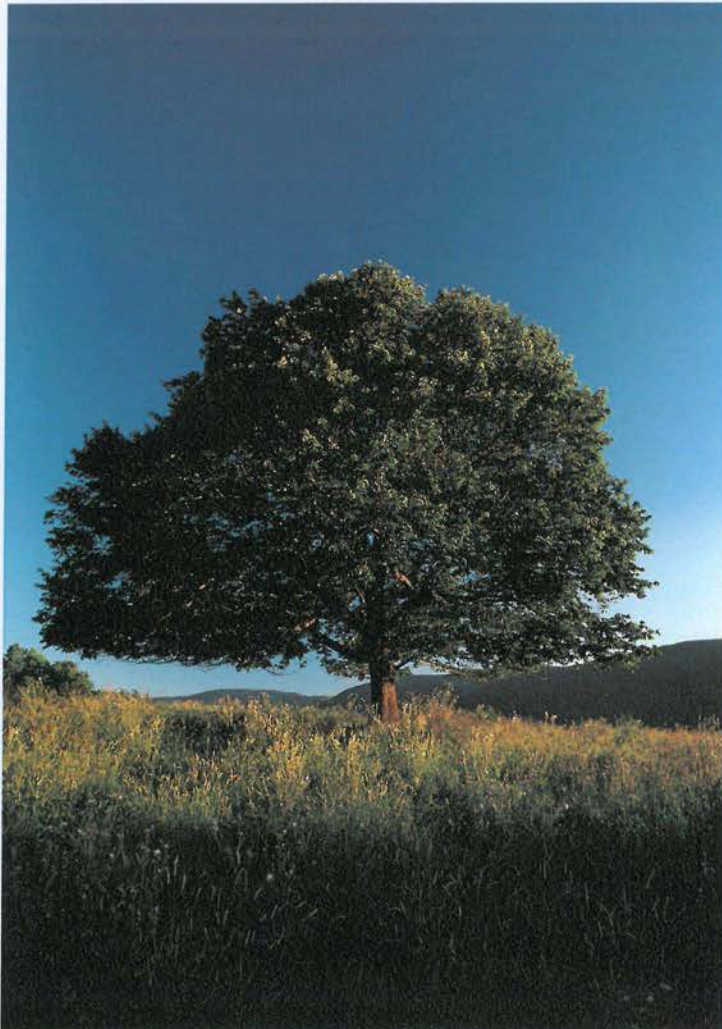
"Managing Growth in the Twenty-first Century: Philosophies, Institutions, Strategies," sponsored by the Center for Environmental Studies.

First in a series of annual interdisciplinary conferences planned by the center, the conference featured keynote speaker Carol Browner, administrator of the Environmental Protection Agency, who discussed the federal policies affecting land use and the health of communities. In her speech, Browner cited an American Farmland Trust study, which shows that 30 million acres of open space has been lost since 1970. "It's as if Virginia, Delaware, and Maryland had been paved over," she told the audience of environmental professionals and Law School students. "One acre of parking lot produces 16 times more polluted runoff than a meadow. The greatest water pollution challenge we face today is runoff."

Browner emphasized the need to strike a balance between local and federal efforts to protect the environment. "The strength of community efforts must be acknowledged," she said, "but there will always be specific needs that can only be addressed at the federal level."

The two-day conference concluded with a discussion about federal, state, regional, and local initiatives across the country aimed at curbing sprawl.

A second annual conference, planned for this fall, will focus on public and private ownership of land as strategies in environmental protection. 



students a strong environmental law program. John Setear, who joined the faculty in 1998 after visiting the Law School for one year, is an international relations expert whose environmental law courses focus on the international aspects of environmental law and policy. Setear, professor of law and Caddell and Conwell Research Professor, came to Virginia from UCLA, where he was professor of law and project director of the International Environmental Cooperation Project at UCLA's Center for International Relations.

At Virginia, Setear teaches courses on international law, which include a discussion of the legal rules that regulate the international environment, such as the Montreal Protocol on Substances that Deplete the Ozone Layer and the U.N. Framework Convention on Climate Change; and global warming, which explores international efforts to answer thorny questions about the role of science, international law, energy policy, and ethics in efforts to minimize or mitigate climate change.

Setear also co-teaches, with Professor Jonathan Cannon, a Principles & Practice course. Principles & Practice courses combine the best of traditional instruction with practical training. The format is problem-based, involving complex cases that have been adapted for classroom use. In Setear's and Cannon's Principles & Practice course, called Environmental Drafting and Negotiating, two environmental problems are explored in depth each year. This year's problems focus on a possible re-authorization of the Clean Water Act and on a new international treaty on climate change. Students attempt to solve the problems by simulating congressional hearings, committee mark-ups, administrative rule-makings, and treaty negotiations. "At each phase in each problem, students have to tailor their drafted documents and bargaining positions to the interests of the particular client they are representing at that point in the simulations—whether that client is a governmental agency, an entire government, a



John Setear

"The course helps develop skills that will be of general use in negotiating and resolving policy issues in any complex institutional setting, for public or private clients."



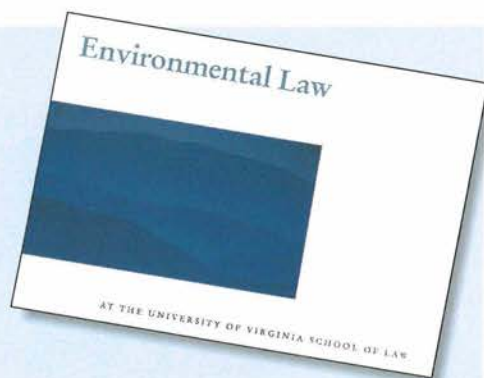
Jonathan Cannon

private corporation, or a not-for-profit public-interest group," Setear explained. "The course also helps develop skills that will be of general use in negotiating and resolving policy issues in any complex institutional setting, for public or private clients."

Cannon, the Law School's newest resident environmental law expert, joined the faculty in 1998 after visiting for one year. Professor of law and director of the Center for Environmental Studies, Cannon came to the Law School from the Environmental Protection Agency, where from 1995–97 he served as general counsel, and

from 1992–95 as assistant administrator for administration and resources management.

Cannon and Merrill together teach a Mary Morton Parsons Seminar in Ethical Values. The Seminars in Ethical Values, which augment the Law School's required course in professional responsibility, are designed to broaden students' understanding of ethical issues. "Our seminar focuses on a series of readings dealing with the relationship between human beings and the environment," Cannon said. "The readings range from the poetic and rhapsodic to the pragmatic and political. This year we selected five seminal works, including Aldo Leopold's *Sand County Almanac*, Rachel Carson's *Silent Spring*, and Terry Tempest Williams's *Refuge*."



Want to Know More?

Students who are interested in environmental law at Virginia can learn all about the program by reading this brochure, just produced by the Law School's Communications Office.


Copies are available on request.


The Center for Environmental Studies

Last year, the Law School took another step to enrich its environmental law program by creating the Center for Environmental Studies. Designed to promote teaching, research, and policy development in environmental law, the center is dedicated to interdisciplinary efforts to understand environmental problems at local, regional, and global levels, and to devising effective solutions to the problems.

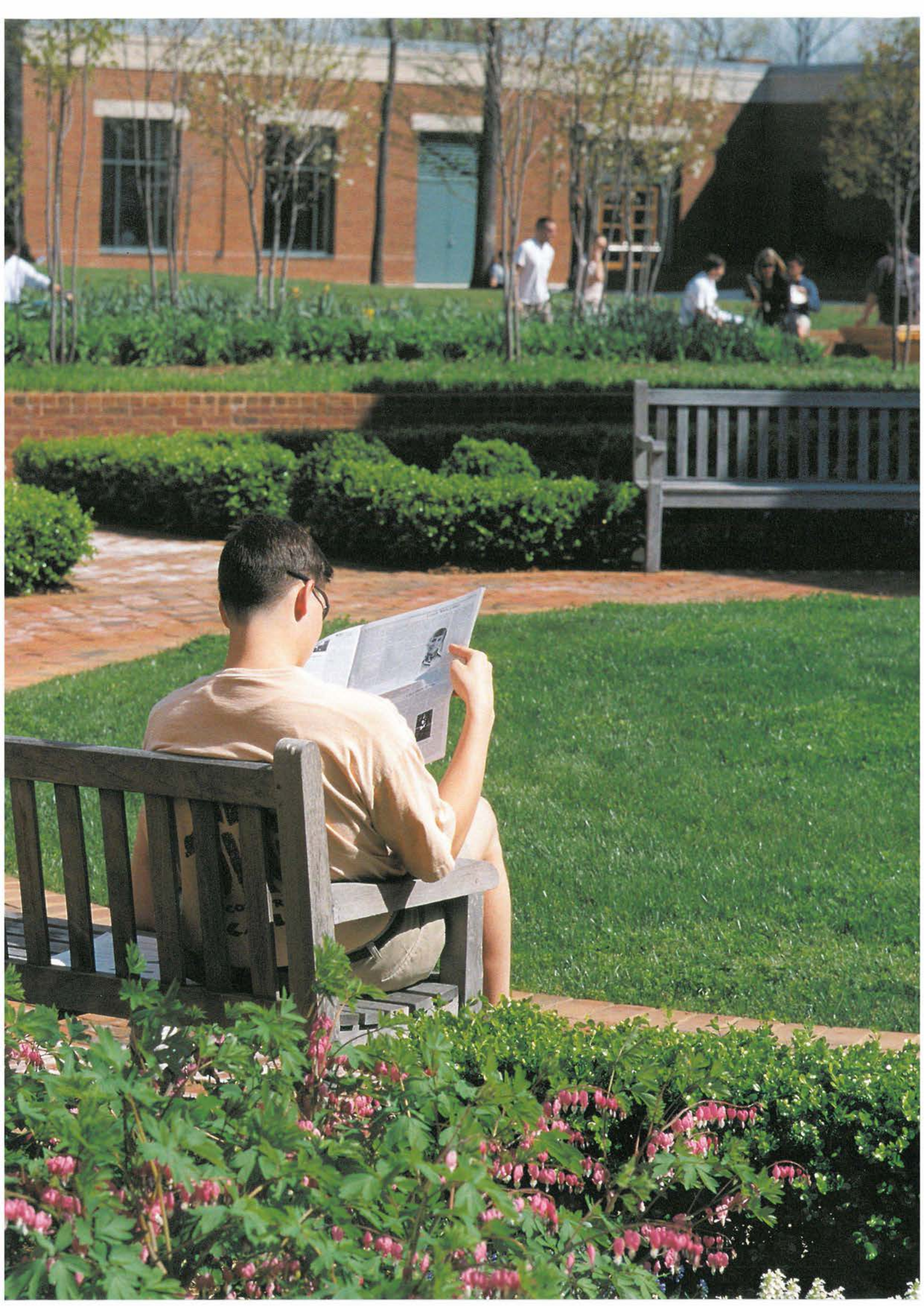
Under the direction of Jonathan Cannon, the center sponsors a series of annual interdisciplinary conferences, and in conjunction with the Mortimer Caplin Public Service Center, coordinates environmental internships. In addition, the center is pursuing cooperative ventures with other University experts in environmental sciences, planning and environmental design, ethics, and the humanities. These ventures provide law students the opportunity to serve as observers, researchers, and reporters.

One of the center's collaborative efforts focuses on the reuse of cleaned-up Superfund sites. This effort engages communities, non-governmental organizations, and the private sector in understanding the residual risks posed by these sites, developing support for productive uses of these sites, and structuring innovative legal arrangements to control future liability and protect the public.

One of the greatest challenges facing today's local, national, and world leaders is ensuring the long-term health of the natural environment. Meeting this challenge requires environmental policy that is grounded in law, science, economics, ethics, psychology, and politics. Virginia's environmental law program, which draws strength from the traditions of a great law school, a talented faculty, a variety of innovative environmental law courses, and a range of quality environmental programs offered across the University, provides students the concepts and skills they will need to take the lead in solving the twenty-first century's environmental challenges. 



Virginia's environmental law program, which draws strength from the traditions of a great law school, an exceptionally talented faculty, a variety of exciting and innovative environmental law courses, and a range of quality environmental programs offered across the University, provides students the concepts and skills they will need to take the lead in solving the twenty-first century's environmental challenges.



Class Notes

1940

Robert Goldsten spends the summers in Washington, D.C., and the winters in Fort Lauderdale, FL.

1950

John Chowning has retired from Shutts & Bowen LLP in Miami, FL. His wife, Fritzi Chowning, is busy as a reading specialist and is not at all retired.

1951 *Reunion May 4-6, 2001*

Randolph-Macon College awarded honorary degrees of Doctor of Humane Letters to Shelton Short III and Jean Short in February in a ceremony at the Mecklenburg Court House in Boydton, VA. Shelton has served as Virginia's ambassador to the United Nations since 1984. Jean served four terms as a director of the Jamestown-Yorktown Foundation and as a trustee of the Jamestown-Yorktown Education Foundation. In 1997 the Shorts created an endowment at Randolph-Macon to support a scholarship for students from Boydton, Mecklenburg County, and adjacent counties in Virginia and North Carolina.

1956 *Reunion May 4-6, 2001*

The Charlottesville Regional Chamber of Commerce honored Richard Nunley and Julia Nunley with its Paul Goodloe McIntire Citizenship Award in November 1999. The award is given to residents who have devoted significant time and effort to business and civic activities in the Charlottesville, VA, area. Richard is a past president of the Retail Merchants Association of Charlottesville. The couple owns a local lumber and furniture business, Better Living, Inc.

Send Us Your News

It's never been easier to tell us the important things that happen in your life! We welcome e-mail submissions for inclusion in *Class Notes*. **E-mail** them to lawalum@virginia.edu, **mail** them to UVA Lawyer, University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903, or **fax** them to 804/924-7536. Please send your submissions by August 30 for inclusion in the fall issue.

1957

Mike Burry took a 200-mile trip down the coast of Canada last summer. See him on live video at www.islandcam.com. He and his wife, Helga Burry, are headed to South Africa next to take a cruise up the East African Coast, over to the Seychelles, and up the Red Sea to the upper Nile, winding up in Athens.

Ted Chapin retired nearly two years ago from BMI, Inc., and is serving as a volunteer arbitrator in employment law matters. He rides his bicycle around Manhattan as often as possible.

George Darden, Jr. is an active tree farmer in North Carolina, planting longleaf and loblolly pines and hardwoods. He is also in the pine straw business. He spends the summers at home in Virginia Beach, VA.

Shenandoah University awarded William "Pete" Johnston III an honorary Doctor of Laws degree at its December 17 convocation. The honor recognizes individuals who have made significant contributions to the enhancement of the quality of life for other people. A resident of Winchester, VA, Johnston has been chairman of the

Hawaiian Voting Policy Leads Alumnus to U.S. Supreme Court

WHEN HAROLD "FREDDY" RICE TRIED TO register to vote in an election for trustees of the Office of Hawaiian Affairs (OHA) in 1996, he was not permitted to do so. But the lifelong Hawaii resident and rancher was not surprised. In fact,



John W. Goemans '59

he came to the clerk's office that day with his friend and lawyer, John Goemans '59, specifically to challenge the Hawaiian policy of denying anyone who is not descended from the original Hawaiians the right to vote for the leadership of the OHA, a state agency that administers hundreds of millions of dollars in public money. The voting franchise had

long been troubling to Goemans, a Hawaii resident since his Law School graduation, a private practitioner since 1964, and a former Hawaii deputy attorney general and state legislator. His challenge—fueled by what he calls his "lawyer's respect for the rule of law and the Constitution"—led Goemans and his client all the way to the U.S. Supreme Court.

The OHA was established under the state's constitution in 1978 to oversee funds that form a portion of the revenue from the public lands of Hawaii. The office's nine trustees, who must be descendants of the native Hawaiians, are charged with spending the money on education, social welfare, and other programs to benefit native Hawaiians.

But the OHA defines "native Hawaiians" by race, not place of birth. Hence, while Rice, a

Caucasian, was born in Hawaii, his great-great-great grandparents moved to the islands in the 19th century, and he is not considered a native Hawaiian. Rice was the perfect plaintiff to challenge the voting franchise.


In spite of his interest in the issue, Goemans did not plan to take on Rice's case himself. Instead, he looked for someone else to champion the cause. First, he wrote to the Hawaii chapter of the American Civil Liberties Union. "I figured I had done my good deed for the day, and that the ACLU would look into the matter," he said. But it was not to be. He learned that the ACLU would not challenge the voting procedure because it conflicted with the group's national policy of supporting racial preferences. Goemans, a former Law School roommate to U.S. Senator Edward Kennedy '59 who assisted his classmate in the western states during John F. Kennedy's presidential campaign, next approached a prominent civil rights lawyer in California and asked him to file a complaint with the court. But he was not satisfied with the complaint, and ended up writing it himself. It was ultimately Goemans who helped Rice file suit in U.S. District Court against the state of Hawaii under the 15th Amendment, charging that Rice's right to vote had been violated because of his race.

Calling himself "a Lone Ranger," Goemans chose to persevere after the suit was dismissed. He and Rice also lost in the Ninth Circuit Court of Appeals, where a panel of three judges wrote that the racial voting restriction was "rooted in historical concern for the Hawaiian race" and justified "because Hawaiians are the only group with a stake" in the money that the trustees administer.

After these losses, Goemans packed up and moved to Washington, D.C., to petition the

Supreme Court of the United States to hear *Rice v. Cayetano*. But once settled on the East Coast, he quickly realized that he did not have the resources to prepare the case on his own. He was relieved when Theodore Olson, a well-known Supreme Court practitioner of the Washington, D.C., firm Gibson, Dunn & Crutcher LLP, agreed to take it on pro bono. Goemans served as a consultant to the Washington lawyers, and he sat in the back of the Court last October with his two grown children as Olson delivered his oral argument. "It was a real thrill to share the experience with my kids, a thrill I will remember for the rest of my life," he commented.

The Court issued its ruling on February 23, decisively striking down Hawaii's native-only election procedures. While elated with the results, Goemans believes that the decision, in addition to causing what he has described as "chaos" back in Hawaii, has opened the door to more litigation. "Persons who opine that *Rice* does not extend beyond the narrow issue of the voting franchise are doing a great disservice," he wrote in an op-ed piece in the *Honolulu Advertiser* a few days after the ruling. "The Supreme Court held explicitly in *Rice* that the legislation before the Court contained a racial classification: i.e., Native Hawaiian. This means all governmental action preferring or discriminating in favor of Hawaiians is presumed to be unconstitutional and is subject to being struck down unless ... shown to be for the purpose of remedying the present effects of past discrimination."

Goemans plans to return soon to Hawaii, where his plans for the future are becoming increasingly clear. "A government attorney for the state of Hawaii said that I can expect to be in court for the next 10 to 15 years," Goemans noted. "I guess the Supreme Court case was just the beginning." 

Winchester Hospital for 20 years and has served as president of the Virginia Lawyers Association. Johnston also reported that he recently spent a month in Kazakhstan.

1960

T. Maxfield Bahner became a member of the American Bar Association board of governors at the 1999 ABA annual meeting in Atlanta. He is representing Tennessee, Louisiana, and Georgia in a three-year term on the 37-member board. A principal shareholder in Chambliss, Bahner & Stophel PC in Chattanooga, TN, Bahner is a past president of the Chattanooga and Tennessee bar associations.

1962

William Dorsey III currently serves as first vice president of the Maritime Law Association of the United States.

Joseph Huddleston was recently elected an American Bar Foundation fellow. He lives in Bowling Green, KY, and serves as a judge for the Court of Appeals of Kentucky.

1965

Since August David Lindskog has been senior vice president-general counsel and secretary of Leach Holding Corporation. "After 34 years (27 years as a partner) with Curtis, Mallet-Prevost, Colt & Mosle LLP in New York City, three of which I spent in Paris, the lure of equity in a private company was too great," Lindskog wrote. He now drives 20 minutes to work in Westport, CT, instead of commuting one hour and 20 minutes by train into New York City. Leach Holding, which has facilities in California, France, Germany, Mexico, and Indiana, has just entered into a joint venture agreement with a Chinese company to establish a manufacturing plant in China. His daughter, Stefanie, graduates this year from Yale, and would like to study translating in Munich.

Arland "Art" Stein joined Barnes & Thornburg in Indianapolis, IN, as a partner in November. He previously was a partner at Reed Smith Shaw & McClay in Pittsburgh, PA, where he practiced for 25 years. A founder of his previous firm's intellectual property practice group, Stein has litigated trademark, trade secret, and unfair competition claims for clients such as PPG Industries and Carnegie Mellon University.

1967

Howard Pyle recently took a trip to Beijing, China, and Lhasa, Tibet. To see photos of his trip on the Web, check out www.hpyle.net/china99.

1969

Gordon Schreck continues to serve on the board of trustees of Hampden-Sydney College. He was appointed organizing chair of the Maritime Law Section of the South Carolina Defense Trial Attorneys Association.

1971 *Reunion May 4-6, 2001*

Thomas Bottini has been elected to the executive committee of the board of directors of Lex Mundi, the world's leading association of independent law firms. The Higher People's Court in Guangdong Province, China, appointed him to the chairman's committee of Guangdong International Trust and Investment Corporation creditors committee to work on the largest bankruptcy ever filed in China, involving the equivalent of \$4 billion, including \$2 billion in foreign investment.

1972

William Nelson is heading a new Washington, D.C., law firm financed by Ernst & Young LLP, along with William McKee, a former Law School professor. One of the Big Five accounting firms, Ernst & Young is backing and housing the new firm, McKee Nelson, Ernst & Young LLP. *The Wall Street Journal* called the arrangement "an

unusual development that underscores how the traditional walls are crumbling between U.S. law firms and accounting firms."

Jim Rubright joined Rock-Tenn Company as chief executive officer in October. Rock-Tenn is a leading manufacturer of recycled paperboard and packaging products with manufacturing plants in the U.S., Canada, Mexico, and Chile. Rubright was previously executive vice president of Sonat, Inc., a diversified energy company, where he was responsible for Sonat's interstate natural gas pipeline, natural gas and electric power marketing, and merchant electric power plant development businesses. He lives in Atlanta with his wife, Mary Rubright, and the two youngest of their six children.

Robert Sugarman has been named to the State of Israel Bonds labor advisory board. He joins nearly two dozen other national labor leaders committed to strengthening ties between American labor and Israel through Israel Bonds, an international organization offering securities issued by the Government of Israel. Sugarman is a partner with Sugarman & Susskind in Miami, FL.

Ronald Thomason retired from law practice in September 1998, but is still available for arbitration and general mediation. He was formerly president of Mullins, Thomason & Harris in Norton, VA.

1974

Mary Louise Moore Doherty and James Doherty report that their son will enter Virginia Military Institute in the fall and may be a candidate for the Law School in 2007.

1975

William Ferguson served as a visiting professor at the University of Memphis Law School this spring. He is a professor at the Emory University School of Law.

Roland Vaughan, Jr. served a one-year term as president of the Federal Administrative Law Judge Conference in Washington, D.C., ending in May 1999. An administrative law judge for the Social Security Administration, Vaughan celebrates 30 years of federal government service in May.

1976 *Reunion May 4-6, 2001*

Michael Caplin directs the eastern operations of Childhelp USA, an organization dedicated to the prevention and treatment of child abuse. "One in three children will encounter abuse before they're 18. One in three girls and one in five boys will encounter sexual abuse," Caplin told the *Fauquier Times Democrat* in Warrenton, VA, in December. "The message that is so important to get out is that all our children are at risk. Three million kids a year are abused, and it's right in everybody's neighborhood." He said in the interview that any stressed parent may be pushed to the breaking point where child abuse begins, so neighbors should help neighbors raise their kids. "In that way we can help our neighbors reduce their stress and hopefully avoid the breaking point," he said. Caplin and his wife, Kristina Caplin, live in McLean, VA. They have three children, Conrad, 19, Ella, 4, and Bennett, 3.

The Virginia General Assembly elected Donald Lemons to the Supreme Court of Virginia on March 8. Lemons, a former assistant dean of the Law School, had been a Virginia Appeals Court judge since 1998. He formerly served as a Richmond circuit judge.

The U.S. Sentencing Commission in Washington, D.C., appointed Donald "Andy" Purdy, Jr. acting general counsel in November. Formerly a federal prosecutor in Philadelphia, Purdy has served as the commission's chief deputy general counsel for the past 10 years. He previously worked in the CBS News Washington, D.C., bureau. The commission, an independent agency in the federal judicial branch, was organized in 1985 to ensure that similar offenders receive similar sentences in the federal court system.

Navigant Consulting, Inc. of Chicago appointed Philip Steptoe vice president and general counsel in February. Steptoe previously was a partner in Sidley & Austin's Chicago office. He has over 20 years of experience in commercial litigation, rate-making, professional malpractice, and corporate contracting. Navigant, a global management consulting firm that focuses on industries undergoing structural change, provides financial, management, and expert service to Fortune 100 companies, government agencies, and regulated and network industries.

1977

Ann Gordon and her husband both work with the Foreign Service of the U.S. Department of State. Last summer they were transferred to the U.S. Embassy in Dakar, Senegal, where her husband serves as warehouse, shipping, and motor pool manager, and Ann serves as the regional consular officer. She supervises a section of 10 American and Senegalese employees and mentors new officers in five other countries in the region. Before embarking on their new jobs, the couple received six months of French language training. Learning languages "sure gets harder as we get older," Gordon commented. In January the two vacationed in Botswana and Zimbabwe for "bird-watching, game-viewing, and a general good time."

Weider Publications, Inc. named A. Douglas Peabody its president and chief executive officer in February. The founder of *Saveur* and *Garden Design* magazines in the United States, Peabody was previously a partner in Meigher Communications. He was also a founding investor in *Hippocrates* and *Health* magazines and an initial investor in OneSoft Corporation. Peabody currently serves on OneSoft's board of directors and as vice chairman of America Online's board of directors.


Fred Vogel is a senior vice president and associate general counsel at Marriott International in Bethesda, MD. He is responsible for the development of international hotels.

Introducing HoosOnline

SINCE ITS KICKOFF IN NOVEMBER, MORE THAN 6,000

University alumni have registered with HoosOnline, the online community of the University of Virginia offered by the University Alumni Association. Don't be left out!

HoosOnline offers alumni a searchable directory of alumni, lifetime e-mail forwarding to your personal e-mail account, and the ability to update your personal information that's on file with the University. Later this year, HoosOnline will include a career module and an online version of the University Career Assistance Network (UCAN). It also will offer résumé postings and job listings from major corporations and employers who are looking to recruit U.Va. graduates.

HoosOnline services are provided free of charge to all alumni, and are password-protected and secured from access by nonalumni. For more information, check out www.alumni.virginia.edu. 

1979

Walter Brookhart joined the Houston office of Shook, Hardy & Bacon LLP as a partner in the firm's intellectual property section in February. He was previously a shareholder with Browning Bushman PC, also in Houston, where he served as treasurer and managing shareholder. He has litigated cases involving patents, trademarks, copyrights, and trade secrets in federal and state courts, and has represented clients before U.S. and foreign patent and trademark offices, obtaining more than 100 domestic and foreign patents and trademarks.

G. Daniel Newland joined Seyfarth, Shaw, Fairweather & Geraldson as a partner in its San Francisco office in January. Previously managing partner of the San Francisco office of Kauff, McClain & McGuire, Newland will work in Seyfarth, Shaw's labor and employment practice. Newland has extensive trial experience in federal and state court, and has negotiated collective bar-

gaining agreements for a variety of clients and industries. He lives in Piedmont, CA, with his wife, Janice Newland, and their two sons, Eddie and Brendan.

Steven Rotman reports that his family is thriving. His wife, Susan Rotman, sold her Martha's Vineyard pearl jewelry business in December and is now writing a book on Einstein's theories. As for his four children, Sarah, 20, is a sophomore at Harvard. Tara, also 20, is a sophomore at Wellesley College. Mathew, 17, graduates from high school in June and is applying to college. Caitlin, 12, "is a star in seventh grade." The entire family gathered for a Christmas celebration in Switzerland in December.

1980

Henry "Hank" Flint recently became a co-managing partner at Kennedy Covington Lobdell & Hickman LLP in Charlotte, NC. Flint, a partner in the firm's business law department, graduated from U.Va.'s joint law and business program.

A partner with Mayer, Brown & Platt, **C. Mark Nicolaides** was a key legal advisor in the late-1999 push by Deutsche Telekom AG to acquire most of MediaOne's International, Inc.'s Central European and Russian mobile telecommunications businesses. As of March the \$2-billion transaction, which required approval in Germany, Poland, Hungary, Russia, and the United States, was the largest merger and acquisition deal to take place in Eastern Europe, according to the March issue of *Business Without Borders*. "The deal involved assets in three countries and a buyer and seller in two others," Nicolaides told the magazine. "We decided to keep it simple and make it a cash sale." The head of Mayer Brown's Cologne, Germany, office predicted the chief benefit for customers will be Deutsche Telekom's ability to invest in research and development. "The technology is going to be eye-popping," he said.

1981 *Reunion May 4-6, 2001*

Brenda Cabbage recently became a partner with Patton Boggs LLP in the firm's Dallas office. She previously practiced with Butler & Binion LLP.

Chris Roux was elected managing partner of Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP in January. The 60-member Los Angeles firm focuses on litigation, land use and real estate, environmental issues, and intellectual property.

1982

Richard Boskey has been appointed general counsel for the Dana-Farber Cancer Institute in Boston. He lives in Newton, MA, with his wife, Cathy Boskey, and three children, Molly, 13, Peter, 10, and Noah, 5.

Brian Crowe became a partner in the Chicago firm of Shesky & Froelich Ltd. in 1999.

The National Law Journal reported that Rhode Island Attorney General **Sheldon Whitehouse** and the Charleston, SC, firm of Ness Motley Loadholt Richardson & Poole PA filed a suit in October against eight makers of lead paint for allegedly conspiring to sell a product that poisons children.

1983

Fred Byers, Jr. has a new son, James Bryson Byers, born June 13, 1999. James joins older sister, Grace Margaret Byers, born August 1, 1997.

In December U.S. Attorney General Janet Reno appointed **Robert Conrad, Jr.** chief prosecutor of the U.S. Department of Justice's campaign financing task force. Since 1989 Conrad had served as a prosecutor and then as criminal chief of the U.S. Attorney's Office in Charlotte, NC, where he handled a wide variety of cases, including public corruption, white collar fraud, money laundering, organized crime, and drug trafficking.

In 1999 **Mark Davidson**, a partner with Brooks, Pierce, McLendon, Humphrey & Leonard LLP in Greensboro, NC, chaired a North Carolina Bar Association committee that drafted legislation amending North Carolina statutes governing business corporations, nonprofit corporations, limited liability companies, limited partnerships, and general partnerships. The amended statutes, which became effective in December, authorize these different entities to merge with one another. Davidson is currently chairing the Business Organizations Committee of the Business Law Section of the bar association.

Lee Bradford Guerry conducts legal search work with Page-Wheatcroft & Co., Ltd., a senior-level executive search firm in Alexandria, VA. She recruits partners for law firms and handles law firm mergers.

Greg Musil is running for U.S. Congress in the Third District of Kansas. He has served on the Overland Park City Council since 1993 and is currently council president. He previously served on the staff of U.S. Senator Nancy Kassebaum Baker. He and his wife, Kathleen Musil, live in Overland Park with their two daughters.

Terry Ross and **Brooke Ross** welcomed their second child, Anne Hadley Ross, on May 1, 1999. She joins older brother, Clark, 4. Terry continues to practice intellectual property law at Gibson, Dunn & Crutcher LLP in Washington, D.C.

PG&E Energy Trading-Gas Corporation in Houston, TX, named **JoAnn Russell** its assistant general counsel for transactional, regulatory, and other legal assistance to the company's commercial endeavors in November 1999. Russell was previously vice president and general counsel of Southern Company Energy Marketing. She formerly served as legal counsel for Vastar Resources, Inc., Sohio Petroleum Company, and Standard Oil Production Company.

1984

Lisa Eldridge, a shareholder with Marshall, Dennehey, Warner, Coleman and Goggin in Philadelphia, served as a speaker at two recent events. In November she spoke at a professional development program of the Philadelphia Bar Association's Young Lawyers Division called "The Nuts and Bolts of Workers' Compensation." The same month she spoke at the Pennsylvania Trial Lawyers Association CLE seminar for workers' compensation practitioners, "Workers' Comp: How to Handle Difficult Issues." Eldridge practices in her firm's workers' compensation practice group.

1985

The Law School's *Public Service News* November issue spotlighted Michael Allen, senior staff attorney and director of housing programs at the Judge David L. Bazelon Center for Mental Health Law in Washington, D.C. Allen served as a Law School lecturer for the Housing Law Clinic this year. The Bazelon Center works to ensure that individuals suffering from a mental disability have access to decent and affordable housing and other necessary social services.

Jeffrey Blumenthal reports that he served as a loaned executive to the 1999 United Way/Combined Health Appeal Campaign. The campaign's goal was to raise \$25 million for services to those in need in the greater Hartford, CT, area.

Barbara Giuffre and Rick Raushenbush '86 announce the birth of their daughter, Genevieve Elizabeth, born January 22.

Melissa Hayden Weaver joined Kilpatrick Stockton LLP in March as counsel in the firm's employee benefits practice group in Raleigh, NC. She previously served as senior counsel with PCS Phosphate Company, Inc., where she provided counsel on employee benefits and employment law matters and advised management in the implementation of a consolidated benefits program.

1986 *Reunion May 4-6, 2001*

Ann Peldo Cargile and Sykes Cargile announce the birth of their second child, Sykes Young Cargile, Jr., on May 22, 1999. Ann is a member of the Nashville, TN, firm of Boulton, Cummings, Connors & Berry PLC, where she practices on the firm's real estate and commercial finance team.

John Hagefstration, Jr. has been elected chairman of the real property, probate, and trust section of the Alabama State Bar. A partner with Bradley Arant Rose & White LLP, Hagefstration focuses his practice on commercial real estate development, leasing, and financing transactions.

Nixon Peabody LLP named James Hatem a partner in its Manchester, NH, office in February. He continues to focus his practice on insurance regulation and general business matters.

Susan Liemer is serving as president of the Association of Legal Writing Directors. She is overseeing the publication of a new legal citation manual, which will compete with *The Bluebook*.

Rick Raushenbush and Barbara Giuffre '85 announce the birth of their daughter, Genevieve Elizabeth, born January 22.

B. Harrison Turnbull was named managing director of the Charlotte, NC, and Research Triangle Park offices of StratfordGroup, a leading retained executive search firm headquartered in Cleveland, OH. Turnbull brings 20 years of business experience in banking, law, finance, and strategic consulting. He formerly served as chief financial officer of Amvest Corporation, a diversified energy and finance corporation; a principal with Norelli & Company, a strategic consulting firm; and a commercial loan officer with NationsBank.

Jennifer Weiss was appointed to serve in the North Carolina General Assembly in December as the representative for House District 63 in the Raleigh area. She is running for re-election this year. Her husband, Bruce Hamilton, a partner

with Teague, Campbell, Dennis & Gorham LLP, is serving as her campaign manager.

1987

Jeffrey Breeser recently became a member of Willcox & Savage PC in Norfolk, VA. He has practiced in the firm's business group since 1987, focusing on secured lending, acquisitions, corporate governance, and new ventures.

David Keesler received the 1999 Director's Award for Superior Performance as an assistant U.S. attorney in an October 1, 1999, ceremony in Washington, D.C., hosted by U.S. Attorney General Janet Reno. The award honored Keesler for his work on the \$17 million Loomis Fargo heist case, in which 21 defendants, including one practicing lawyer, were convicted of federal felonies ranging from bank larceny and money laundering to conspiracy and committing murder for hire. Keesler is now the deputy criminal chief in the U.S. Attorney's Office in Charlotte, NC, where he lives with his wife, Susan Keesler, and their daughter, Amelia, 2.

Steve Smith is the founder and chief executive officer of OneMain.com, Inc., one of the 10 largest Internet service providers in the United States. The company provides service to half a million individuals and businesses, mostly in smaller metropolitan areas and rural communities. Smith started the company in early 1998.

Kim Keenan Solomon was re-elected member-at-large of the National Bar Association's (NBA) board of governors in 1999 for a term ending in 2001. She was also elected to the executive committee. Founded in 1925, the National Bar Association is the nation's oldest and largest association of predominately African American lawyers and judges. The NBA will celebrate its 75th anniversary at its annual convention in Washington, D.C., August 5-12. On August 9 at approximately 6 p.m. the Law School will host its first reception at the convention. Solomon married Stacey Solomon on November 14, 1998. Her

practice at Jack H. Oleander & Associates PC in Washington, D.C., focuses on catastrophic medical malpractice cases. She also serves as an adjunct professor at George Washington University Law Center and as first vice president of the Equal Rights Center, a nonprofit organization which seeks to eradicate discrimination in employment, housing, and public accommodations.

1988

Thomas Burack reports that he attended the August wedding of **John Storella** to Lisa Aliferis in California's Napa Valley, along with **John Farmer** and **Doug Gall**. "Mr. Storella is now a happily married patent attorney," Burack wrote. Storella works with biotechnology patents for Townsend and Townsend and Crew LLP in San Francisco. Burack chairs the New Hampshire Audubon Society board and the New Hampshire Land and Community Heritage Commission. He continues his storytelling avocation with a portrayal of John James Audubon.

Doug Gall and **Roxanne Gall** announce the birth of their first child, April Melissa Gall, on January 27.

Baker & Hostetler LLP elected **Peder Garske** a partner in its Washington, D.C., office in January. Garske concentrates his practice in international and commercial litigation.

1989

Shaw Pittman recently named **Edmund Graff** a partner in its Washington, D.C., office, where he advises companies on securities and general corporate law issues.

Howrey & Simon has named **Christopher Olsen** a partner in its Washington, D.C., office. Olsen, who practices in both the commercial trial and intellectual property groups, specializes in patent infringement, trade secrets, antitrust, insurance coverage, and contract matters.

Graduates Enjoy Wide Range of Alumni Events

VIRGINIA LAW GRADUATES TOOK PART IN A wide range of alumni events over the past several months.

More than 30 Philadelphia-area alumni joined then-Acting Dean John Jeffries, Jr. '73 on November 10, 1999 at the offices of Morgan, Lewis & Bockius LLP for a reception organized by Howard Meyers '73.



Alumni enjoy the view as they attend an event held October 28, 1999 in Washington, D.C. From left to right: Samuel Witt III '64; Law School Professor John Jeffries, Jr. '73; Professor Earl Dudley '67; and Law School Foundation Executive Director David Ibbeken '71.



Houston alumni catch up at a reception held September 21, 1999 at the St. Regis Hotel. From left to right: George Gerachis '83; Thomas Melo '77; and Alumni Council member Dennis Duffy '82.


Portland, OR-area alumni met with Jeffries at Atwater's for a reception that was organized by Dexter Martin '65 on November 17. Jeffries next moved on to Seattle, where area alumni convened November 18 for a reception hosted by Peter Vial '74.

To mark Dean Robert Scott's return from his sabbatical, an overflow crowd of Washington, D.C.-area alumni, as well as teaching faculty who were in town for the Association of American Law Schools annual meeting, met at the Metropolitan Club on January 6 for a reception hosted by William Curtin '96.

Richmond, VA, alumni celebrated as the Virginia men's basketball team defeated Virginia Tech on January 24th at the Richmond Coliseum. Attendees enjoyed pre-game and halftime receptions.

More than 80 Atlanta-area alumni met February 3 at the Four Seasons Hotel as Dean Scott discussed plans for the Law School's new Student-Faculty Center. The next day, alumni from Birmingham, AL, joined the dean at a Summit Club reception.

During the Law School's spring break on March 16, alumni from the Research Triangle Park area met for a reception in Raleigh, NC. A loyal group fought torrential rains to hear Professor Jeffries discuss the Law School's physical and curricular changes.

Dean Scott attended two springtime alumni events in the Washington, D.C., area. On March 28 he joined more than 50 alumni from Northern Virginia for a reception at Maggiano's at Tysons Corner, VA. He returned to the area on April 6, where he delivered a talk, entitled "What Happens When You Open the Box to Your New Computer—Contracts in the Digital Age, the 'Gateway Problem,' and Revised Article 2," to alumni gathered in Washington, D.C., at the law firm Jones, Day, Reavis & Pogue. The event was hosted by Edwin Fountain '90. 

Andrea Scott is a consultant in bioethics, regulatory affairs, and the development of new biomedical technologies. Her clients include the Federal Drug Administration, General Electric, and the Jonas Salk Foundation, which developed the new AIDS vaccine. She married Warren Grundfest in November 1995 in a wedding with more than 550 guests, "my two horses and dogs in a sunset ceremony at the San Marino Ritz Carlton." A lifelong equestrienne, she has competed in the National Dressage Championship and participated in a 300-mile endurance ride through the Masai Mara, a wildlife reserve in Kenya, in 1998.

B. Scott Tilley recently accepted the position of general counsel with Stihl, Inc. in Virginia Beach, VA. A manufacturer of power tools and equipment, Stihl is the world's largest selling brand of chain saws.

1990

Dawn Booth was recently promoted to senior counsel in Marriott International's law department where she works as an international lodging operations attorney. She is responsible for southern Europe and the Middle East.

Clint Broden left the Dallas Federal Public Defender's Office in 1998 and took a two-month sabbatical in Costa Rica and Mexico studying Spanish. In December 1998 he formed the firm of Broden & Mickelson with a former Public Defender's Office colleague, practicing exclusively criminal defense. "We made it through the first year, and so far so good," he wrote. He was also appointed part-time municipal judge for the city of Dallas ("Believe me, it is not that exciting when you get assigned to the occasional Saturday night or Sunday morning, arraigning defendants," he wrote.) and bought a house, "since I guess I am in Dallas to stay."

USA Group of Indianapolis, IN, named **Cherry Cox** vice president and associate general counsel in February. She provides legal support on human resource issues and manages corporate

litigation for the company, the nation's largest student loan guarantor and administrator. She also played an instrumental role on the company's diversity task force.

Jones, Day, Reavis & Pogue recently made **Edwin Fountain**, formerly a litigation associate, a partner in its Washington, D.C., office.

Nina Pickett Graves and **Jonathan Graves** live in Vienna, VA, with their two children, Christopher, 6, and Megan, 4. In January Jonathan was named a partner at Cooley Godward LLP in Reston, VA, specializing in intellectual property law, particularly patent infringements. He was previously a partner at Howrey & Simon in Washington, D.C. Nina works at home with contract legal work in corporate law.

Shaw Pittman recently made **Robert Hasty** a partner in its Washington, D.C., office. Hasty specializes in technology and international transactions.

Matthew Iwicki was recently elected secretary and member of the board of governors of the Virginia State Bar's Environmental Law Section. He concentrates on air, water, and waste permitting; compliance; enforcement; cleanup cost recovery; and property damages in his environmental law practice as a partner with Gentry, Locke, Rakes & Moore in Roanoke, VA.

John Matthews VI recently became a partner with Morgan, Lewis & Bockius LLP in Washington, D.C. As a member of the firm's energy practice group, he focuses his practice on nuclear licensing and regulatory matters, inspection, enforcement activities, and a variety of litigation matters before the Nuclear Regulatory Commission and the federal courts.

Patricia Ross McCubbin has accepted a faculty position at the Southern Illinois University School of Law in Carbondale, IL, where she will teach environmental and administrative law. She reports that she and her husband, Eric McCubbin,

are very excited about her new career and their new locale.

Catharina Min lives in San Francisco, where she is an associate with Graham & James LLP. She represents domestic and international clients in mergers and acquisitions, private placements, public offerings, joint ventures, strategic alliances, and other corporate transactions. She previously represented both Korean conglomerates and international companies for Shin & Kim, the second largest firm in Seoul, Korea. While in Korea, she served as co-chair for the Legal Services Committee of the American Chamber of Commerce in Korea and also lectured at various Korean conglomerates on international business transactions.

Stan Perry and **Stacy Perry** live in the Houston Heights neighborhood of Houston, TX, with their two children, Anna, 8, and John, 4. Stan recently joined Abrams Scott & Bickley LLP as a partner. He defends petrochemical companies in toxic tort litigation.

Dan Renberg started a new job last fall as a member of the board of directors of the Export-Import Bank of the United States, a federal agency devoted to increasing exports of U.S. goods and services. He was nominated by President Clinton to a Republican seat on the board and confirmed by the U.S. Senate in November. "I'm learning the ins and outs of international business, and exports in particular," he wrote. "Should have listened in Corporate Governance class, now that I think of it."

1991 *Reunion May 4-6, 2001*

Habitat for Humanity of Greater New Haven awarded **Jennifer Slye Aniskovich** its Master Builder Award at a luncheon April 11 in New Haven, CT. The award honored her leadership in the first two Women's Build projects and the Men's Auxiliary Bake Sale. She has served as a member of the group's board of directors and currently serves on its advisory board. She lives in

Branford, CT, with her husband, State Senator **Bill Aniskovich '89**, and daughter, **Celia**, 7.

Jonathan Cole was recently promoted to senior counsel at Marriott International. He lives in England, developing resorts for Marriott Vacation Club International.

Eric Emerson was recently named a partner in the Washington, D.C., office of Steptoe & Johnson LLP. He practices in the firm's international group, specializing in anti-dumping and countervailing duty investigations before the U.S. Department of Commerce and the International Trade Commission.

Alston & Bird LLP named **Darren Hauck** a partner in its corporate health care practice group in Atlanta in January. He concentrates his practice on mergers and acquisitions and securities matters in the health care industry.

James Lovely is a principal and senior structurer at Bank of America. His work involves designing complex derivatives, asset-backed conduits, and other transactions involving securities and special-purpose vehicles. He and his wife, **Suzanne Lovely**, reside in Berkeley, CA, with their son, **Connor**.

Alexander Macaulay married **Ann Quillen**, a 1989 University of Virginia College of Arts and Sciences graduate, on December 18. Ann is an elementary school teacher with Hanover County Public Schools. Alexander continues to focus on commercial litigation and state-level lobbying with his Richmond, VA, firm, formerly Macaulay Lee Powell PC, now renamed Virginia Law & Government Affairs.

Hogan & Hartson LLP recently named **Jonathan Rees** a partner in its Washington, D.C., office. Rees practices in the firm's labor and employment group.

1992

William Carbaugh was recently promoted to senior counsel at Marriott International in Bethesda, MD, where he works as an international lodging operations attorney. He is responsible for legal support of the Marriott-managed hotels in Australia, India, Pakistan, Canada, and the Caribbean. He also serves on the casino oversight committee that handles legal matters for Marriott's casino operations around the world.

Jennifer Nelsen Colao and Andrew Colao report a busy and exciting past year. They welcomed their second child, Caroline Elizabeth, who joined big brother, Christopher Nelsen, 3, in September. Jennifer has worked as a litigation associate at Simpson Thacher & Barlett for the past seven years. She returned to the firm in April from her maternity leave. She also serves as a class mother at Christopher's preschool. Andrew took a leave of absence from his job as a corporate lawyer, also at Simpson Thacher, to work on Bill Bradley's presidential campaign.

Nathan Finch was recently elected a member of Caplin & Drysdale, a Washington, D.C.,-based tax and litigation firm founded in 1965 by Mortimer Caplin '40 and Douglas Drysdale '53. Since joining the firm's commercial litigation team in 1993, Finch has represented individuals and companies in disputes ranging from financial fraud to intellectual property litigation. He also represents clients involved in white-collar criminal investigations.

John Foster and Katherine Ross Foster are happy to announce the birth of their first child, Benjamin Ross Foster, on May 20, 1999. John works as an assistant county attorney in the land use division of the Fairfax County Attorney's Office in Virginia.

Jennifer Parker recently left her position as vice president of business development at MTVN Networks and joined an Internet start-up company, Scour.net, in Beverly Hills, CA. Scour.net is a search and destination site for broadband media.



Join us for a cruise down the Thames

JOIN UNIVERSITY OF VIRGINIA LAW SCHOOL ALUMNI FOR A dinner cruise down the Thames aboard *The Symphony* during the annual meeting of the American Bar Association in London, England.

Tuesday, July 18, 2000

Board at 7:15 p.m. at the Embankment Pier
with 8 p.m. departure.
Return to pier at 10:45 p.m.

Reservations before June 1st
US \$95 per person

Reservations after June 1st
US \$110 per person
Includes beverages, dinner, and wine.

For reservations, please contact the Alumni Office at (804) 924-7043 or toll-free at (877) 307-0158.

Parker is in charge of business development for the new venture. She recently became engaged to Rudy van Zyl, a Hollywood-based assistant director of films and commercials from South Africa.

Paul Rebein recently became a partner in Shook, Hardy & Bacon LLP in Overland Park, KS. He practices business, personal injury, and employment litigation.

Reunion of European Alumni Planned

The reunion of the U.Va. Law School Alumni European Chapter will be held in Hannover, Germany,

July 6-9, 2000.

The itinerary will include a visit to the world exposition EXPO 2000 as well as social, cultural, and academic events.

For further information, please contact:

Detlev Oelfke
Nansenufer 7
D-30655 Hannover, Germany
Telephone 49-511-647-9727
e-mail: detlev.oelfke@advopat.de
or uva2000hannover@advopat.de

or

Kris Gledhill
66 Grove Park
Camberwell
London SE5 8LF, England
Telephone 44-171-274 0830
e-mail: krisgledhill@compuserve.com



1993

Christopher Bowen is finishing his third year on the felony trial team in the Contra Costa County, CA, Public Defender's Office Richmond branch. He recently spent three weeks in France visiting relatives and friends and adding an inch to his waistline.

Brian Carr and Scott Robinson-Carr had their second child, Andrew Winston Carr, on March 25, 1999.

The U.S. District Court for the Western District of New York recently honored J. Nelson Thomas with its Special Service Award "in recognition of his willingness to accept assignments as pro bono counsel and for his excellence in the vigorous

representation of his clients." Thomas has handled six different federal pro bono assignments on both the trial and appellate level for prisoners alleging brutality violations during incarceration. The court complimented Thomas on "always demonstrating an extraordinary commitment to his clients," and noted that he recently settled a case for an amount which was the highest pre-trial settlement ever achieved in the district.

H. Robert Yates III was elected to the board of directors of the Virginia Association of Defense Attorneys at the association's annual convention in Roanoke, VA, in October 1999. A member of Taylor, Zunka, Milnor & Carter, Ltd., Yates focuses his practice on products liability, automobile, and premises liability defense. His wife, Anne Yates, works part-time in a commercial real estate office. The couple lives in Charlottesville, VA, with their children, Harry, 9, and Emily, 6.

1994

Anil Adyanthaya joined Burns & Levinson LLP in Boston as an associate in the tort and insurance group.

Chris Dong is now working in the Office of the Associate General Counsel, National Security Agency, in Ft. Meade, MD. He is practicing primarily employment litigation.

Edward Froelich and Stephanie Froelich have a year-old son, Edwin Wellington Froelich. Edward recently took a position as an associate with Steptoe & Johnson LLP in Washington, D.C., after four years as a trial attorney with the tax division of the U.S. Department of Justice.

Benjamin Plaut recently left King & Spalding to become an on-air reporter for ABC affiliate KBMT-TV Channel 12 in Beaumont, TX.

Douglas Varley recently became a member of Caplin & Drysdale in Washington, D.C. Varley, who joined the firm in 1994, advises exempt organizations, particularly private foundations

and other nonprofit organizations. He guides the design of major grant-making programs and participates in the development of national public education campaigns.

1995

Gayle Shafer Trotter and Joel Trotter welcomed their second daughter, Eleanor Hale Trotter, to the family on February 4, 1999. "Her big sister, Grace, is teaching the ropes!" Gayle wrote. Gayle practices with her father at Shafer & Trotter PLC, while Joel works with Latham & Watkins in Washington, D.C.

Jennifer Short of Holland & Knight LLP received the Virginia State Bar's Young Lawyers Conference Outstanding Service Award at the organization's annual meeting in June 1999. The award recognized Short for "invaluable service to the Young Lawyers Conference, the profession, and the community" through her work as co-chair of the conference's committee on women and minorities in the profession.

1996 *Reunion May 4-6, 2001*

E. Jackson Boggs, Jr. currently serves as an assistant U.S. attorney in San Jose, CA. He and his wife, Honorine Boggs, had their fourth child in April 1998 in Summit, NJ, where Jackson was an assistant district counsel with the Immigration and Naturalization Service in Manhattan.

Robert Howard, Jr. married Susan Wiedeman in Charlottesville, VA, on May 8, 1999. Wiedeman earned both her B.S. and M.S from the University of Virginia. The couple lives in Arlington, VA.

First Lt. Alice Wilson Parham became the first female fighter pilot in the South Carolina Air National Guard in early 1999. The Greenville native was accepted as the first female pilot candidate in 1995. Her training, which began in 1997, concluded with a six-month course in F-16 fighters.

Rachel Wilson joined the intellectual property practice group of Ober, Kaler, Grimes & Shriver PC in Baltimore, MD, in October. Wilson previously worked as in-house counsel with Metropolitan Life Insurance Company in New York City, where she served as senior contracts analyst.

1997

In December Jeffrey Bartos joined the litigation department of Montgomery, McCracken, Walker & Rhoads LLP in Philadelphia. Bartos previously served as an associate with Morgan, Lewis & Bockius LLP and as a clerk to A. Richard Caputo of the U.S. District Court for the Middle District of Pennsylvania.

Eric Kadel, Jr. recently finished a clerkship with Justice Clarence Thomas of the Supreme Court of the United States and is now working with Sullivan & Cromwell as an associate in its general practice group in Washington, D.C.

Scott Townsend has joined Kilpatrick Stockton LLP as an associate in the firm's Charlotte, NC, office. His practice concentrates on business transactions, technology, and corporate law. He previously practiced for two years with Goodwin, Procter & Hoar LLP in Boston.

Ted Wang reports that Eric Easley is living in London, where he is preparing a book contrasting the communitarian values of the rural South with the egalitarianism of the urban elite.

1999

Stephen Camp joined the Atlanta office of Hunton & Williams in November as an associate on the labor and employment practice team. He practices in all aspects of labor and employment matters, including employment discrimination and harassment, wrongful discharge, and wage-and-hour questions under the Fair Labor Standards Act.

Toney Lineberry '99: Overcoming Obstacles, Pursuing Dreams

IF YOU TOLD TONEY LINEBERRY WHEN HE was age 17 that he would one day graduate from law school, he probably wouldn't have believed you. As a high school junior in Henrico County, VA, in 1977, he was interested in athletics, his car, and girls. He wasn't particularly interested in

"I am still amazed that I was fortunate enough to have the opportunity to attend [U.Va. Law School], and the Dillard scholarship made it even easier to say 'yes.'"

academics. But that was the year before he was permanently paralyzed from the chest down in an automobile accident. That was five years before he started traveling nationally, speaking about safety belts, drunk driving, and responsibility, often in the company of his future wife, Donna. That was even before he admitted to himself that, although he

had a high school diploma, he could barely read and write. Finally, that was long before he was honored as one of the nation's Ten Outstanding Young Americans by the U.S. Junior Chamber of Commerce.

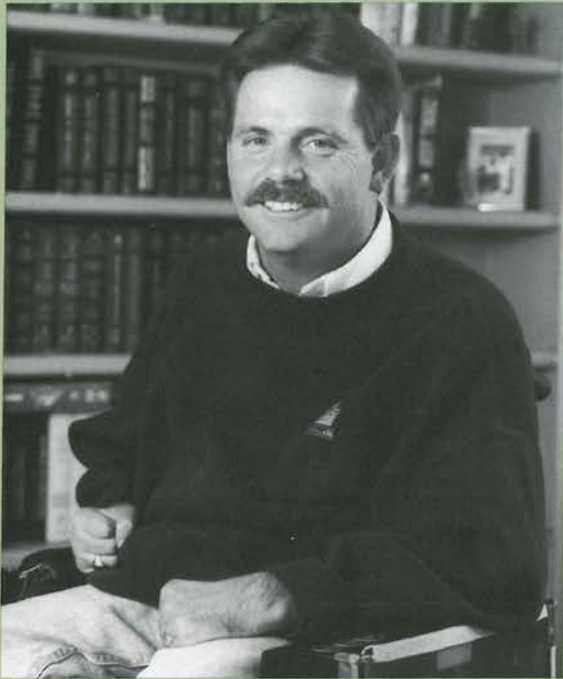
But Lineberry is made of tough stuff. Realizing that not being able to read well was even more disabling than his paralysis, he began to make education a priority. He took remedial courses at J. Sargeant Reynolds Community College near Richmond, where he maintained a 4.0 GPA. He and Donna got married. He won a full scholarship to Randolph-Macon College, and graduated in 1996, *magna cum laude*, with degrees in history and political science and a minor in religion. In the meantime, he and Donna became the parents of triplets. The couple "got through classes and potty training" in time for Lineberry to be elected to Phi Beta Kappa.

An independent study at Randolph-Macon on the Americans with Disabilities Act awakened Lineberry's interest in the law. He also admits

that dissatisfaction with his representatives in Richmond played a part. "I realized that everyone I voted for had voted against policies to support the disabled, which were very important to me," he said. "I became interested in the political process, and decided that maybe I should consider going to law school." After applying to the College of William & Mary, the University of Richmond, and the University of Virginia, law schools that were within easy driving distance of his home, Lineberry was elated when Admissions Dean Al Turnbull '62 called, offering him not only a place in the Class of 1999, but also a full Dillard scholarship. "All three are good schools, but Virginia was my first choice from the start," he said. "I am still amazed that I was fortunate enough to have the opportunity to attend, and the Dillard scholarship made it even easier to say 'yes.'"

But Lineberry found law school itself far from easy. In addition to learning how to keep up with the work, he also had to deal with family responsibilities and the long drive between Goochland, where his family moved a year after his accident, and Charlottesville. "I think I know every single pine tree that grows along Route 64," he commented. He also battled health problems that sometimes prevented him from attending class. In addition to unwavering support from his family, he remains grateful for the support he received from several Law School professors and administrators, including Kenneth Abraham, A. E. Dick Howard, Mildred Robinson, and Beverly Harmon. He also credits his classmates for lending a helping hand. "When I missed class, there was always somebody who would offer to help me in some way. It was obvious that they wanted me to graduate with them."

In the end, it was Lineberry's great strength that saw him through to graduation. He recalls sitting on the Lawn last May as University President John T. Casteen III acknowledged his



Toney Lineberry '99

accomplishments from the podium and the Law School faculty and graduates stood as one to clap and cheer. "I get a warm feeling in my heart whenever I think about that moment," he recalled with a smile.

And the applause hasn't stopped yet. Earlier this year, Lineberry was honored as one of the nation's Ten Outstanding Young Americans by the U.S. Junior Chamber of Commerce at a ceremony in Washington, D.C. In winning this award, Lineberry joins an impressive group of previous honorees, including Presidents John F. Kennedy, Richard Nixon, Gerald Ford, and Bill Clinton, as well as Howard Hughes, Orson Welles, Nelson Rockefeller, and Christopher Reeve.

Armed with his law degree, numerous awards, and steadfast support from his family and friends, Lineberry is excited about what the future holds in store. In addition to co-authoring a book about his life with his brother, Tommy, he is serving as an advisor to the disabled community. He also is resuming his speaking career. This time, instead of speaking about highway safety, he is focusing on the importance of having goals and dreams, and persevering to meet them. It is a subject that Toney Lineberry knows very well indeed. [YouTube](#)

Darren Dragovich and A. Parker Whitfield were married on August 14, 1999, in Englewood, CO. The wedding party including Scott "Griff" Aldrich, Scott Brown, and Margaret Lin. Parker practices with Holland & Hart LLP in Greenwood Village, CO.

Bart Epstein serves as a clerk to J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. Epstein originally accepted the clerkship in his second year at the Law School, only to find out in his third year that the judge had decided to take a three-year leave of absence from the bench. Wallace returned to the bench earlier than scheduled, however, and a delighted Epstein "got my clerkship back" and headed for California in November.

Marissa Henderson has joined the Richmond, VA, office of Williams, Mullen, Clark & Dobbins PC as an associate in the firm's litigation department. She concentrates on commercial litigation and insurance.

Robert Hughes joined Mays & Valentine LLP in September 1999. He practices in the firm's real estate practice group in Richmond, VA.

Karl Laskas has joined Thompson Hine & Flory LLP in Cleveland, OH, as an associate rotating through the firm's various practice groups.

Angela Mastandrea-Miller was sworn in as a new assistant district attorney for the Manhattan District Attorney's Office in New York City on September 9, 1999.

Aaron Walters joined the Richmond office of William, Mullen, Clark & Dobbins PC as an associate in the firm's labor and employment section. He handles labor management relations issues, defense of employment claims, and proactive programs designed to prevent employee actions.

LL.M.

1969

The Bangor Daily News in Bangor, ME, featured Donald Mackay in a July 1999 article when he came to speak at the George Stevens Academy in Blue Hill. Mackay, who serves in the British House of Lords, was appointed a life member from Edinburgh, Scotland, in 1995. His correct title is The Right Honorable The Lord Donald Mackay of Drumadoon, Queen's Counsel. A Conservative, Mackay is now the opposition spokesman under the Labor government in constitutional and Scottish matters. He also maintains an active law practice. Mackay has served as lord advocate for Scotland, a position similar to the U.S. attorney post, during which he oversaw or personally conducted public prosecution.

1982

Richard Mills reports that he sat by designation with the U.S. Court of Appeals for the 11th Circuit in Miami in April and June 1999. It was the fourth time he had sat with that court.

1991 *Reunion May 4-6, 2001*

Juan Mortarotti serves as an associate with Perez Alati, Grondona, Benites, Arntsen & Martinez de Hoz, Jr. in Argentina. He leads an office in his hometown of Mendoza in western Argentina with a general corporate practice. Mortarotti reports that he is happy to be back in his home city after nearly four years working in New York, London, and Buenos Aires. He wrote, "I have great memories of the year I spent in Charlottesville, and I am very grateful because of all the opportunities I had after that."

1992

Lynn Hughes, a federal trial judge in Houston, was appointed to the judicial advisory board of the Law and Economics Center at George Mason University in Alexandria, VA. He has also been elected co-chairman of the Houston World Affairs Council. In January Hughes was a Frankel Lecture commentator on legal scholarship at the University of Houston Law Center. He also spoke recently at a conference of the American Geological Society on ethics in forensic geoscience in Denver.

1995

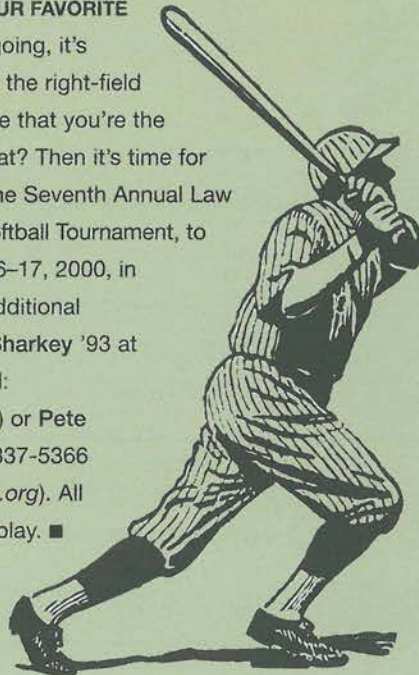
John Baker taught with classmate Betty Barteau in Irkutsk, Russia, with the Russian Judicial Partnership last summer.

1997

Joseph Huddleston was recently elected an American Bar Foundation fellow. He lives in Bowling Green, KY, and serves as a judge for the Court of Appeals of Kentucky.

Attention, Softball Players!

WHEN YOU HEAR YOUR FAVORITE announcer cry, "It's going, it's going, it's gone, over the right-field wall!", do you imagine that you're the player wielding the bat? Then it's time for you to take note of the Seventh Annual Law Alumni Invitational Softball Tournament, to be held September 16-17, 2000, in Charlottesville. For additional information, call Ed Sharkey '93 at 202-955-6686 (e-mail: sharkey@dsmo.com) or Pete Loughlin '93 at 701-837-5366 (e-mail: loughlip@agc.org). All alumni are invited to play. ■



In Memoriam

Aamon G. Dunton, Sr. '27
White Stone, VA
February 10, 2000

William E. Miller '30
Bethesda, MD
November 20, 1999

J. Luther Glass '36
Merrill, WI
September 6, 1999

William T. Hancock '36
Bluefield, WV
October 10, 1999

Kermit V. Rooke '36
Richmond, VA
August 31, 1999

William G. Carrow III '39
Belle Haven, VA
November 15, 1999

James R. Ewing '39
Myrtle Beach, SC
January 3, 2000

Alexander A. Waldrop, Jr. '39
Roanoke, VA
December 13, 1999

Bolling Lambeth '40
Bedford, VA
October 17, 1999

Downing L. Smith '40
Charlottesville, VA
October 22, 1999

William R. Breedlove '41
Portsmouth, VA
November 14, 1999

William H. Grimball '41
Charleston, SC
September 6, 1999

John W. Winston '41
Norfolk, VA
December 9, 1999

Marvin J. Colangelo '46
San Rafael, CA
December 16, 1999

Jules G. Korner '47
Chevy Chase, MD
February 20, 2000

M. Paul Cook '49
Charlottesville, VA
January 17, 2000

J. Preston Proffitt, Jr. '49
Duluth, GA
December 1, 1999

Edward W. Wolcott '49
Norfolk, VA
September 6, 1999

Rosemary J. Hevener '50
Charlottesville, VA
March 3, 2000

George W. Sanderson '51
Roanoke, VA
December 31, 1999

Thomas V. Monahan '51
Winchester, VA
November 13, 1999

Donald K. Duvall '52
Bethesda, MD
September 13, 1999

Frank C. Maloney '56
Richmond, VA
February 3, 2000

William G. Plummer '57
Annandale, VA
January 5, 2000

Riley M. Gilbert '58
Hot Springs National Park, AZ
August 1999

James R. Sipe, Jr. '58
Harrisonburg, VA
February 25, 2000

Neil V. Davis '64
Fayetteville, NC
February 15, 2000

Joseph F. Celesello, Jr. '66
New Britain, CT
December 21, 1999

Stephen C. Woodroe '69
Clendenin, WV
October 9, 1999

Dandridge H. Yon '72
Virginia Beach, VA
January 1, 1999

Richard K. Wilson '84
Piqua, OH
March 7, 1998

Jerome Turner '98
Memphis, TN
February 14, 2000

Marc T. Moseley '99
Houston, TX
February 13, 2000

In Print

IF LAWYERS AREN'T SPEAKING, THEY'RE WRITING, AND VIRGINIA

lawyers are no exception. With this issue of *UVA Lawyer*, we introduce a new column about books our alumni have written and published recently. If you have written a new book and want to tell us about it, please **mail** all pertinent information to 580 Massie Road, Charlottesville, VA 22903; **fax** it to 804-924-4536; or **e-mail** it to lawalum@virginia.edu.

Saving Faith

David Baldacci '86, Warner Books

The latest in Baldacci's string of *New York Times* bestsellers, this action thriller is about a powerful lobbyist with dangerous enemies, a private investigator, a hired killer, and a woman named Faith. She is about to be interviewed by the FBI about her work with the lobbyist when the hit man hits the wrong person, and suddenly Faith's life is on the line.

Swift and Sure: Bringing Certainty and Finality to Criminal Punishments

William J. Cornelius '84 LL.M., Bridge Street Books

This book sets forth a unique and somewhat controversial plan to reform the criminal justice system in America in order to make the punishment for crime swift and sure.

Victoria's Journey: A Journey Through the Shadows of Breast Cancer

Victoria Fenwick '79, www.1stbooks.com.

In this book, Fenwick chronicles her 13 months as a breast cancer patient.

When Regulation Was Too Successful- The Sixth Decade of Deposit Insurance: A History of the Troubles of the U.S. Banking Industry in the 1980s and Early 1990s

David S. Holland '72, Praeger Publishers

This book sets forth Holland's thesis about the reasons for the savings and loan crisis and the banking troubles of the 1980s and early 1990s and discusses reactions by the government, the industry, and the public to the resulting culling of the industry.

Balance of Power

James W. Huston '84, Avon Books

This military thriller is about a rogue battle group commissioned by Congress—yet opposed by the President—and charged with punishing terrorists who have seized an American cargo ship and slaughtered its crew. *Library Journal* describes it as “a heart-stopping story of military action combined with Washington politics and law.”

Dead Wrong

Michael A. Mello '82, University of Wisconsin Press

Described by *The Nation* as “one of the nation's most passionate post-conviction lawyers,” former death-row lawyer Mello speaks out in this book against capital punishment.

Religion in the Workplace: A Comprehensive Guide to Legal Rights and Responsibilities

Daniel Sutherland '87, American Bar Association

This book is a desktop reference for civil rights and labor and employment law practitioners that explores the intersections of civil rights, constitutional, labor, and employment discrimination law, drawing upon illustrative, “real-world” episodes.

Business Advisor for Going Global

Frank Warren Swacker '49,

I. M. Michael Associates Publisher

This book contains guideposts with anecdotes and cautions that are applicable to managers with responsibility for research, exporting, technology, overseas production, marketing, and joint ventures.

The Making of a Bestseller:

From Author to Reader

Arthur T. Vanderbilt II '75,

McFarland & Company, Inc.

This book explores the mysterious place in publishing where art and commerce clash or mesh. Along the way, a wide range of authors—from the literary greats to today's commercial superstars—share their thoughts about writing.

The Second Grave:

A Case for the Abolition of the Death Penalty

Carl L. Wedekind, Jr. '50,

The Kentucky Coalition to Abolish the Death Penalty

Tracing the history of violence in Kentucky, Wedekind asserts that the state is moving away from a tradition of violence, and that ultimately it will abolish the death penalty.

Al Gore, A Political Life

C. Robert Zelnick '64, Regnery Publishing

Before one word was printed, the first authoritative biography of Vice President Al Gore created a firestorm of controversy. Author Zelnick lost his job as a political reporter for ABC News for writing this book, the first to evaluate fully Gore's evolving political career.



A former attorney general of Virginia, William Broaddus '68 is a partner in the firm McGuire Woods Battle & Boothe LLP of Richmond, where he specializes in commercial litigation. Recently identified in a survey of Richmond lawyers as the region's leading lawyer in the area of government and municipal law, Broaddus is a fellow of the Virginia Law and the American Bar Foundations.

My Closer View of the Death Penalty

■ William G. Broaddus '68

OFTEN IN THE PENALTY PHASE OF A capital murder trial, the prosecutor argues that the defendant has forfeited his right to live because he is a threat to society or because his crime was so vile. The jury is told that the defendant's crime calls for death. That may be. But do you and I have the moral right to take that life and snuff it out? And, if we do, who among us has the wisdom to discern between those who should live and those who must die?

I did not confront these questions in any meaningful way until 1995 when a judge appointed one of my partners and me to represent a death row inmate who wished to file a petition for *habeas corpus* in the United States District Court for the Eastern District of Virginia. Prior to that time, my involvement with the death penalty, while direct, had not prompted me to examine the larger question of whether its use is right or wrong.

In the early 1980s, I had served in the

Virginia attorney general's office as the state carried out its first several executions following the 1977 lifting of the Supreme Court's moratorium on the death penalty. On four occasions during my time with the AG's office, I stayed at the office until late in the evening when the time came for prison guards to strap a death row inmate in a chair and shoot enough electricity through him to cook him. I waited to react to any judicial stays, prepared to seek a lifting of the stay if entered by any court other than the Supreme Court of the United States. We were prepared to make every effort to assure that the execution was carried out as scheduled. No one should be permitted to cheat the executioner.

I was not uncomfortable with my duty. The death penalty was part of Virginia's culture and had been with us since the earliest times. It was the law. And my office was a comfortable half mile from the electric chair so I was not really soiling my hands.

Then, in 1995, I met Angel Breard. A native of Paraguay, Angel had come to the United States in an effort to provide financial support to his mother and his younger brothers and sisters who remained in Paraguay. After several years, Angel managed to become a drywall contractor in the Washington, D.C. area. He also began drinking heavily. One night after drinking a six-pack of beer, he picked up a kitchen knife and, as he later testified, "went out to get more beer and force a woman to have sex with me." He accosted a woman walking home from a nearby bar and followed her to her apartment. As the woman tried to enter her apartment, Angel grabbed her and they fell through her doorway. He stabbed her and attempted to rape her. A neighbor, hearing a scuffle, called the police. Angel fled when he heard sirens nearby. His victim was dead.

Months later, Angel was arrested when he was caught after assaulting another woman. He was identified by DNA analysis as the perpetrator of the earlier crime. He was indicted, tried by a jury, and sentenced to death. The trial occurred before Virginia adopted life without

parole as a possible sentence. The jury returned its sentence of death only after asking the trial judge if Angel could be sentenced to life without parole. As provided by the law at that time, the judge told the jury that it should not concern itself with events which might occur after it returned its sentence. The jury continued its deliberations, asked another sentencing question of the judge, and later returned a sentence of death. The judge affirmed that penalty.

Meeting and shaking hands with a death row inmate forces the visitor to ask questions which might otherwise go undiscussed. After all, Virginia has done all that it can to separate executions from public participation, unlike 16th-century England, when the public was made to attend and witness horrible types of executions. Other than a few hundred jurors, judges, and prison officials, we are not called upon to decide life or death, impose such death sentences, or carry them out. The rest of us can comfort ourselves believing that distance insulates us and that we are not really involved. But we are involved because we tolerate executions in our name at the rate of over one per month over the past two years.

We pride ourselves as the heirs and protectors of Western civilization. We remain one of the few countries in the Western Hemisphere to permit executions—Chile, Guatemala, Belize, and several island nations including Cuba, are the others. Indeed, we enjoy the company of Iran, China, and the Democratic Republic of the Congo as the most prolific executioners in the world. Virginia, one of the 38 states in the United States to permit executions, is particularly prolific. Of the 68 executions in the United States in 1998, 13 were in Virginia, nearly 20 percent of the total. And 1998 was not an anomaly for Virginia as we increased the number of executions in 1999.

Why do we have the death penalty? Study after study has demonstrated that the death penalty does not serve as a deterrent to crime. Now that Virginia permits a jury to sentence a defendant to life without parole, no one can contend that executions are necessary to pro-

tect society. Some may suggest that executions are necessary to permit the victim's family to achieve closure. But closure cannot be a justification for the death penalty. Comparatively few murders meet the criteria of capital cases. If closure is a justification, we are denying closure for the families of the large majority of victims. Nor can the cost of incarceration for life be a justification, because studies demonstrate that the dollar cost of the process leading to an execution is far more than the cost of a 40-year stay in the most secure prison.

We have executions because many of us want vengeance, as long as we do not have to get too close to the execution. Many politicians profess that society is entitled to exact vengeance. But vengeance is a base reaction, one which I submit does not serve human society well and is too inherently flawed to justify the ultimate act of taking of human life. Vengeance is, after all, the prerogative of Another.

Try as we might to convince ourselves that we have never executed an innocent person, recent events in Illinois should wipe that smugness from our minds. There, it appears so many innocent men are on death row that a pro-death-penalty governor recently imposed a moratorium on executions because of the probability of executing an innocent man. Between 1977 and 1993, 48



After all, Virginia has done all that it can to separate executions from public participation, unlike 16th-century England, when the public was made to attend and witness horrible types of executions. Other than a few hundred jurors, judges, and prison officials, we are not called upon to decide life or death, impose such death sentences, or carry them out.

death row inmates across the United States were exonerated and released. Have the courts and governors discovered each person wrongly convicted by our admittedly imperfect system? I doubt it.

A second reason for opposing the death penalty is that we impose it in an arbitrary fashion. Of course, the system is designed to reduce the possibility of arbitrariness and I

We have executions because many of us want vengeance, as long as we do not have to get too close to the execution. Many politicians profess that society is entitled to exact vengeance. But vengeance is a base reaction, one which I submit does not serve human society well and is too inherently flawed to justify the ultimate act of taking of human life.


believe participants in the criminal justice system act in good faith. Nevertheless, whether from plea bargains, deals to get one accused to testify against another, or other factors such as the quality of defense counsel, the results are capricious. This is not surprising given that different prosecutors, juries, and judges will view similar events differently.

For example, recently four young women were charged with killing a fifth woman, a member of their group, in Chesterfield County, VA. All four were charged with capital murder. Four separate juries heard the cases. Three imposed life sentences. The fourth jury's verdict was

death. The woman who received the death penalty was African-American. Was race a subconscious factor? Given the results in the other three cases, the trial judge in the fourth case recognized the unwarranted difference and imposed a sentence of life in prison rather than death. Such convenient comparisons are rarely available, however.

Our own study in Angel's case convinced us that many men convicted in Virginia of a sex-related capital murder charge in the 10 years prior to Angel's offense had committed crimes far more vile than Angel's or had prior records demonstrating a greater degree of danger to society. Yet the majority had received life sentences. Because the vast majority of those receiving life had not appealed their convictions to the Supreme Court of Virginia, their cases were not in the pool from which that court made its statutorily required proportionality comparison. The federal courts refused to consider our claim of arbitrariness because it had not been "perfected" in state court.

My experience with Angel Breard has changed my view of the death penalty. I am now unwilling to subscribe to the view that we have a moral right to take life. I do not believe that an enlightened society should emulate China, Iran, Chile or Guatemala. State-imposed death hardens us, insidiously, and the repetitive drum beat of death, death, death numbs our senses. Each state-mandated death erodes our moral center as surely as each death washes away a part of John Donne's main.¹

The death penalty serves no legitimate purpose. It should be abolished. 

¹ In *Devotions Upon Emergent Occasions*, published in 1623, Donne wrote:

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less. . . . Any man's death diminishes me because I am involved in mankind, and therefore never send to know for whom the bell tolls, it tolls for thee."

Upcoming Alumni Events

New York Alumni Reception

May 11, 2000

Yale/U.Va. Club

(with Dean Robert E. Scott)

Atlanta Theatre Event for Law and Darden Alumni

May 20, 2000

Alliance Theatre

Performance: "Blues in the Night"

Law School Foundation Reception for Graduates and Families

May 21, 2000

Law School Graduation

Alumni Breakfast

Virginia State Bar Annual Meeting in

Virginia Beach, VA

June 17, 2000

European Alumni Reunion

Hannover, Germany

July 6-9, 2000

(for more information, see page 54)

Alumni Dinner Cruise

American Bar Association Convention in

London, England

July 18, 2000

(for more information, see page 53)

Alumni Reception

National Bar Association Meeting in

Washington, D.C.

August 9, 2000

Seventh Annual Alumni Softball Tournament

Law School

September 16-17, 2000

(for more information, see page 58)

Business Advisory Council Meeting

Law School

September 21-24, 2000

Alumni Volunteers Weekend

Law School

September 22-24, 2000

Black Law Students Association

Reunion Weekend

Law School

October 20-22, 2000

(for more information, call the BLSA office
at 804-924-7632)

Law School Foundation Board of Trustees and Alumni Council Meetings

Law School

November 2-3, 2000

Graduate Judges Program Reunion

Law School

November 10-11, 2000





University of Virginia
School of Law
580 Massie Road
Charlottesville, Virginia 22903
www.law.virginia.edu

Nonprofit
Organization
US Postage
PAID
Permit No. 160
Charlottesville, VA

