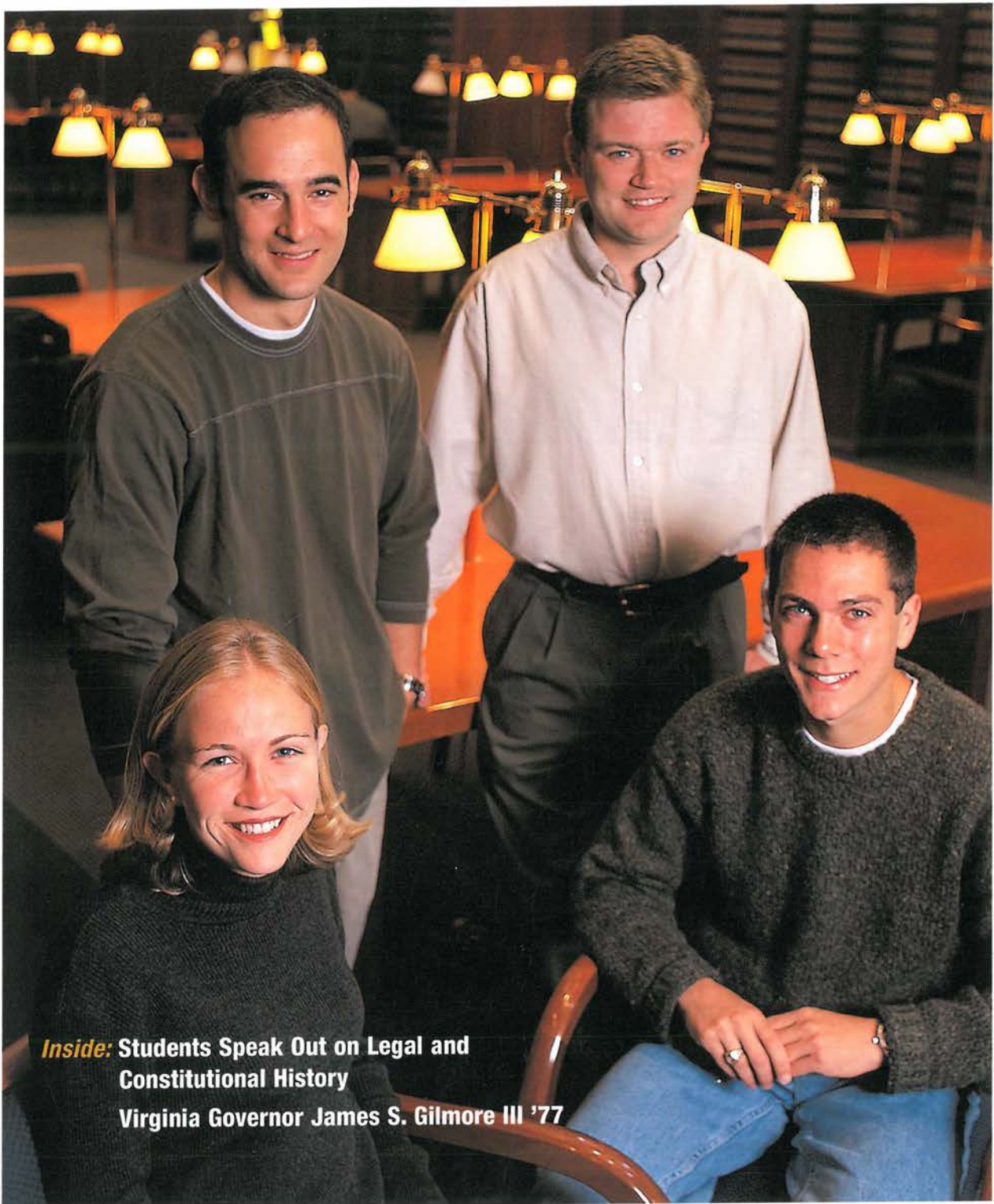


The University of Virginia School of Law

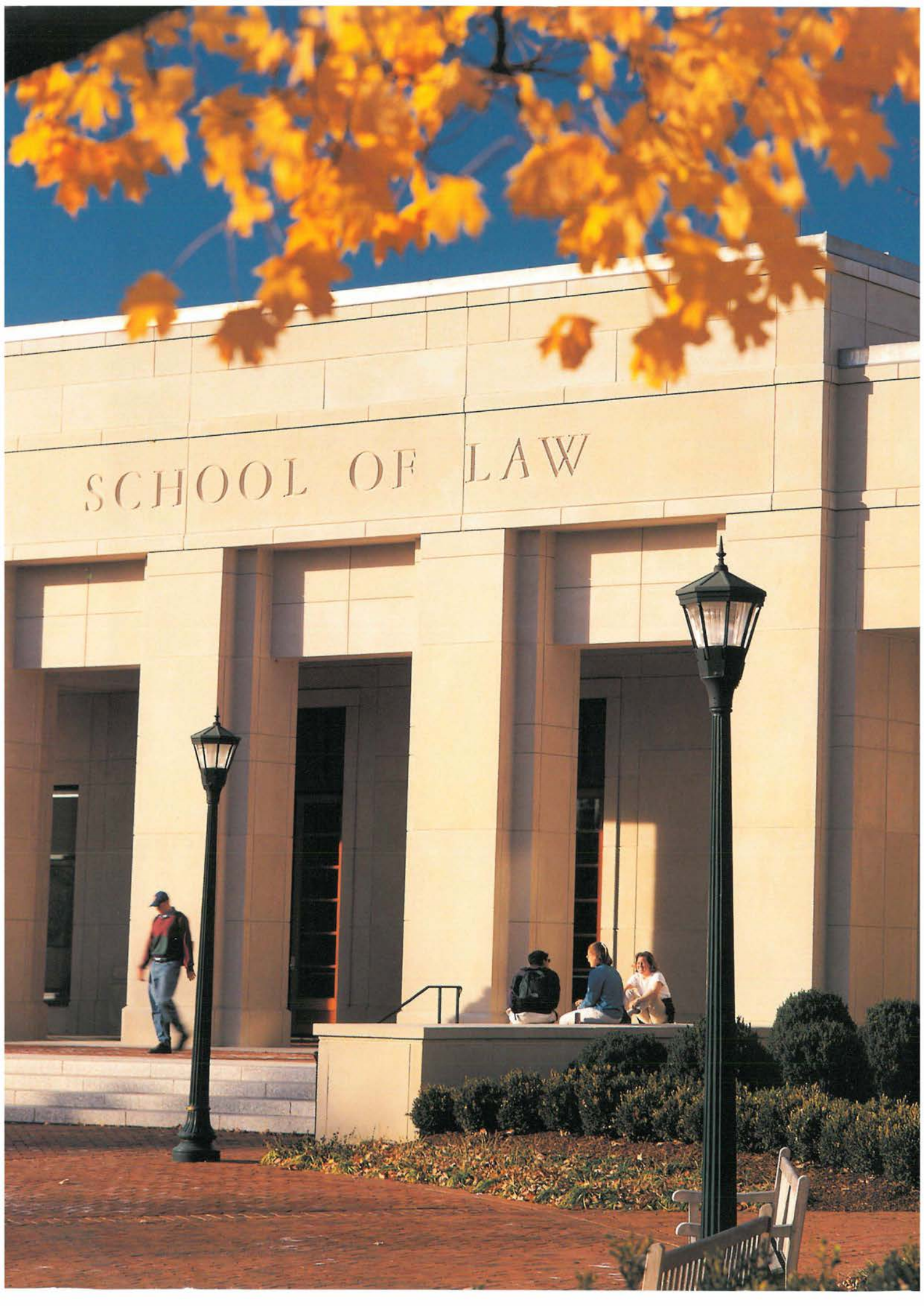
# UVA *Lawyer*

Fall 2000



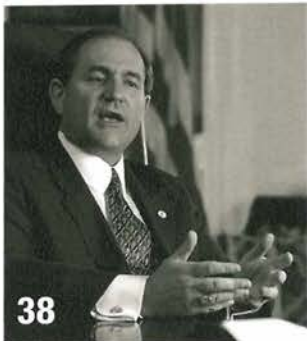
**Inside:** Students Speak Out on Legal and Constitutional History  
Virginia Governor James S. Gilmore III '77

SCHOOL OF LAW



# UVA Lawyer

Fall 2000 Vol. 24, No. 2



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**PRINTING** Schmitz Press

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**Cover:** Third-year students talk about legal and constitutional history. Seated, left to right: McKenzie Webster and Caleb Jaffe. Standing, left to right: Ben Block and Steve Klepper.

**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 to [lawalum@virginia.edu](mailto:lawalum@virginia.edu).

DEAR READERS,

My in boxes (computer and otherwise) have been flooded with correspondence related to the spring issue of *UVA Lawyer*. Most of the letters are quite lengthy, and I have taken the liberty of excerpting portions below. Read on to find out what your fellow alumni think about our features on the Law School's environmental law program and Attorney General Janet Reno's appearance in April, and the Opinion column written by William Broaddus '68 on the death penalty. As always, we welcome your comments.

Cathy L. Eberly  
Editor

Dear Dean Scott,

I write this on the assumption that featuring Janet Reno and her platitudes in the latest *UVA Lawyer* was not supposed to be a political endorsement of either her personally or the administration of which she is a part.

And yet at this point in the campaign for the new congress and president this is exactly how it is bound to be regarded by democrats and republicans alike — the former with probable satisfaction and approval, and the latter with surprise and disappointment that a top notch school of law, which teaches and emphasizes the importance of Ethics, not to mention the basic principles of Constitutional Law (with particular reference to Amendments IV, V & VI), Immigration Law (where even the broadest discretion should never be exercised to deny or abridge constitutional rights or basic human rights), and Criminal Law (this latter prominently including perjury, a crime striking at the very heart of any system of law and order if allowed to persist), — would put itself in such a position. The apparent political partisanship in this case — scandalous if intentional — can only be overcome, in my opinion, by something equally distasteful: an

astonishing naiveté on the part of the editors, whoever they may be, in believing that the intelligent audience of this publication will not make the connection I have indicated.

The resulting awareness and disapproval of such readers, including even student readers, I would hope, will hardly be assuaged by smiling photographs and platitudes about the world becoming too small a place for its citizens not to work together etc., when the speaker, the highest legal officer of the land, routinely ignores laws and customary legal procedures which her perjured boss (one of the corruptest for a long time!) finds, or might find, inconvenient.

Yours very sincerely,  
Edgar O. Appleby '50

Dear Dean Scott,

I returned from a peaceful trip to Europe to find a copy of a letter which my good friend and classmate Ed Appleby had written you in a "High Dudgeon."

I have the highest respect for Ed, but I do not share his views with respect to the calamitous effect of the reference to Janet Reno in the *UVA Lawyer*. Hence, I am not even in a "Low Dudgeon." It seems far-fetched to me to assume that the mere inclusion in a law school publication of an article on the current Attorney General of the United States somehow represents an endorsement of every perceived misstep of the current Administration.

It is another reflection of the intense feelings that this Administration has raised in many people. While mistakes have certainly been made, this Administration's record, like that of any other entity or individual, is neither all black or white.

Best regards,  
Samuel B. Sterrett '50

Dear Ms. Eberly:

I thought you might like to see my reaction to the cover of the Spring 2000 *UVA Lawyer*.

Sincerely,

Grasty Crews II '52

(the enclosure, addressed to the Honorable Janet Reno, reads as follows:)

*Dear General Reno:*

*When you were appointed in 1993, I had high hopes for you, and they have not been disappointed. As a government lawyer in a variety of positions from 1958 to 1979, I gained a deep appreciation of the importance of the role of the Department of Justice. As a 1952 graduate of the University of Virginia School of Law, I was delighted to see your picture on the cover of the UVA Lawyer. To me, that picture puts a human face on what we aspire to when we speak of the rule of law.*

*Sincerely,*

*Grasty Crews II*

Dear Ms. Eberly:

I enjoyed reading the article on environmental law at Virginia in the Spring 2000 *UVA Lawyer*, but was disappointed that the article did not note the environmental law seminar taught by Professor Howard in 1971 or 1972. It was the first environmental law course at the Law School. I entered the Law School in the Fall of 1969 with the specific goal of becoming an environmental lawyer after working as an environmental engineer for several years. I took all of the administrative and regulatory law courses offered at the time and Dick Howard's environmental law seminar. Thanks in large part to the legal education I received at the Law School, I had a very successful career at Vinson & Elkins LLP as an environmental lawyer.

Very truly yours,

Norman D. Radford, Jr. '72

*Thank you so much for writing with your comments about environmental law at Virginia.*

*I'm glad you enjoyed the article in UVA Lawyer, and, best of all, were able to provide important information on the history of the program.*

An excerpt from Dick Howard's response to Mr. Radford's e-mail:

*I did in fact teach the first environmental law course offered here at the Law School. Indeed, I first offered the course in 1970—the year of the first Earth Day. ... I was inspired to teach the course partly by my experience as executive director of the commission that wrote Virginia's present constitution. In the course of that revision, we added an environmental protection provision—anticipating a step that some other states took in the 1970s. My interest was also triggered by then-emerging public interest in using the law to deal with problems of the environment. Major federal initiatives, such as the National Environmental Protection Act, still lay in the future when I first conceived the idea for the course. I taught either a course or a seminar (in at least one year, both) each year from 1970 to 1974.*

Dear Ms. Eberly:

William Broaddus '68 offered an introspective, moving article about his present opposition to the death penalty after spending years pursuing it as the Virginia Attorney General. His words hit home for me. Having handled an Alabama death penalty case from 1993 until my client was executed in January 2000, I can confirm the arbitrary manner in which Alabama has imposed the death penalty. I can also add that, as Mr. Broaddus has made a personal change, so do many inmates awaiting execution. Given the years that usually pass between the sentencing and actual execution in a death case, the inmate at execution is often not the same person he or she was at the time of the crime. While such a change is neither redemption nor a justification for leniency, it does accentuate the apparent arbitrariness in the death penalty's application.

Very truly yours,

Matthew J. Tuttle '92

# A Time of Transition

■ Robert E. Scott

I BEGIN MY TENTH ACADEMIC YEAR AS dean with mixed emotions. As many of you know, I recently announced that this will be my final year in the job. After wrestling for months with the decision, it became clear to me that this is the right time for the Law School to make the transition to new leadership. While I look forward to returning to full-time teaching and research, my decision to step aside is bittersweet.

*Now that the finish line is in sight, I can say ... that the state of the Law School is better than at any time during my tenure on the faculty. This is due in large measure to the contributions so many of you have made toward our shared goal of unparalleled excellence in legal education.*

It has been my great privilege to serve as dean of the school I love so dearly. The past nine years have been the most rewarding and fulfilling of my professional life. Now that the finish line is in sight, I can say with some confidence that the state of the Law School is better than at any time during my tenure on the faculty. This is due in large measure to the contributions so many of you have made toward our shared goal of unparalleled excellence in legal education.

In a few short weeks, we will conclude an incredibly successful capital campaign. Even as

we work to fulfill our remaining unmet goals, the campaign funds already raised are having a profound effect on the Law School. Thanks to your support, the new Harrison Law Grounds are widely recognized as the finest facilities in which to study law in the nation. We recently broke ground on the Student-Faculty Center, the final phase of the Law Grounds project. In addition to creating new spaces for study and dining, the center will feature a dramatic, sky-lit commons area that reflects the unique collegiality of the Law School and reinforces the rich traditions of this vibrant academic community.

But the campaign has done far more than finance bricks-and-mortar projects. Your support has enabled us to expand both need-based and merit scholarships by over 50 percent. This year, for example, we awarded Dean's Scholarships to 51 members of the first-year class. Offered without consideration of financial need, these scholarships enable us to attract the most sought-after students in the nation. Campaign support is also helping to attract outstanding young faculty and retain others at the peak of their academic careers. This year we were fortunate to attract two wonderfully talented teacher-scholars to the Law School. Curtis Bradley, a Harvard Law graduate and former associate professor at the University of Colorado School of Law, is a rising star in international law. Stephen Smith, a 1992 Law School graduate who clerked for Justice Clarence Thomas before joining Sidley & Austin in Washington, D.C., adds to our considerable strength in criminal law and procedure.

While it is true that a successful capital campaign can have a tremendously positive

impact on an institution, it cannot, by itself, make that institution great. Fortunately, the Law School already has the other key ingredient—a deeply ingrained institutional culture—a proud tradition of academic excellence that has been its animating purpose for 174 years. Charismatic and inspirational teachers with a fierce commitment to scholarly research continue to inform the debate about the role of law and the legal profession in our society. They transmit professional attitudes and values as well as ideas about law and justice to each succeeding generation of Virginia students.

So the tradition continues. As the Law School prepares to mark its 175th anniversary in 2001, there is much to celebrate. Planning is well underway for a year filled with conferences and symposia, culminating next fall in a major conference on lawyers, law schools, and the future of legal education, featuring a keynote address by Chief Justice William Rehnquist.

There is also much about the Law School to celebrate in the pages that follow. This issue of *UVA Lawyer* features an article on the new Program on Legal and Constitutional History and a profile of Governor Jim Gilmore III '77, whose career in public service has been devoted to the Commonwealth of Virginia.

This coming year will be an important time of transition for the Law School. With your support, we can be certain that Virginia will continue its historic commitment to excellence in legal education. I am grateful for the opportunity I have had to work together with you toward meeting that important goal and redeeming the debt we owe to those who have gone before us. 



*Charismatic and inspirational teachers with a fierce commitment to scholarly research continue to inform the debate about the role of law and the legal profession in our society. They transmit professional attitudes and values as well as ideas about law and justice to each succeeding generation of Virginia students.*

## Student-Faculty Center Construction Begins



The demolition of Café North begins.

THE STUDENT-FACULTY CENTER MOVED one step closer to becoming a reality as Café North, the Law School's on-site dining facility since 1978, was demolished in mid August to make way for the new facility. Construction will begin following the fall exam period, and the new center is scheduled to open early in 2002.

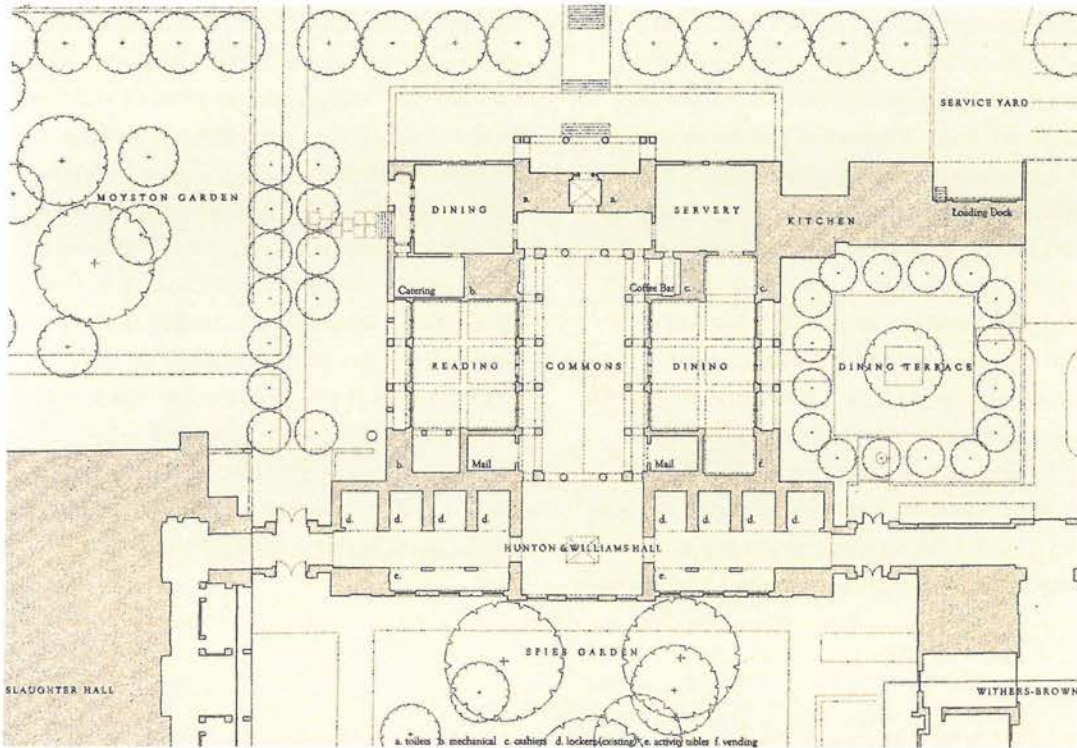
The \$5 million construction project includes a new building that will connect to Hunton & Williams Hall near the northern edge of the Harrison Law Grounds, adjustments to the interior of Slaughter Hall, an expanded outdoor dining terrace, and improved landscaping.

Building the center is the final step in the Law School's plans to create a physical environment that reinforces Virginia's unique academic community and enhances what

already is the most beautiful and effective facility for the study of law in the nation, according to Dean Robert E. Scott. "Our current facilities lack a commons area where students and faculty alike can gather around food," Scott said. "By creating informal lounge and study space in the Student-Faculty Center, together with faculty and student dining facilities, we hope that a 'Grand Central Station effect' will occur. I envision students and faculty passing through the area much as they did in the Mural Hall space in Clark Hall," he added, referring to the Law School's home from 1930 to 1974.


To be funded entirely from private sources, the new center will feature a spacious, informal dining room and a smaller, more formal dining room for faculty and alumni who recruit at the Law School, and, by reservation, for students





Floor plan of the new facility.

and others. Students and faculty will pass on their way to and from the dining rooms through the central commons area, where they will be able to take advantage of additional reading and study space modeled after the highly successful Purcell and Caplin reading rooms.

Alumni returning to the Law School next fall should be able to catch a glimpse of the Student-Faculty Center as it nears completion. “We hope to take the construction fence down from Spies Garden by May of next year, so visitors who come for Law Alumni Weekend will be able to see the facade of the new building for the first time,” said Bill Bergen, assistant dean for administrative services. 



Entrance to the Student-Faculty Center through Hunton & Williams Hall.



## Class of 2003 Enters Law School

DEAN ROBERT E. SCOTT OFFERED A challenge to members of the Class of 2003 when he welcomed them to the Law School during orientation activities on August 21. Scott asked the 336 entering students to assume responsibility for helping to realize Thomas Jefferson's ideal of the lawyer as public citizen. "It's the singular notion that educated citizens, and most especially, legally educated citizens, can, and therefore must, strive to make a difference in the world," he said before providing the students a brief introduction to the Law School and the legal profession.

Scott and another favorite Law School speaker, the Honorable John Charles Thomas '75, chief of the appellate practice group at Hunton & Williams in Richmond and a former

justice of the Supreme Court of Virginia, welcomed the class of 2003. The students were selected from a total of 3,238 applicants from 516 different colleges and universities and from 44 states, the District of Columbia, and three foreign countries, including France, Germany, and South Korea. The class includes 191 men, 145 women, and 53 minority students among the 276 who identified their ethnicity on their applications. Most students ranked in the upper 20 percent of their graduating class. Their median grade point average was 3.63 on a 4.0 scale, and their median LSAT performance was 166. Their average age is 24, and a significant number completed advanced degree work before coming to Virginia. 🏛️

## Law School Steps Up Security

IN AN EFFORT TO INCREASE BUILDING security, the Law School will restrict nighttime access to the facility by installing an electronic card-swipe entry system and hiring a security guard.

The move toward increasing security came after a group of students voiced concerns about their safety while studying late in the Law School, which has more than 60 exterior doors open 24 hours daily. In addition, there have been several significant thefts of property from the building during the past year.

The new system will restrict access to the Law School between the hours of 9:00 p.m. and 6:00 a.m. After-hours access to the building will take place through three major entrances only, and a security guard will patrol the building throughout the night.

According to Bill Bergen, assistant dean for administrative services, other University

academic buildings—and other large law schools in suburban settings—have been restricting after-hours access for years. Bergen conducted an informal survey of similar law schools last year and was surprised by the results. "Every single one of these schools restricts after-hours access in some way," he said.

In addition to installing the electronic system, the Law School has taken other steps to beef up security. Administrators have worked with the University to improve outdoor lighting, trim vegetation, and install additional emergency call stations around the Law Grounds.

According to Bergen, the electronic system should be in use by January 2001. "We are fortunate that we have not had a single incident occur in which individuals in the Law School were endangered. This is a preventive measure to ensure the safety of everyone," he said. 🏛️

# Faculty Briefs



Law School Professor **Kenneth S. Abraham** has received the 2000 Robert B. McKay Law Professor Award, presented annually by the American Bar Association's Tort and Insurance Practice

Section. The award recognizes commitment to the advancement of justice, scholarship, and the legal profession demonstrated by outstanding contributions to the fields of tort or insurance law.

One of the nation's leading insurance and tort law scholars, Abraham 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 and Regulation*, is now in its third edition and is used in more than 90 American law schools.

Abraham is also an award-winning teacher. Earlier this year, he received the All-University Outstanding Teacher Award, presented to select University faculty in recognition of their teaching skills.

He has served as an adviser to the American Law Institute's *Restatement of Torts (Third): Products Liability*, as a co-author of the institute's 1991 study, *Enterprise Responsibility for Personal Injury*, and on a number of other boards and commissions concerned with tort law and insurance reform. In 1996 he was elected to the Council of the American Law Institute, the board of leading lawyers, judges, and law professors that sets policy for the institute.

Abraham is the Class of 1962 Professor of Law and the Albert C. Tate, Jr. Research Professor.



**Richard Bonnie** is one in a group of lawyers, psychologists, psychiatrists, and social science researchers who launched the Mental Health Law Project at the

Law School this fall with grant support from the Jesse Ball duPont Fund. Based in the University's Institute of Law, Psychiatry and Public Policy, which Bonnie directs, the project brings together the Law School, the Charlottesville-Albemarle Legal Aid Society, and the Region Ten Community Services Board as partners to provide legal services to mentally ill individuals in the local community. A significant portion of these individuals—90 percent of whom are indigent—have legal problems ranging from employment or housing discrimination to questions of competency; most have little or no money to pay for the services they need. Through the project, 12 Law School students are being trained in a year-long clinical course to provide appropriate legal services to mentally ill individuals under the supervision of practicing lawyers.

In other matters, Bonnie presented three papers during the month of October. He presented the first, "Ethical Challenges in Psychiatric Care," at the Health 2000 Congress in Montreal on October 4. He presented the second paper, "A Legal History of Medical Confidentiality in the United States," at the



Conference on Confidentiality and Society: Psychotherapy, Ethics and the Law in Montreal on October 14. He presented the third, "Addiction and Responsibility," at the Institute on Psychiatric Services in Philadelphia on October 26.

A 1969 graduate of the Law School, Bonnie is the John S. Battle Professor of Law and the Roy L. and Rosamond Woodruff Morgan Research Professor.



Curtis Bradley recently took part in a spirited debate with the British solicitor general on the validity of the death penalty under international law. The debate, which was

sponsored by the American Bar Association (ABA) and the British anti-death penalty organization, Amicus, was held July 18 during the ABA's meeting in London.

Most Western nations are opposed to continued American support of the death penalty. "It's such a basic denial of human rights," said Ross Cranston QC, Britain's top government lawyer, noting that Britain ended capital punishment in the 1960s and many other European nations have since followed suit. Cranston said that the United States is virtually alone among developed countries in continuing to carry out executions.

During the debate, Cranston was backed by several British scholars and activists who charged that international treaties such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child require the U.S. to discontinue capital punishment.

Bradley countered by stating that neither of those treaties can currently be used to enforce a ban on the death penalty. He said that the United States has not ratified the Convention on the Rights of the Child, nor has it ratified Article Six of the International Covenant on Civil and Political Rights, which does not permit nations to execute children who commit their offenses when under the age of 18. He also noted that, unlike the British, who, in the words of Cranston, "take the view that governments should lead," Americans believe that the propriety of the death penalty should be decided by the people and by individual states rather than the national government. Emphasizing that the death penalty continues to enjoy public support in the United States, he noted that, generally speaking, "Americans do

## Gary Stottlemeyer Joins Law Library Staff

### GARY STOTTELMYER,

a specialist in library information systems, is the law library's new information management librarian. He is the member of the library's senior management team responsible for all functions related to library acquisitions, cataloging, serials management, and binding.

"Online services have become increasingly prevalent in libraries," Stottlemeyer said, noting that his goal at Virginia is to "stay on top of the rapid growth in these services while continuing to support the purchase of books and the other basic, core functions of a law library."

Stottlemeyer came to the Law School from the University of Cincinnati, where he was most recently head of library automation. Prior to his three years in Cincinnati, he spent nearly six years in systems work at Shawnee State University. A graduate of the University of Kentucky, he earned a B.A. in anthropology and a master's degree in library science.



not tolerate the federal government telling them that it knows what is best for U.S. citizens.”

Bradley believes that he was chosen to take part in the debate because he is recognized as a relatively conservative international law expert and someone who therefore is likely to be skeptical about broad international arguments concerning the death penalty. Although personally opposed to capital punishment, he thinks that the international law arguments the British made against the death penalty during the debate were not strong ones, and he was comfortable rebutting them.

What made the debate challenging for Bradley, besides the fact that the ABA had urged a moratorium on capital punishment in the United States shortly before the meeting, was the prospect that he would have to compete against British barristers. “Many British lawyers are renowned for their oratorical skills, and I wasn’t sure how well I’d do,” he commented.

Excerpts from the debate are being aired on National Public Radio’s program “Justice Talking” during the fall.

Bradley joined the Law School faculty as a professor of law this year after visiting for one year.



A. E. Dick Howard spent much of the summer writing on constitutionalism. His essay on the Magna Carta and its influence on American constitutionalism was

published in the program presented to American lawyers and their guests who attended a special ceremony kicking off the American Bar Association’s London meeting in July.

Howard submitted a paper on constitutionalism and the rule of law in Central and Eastern Europe to a conference, “Ten Years of Democratic Constitutionalism in Central and Eastern Europe,” held September 22 in

Kazimierz Dolny, Poland. This meeting, attended by scholars from throughout the region, was sponsored by the Polish Association of Constitutional Law.

He presented a paper on prospects for constitutionalism, democracy, and the rule of law in Central and Eastern Europe to European alumni of the Woodrow Wilson International Center for Scholars in Washington, D.C. These scholars, jurists, and others met September 22 in Barcelona, Spain, to discuss challenges to European stability.

In addition to writing, Howard continued his work advising nations on drafting new or revising existing constitutions. He is currently working with the International Law Institute to assist Rwanda, and with the American Bar Association to aid Zimbabwe.

Closer to home, Howard served as a consultant for “Massive Resistance,” a program on school desegregation which aired September 15 on PBS. As a law clerk to Justice Hugo Black in the 1960s, Howard helped craft the justice’s opinion for the Supreme Court of the United States that ordered Prince Edward County to reopen its schools.

Finally, in recognition of his expertise in constitutional law and his involvement in public service, Howard earned an honorary doctor of laws degree from Wake Forest University during its May 15 commencement ceremony. He previously received honorary doctorates from James Madison University, the University of Richmond, Campbell University, and the College of William and Mary.

Howard, a 1961 graduate of the Law School, is the White Burkett Miller Professor of Law and Public Affairs.





Alex Johnson, Jr., has been elected the next chair of the Law School Admissions Council (LSAC), the corporation that produces and administers the LSAT.

Active in LSAC projects since 1989 when he first served on one of its standing committees, Johnson has been a member of its board of trustees and chair of its Minority Affairs and Test, Development & Research committees.

Law School faculty have long been involved in the LSAC. The late Professor and former Dean Emerson Spies was one of the corporation's founding fathers, and current Professor Mildred Robinson persuaded Johnson to become involved in LSAC activities.

As chair, Johnson plans to focus his energies on several ongoing LSAC projects. They include developing a computer-adaptive LSAT test; creating new models for assessing law school applicants that pass legal muster in states where affirmative action is no longer permitted; and developing LSAT exams for use by other nations. Johnson also hopes to organize a national group of minority lawyers with a goal of increasing interest among minority students in the legal profession.

The Mary & Daniel Loughran Professor of Law, Johnson is also the University's vice provost for faculty recruitment and retention.



Michael Klarman spent two-and-one-half weeks in Japan last summer teaching constitutional history and theory classes with Nao Agawa, a scholar from Keio University near

Tokyo. Agawa was a former visiting scholar at the Law School who has returned to Virginia several times since then to teach short courses

on the influence of American law and lawyers in Japan.

At Keio University, Klarman and Agawa co-taught classes in constitutional theory, American constitutional history, and the First Amendment. The classes had a specific format: Agawa asked Klarman questions and then translated his responses for the students. Klarman also delivered two lectures at Keio on the role of the judiciary in modern America. He gave a similar talk at the Tokyo Foundation, a think tank, and spoke on the constitutionality of American independent agencies at the Bank of Japan. Finally, he conducted a workshop on his article, "What's So Great About Constitutionalism?"; with Japanese constitutional law scholars.

According to Klarman, the Japanese are fascinated by American law because they believe that American lawyers operate as a powerful constraint upon governmental power, while Japanese society is dominated by unaccountable government bureaucrats. Klarman believes that Japanese scholars are interested in American constitutional law at least partially because they live under a constitution that was drafted by Americans following World War II.

In activities closer to home, Klarman organized the Law School's fifth annual Constitutional Law Conference, which was held September 30-October 1. The event brought together 15 of the nation's leading constitutional law scholars—including six distinguished visitors and nine Virginia faculty members—to collaborate in an informal, constructive exchange of views on various constitutional law topics. The majority of the conference participants presented papers, which had been circulated in advance, and these works-in-progress were discussed in one-hour, question-and-answer sessions.

The following visitors participated in the conference: Michael Seidman from Georgetown; Rebecca Brown from Vanderbilt; Matthew Adler from the University of

Pennsylvania; Rick Hills from the University of Michigan; and Barry Friedman and Larry Kramer from New York University. In addition to Klarman, the Virginia participants included Barbara Armacost, Curtis Bradley, Kim Forde-Mazrui, John Harrison, John Jeffries, Elizabeth Magill, Caleb Nelson, and James Ryan.

Klarman also participated in a September 13 panel discussion on civil rights law, which was part of a series called “Explorations in Black Leadership,” presented by the University’s Institute for Public History and the Darden School and held in the Law School. The other panelists included Julian Bond, a participant in the civil rights movement and a U.Va. history professor; and Henry Marsh, civil rights lawyer and the first black mayor of Richmond, VA. Klarman presented a talk on the special obstacles confronting black civil rights lawyers in the South in the 1940s and 1950s.

Finally, Klarman presented an historical overview of *Brown v. Board of Education* and subsequent school desegregation developments at a conference, “The End of School Segregation?,” held October 13-14 at the University of Colorado School of Law.

Klarman is the James Monroe Professor of Law.



Paul Mahoney delivered two in-process papers during the last couple of months. He presented “The Common Law and Growth: Hayek Might be Right” on September 15 at

the Buchanan Center for Political Economy at George Mason University, and again at a panel of the Latin American and Caribbean Law and Economics Association in Mexico City on October 27. This paper examines the rate of growth of per capita Gross Domestic Product in a sample of 102 countries during the period

between 1960 and 1992. Mahoney finds that, controlling for a wide range of other variables, the economies of common law nations grew faster than those of civil law countries during the period. The paper suggests that the difference in growth rates can be explained in part by the fact that the common law structure provides superior protection for property and contract rights against administrative interference.

Mahoney presented his paper, “The Political Economy of the Securities Act of 1933,” at the University of Michigan Law School on October 12. This paper examines the extent to which the Securities Act was beneficial to the investment banking industry; it argues that the act outlawed several competitive techniques that low-status underwriters used to gain market share from high-status underwriters during the 1920s. The paper also presents quantitative evidence that the act decreased competition among underwriters.

Mahoney is the Brokaw Professor of Law, the Albert C. BeVier Research Professor, and the Law School’s academic associate dean.



David Martin co-chaired the final meeting of the Dual Nationality Project in Istanbul, Turkey, October 20-21. Supported by the German Marshall Fund, the project was established to examine the

rising trend among nations to accept—or even to promote—dual nationality. Participants in the project examined whether new international law or practice may be needed to examine the phenomenon—especially since classic international law is largely built on the assumption that all persons have only one nationality. At the October meeting, Martin and co-chair Professor Kay Hailbronner of the University of Konstanz, Germany, presented a





report summarizing the project's research and offering policy recommendations.

In other international activities related to immigration, Martin presented a paper at the annual conference of the International Association of Refugee Law Judges, a group of political asylum judges from 63 nations, in Bern, Switzerland, on October 26. The theme of this year's conference was "The Changing Nature of Persecution," and Martin's paper was entitled "Gender Cases—Doubts and Questions." The paper surveyed recent asylum cases dealing with claims based on gender-specific harms, such as female circumcision or spousal abuse. The cases reached widely different results, and have drawn criticism from two camps of critics. One camp believes adjudicators are insufficiently sensitive to harm directed at women, while the other claims that any grant of asylum on these grounds goes far beyond the real intent of refugee protection, which is or should be more closely linked to what is traditionally understood as political oppression. Martin explored these widely variant views in his paper and offered some tentative conclusions.

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



Robert O'Neil was a guest on "Public Interest," a program which aired August 31 on National Public Radio. The First Amendment expert discussed related issues

with Ken Paulsen of the Freedom Forum.

O'Neil followed this presentation with another on First Amendment litigation held September 8 for the National Academy of Sciences (NAS) Panel on Science, Technology and the Law. This new panel, co-chaired by O'Neil's Law School colleague, Richard Merrill, was convened to explore the relationship

between science and the law. The 20 scholars on the panel, including 10 lawyers and 10 scientists, oversee and occasionally conduct NAS programs related to science and law.

A University Professor, O'Neil directs the Charlottesville-based Thomas Jefferson Center for the Protection of Free Expression.



James Ryan made two presentations during the fall semester. He joined his Law School colleague, Michael Klarman, at a conference, "The End of School Desegregation?," at the University of Colorado

School of Law on October 13-14, where he discussed the likely impact of school choice on racial integration.

Ryan presented a paper that he co-authored with another Law School colleague, John Jeffries, at the University of California at Davis School of Law on October 20. The paper is entitled "A Political History of the Establishment Clause."

Ryan is an associate professor of law.



George Yin presented a working paper, "How Much of the Recent Evidence of a Corporate Tax Shelter Problem is Explained by Increased Stock Option Activity?,"

four times during the fall. In addition to delivering it to a faculty workshop and the Virginia Tax Study Group at the Law School, he also presented it to faculty workshops at Georgetown and Cincinnati Law Schools.

The paper describes empirical research Yin conducted to analyze the Treasury



Department's principal evidence of what it considers to be a corporate tax shelter problem. According to the Treasury, confidential tax return information indicates that corporate book income, which is the amount of income reported by a corporation to its investors on its financial statements, has been growing faster than corporate taxable income in recent years.

After reviewing the financial statements of 500 of the largest corporations in America, Yin was able to confirm the Treasury's observation. In particular, he found that the average corporate effective tax rate (the ratio of taxes paid to reported book income) declined in 1998 relative to the average rate over the prior two- and four-year periods.

Yin also found, however, that a significant part of the phenomenon might be explained as increased stock option activity rather than corporate tax shelters. Under current tax laws, the exercise of most stock options results in a tax deduction to the corporate issuer of the option. The amount of the deduction is equal to the difference between the value of the stock at the time of exercise and the option's exercise

price, commonly known as "spread income." In contrast, for financial accounting purposes, corporations are generally not required to reduce their book income by the amount of spread income. Thus, increased stock option activity results in book income growing faster than taxable income and a declining corporate effective tax. Yin estimated that the aggregate spread income deduction of his sampled corporations was sizable and increased dramatically over the period the effective tax rate was falling; the amount of deduction more than doubled between 1996 and 1998.

Yin's research should help lawmakers decide whether and how tax laws should be changed to address the problem of corporate tax shelters. If the problem is widespread, as contended by the Treasury, a broad legislative response might be in order. But if the problem is of more limited scope, then lawmakers might wish to explore more targeted solutions to address specific abuses without affecting ordinary corporate transactions.

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



## Lynn Bailey Named New Career Counselor


**LYNN PALMER BAILEY, A 1996 GRADUATE OF THE LAW** School, has returned as a career counselor. She provides career counseling to Law School students and alumni and organizes job fairs and other programs related to the employment search process.

For students interested in pursuing a traditional legal career in the private sector, Bailey helps students distinguish law firms and areas of practice. Working with career services professionals at four other leading law schools, she has provided consultation to the Administrative Office of U.S. Courts on the development of an online database of federal clerkships. She has also organized a series of panel discussions, called Perspectives on Practice, which brought alumni practicing in several broad geographic regions back to the Law

School to offer pointers on the employment situation in their areas.

Alumni desiring to change law firms or careers call on Bailey as they research firms, network with

other alumni, or seek information on alternative careers. "I inform them about our online database of alumni opportunities and our online alumni network," she said.

Bailey believes that her legal experience—working as a federal law clerk for one year immediately after graduation and practicing at a major Washington, D.C. law firm for two years—prepared her well for her new position. "Drawing on my experience, I believe I can help students and alumni with their career decisions," she said. 




## Law School Prepares for 175th Anniversary



NEXT YEAR THE LAW SCHOOL MARKS AN important milestone—the 175th anniversary of its founding—with a year of intellectual experiences and celebrations. Still in the planning stages, the observances will feature a large, public conference, called “Law Schools, Lawyers and the Future of American Law,” to be held at the Law School October 26-27, 2001. Chief Justice William H. Rehnquist will be the featured speaker, and the Law School Foundation Board of Trustees and Alumni Association will meet that weekend. Other conferences already on the anniversary calendar include the Constitution and Criminal Justice Conference, scheduled for February 10 and 11, 2001; the Olin Conference, “Strategy, Information and Evidence,” scheduled for February 23 and 24, 2001; and the Second Annual Conference on Public Service and the Law, scheduled for March 1, 2, and 3, 2001. The



anniversary celebration also will include numerous social events for alumni to be held in Charlottesville and in cities around the nation.

In honor of the anniversary, the Law School has commissioned a special logo. This mark will be used in all print and electronic communications throughout the year. 

## Margaret Nussbaum Lectures on Tragic Questions


HAILED BY THE *NEW YORK TIMES* AS “the most prominent female philosopher in America,” Martha Nussbaum spoke to a capacity crowd as part of the Law School’s Speakers and Lecturers Series on September 13.

Nussbaum, the Ernst Freund Professor of Law and Ethics at the University of Chicago, presented her philosophy on the tragic questions that cross cultural and societal boundaries.

Defining a tragic question as one where all possible alternatives are bad, Nussbaum contends that using a cost-benefit analysis to answer the tragic question is wrong. She proclaims that cost-benefit analyses detract from the issues, and tragic questions, at hand.

According to Nussbaum, there is a point to

tragic questions—a moral point. She disagrees with philosophers who contend that there is only one right choice or solution in these situations. Her address stimulated much discussion from the students and faculty who attended the lecture from across the University Grounds. What are the moral uses of the cost-benefit analysis? Is there a way around the tragic questions? Are there ways of rearranging man’s practices that could remove the tragedy? Does society enable tragedy when it allows people to be pushed beneath acceptable thresholds of rights, values, and entitlements?

Nussbaum received her B.A. from New York University, and her M.A. and Ph.D. from Harvard. She has taught at Harvard, Brown, and Oxford Universities. 

## National Security Law Institute Celebrates Ten-Year Anniversary

ALTHOUGH FEW J.D. STUDENTS ARE SEEN IN the Law School during June, students of another stripe are quite common. Each summer, academicians and government lawyers who want to learn about the field of national security law come to the Law School's Center for National Security Law (CNSL) to take part in its National Security Law Institute.

The institute celebrated its 10th anniversary this year by welcoming a diverse group of 24 to its two-week session. Participants included two representatives of the Canadian Security Intelligence Service in its Department of Justice, the commandant and deputy commandant of the Air Force JAG School, the chairman of the Department of Law at West Point, and the chief of the law section at the U.S. Coast Guard Academy, among others.

"We are pleased to have the participation of more senior government officials year after year as they learn of our program," said John Norton Moore, Walter L. Brown Professor of Law and director of the CNSL. Moore, a member of the faculty since 1966, is recognized as the scholar who developed the field of national security law and taught it first at Virginia.

Over the years, the institute has trained government lawyers from the Pentagon, the State Department, the Department of Justice, the Central Intelligence Agency, the National Security Agency, among other departments and agencies. On the academic side, in addition to law professors and international relations and political science professors, the institute has trained instructors at all of the military academies and most of the war colleges.


Moore is surprised by the number of foreign government lawyers who participate in the program. "We've had attorneys from six continents take part over the years," he said. "They're usually interested in learning American perspectives on issues such as the law

governing the initiation and conduct of military operations, terrorism, and international narcotics trafficking. They also want to explore the relationship between our First Amendment and the effective conduct of military operations, and they want to understand how to control a secret intelligence service in a free society."

While most of the institute takes place in Law School classrooms, the program features a four-day visit to Washington, D.C., during which participants meet with senior lawyers and policy makers at the White House, the CIA, the Pentagon, and on Capitol Hill.

Participants are addressed by the legal adviser to the State Department and at least one other current or former senior government official.

Several of the more junior program participants have gone on to prominent government positions. Lieutenant Commander Jane Dalton '92 LL.M., participated in the second institute, and subsequently became the first female Navy JAG officer to serve as legal adviser to a fleet commander at sea. In May, now-Captain Dalton assumed her current position as the first female legal counsel to the chairman of the Joint Chiefs of Staff.

"The National Security Law Institute is the best source of hands-on training for those academicians who aspire to teach national security law or national security-related courses," said Scott L. Silliman, executive director of the Center on Law, Ethics and National Security at Duke University School of Law. 



Institute graduate and Navy Captain Jane Dalton '92 LL.M. (center) and two colleagues at the Pentagon.




## Business Advisory Council: Life Beyond the Law Firm

THIRTY LAW SCHOOL ALUMNI WORKING in the world of business had a great deal to talk about when they returned to Charlottesville September 22. As members of the 126-member Business Advisory Council—convened by Dean Robert E. Scott to advise the Law School on matters related to business—the alumni spoke with students, faculty, and fellow alumni on a variety of topics. In addition, a group of Law School faculty, including Paul Mahoney, Edmund Kitch, Kevin Kordana, and George Cohen, provided the alumni an overview of the Law School’s business law curriculum.

Participants in the panel discussion, “What Young Graduates Can Do With Their Law Degree Without Working at a Law Firm,” included George R. Brokaw ’94 J.D./M.B.A., vice president in the banking group at Lazard Frères & Co. LLC; James R. Kingdon ’98 J.D./M.B.A, managing director of Kestrel Ventures LCC, a private equity fund that invests in the third-party fulfillment industry; and Patrice Hayden ’02, a third-year student in U.Va.’s J.D./M.B.A. program. The panel was moderated by David P. Pinto ’01, a fourth-year student in the J.D./M.B.A. program.

Participants in the panel discussion, “Plant Biotechnology – the Future of Hunger and Health,” included Weaver H. Gaines ’68, chairman and chief executive officer of Ixion Biotechnology, Inc.; R. William Ide III ’65, senior vice president and general counsel for

Monsanto Company; and Margaret G. Mellon ’81, program director for the Union of Concerned Scientists. The panel was moderated by Richard A. Merrill, Daniel Caplin Professor of Law and Sullivan and Cromwell Research Professor.

The luncheon address, “The Aladdin Effect—Can the New Economy Release the Genie in the Old?,” was delivered by Donald M. James ’77, chairman and CEO, Vulcan Materials Company. 



Donald M. James '77



David P. Pinto '01



George R. Brokaw '94



James R. Kingdon '98



R. William Ide III '65



Margaret G. Mellon '81



Weaver H. Gaines '68



Patrice Hayden '02

## F. M. Scherer Discusses Microsoft Case as Olin Lecturer

### THE RECENT MICROSOFT ANTITRUST CASE WAS

hardly the first high-tech case the Department of Justice has tried, according to F. M. Scherer, a Harvard professor and leading antitrust economist who delivered the John M. Olin Distinguished Lecture in Law and Economics at the Law School on September 6.

Scherer, the Aetna Professor Emeritus at Harvard's John F. Kennedy School of Government, said that the Department of Justice has long focused on investigating high-tech industries on antitrust charges. He offered as an example Standard Oil, arguably the most dynamic high-tech industry of its day, which Justice broke up along with the rest of the Rockefeller monopoly.

Scherer said that Microsoft developed a number of strategies to prevent competitors from cutting into its market share. While stopping short of declaring whether or not he thinks the result was a monopoly, Scherer said that he believes the Department of Justice had ample evidence to build a strong case.

He contrasted the Microsoft case with the Intel case, which was tried by the Federal Trade Commission (FTC) and resulted in little more than a slap on the wrist for Intel. Scherer believes that the FTC tried the Intel case much more timidly than the Justice Department tried the Microsoft case in part because the FTC needs three commissioners to agree on a course of action while the Department of Justice can act on the decision of a single person. He argued that Intel also had a much stronger defense than Microsoft because its product is reasonably priced and superior in quality and reliability. He stated that Intel's antitrust compliance program was so effective that the corporation's internal files were clean, while Microsoft's files contained many incriminating documents. Finally, Scherer believes that Intel exhibited a professional and respectful, though adversarial, manner with the government regulators, while Microsoft took a much more hostile position. 🏠

## Judges' Program Celebrates Anniversary



TWENTY SUMMERS AGO, 30 STATE AND federal appellate judges came to Charlottesville to embark upon a unique academic adventure. They were the first students to enroll in the Law School's Graduate Program for Judges, developed to provide sitting judges the opportunity to engage in elective study for a substantial period of time, and to do so away from their chambers and courtrooms.

Since then, seven additional classes of judges have earned a Master of Laws (LL.M.) in the Judicial Process. An eighth class finished its course work last summer and is scheduled to graduate next May. In November, the Law School will host a reunion for alumni of the program a former participant described as "the best postgraduate education for appellate judges that I could conceive of."



Judges enjoy a presentation by Professor Alex Johnson, Jr., as part of the program's weekly speakers' series last summer.

It is also the only program of its type in the nation, the brainchild of Professor Emeritus Daniel Meador, who developed the curriculum in cooperation with the Appellate Judges Conference of the American Bar Association, lined up private funding, and acted as program director until his 1994 retirement. The program requires intellectual pursuits traditionally associated with graduate-level university study. It is not primarily concerned with vocational skills or training or with the problems of

judicial administration often focused on in other types of judicial education. Instead the program undertakes to instill in participants a deeper understanding of the origin and development of the Anglo-American legal system, as compared with other legal systems, and to promote an appreciation of the contemporary forces now shaping that system and affecting the role of judges within it.

Judges enrolled in the program spend six weeks during each of two successive summers living in University dorms, enjoying their colleagues and the considerable attractions of a Charlottesville summer, and taking a variety of courses from experienced Law School faculty. The courses explore jurisprudential issues, comparative law, social science and the law, or legal history. Although some courses are a standard part of the curriculum—Professor Emeritus Tom Bergin has been teaching Law and Economics since the inception of the program—faculty members update their offerings to keep abreast of changes in the law.

The result is a challenging, all-consuming intellectual experience. The judges, who are most often near the mid-point in their judicial careers, leave their case loads behind to come to the Law School, where they attend classes four-and-one-half hours per day, five days a week. Each evening, they spend several hours preparing for the next day's session. In addition to reading works of fiction, which they discuss outside of normal classroom hours, they also take advantage of a weekly speakers' series which attracts a variety of Law School and University scholars. Last summer, topics addressed by the speakers ranged from "Implications of the Human Genome Project" to "Issues in Intercollegiate Athletics at Research Universities." The judges conclude the three-year program by writing a substantial thesis that reflects the kind of writing typically found in law review articles.

"It's a very intense program," said George

Rutherglen, O.M. Vicars Professor of Law and director of the program since 1995. “But we have no difficulty attracting open-minded judges who have the capacity to enjoy this type of experience.”

According to Rutherglen, program graduates are its most enthusiastic supporters—and its most effective recruiters. Dennis Braithwaite, a judge in the Superior Court of New Jersey’s Appellate Division who finished his course work in July, was recruited to the program by his colleague, Howard H. Kestin, a 1995 program graduate. “He thought I would enjoy it,” Braithwaite said. “There are probably seven or eight judges from New Jersey appellate courts who have completed this program over the years.”

A graduate of the University of Pennsylvania Law School who practiced law for 11 years before his appointment to the bench 16 years ago, Braithwaite has been well-satisfied with the experience. “It’s been wonderful, stimulating, and thought-provoking, and I’ve had a fabulous time,” he commented. “This is truly major-league stuff.” He is equally enthusiastic about completing the remaining program assignment, the thesis. Braithwaite has embarked on a comparison of how two courts—the New Jersey Supreme Court and the Supreme Court of the United States—interpret their respective search-and-seizure amendments. “The language is identical, but the courts have reached very different conclusions about how to interpret it,” he said. “Working on this thesis has given me the time to look carefully at this subject and really sink my teeth into it.”

Rebecca Wiseman has had a similarly positive experience in the judges’ program. A graduate of the University of California-Davis Law School and a former municipal and superior court judge in the state, she said she worked her way “from the ground up” to become an associate judge in the state’s Fifth District Court of Appeals, where she has been on the bench for the past five years. “The judges’ program has broadened my horizon,”

she commented in July, immediately after completing her final exams. “I’ve been exposed to a wealth of talent and new information that has already begun to percolate into every aspect of my life, including my life on the bench.”

Wiseman, who said she found most helpful the courses in international law, scientific evidence, and social science and the law, looks forward to completing her thesis on whether candidates’ names have any effect on the results in California retention elections. She also hopes to interest other women in the judges’ program; she was recruited by a woman judge serving an East Coast appellate court. “This has been a rare opportunity that I’ve found absolutely delightful,” she said.

While alumni join program director Rutherglen in believing that it fills an important niche in the judicial world, the Graduate

Program for Judges faces significant challenges. The program has enjoyed annual funding from the Federal Judicial Center over the years in addition to support from several states that encourage their appellate judges to attend. “Some states pay a portion of their judges’ tuition,” he remarked. “Yet with costs for each summer of residency approaching \$10,000, we need more support from the states. While no judges are excluded from the program because of lack of state support, it is crucial to the program’s overall success.” In his remaining months as director—he steps down next May—Rutherglen hopes to identify new sources of private support capable of endowing the Graduate Program for Judges. He believes that the upcoming reunion for program graduates November 10-12 will inform graduates of the need.

“This is one of Virginia’s best programs,” he commented. “I have no doubt that, as more judges learn of the program and have a positive experience, its reputation will continue to grow.”



*“I’ve been exposed to a wealth of talent and new information that has already begun to percolate into every aspect of my life, including my life on the bench.”*

## Two Scholars Join Law School Faculty



THE LAW SCHOOL WELCOMED TWO LEGAL experts with a wide range of experience in practice and academia to its resident faculty this fall.

**Curtis Bradley**, who was a visiting professor at the Law School for one year, has returned as a professor of law. He came to Virginia from the University of Colorado School of Law, where he was an associate professor. Bradley received his J.D. *magna cum laude* from Harvard Law School. Prior to entering law teaching, he clerked for David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit and Byron R. White of the Supreme Court of the United States. He also practiced law as an associate with Arnold & Porter in Denver and Covington & Burling in Washington, D.C. Recognized as a rising star in international law, he has already published a number of influential law review articles in the field.




Curtis Bradley

**Stephen Smith** has joined the faculty as an associate professor. A 1992 graduate of the Law



Stephen Smith

Sentelle of the U.S. Court of Appeals for the D.C. Circuit and Clarence Thomas of the Supreme Court of the United States. After practicing for one year as an associate with Jones, Day, Reavis & Pogue in Washington, D.C., Smith served as counsel to the U.S. House of Representatives subcommittee investigating U.S. involvement in Iranian arms transfers to Bosnia. Since 1995, he has been an associate with Sidley & Austin in Washington, D.C. He is teaching criminal law and criminal procedure. 

School, he was articles editor of the *Virginia Law Review* and a member of Order of the Coif and the Raven Society. Following graduation, Smith clerked for David B.


## Larry Wenger Announces Retirement Plans

### LARRY WENGER, WHO HAS BEEN SERVING THE LAW

School for nearly 25 years, has announced that he will retire as law librarian in the summer of 2002. He is currently taking research leave to pursue academic interests in historic preservation and marine bibliography. Next year, he intends to devote his energies to increasing private fund-raising activities on behalf of the library.

"Larry has led the library during a period of extraordinary change in legal education and research," said Dean Robert E. Scott. "During his career, he has worked to transform the library in the scope and depth of its collection, the delivery of

services and information to various users, and the application of technology to core library functions. We are grateful for his years of dedicated service."

Taylor Fitchett, associate director of the law library for the past two years, has become director and assumed day-to-day management responsibilities. 





## Law School Welcomes Visiting Experts

FIVE DISTINGUISHED VISITING SCHOLARS from the U.S. and abroad contributed their talents to the Law School during the fall semester.


**William J. Carney**, the Charles Howard Candler Professor of Law at Emory University, taught Corporate Finance and Mergers and Acquisitions at the Law School this fall. A graduate of Yale University, he was a partner in the Denver law firm of Holland & Hart and a professor of law at the University of Wyoming before joining the Emory faculty. Carney has taught at the University of Michigan Law School; the University of Antwerp, Belgium; the Technical University of Dresden, Germany; and Emory University's American Law Center in Moscow. He currently is of counsel to Long, Aldridge & Norman LLP of Atlanta.

**Charles W. Mooney, Jr.**, professor of law at the University of Pennsylvania Law School, taught Advanced Issues in Secured Financing and Sales at the Law School this fall. A graduate of Harvard Law School and a member of the Penn faculty since 1990, he is a former dean at Penn who practiced commercial and consumer law as a partner in two law firms, Sherman & Sterling of New York City and Crowe & Dunley in Oklahoma City. An expert in commercial law, debtor and creditor law, bankruptcy, real property law, and private international law, Mooney continues to consult for Morgan, Lewis & Bockius LLP.

**Samuel C. Thompson, Jr.**, professor of law and director of the Center for the Study of Mergers and Acquisitions at the University of Miami School of Law, returned to the Law School this year as the John A. Ewald Visiting Professor to teach Business Planning for

Mergers & Acquisitions and Federal Taxation of Business Entities in the fall, and International Taxation, Special Topics in Mergers & Acquisitions, and Tax Aspects of Mergers & Acquisitions in the spring. He previously was a professor of law at Virginia between 1977 and 1981. Thompson received his J.D. from the University of Pennsylvania and his LL.M. from New York University. A former dean at Miami, he also taught at UCLA and visited Yale Law School as its first Jacquie D. Biernam Visiting Professor of Taxation. Prior to entering law teaching, Thompson was head of the tax department at Schiff Hardin & Waite in Chicago. Last year, he served as a tax policy adviser for the Ministry of Finance in the Republic of South Africa.

Two European professors shared the responsibility for teaching European Community Law at Virginia this fall. **Heinz-Dietrich Steinmeyer** is chair of social security law, civil law, and labour law at Westfaelische Wilhelms-Universitaet in Muenster, Germany, and director of the Institute for Labour Law, Social Security Law, and Economic/Business Law. He received his doctorate in law from the Free University of Berlin. A former dean of the University of Hagen Law School, he consults on matters related to social security in Middle and Eastern Europe.

**Dirk Ehlers** is a professor of law at the University of Münster. A graduate of the University of Konstanz, former dean of the law faculty at the University of Münster, former head of the Center for External Trade Law, and former director of the Research Centre for Insurance Law, he teaches and lectures internationally. 



## Photographs Depicting Child Labor Exhibited in Law School

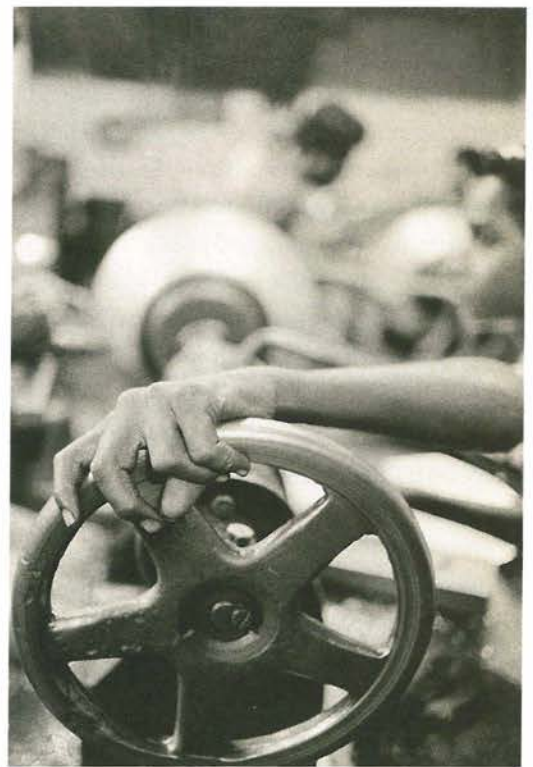


STUDENTS WHO SPEND TIME IN THE LAW library this year may look up from their books and find themselves staring into the face of a child. The face they see might be the subject of one of 45 photographs that currently line the library walls. These compelling images are the work of David L. Parker, M.D., an occupational health physician who is determined to remind Americans that child labor is a major problem worldwide. Armed with his camera, Parker traveled from Mexico to Morocco and from Iowa to Indonesia photographing children who have been forced to work to meet their basic needs. His haunting photographs are now contained in an exhibit, "Stolen Dreams," mounted in the library's second-floor research area. To introduce the exhibit, Parker appeared

at the Law School on September 18 to lecture on child labor.

This marks the third year that Taylor Fitchett, director of the Morris Law Library, has brought a thought-provoking art exhibit to the Law School. "We hope that these exhibits will expose our students to something provocative and inspiring," she explained. "Law school can keep students focused on details, and I don't want them to forget about the big picture, about the issues the students will soon be exposed to as lawyers. By displaying all types of art in their study spaces, we may enhance and perhaps even broaden their view of the world."

The "Stolen Dreams" exhibit will remain in the library throughout the academic year. 🏠



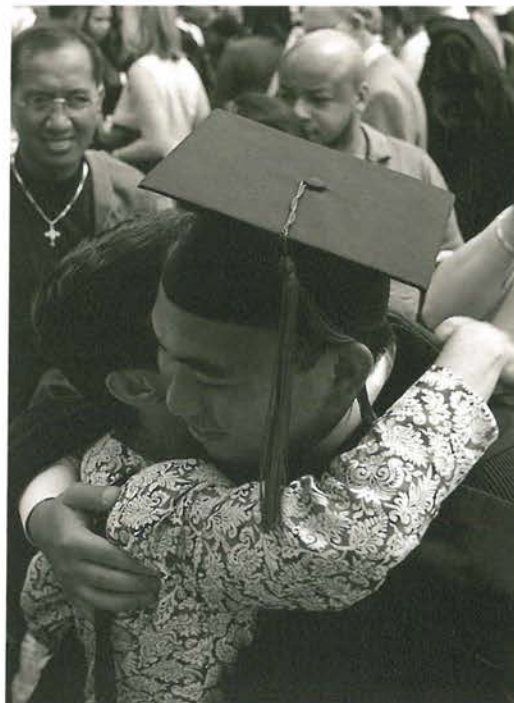
Photographer David L. Parker, M.D. supports the International Labor Conference's Convention 182, which urges nations to take immediate action to secure the prohibition and elimination of the worst forms of child labor and all work that is likely to harm the health, safety, and morals of children.



## Commencement 2000

THE LAW SCHOOL CLASS OF 2000 GATHERED May 21 on the David A. Harrison III Law Grounds for commencement exercises with more than 3,500 family members and friends present. The graduating class, which included 366 J.D. and 35 LL.M. recipients, heard commencement remarks by Charles H. Whitebread, who taught at the Law School from 1968 to 1981. Whitebread returned to Virginia last year to popular acclaim from current students as the William Minor Lile Distinguished Visiting Professor.

As part of their class gift to the school, more than half of the graduates pledged more than \$75,000—the largest graduation class gift in the history of the Law School—to purchase a scoreboard for the Copeley softball field and benches for a seating area outside the new Student-Faculty Center.



## U.Va. Law Clerks: Class of 2000



ANDRE, JEAN-CLAUDE  
The Honorable A. Andrew Hauk  
U. S. District Court for the Central District of California

ATKINSON, JENNIFER BROOKE  
The Honorable R. Lanier Anderson III  
U. S. Court of Appeals for the Eleventh Circuit

BALL, DAVID ROBERT  
The Honorable Karl S. Forester  
U. S. District Court for the Eastern District of Kentucky

BOARDMAN, DEBORAH LYNN  
The Honorable James C. Cacheris  
U. S. District Court for the Eastern District of Virginia

CHINYOY, ALEXANDER DAVID  
The Honorable William G. Bassler  
U. S. District Court for the District of New Jersey

CHU, MICHAEL  
The Honorable Kenneth M. Hoyt  
U. S. District Court for the Southern District of Texas

CONNELLY, CATHERINE KELLY  
The Honorable Mary M. Lisi  
U. S. District Court for the District of Rhode Island

DANZIS, SCOTT DARREN  
The Honorable Chester J. Straub  
U. S. Court of Appeals for the Second Circuit

DAVIS, KELVIN SCOTT  
The Honorable Eugene H. Austin  
New Jersey Superior Court

DE LA CRUZ-MUNOZ, CARLOS FELIPE  
The Honorable Alex J. Martinez  
Colorado Supreme Court

DUVAL, LEE ANNE  
The Honorable Holly B. Fitzsimmons  
U. S. District Court for the District of Connecticut

FALSTROM, JEANNE KRISTIN  
The Honorable  
Barbara M. Keenan  
Virginia Supreme Court

FERRY, JONATHAN HENRY  
The Honorable J. L. Edmondson  
U. S. Court of Appeals for the  
Eleventh Circuit

FOX, JEFFREY DAVID  
The Honorable  
Jacques L. Wiener  
U. S. Court of Appeals for the  
Fifth Circuit

GARLAND, JAMES MCMACKIN  
The Honorable R. Guy Cole  
U. S. Court of Appeals for the  
Sixth Circuit

GERKEN, AUSTIN DONALD, JR.  
The Honorable Emory H. Widener  
U. S. Court of Appeals for the Fourth Circuit

GIBBENS, WILLIAM PENNINGTON  
The Honorable Edith Brown Clement  
U. S. District Court for the Eastern District of Louisiana

GODDARD, DARCY MARIE  
The Honorable David M. Ebel  
U. S. Court of Appeals for the Tenth Circuit

GORANIN, ALEKSANDER JERRY  
The Honorable Edward R. Becker  
U. S. Court of Appeals for the Third Circuit

GRAHAM, TIFFANY CRYSTAL  
The Honorable Richard W. Roberts  
U. S. District Court for the District of Columbia

HAMBY, KELLI MARIE  
The Honorable Robert E. Payne  
U. S. District Court for the Eastern District of Virginia

HANLON, JAMES MICHAEL, JR.  
The Honorable Michael Daly Hawkins  
U. S. Court of Appeals for the Ninth Circuit

HART, MELINDA DIANE  
The Honorable Raymond A. Jackson  
U. S. District Court for the Eastern District of Virginia

HEYTENS, TOBY JAY  
The Honorable Edward R. Becker  
U. S. Court of Appeals for the Third Circuit

HOLBROOK, SCOTT CHRISTOPHER  
The Honorable Karen Nelson Moore  
U. S. Court of Appeals for the Sixth Circuit

HOTALING, CHRISTOPHER PAUL  
The Honorable Wayne R. Andersen  
U. S. District Court for the Northern District of Illinois

KERWIN, KANDICE JOLIESSE  
The Honorable Thomas G. Saylor  
Pennsylvania Supreme Court

KIRKHAM, JASON CRAIG  
The Honorable Phyllis A. Kravitch  
U. S. Court of Appeals for the Eleventh Circuit

KUMAR, ROHIT  
The Honorable J. Harvie Wilkinson III  
U. S. Court of Appeals for the Fourth Circuit

LASTOWKA, FRANCIS GREGORY  
The Honorable Walter K. Stapleton  
U. S. Court of Appeals for the Third Circuit

LE, CHINH QUANG  
The Honorable Walter K. Stapleton  
U. S. Court of Appeals for the Third Circuit

LYNCH, GARRETT ADAM  
The Honorable J. Clifford Wallace  
U. S. Court of Appeals for the Ninth Circuit



MARTELL, ELIZABETH ANN  
The Honorable James C. Cacheris  
U. S. District Court for the Eastern District of Virginia

MILLARD, AMY KIRSTEN  
The Honorable George Tidey  
Henrico County (VA) Circuit Court

MILLER, MEREDITH GILLAN  
The Honorable Nancy Firestone  
U. S. Court of Federal Claims

MORRIS, JONATHAN CHRISTOPHER  
The Honorable B. Waugh Crigler  
U. S. District Court for the Western District of Virginia

MURRAY, BRIAN WILLIAM  
The Honorable Frank Mays Hull  
U. S. Court of Appeals for the Eleventh Circuit

MURRAY, SEAN MICHAEL  
The Honorable A. Richard Caputo  
U. S. District Court for the Middle District of Pennsylvania

NGUYEN, KIET ANH HUNG  
Administrative Law Judge  
Nuclear Regulatory Commission Office of Administrative Law Judges

NIERMAN, CHRISTOPHER PAUL  
The Honorable Diana Gribbon Motz  
U. S. Court of Appeals for the Fourth Circuit

PHILLIPS, DIRK CHRISTIAN  
The Honorable James C. Cacheris  
U. S. District Court for the Eastern District of Virginia

POMPIAN, SHAWN MARC  
The Honorable E. Norman Veasey  
Delaware Supreme Court

PROBASCO, ROBERT DALE  
The Honorable Sam A. Lindsay  
U. S. District Court for the Northern District of Texas

RAINSBURY, JOSEPH MICHAEL  
The Honorable Jackson L. Kiser  
U. S. District Court for the Western District of Virginia

RAMPTON, MALAN DENNIS  
The Honorable Randall R. Rader  
U. S. Court of Appeals for the Federal Circuit

RAYMOND, PAUL BRIAN  
The Honorable Norman K. Moon  
U. S. District Court for the Western District of Virginia

REDDY, KENYA JAMILA  
The Honorable Anne C. Conway  
U. S. District Court for the Middle District of Florida

RIEDEL, AMANDA LYNN  
The Honorable Harry L. Carrico  
Virginia Supreme Court

ROCKOFF, JENNIFER MELISSA  
The Honorable Albert V. Bryan  
U. S. District Court for the Eastern District of Virginia



ROSE, W. SCOTT  
The Honorable Robert L. Echols  
U. S. District Court for the Middle District of Tennessee

SAWYER, LOGAN EVERETT III  
The Honorable Robert Orr  
North Carolina Supreme Court

SCHROEDER, ANDREW BARROW  
The Honorable J. Frederick Motz  
U. S. District Court for the District of Maryland

SEMANCIK, ELIZABETH JEANETTE  
The Honorable Henry H. Whiting  
Virginia Supreme Court

SHARFMAN, DEBORAH MARION  
The Honorable Christine O. C. Miller  
U. S. Court of Federal Claims

SIEGELBAUM, JONATHAN H.  
The Honorable Norman H. Stahl  
U. S. Court of Appeals for the First Circuit

SPIOTTA, ERIN LEIGH  
The Honorable Robert R. Beezer  
U. S. Court of Appeals for the Ninth Circuit

SULIA, TONYA ANNE  
The Honorable Robert I. Richter  
District of Columbia Superior Court

TANTUM, AMANDA LEE  
The Honorable Kenneth L. Ryskamp  
U. S. District Court for the Southern District of Florida

THOMAS, ANTOINETTE ELAINE  
The Honorable Henry Coke Morgan  
U. S. District Court for the Eastern District of Virginia

TODD, GORDON DWYER  
The Honorable C. Arlen Beam  
U. S. Court of Appeals for the Eighth Circuit

VAN SLOOTEN, HEATHER JEAN  
U. S. District Court for the Eastern District of Virginia

VITAN, NATHANIEL ANTONNI  
The Honorable T. S. Ellis  
U. S. District Court for the Eastern District of Virginia

WILLIAMS, ROBERT PENDLETON  
The Honorable Barry R. Poretz  
U. S. District Court for the Eastern District of Virginia

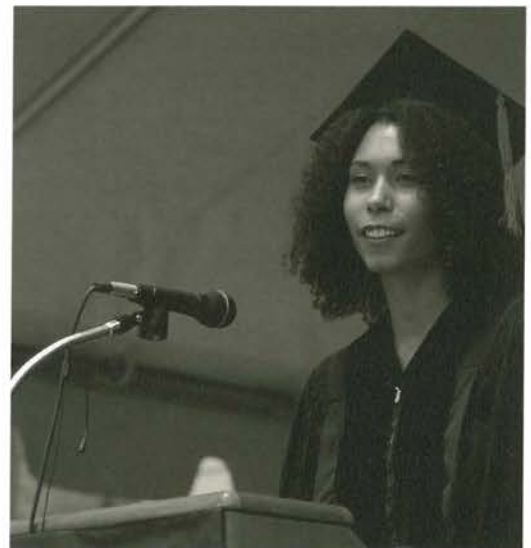
## 2000 Graduation Awards



- Margaret G. Hyde Award  
James C. Slaughter Honor Award  
Thomas Marshall Miller Prize  
Law School Alumni Association Award for Academic Excellence  
Law School Alumni Association Best Note Award  
Robert E. Goldsten Award for Distinction in the Classroom  
Roger and Madeleine Traynor Prize
- Herbert Kramer/Herbert Bangel Community Service Award  
Mortimer Caplin Public Service Award  
Robert F. Kennedy Award for Public Service  
Edwin S. Cohen Tax Prize  
Earle K. Shawe Labor Relations Award  
John M. Olin Prize in Law and Economics  
Eppa Hunton IV Memorial Book Award  
Virginia Trial Lawyers Trial Advocacy Award  
Charles J. Frankel Award in Health Law
- Z Society Shannon Award  
Virginia State Bar Family Law Book Award  
Stephen Pierre Traynor Award
- Chinh Quang Le  
David Mark Renaud  
Meredith Gillan Miller  
Toby Jay Heytens  
Toby Jay Heytens  
Jason Craig Kirkham  
Toby Jay Heytens  
Krisanne Margaret Schlachter  
Joseph Patrick Geever  
Margaret Ellen Wood  
Margaret Randolph Duval  
Robert Dale Probasco  
Wendy Rockafellow McCord  
Jeanne Kristin Falstrom  
Antoinette Elaine Thomas  
Kristi Jean Bess  
Elizabeth Jeanette Semancik  
Deborah Marion Sharfman  
Tina Payne Bingham  
Catherine Elaine York  
Wendelyn L. Pizer

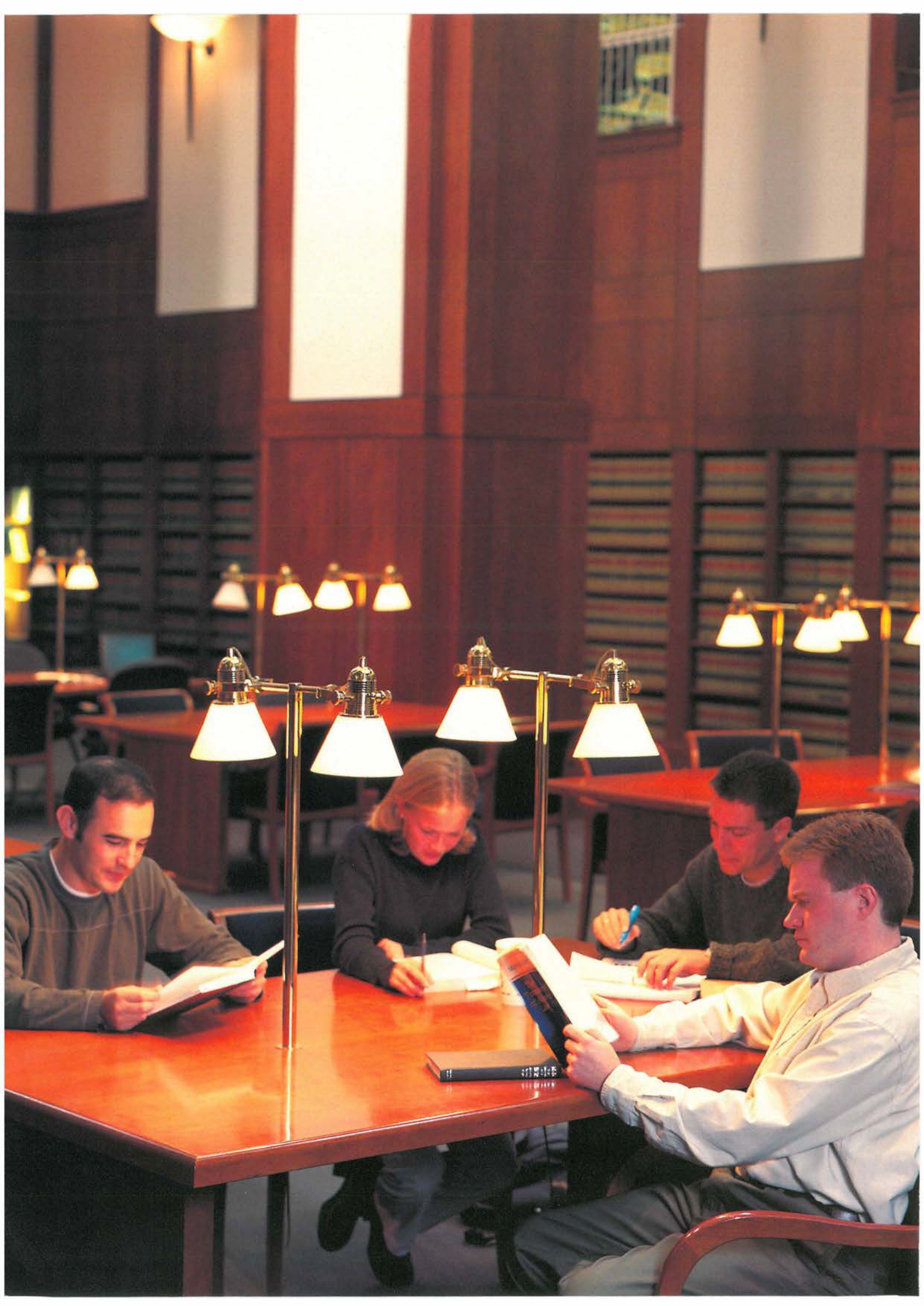


Professor Barbara Armacost helps a student.



Student Bar Association President Kristin Prohl.







*U.Va. recognized comparatively early the potential benefits of counting specialists in legal history among its faculty members.*

# Legal and Constitutional History at the Law School

■ **Linda A. Skove**

“IT’S NO ACCIDENT WE CREATED THE Program on Legal and Constitutional History at the Law School at this point in time,” said G. Edward White, John Barbee Minor Professor of Law and History, University Professor, and Class of 1963 Research Professor. “For one thing, we are very fortunate to have as members of our faculty an extremely talented cluster of nationally known legal and constitutional historians. In addition, history is a hot topic right now, especially among the legal academy. Many scholars now routinely focus on the historical dimensions of their particular areas of interest.” To take advantage of the current excitement about legal and constitutional history in law schools and to publicize the great reputation Virginia already enjoys in the field, White and his colleagues created the Program on Legal and Constitutional History in 1998.

Among its peer institutions, U.Va. recognized comparatively early the potential benefits of counting specialists in legal history among its



faculty members. In the last 30 years, legal education has undergone a transformation, reflecting a growing acceptance of the premise that legal scholarship benefits from systematic exposure to the scholarly methods and training of other disciplines. One of the effects of acknowledging that the study of legal subjects should be interdisciplinary in its emphasis has been the emergence of legal history as a subject and field of concentration in law schools.

Third-year legal and constitutional history students study in the law library's Caplin Reading Room. From left: Ben Block, McKenzie Webster, Caleb Jaffe, and Steve Klepper.

U.Va. was one of several universities around the country to establish a joint degree program in history and law in the early 1970s. Administered by the Law School and the University's Department of History, the joint degree program provided opportunities for law

students to be exposed to historical research, and for history departments to attract able students to their courses.

In 1964 the Law School hired its first legal historian, Doherty Professor Emeritus Calvin Woodard. In 1972 G. Edward White joined the faculty. Both men held graduate degrees in history in addition to law degrees.

Throughout the 1970s, 80s, and 90s, the

Law School continued to expand its cadre of talented faculty members with interests in American legal and constitutional history. Charles McCurdy, who holds a Ph.D. in history and joined the University's History Department in 1975, formally joined the law faculty in 1979 and now occupies a joint appointment with the History Department. In 1987 Michael Klarman was added, as was John Harrison in 1993. In 1998 Vincent Blasi, who visited during the 1997–98 academic year, Barry Cushman, who visited in 1995–96, and James Ryan, a 1992



G. Edward White

*This cluster of scholars has an ongoing interest in establishing connections between historical research and contemporary legal issues*

graduate of the Law School, accepted permanent appointments. Between 1998 and 2000, five additional teachers with an interest in legal history—Julia Mahoney, Jennifer Mnookin, Caleb Nelson, Curtis Bradley, and Stephen

Smith—joined the faculty. This cluster of scholars has an ongoing interest in establishing connections between historical research and contemporary legal issues, especially constitutional issues, and their combined scholarship has contributed to the growing stature of legal and constitutional history in law schools around the country.

### *Faculty Workshops*

The presence of this cluster of faculty has resulted in the revival of a faculty legal history luncheon group. First founded in 1972, the group was designed to provide a forum for the informal discussion of faculty papers. Its members initially included faculty with a common interest in legal history topics from several University departments, including history, government, religious studies, economics, and English. Today the group is able to draw its membership entirely from law school faculty members. That difference is indicative of the enhanced role of legal and constitutional history in the legal academy.

As part of the Program on Legal and Constitutional History, the revitalized luncheon workshops also symbolize the importance of collegial exchange among faculty members pursuing similar research topics. “The program serves to identify a community of people who have signaled their mutual interest in a field of study and who encourage one another to exchange ideas and research strategies relevant to their works-in-progress,” said program director Ted White. “We want to encourage the development of scholarly works by our junior faculty members by providing them a forum for the informal exchange of ideas.”

According to the faculty, the program has been very successful in achieving this goal. “The program provides both a forum for intellectual exchange and a supportive environment for intellectual development,” said Jennifer Mnookin, associate professor of law. “It’s especially useful for those of us who are just starting out, as we seek to define research programs and identify new directions for legal history in the new

millennium. I am currently working on a manuscript about the rise of expert evidence in the 19th-century American courtroom. I made a presentation based on this work-in-progress and received a wide range of extremely useful feedback that will undoubtedly improve the final product.”

In addition to the faculty workshops, the program includes a cluster of course offerings, a Colloquium in American Legal and Constitutional History, currently taught by Charles McCurdy and Barry Cushman, and a series of annual lectures and panel discussions.

### Visiting Scholars

As part of the lecture and panel discussion series, at least one of the nation’s top legal or general historians visits the Law School each semester. According to Mike Klarman, James Monroe Professor of Law, “One of the principal virtues of the program is introducing us to some of the top legal history people in the country and exposing us to their work. It also introduces them to us. We have the best corps of legal historians anywhere in the country. It’s good for people around the country to know this, and after spending a day at Virginia, I’m sure our visitors do know it. This is an especially nice way for some of our more junior people doing legal history to get to know, and become known by, some nationally prominent historians.”

The courses and seminars offered in the program include: American Legal History; Ideas of the First Amendment; Constitutional History from the Articles of Confederation Through the Civil War; Constitutional History from Reconstruction to *Brown v. Board of Education*; the Constitution and Reform Movements; Slavery and American Law; the Family in Nineteenth Century America; Federalism; History and Theory; Research in American Legal History; and the Judicial Role in American History.

### The Student Perspective

In addition to fostering scholarly exchange among junior and senior faculty sharing

research interests, and taking advantage of the large number of Law School faculty currently producing visible and influential scholarship in legal and constitutional history, the program was created with an additional purpose in

*Students have been very enthusiastic about the program, the quantity and quality of courses available to them, and the opportunity to study with some of the best legal and constitutional historians in the country.*

mind: to offer interested students a specialized grounding in the history of American law. White points out that the program identifies for Virginia law students a public law field in which there is currently an impressive and highly visible concentration of faculty and students and where, as a result, they might find participation in legal and constitutional history a stimulating and supported enterprise.

Third-year student Caleb Jaffe believes that the joint J.D./M.A. in history “helps keep alive the idea of law as a learned profession, the idea of lawyers having an important public role to play.” According to Jaffe, “This comes through studying the notes taken by the justices as they deliberated on *Brown v. Board of Education* or reading books about the NAACP’s legal strategy.”

Traditional law students are not the only members of the Law School community to benefit from the program. According to Steven Klepper, a joint-degree candidate who worked during the summer of 1999 as a student assistant for the Graduate Program for Judges, when 31 sitting judges were asked to evaluate their Constitutional History class on the basis of its relevance to what they do as judges, they were nearly unanimous in rating the class a five on a scale of one to five. “In fact,” said Klepper, “they clamored for additional classes to complete the story, since their constitutional history class ended with *Brown v. Board of Education*.”

Students have been very enthusiastic about

## Guest Speakers

**IN THE THREE YEARS SINCE THE PROGRAM ON LEGAL AND Constitutional History began, a number of the nation's leading constitutional and legal historians have visited the Law School as part of the program's series of annual lectures and panel discussions.**

### 1998-99

William Michael Treanor, professor of law,  
Fordham Law School

Daniel R. Ernst, professor of law, Georgetown Law School

### 1999-2000

Henrick Hartog, Class of 1921 Bicentennial Professor of  
History of American Law and Liberty,  
Princeton University

Larry D. Kramer, professor of law,  
New York University Law School

Eric Foner, professor of history, Columbia University

### 2000-01

Neil Duxbury, Faculty of Law,  
University of Manchester, England

Sarah Berringer Gordon, professor of law,  
University of Pennsylvania Law School

Christopher Tomlins, research fellow in American legal  
history, American Bar Foundation


James Kloppenberg, professor of history,  
Harvard University

Laura Kalman, professor of history,  
University of California at Santa Barbara

Mary L. Dudziak, professor of law,  
University of Southern Californian Law School

the program, the quantity and quality of courses available to them, and the opportunity to study with some of the best legal and constitutional historians in the country. "The electives I have taken, especially Constitutional History I and II, Federalism, and the colloquium, have been some of my favorite Law School courses," said third-year Ben Block. He believes the program has helped him put judicial decisions into proper perspective and honed his writing, research, and analytical skills.

"From my vantage point, being interested in U.S. history and legal history, the joint degree program at U.Va. is incredible," said Caleb Jaffe, who chose to study at U.Va. because of the joint-degree program. "I feel really lucky to be at a place where an inspiring group of constitutional legal history scholars is debating and presenting different and often conflicting views of legal history. It's exciting to be able to join in this debate."

Program director White believes the strongest evidence of Virginia's prominence in American legal and constitutional history is the volume of influential scholarship produced by the Law School's faculty. "It is my hope that our new Program on Legal and Constitutional History and the revived legal history discussion group will serve as catalysts for the continued production of significant scholarship in legal and constitutional history by Law School faculty," he said. "The visibility and stature of a field of study at a particular academic institution is a function of the number and talent of people engaging in scholarship and teaching in that field. The more that Virginia students and faculty perceive legal and constitutional history to be an active and stimulating enterprise, the more they may be inclined to participate in that enterprise. Success builds success, and although success requires a congenial institutional environment, success can also contribute to the development of that environment." 



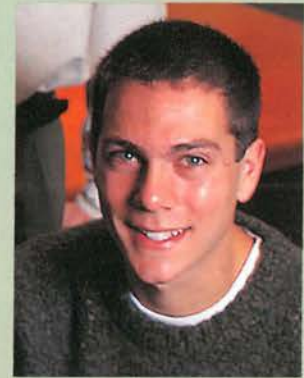
Steve Klepper



Ben Block



McKenzie Webster



Caleb Jaffe

## Students Speak on the Program

“On numerous occasions since I have come to the University, visiting legal historians have commented that U.Va. is home to the finest collection of legal historians anywhere in the country. So far as I can tell, such comments are no mere flattery. If there is any field in which the Law School truly stands preeminent, it is legal history. Though *U.S. News & World Report* will never provide a legal history ranking, U.Va. would be number one if they did.”

**Steve Klepper '01**

Future associate  
Kramon & Graham  
Baltimore, MD

“Law schools nationwide are in danger of becoming merely trade schools, where college graduates are immediately funneled to corporate employers. And the law should be more than that—it has a history of being a learned profession. I think the important distinction between a trade and a learned profession is that a learned profession has a sense of its larger public role. You do not just represent your client, but you are part of a process, helping to make decisions that affect everyone in society. The Program on Legal and Constitutional History helps keep alive the idea that lawyers have an important public role to play.”

**Caleb Jaffe '01**

Future clerk  
The Honorable Norman K. Moon  
U.S. District Court  
Lynchburg, VA

“My experience in the Program on Legal and Constitutional History has been really positive. The master’s thesis has really helped me with my writing, research, and analytical skills.”

**Ben Block '01**

Future clerk  
The Honorable A. Raymond Randolph  
D.C. Circuit Court  
Washington, D.C.

“In the Program on Legal and Constitutional History I’ve discovered that the emphasis on legal history has provided an invaluable foundation for my more contemporary studies in other, strictly legal, subject areas. I feel that I have been incredibly lucky to have been exposed to the best that U.Va. Law has to offer.”

**McKenzie Webster '01**

Future associate  
Mintz Levin  
Boston, MA

## Selective Program Bibliography

THE STRONGEST EVIDENCE OF VIRGINIA'S PROMINENCE IN AMERICAN LEGAL AND constitutional history is the volume of influential scholarship produced by the Law School's faculty. The following is a selective bibliography of scholarship produced since the program's inception in 1998.



**Curtis Bradley**

"The Treaty Power and American Federalism," 97 *Mich. L. Rev.* 390 (1998).

"The Treaty Power and American Federalism, Part II,"

99 *Mich. L. Rev.* \_\_\_\_ (forthcoming, 2000).



**Barry Cushman**

"The Depression and The New Deal," in *Cambridge History of American Law* (Cambridge University Press, forthcoming, 2005).

"Lochner, Liquor, and Longshoremen," \_\_\_\_ *J. Mar. L. & Com.* \_\_\_\_ (forthcoming, 2001).

"Formalism and Realism in Commerce Clause Jurisprudence," 67 *U. Chi. L. Rev.* 1089 (2000).

"The New Deal's Constitutional Significance," in *Encyclopedia of the American Constitution: Supplement II*, ed. Levy, Karst & Winkler (Macmillan, forthcoming, 2000).

"The Commerce Clause: The New Deal," in *The Constitution and Its Amendments* (Macmillan, forthcoming, 2000).

"Edward Terry Sanford," in *American National Biography* (Oxford University Press, 1999).

"Lost Fidelities," 41 *Wm. & Mary L. Rev.* 95 (1999).

*Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford University Press, 1998).

"The Hughes Court and Constitutional Consultation," 1998 *J. Sup. Ct. Hist.* 79.



**John Harrison**

"The Lawfulness of the Reconstruction Amendments" (in progress).

"The Judiciary Act of 1789 and Unwritten Law as Law of the

United States" (in progress).

"The Fiscal Powers and the 1930s: Entrenchment," 41 *Wm. & Mary L. Rev.* 308 (1999).



**Michael J. Klarman**

*Neither Hero, Nor Villain: The Supreme Court, Race and the Constitution in the 20th Century* (Oxford University Press, forthcoming, 2002).

"Is the Supreme Court Sometimes Irrelevant?: Race and Southern Criminal Justice in the 1940s" (unpublished manuscript, 2000).

"The Racial Origins of Modern Criminal Procedure," \_\_\_\_ *Mich. L. Rev.* \_\_\_\_ (forthcoming, Oct. 2000).

"Rethinking the History of American Freedom," review of *The Story of American Freedom*, by Eric Foner, \_\_\_\_ *Wm. & Mary L. Rev.* \_\_\_\_ (forthcoming, fall 2000).

"Constitutional Fetishism and the Clinton Impeachment Debate," 85 *Va. L. Rev.* 631 (1999).

"The Plessy Era," 1998 *Sup. Ct. Rev.* 303.

"What's So Great About Constitutionalism?" 93 *Nw. U. L. Rev.* 145 (1998).

"Race and the Court in the Progressive Era," 51 *Vand. L. Rev.* 881 (1998).



**M. Elizabeth Magill**  
 “The Real Separation in Separation of Powers Law,”  
 \_\_\_\_ *Va. L. Rev.* \_\_\_\_  
 (forthcoming, 2000).



**Caleb Nelson**  
 “State Sovereign Immunity”  
 (in progress).  
 “Stare Decisis and Demonstrably Erroneous Precedents,” 87 *Va. L. Rev.* \_\_\_\_  
 (forthcoming, 2001).  
 “Preemption,” 86 *Va. L. Rev.* 225 (2000).



**Paul G. Mahoney**  
 “Contract or Concession? An Essay on the History of Corporate Law,” 34 *Ga. L. Rev.* 873 (2000).  
 “The Stock Pools and the Securities Exchange Act,” 51 *J. Fin. Econ.* 343 (1999).



**James Ryan**  
 “A Political History of the Establishment Clause”  
 (forthcoming, 2001).



**Charles McCurdy**  
*The Anti-Rent Era in New York Law and Politics, 1839–1865*  
 (University of North Carolina Press, forthcoming, 2001).

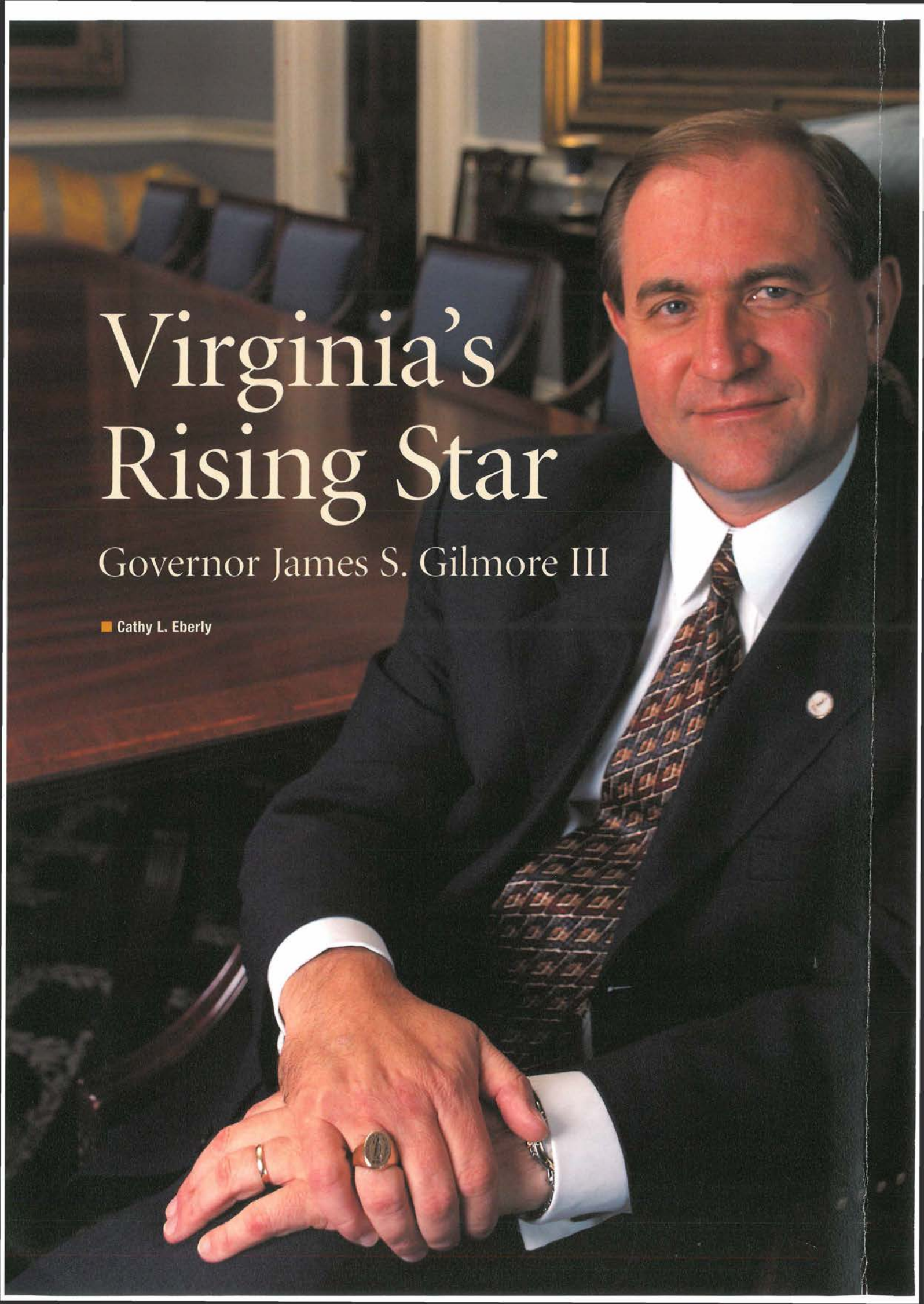


**G. Edward White**  
 “The Unexpected Persistence of Negligence, 1980–2000,” \_\_\_\_  
*Vand. L. Rev.* \_\_\_\_  
 (forthcoming, 2001).  
 “The Arrival of History in Constitutional Scholarship” (in progress, forthcoming, 2001).



**Jennifer Mnookin**  
 “Scripting Expertise: Handwriting Identification Evidence and the Judicial Construction of Knowledge”  
 (in progress).  
 “Theaters of Proof: Visual Evidence and the Law in *Call Northside 777*” (in progress) (with Nancy West).  
 “The Image of Truth: Photographic Evidence and the Power of Analogy,” 10 *Yale J. L. & Human.* 1 (1998)  
 Review of *The Law of Evidence in Victorian England*, by Christopher J.W. Allen, 17 *Law & Hist. Rev.* 174 (1999).

“Recovering the Marshall Court,” 33 *J. Marshall L. Rev.* \_\_\_\_ (forthcoming, 2000).  
*The Constitution and the New Deal: A Reassessment* (Harvard University Press, 2000).  
 “Analogical Reading and Historical Change in Law: The Regulation of Film and Radio Speech,” in *History, Memory, and the Law*, ed. Austin Sarat (Michigan, 1999).  
 “Observations on the Turning of Foreign Affairs Jurisprudence,” 70 *U. Colo. L. Rev.* 1109 (1999).  
 “The Transformation of the Constitutional Regime of Foreign Relations,” 85 *Va. L. Rev.* 1 (1999).

A professional portrait of Governor James S. Gilmore III. He is a middle-aged man with short brown hair, wearing a dark suit, white shirt, and a patterned tie. He is seated at a dark wooden conference table, with his hands clasped in front of him. He is looking directly at the camera with a slight smile. The background shows a conference room with several chairs around the table.

# Virginia's Rising Star

Governor James S. Gilmore III

■ Cathy L. Eberly



JIM GILMORE BELIEVES IN DOGGED determination and the power of the individual. It's a belief he has had since his early years. It motivated him to leave his parents' middle-class neighborhood to enter the University of Virginia. It sustained him through three years of military service, three years in the Law School, and three years as an associate in a small law firm in the Richmond suburbs. It inspired him to try his hand at a solo law practice for a few years. And it gave him the confidence to run for public office for the first time in 1981. Gilmore's credo, that hard-working citizens should be able to direct the course of their lives, is powerful. It's populist. It helped propel Gilmore into the Virginia governor's mansion in 1997. Since then, Gilmore's brand of conservative populism has captured the attention of well-placed Republican politicians from coast to coast.

Becoming governor may not always have been a part of Jim Gilmore's life plan, but he became interested in politics while still a teenager. As a member of the Key Club at his suburban Richmond high school, he helped his faculty advisor, a Democrat, run for the state legislature by managing a precinct for him. While Gilmore enjoyed the experience, he knew that, at heart, he was not a Democrat. As a result, he went on to spend his undergraduate years at U.Va. heavily involved in the College Republicans and the Jefferson Society, a conservative debating organization. He met his future wife, Roxane Gatling (B.A. '76, M.A. '78), a classics major, at a Jefferson Society meeting. By the time he graduated with a degree in foreign policy in 1971, he was planning to become a lawyer.

*"I knew I wanted a career that would provide independence, the ability to build some wealth, and the flexibility to get involved in politics and make a contribution to my community."*

“My parents were working people; in my family there was no long tradition of entering any particular occupation. I knew I wanted a career that would provide independence, the ability to build some wealth, and the flexibility to get involved in politics and make a contribu-

*Gilmore set his sights on gaining admission to Virginia’s law school. “I was well aware of its exceptional quality.”*

tion to my community,” Gilmore explained. “I figured that becoming a lawyer would enable me to meet those goals.”

Describing himself as “enormously happy” as an undergraduate at the University, Gilmore set his sights on gaining admission to Virginia’s law school. “I was well aware of its exceptional quality,” he said. “Any other school would have been second best.”

Gilmore faced the challenge of getting into Virginia with gritty resolve. After taking the LSAT exam, he decided to enlist in the U.S. Army. He learned German at the Army Language School and became an intelligence officer. “I took the LSATs again, I began to ring up achievements, and I informed [Admissions Dean] Al Turnbull of my accomplishments. Every time I was on leave, I came to the Law School to see him,” he recalled.

After his Army discharge, Gilmore finally applied to law school. While admitted elsewhere, he was put on the wait list at Virginia, his first-choice school. “I didn’t let that stop me,” Gilmore said firmly. “I was determined to get off the wait list and into the Law School by the time classes started in the fall.”

Al Turnbull, who is still in charge of Law School admissions nearly 30 years after Gilmore was a student, recalls Gilmore’s determination to gain admission. “By the end of the summer of 1974, Jim was calling weekly to see if we had admitted anyone from the wait list. He was absolutely committed to getting in here,” Turnbull said.

By the first day of classes, the Law School hadn’t admitted anyone from the wait list. That fact didn’t stop Gilmore from driving to

Charlottesville. He spent the day seated outside Turnbull’s office, hoping somebody wouldn’t show up to claim his or her place in the class.

“Jim was at the top of the wait list,” Turnbull recalled. “And he is not the only wait-listed student who has ever showed up on the first day of class, hoping for an opening. But I still remember how persistent he was. Polite, but incredibly persistent.”

At the end of the day, Turnbull called Gilmore into his office to tell him the class was filled. Everyone had claimed his or her place. There were no openings. “It was really difficult for me to have to tell him that, but he took it well. I could see that he was exceedingly disappointed. He said if anything changed, he wanted me to let him know, and I said I would. Then he got back in his car and drove home to Richmond.”

But this was not the end of the story. Overnight, the situation at the Law School changed, and a position opened. The following morning, Dean Turnbull called Gilmore’s home in Richmond and offered Jim the spot. Gilmore was back in Charlottesville by the end of the day. It wasn’t the first time in his life, nor would it be the last, that Gilmore’s rugged determination had paid off.

Surrounded by more than 300 bright and talented students, Gilmore recalled having to work hard in law school. “I was in the library





all the time,” he said. He is proud of the fact that he graduated in the middle of his class despite being the last student admitted. Gilmore recalls some of his professors fondly. “J. Harvie Wilkinson was the best professor I had in law school because he understood fully the concept of law and explained it thoroughly. I really enjoyed taking Property with Tom Bergin and Tax Law with Charles Davison. Peter Low was my favorite lecturer. One day at the end of the semester in Federal Courts, Mr. Low delivered a lecture that pulled the substance of the course together for everyone. That was the finest lecture I ever heard.”

Gilmore also enjoyed his moot court experience. His partner was Bill Hurd '77, currently solicitor general for the Commonwealth of Virginia, a friend from undergraduate school, a fellow conservative, and his Law School roommate. According to Hurd, he and Gilmore progressed successfully through several rounds of arguments. They lost finally when the issue at hand was parental notification: whether teenage girls desiring an abortion should be required by law to notify their parents first. “What’s ironic about this issue is that, since Jim’s been governor, it’s become an actual court case in Virginia, and I argued it,” Hurd said. He paused for a moment. “The second time, we won.”

As law students, Hurd and Gilmore considered themselves more conservative than most of their fellow students and members of the faculty. Gilmore recalls teaming up with a few like-minded members of his first-year small section to argue issues—such as the rights of the victims of crime as opposed to the rights of criminals—with more liberal students and teachers. “Sometimes I really had to search to find someone as conservative as I was,” Gilmore claimed.

Gilmore’s rugged individualism helped him after his Law School graduation and his marriage to Roxane, when it came time to find a job. “I had no family business to fall back on, or sponsors in law or business or high places to promote me,” he stated in remarks delivered in 1998 as U.Va.’s commencement speaker. “I was

strictly on my own, and I got my first job as a lawyer by going from door to door.” He practiced law for ten years in Henrico County and Richmond, but eventually political ambitions crept into his career goals.

Gilmore believes that the education he received at Virginia prepared him well for a public service career. In addition to benefiting from the Law School’s academic rigor, he found his extracurricular activities helpful.

“My experience in the College Republicans gave me the training, the knowledge of the electoral process, and the insight to go boldly forward in politics, and even to realize election victory and high-profile office,” he said.

His first foray into politics came in 1981, when he ran for Virginia’s traditionally Democratic House of Delegates—as a Republican. A Republican won that contest, but it wasn’t Gilmore. He tried for public office again in 1987, when, after the death of the Henrico County commonwealth’s attorney, he challenged the appointed Democratic successor in a special election.

Running on an anti-crime platform, Gilmore persistently stumped door to door and won the election with 58 percent of the vote. He followed that victory with a successful reelection campaign in 1991. Two years later, running on his reputation as an experienced crime fighter, he was elected Virginia’s attorney general. He was the first attorney general in more than 50 years



*Running on his reputation as an experienced crime fighter, he was elected Virginia’s attorney general.*

who did not come to that office directly from the state legislature.

As the Virginia governor's race approached in 1997, Gilmore was the clear choice to be the Republican candidate. But he had to run against Don Beyer, whom the pundits expected would win. Going into the race, Beyer was perceived as a more

charismatic speaker. As Virginia's lieutenant governor, he was better known around the state. He also had influential friends with deep pockets.

But Gilmore had something more. As he said in his U.Va. commencement speech, "I already had learned that success comes

from hard work and mental discipline, and a tenacious will to compete and achieve." He had a solid record as attorney general. He also found an issue he believed would resonate with Virginia voters. He made doing away with the state's highly unpopular and regressive personal property tax on vehicles the focus of his campaign. The Democrats charged that eliminating this tax would result in deep cuts to education and the other social programs that it normally funded. But Gilmore pledged to support education first, and then to cut taxes. His approach was so popular with voters that Beyer, who initially opposed the idea of eliminating the car tax, eventually proposed his own version of a cut. By then, the race was all but over. Gilmore became Virginia's 68th governor, 20 years after his Law School graduation. His success has since motivated a number of GOP

politicians nationwide to copy his anti-tax platform in their own election bids.

Since the election, Gilmore has remained true to his populist roots. He still is vehemently opposed to raising taxes. "I think the tax issue matters most to working people, because they like having more money in their pockets, and more power and independence in their lives," he explained. In addition, he has tackled other sensitive issues with the goal of empowering his constituents. Following in the footsteps of George Allen, his predecessor as governor and a Law School classmate, Gilmore is committed to making a college education more affordable. Building on Allen's freeze on tuition increases at state-supported colleges and universities, Gilmore has cut tuition and fees an additional 20 percent while increasing tax support for Virginia's public colleges and universities by more than \$500 million in just three years.

While he praises Virginia's system of higher education, the governor also believes that it should be more accountable to its citizens. As a result, he is making appointments to university governing boards in a new way, changing the practice begun by his predecessors long ago of appointing to each university's board of visitors only alumni loyal to that institution. "I believe the boards of visitors should function more as corporate boards of directors do in the private sector," he explained. "They should not merely rubber-stamp everything the school wants to do." In another move designed to increase the accountability of Virginia's universities, he has asked schools to develop Institutional Performance Agreements (IPAs). IPAs are long-term strategic plans for the schools that tie tax support to strategic planning and accountability measures for academic quality and operational efficiency. U.Va. is one of the first state universities involved in developing an IPA, which will be subject to approval by the state's General Assembly.

Gilmore believes such oversight is appropriate. "The citizens of the Commonwealth of Virginia own these institutions of higher education; they're paying for them with their

*While he praises Virginia's system of higher education, the governor also believes that it should be more accountable to its citizens.*



hard-earned tax dollars. I believe they—through their elected officials—should have a say in how they’re managed,” he said.

As he moves closer to his final year in office (Virginia’s governors are limited to a single term), Gilmore is working to extend the Commonwealth’s—and his own—influence far beyond the state’s borders. Taking advantage of the fact that high tech firms such as America Online and MCI WorldCom are headquartered in Virginia, he has built strong relationships with industry leaders locally and in the Silicon Valley. Last year, he was appointed chair of the Advisory Commission on Electronic Commerce, a group of 19 government officials and business leaders convened to advise Congress on whether the Internet and electronic purchases should be taxed. Although most of the commissioners—including several of the tech industry representatives—reportedly began their work convinced that Internet sales should be subject to the same taxes levied on other types of sales, some began to change their minds. Not surprisingly, Gilmore’s anti-tax advocacy influenced their new outlook.


Responding to concerns that state and local sales tax revenue would dry up as consumers stopped shopping at malls in favor of the Internet, Gilmore said in a December 1999 interview with the *New York Times*, “I don’t have the slightest interest in destroying the tax base of cities, states, and counties. Government is entitled to the revenue it needs to provide services, but it is not entitled to reach into new areas to get revenues it doesn’t need. Government is not entitled to a taxation windfall just because a new industry has emerged.”

As the commission ended its work earlier this year, it appeared that Gilmore’s words had some effect. A majority of the commissioners agreed on several specific policy proposals which were forwarded to Congress in April. The cornerstone of the commission’s report was the proposal for a moratorium against taxing Internet sales until at least 2006.

These days, Gilmore’s star is shining brightly. On the political front, he led a sweep of three statewide offices in 1997, was instrumental in seizing Republican victories in both houses of Virginia’s historically Democratic General Assembly in 1999, and delivered Virginia’s Republican primary to Texas Governor George W. Bush in 2000. For that effort, he was tapped as a national co-chairman of the Republican Party’s Victory 2000 campaign. “He’s fortunate to serve Virginia in this time of unprecedented prosperity,” said Larry Sabato, a leading political analyst and a professor in the University’s Department of Government and Foreign Affairs. “And his mistakes have been few and far

*“Government is entitled to the revenue it needs to provide services, but it is not entitled to reach into new areas to get revenues it doesn’t need. Government is not entitled to a taxation windfall just because a new industry has emerged.”*

between.” Should George W. Bush be elected president in November, Sabato believes that Gilmore has a good shot at a Cabinet post such as attorney general. But if Bush doesn’t win the election, Sabato believes that Gilmore might well parlay his influence within Virginia’s high tech corridor into a position that would “combine law and the Internet. He could specialize in government relations, or become chief officer or VP of a major Internet firm,” Sabato speculated.

In the meantime, the governor isn’t talking. “My goal is to be the best I can be in the office I’m in,” he said. But casual comments about his son, Jay, a senior in high school applying to colleges, reveal some of his core beliefs. “Jay seems to be interested in business right now, but who knows?” Gilmore mused, shaking his head. “There are no limits on what he can do, no boundaries; anything is possible.” 



# Class Notes

## J.D.

### 1934

Earle K. Shawe was referred to as “a legal legend” for his work as “one of the pre-eminent employment law attorneys in the country” in the June 30 issue of *The Baltimore Business Journal*. Shawe is a partner in the Baltimore law firm Shawe & Rosenthal.

### 1937

Wilbur Fugate served as a visiting fellow at the Lauterpacht Research Centre for International Law at Cambridge University in Cambridge, England, last year. The center brings together legal scholars from around the world to exchange ideas on international dispute settlement, human rights, the development of international organizations, and the emergence of new legal regimes in international economic, maritime, and environmental law.

### 1939

George Feldman reports that he retired from the bench in 1993 and is enjoying traveling with his wife, Goldie, and celebrating 57 years of marriage.

### 1940

Mortimer Caplin was recently appointed chairman of the Washington, D.C., fellows of the American Bar Foundation and president of the Indigent Civil Litigation Fund.

**Susan Sawtelle '81** greets the millennium at the South Pole a century after men wintered in Antarctica the first time. See page 56 for the full story of the only lawyer in Antarctica.

## 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](mailto:lawalum@virginia.edu), **mail** them to *UVA Lawyer*, University of Virginia School of Law, 580 Massie Road, Charlottesville, VA 22903, or **fax** them to 804/296-4838. Please send your submissions by March 1 for inclusion in the spring issue.

### 1947

Monroe Leigh was one of three international lawyers chosen to sit as judges on a moot court panel at this year's American Bar Association meeting in London. The moot court dealt with charges of genocide and war crimes against a fictitious Balkan dictator indicted under the Treaty of Rome.

### 1948

The Norfolk and Portsmouth, VA, Bar Association presented to Francis Crenshaw its Eggleston/T'Anson Professionalism Award at its annual meeting May 3. Named after two former justices of the Supreme Court of Virginia, the award recognizes bar members who have upheld the highest professional standards throughout their careers, serving as role models for younger attorneys. Crenshaw was a senior partner with Crenshaw, Ware and Martin, PLC until his retirement. He also served on the Norfolk school board and the board of visitors of Old Dominion University. Crenshaw has three daughters, Elizabeth, Page, and Marian, from his 44-year marriage to the late Jane Treadwell Crenshaw. He married Anne Abitt in 1997.

The Onondaga County Bar Association in Syracuse, NY, selected Simeon "Sy" Farrell as its 1999 Distinguished Lawyer. Farrell is a partner with Farrell, Martin & Barnell in Baldwinsville, NY. The association's newsletter, *BarReporter*, wrote, "Mr. Farrell has been exceptionally active, locally and on the state level, in the Bar's lawyer alcoholism and drug abuse programs. Always one to lend another lawyer a helping hand, Sy has spent countless hours counseling troubled lawyers and otherwise assisting them in addressing their professional obligations." He and his wife, Winona, have celebrated 50 years of marriage and raised four children, one of whom practices law with his father.

Kemper Goffigon III reports that he is enjoying retirement after active careers in law, business, and vegetable and grain farming on Virginia's Eastern Shore.

### 1949

Robert L. Corwin reports that at the age of 75, he has retired from his firm, Corwin & Matthews, on Long Island, NY.

### 1951 ►► Reunion May 4–6, 2001

Ken Crawford reports that he recently had a reunion with Benjamin Netanyahu, the former Israeli prime minister, and his wife, Sara, in San Francisco. Crawford met Netanyahu while lecturing in Israel in 1985.

### 1953

E. Barrett Prettyman, Jr., received the 2000 Justice Potter Stewart Award from the Council for Court Excellence at the Supreme Court of the United States on May 23 in recognition of his "distinguished leadership and service to the administration of justice." A partner in the Washington, D.C., office of Hogan & Hartson LLP, Prettyman has been counsel on more than 150 matters before the Supreme Court of the United States. A Law School friend of Robert

Kennedy, he was called upon by the Kennedy brothers in 1962 to go to Cuba and negotiate for the return of 1,000 U.S.-backed Cuban prisoners following the disastrous Bay of Pigs invasion. Most recently, Prettyman gave 15 months of pro bono service to the District of Columbia as its inspector general in 1998 and 1999. In an article headlined "Not Just Another Prettyman," the *Washington City Paper* reported that Prettyman's clout, his energy, and the experienced band of former federal investigators whom he recruited transformed the D.C. inspector general's office from a "toothless watchdog" into an effective force battling bureaucratic corruption. *City Paper* reporter Amanda Ripley wrote, "Oddly enough, Prettyman—a man who fought in World War II, smoked cigars with Fidel Castro, and argued 19 cases before the Supreme Court—calls his D.C.-government stint 'the best job I've ever had.'"

Sen. John Warner, Jr., (R-VA) now chairs the U.S. Senate Armed Services Committee. "With the notable exception of Sen. John McCain, R-AZ, a war hero and former presidential candidate, no one in Congress now speaks with more authority over military matters than Virginia's senior senator," wrote the *Newport News Daily Press* when Warner was appointed to the chairmanship last year.

### 1954

John "Til" Hazel, Jr., has been the owner and chairman of Hazel & Thomas PC in Falls Church, VA, for more than 30 years. His firm recently merged with Reed Smith Shaw & McClay LLP in Washington, D.C. In Virginia the new firm is called Reed Smith Hazel & Thomas LLP. Hazel specializes in zoning and land use law. He also serves as chairman of the Virginia Business-Higher Education Council, director of the Greater Washington Board of Trade and the Washington Airports Task Force, trustee of George Mason University Foundation, and a member of both the Harvard University Campaign Executive Committee and the University of Virginia Alumni Association.



## 1956 ►► Reunion May 4–6, 2001

P. Manning Goodwin writes that he has “had an interesting life—35 years of it in England.” He left the legal field after working for the government for three years in Washington, D.C., but law “has been a steady source of confidence in relating to life and business.” He has been a teacher of children and adults, has become a sculptor, and hopes “to be alive and kicking for a few more decades.” He lives in West Hoathly in West Sussex, England.

Edward “Ned” White III reports that he is now retired, with “four grandchildren and counting.”

## 1958

Richard Roth reports that he retired from practice this past June and is currently enjoying life in St. Augustine, FL.

## 1959

Robert L. Bohannon writes that he has started a new job teaching piano lessons in Norfolk, VA.

After 41 years as an attorney for the federal government, Harwood Martin has retired. He reports that he is enjoying life in the waterfront town of Oxford, MD, where he spends most of his time fixing up his boat.

## 1960

*The Virginian-Pilot* in Norfolk, VA, featured Morton Clark in a March 23 article, headlined “Friends for Life Strive for Schooner.” The article told the story of Clark’s friendship with Virginia State Sen. Kenneth Stolle and their efforts to lobby for the construction of a replica of an early-20th-century schooner to represent Virginia. The *Schooner Virginia*, which Virginia voted to fund in March with \$750,000, will be similar to Maryland’s *Pride of Baltimore II*. Clark, a maritime lawyer at Vandeventer Black LLP in Norfolk, serves on the board of the *Schooner Virginia* project. The two men began their

friendship in 1979, when Stolle, a Virginia Beach policeman, saved Clark from drowning. Clark was involved in a car accident on an icy January night that landed him in a water-filled ditch. Stolle pulled Clark to safety and held him against his own body until help arrived.

Jean Harrison Clements was appointed a judge of the Court of Appeals of Virginia in March. Her term as Fauquier Circuit Court judge of the 20th Circuit in Warrenton, VA, ended in June, and she took up her new duties in July.

## 1962

Priscilla Richardson recently celebrated her 150th published article and her sixth year as a professional speaker and trainer in the area of business writing, effective listening, and public speaking. She encourages classmates to catch up with her at *WriteSpeakforSuccess.com*.

## 1966 ►► Reunion May 4–6, 2001

Mays & Valentine, LLP recently honored Philip Bagley III with the John Davenport Award for Community Service. Bagley chairs the real estate practice group in the firm’s Richmond, VA, office.

## 1967

David S. Fitzpatrick reports that he is starting yet another career after practicing entertainment and criminal law, producing rock concerts (including the largest indoor concert in history—120,000+ fans—with Alice Cooper in Sao Paulo, Brazil), acting as general counsel to two energy companies in Denver, acting as executive director of the Reno Rodeo Association and director of marketing for the Nevada Commission on Tourism, and producing a variety of special events in his home city of Reno, NV. Fitzpatrick is part of a group that built its third power plant using alternative energy at a landfill in Roseville, CA. The plant was scheduled to be hooked up to the power grid in July.

## Alumni Events Span the Globe

VIRGINIA LAW GRADUATES PARTICIPATED IN a wide range of alumni events over the past several months in locations across the country and around the globe.

Edwin Fountain '90 and the Jones, Day law firm hosted a Washington, D.C., alumni event at the firm's new offices on Capitol Hill for area alumni on April 6th. An

enthusiastic group heard Professor Ken Abraham give an update on the Law School.

On May 11, Dean Robert Scott joined with New York City law alumni for a reception at the U.Va./Yale Club of New York.

A small group of Atlanta alumni joined with Darden School alumni from the area for a reception and

performance of "Blues in the Night" at the Alliance Theatre on May 18.

The Law School Alumni Association and Law School Foundation hosted their annual reception for Class of 2000 graduates and their families on Saturday, May 18th. More than 1,200 people attended this annual event in Caplin Pavilion and Spies Garden.

Professor Jim Ryan '92 addressed the annual alumni breakfast at the Virginia State Bar meeting in Virginia Beach, VA, on June 17. Ryan updated the group on events at the Law School and spoke about his ongoing research activities.

The European Alumni Chapter held its alumni reunion July 6-9 in Hannover, Germany. The event was organized by Detlev Oelfke '86 LL.M. Participants attended the 2000 World Expo, an academic session at the University of Hannover organized by Andreas Wiebe '88 LL.M. and Jutta Stender-Vorwachs '78 LL.M., and a closing dinner in the Royal Gardens at Herrenhausen. The European chapter held its biannual meeting and elected new officers. The


new officers include: Kris Gledhill '85 LL.M., president; Detlev Oelfke, vice president; and Vannan McKellar '87, LL.M., treasurer. Planning has begun for a reunion to be held in Charlottesville during the summer of 2001; the next European reunion will be held in Edinburgh, Scotland, the following summer.

An alumni cruise was held in London on July 18 during the American Bar Association's annual meeting. Thirty-six alumni and guests enjoyed a beautiful dinner cruise down the Thames complete with fireworks to commemorate the 100th birthday of the Queen Mother.

On August 9th, Kim Keenan Solomon '88 hosted a reception in conjunction with the annual meeting of the National Bar Association (NBA) in Washington, D.C. Solomon is a member of the NBA's board of governors. Plans are already underway for an alumni event during the NBA meeting next year in Dallas.

As the 2000-2001 academic year began, Robert Scott began his "farewell tour" as dean by traveling to Pittsburgh for an alumni luncheon sponsored by Bob Riordan '73 at the Duquesne Club.

The dean also traveled to Los Angeles to attend an event at the Bel Air Bay Club with area alumni on October 10th, followed by an event for San Francisco alumni on October 13th at the home of David deWilde '67.

On October 24, Washington, D.C.-area alumni attended a happy hour followed by a performance of "Inherit the Wind" starring James Whitmore and Robert Prosky. 



Alumni enjoy a dinner cruise down the Thames during the ABA meeting July 18 in London. From left to right: Anne and Jack Kenny '48, Jerry Weinberg '50, and Kathy Perdue, director of alumni affairs and assistant director of annual giving for the Law School Foundation.



Detlev Oelfke '86 LL.M., (center) his wife, Gabi, and Johannes Esterhazy '81 LL.M. tour the Royal Gardens during the European Alumni Reunion.

Allen Halperin recently joined the Washington, D.C., office of Fullbright & Jaworski LLP as senior counsel. His practice centers on federal income and excise tax and state taxation matters.

R. Bruce Keiner, Jr., continues to practice at Crowell & Moring LLP in Washington, D.C., helping Continental Airlines and its affiliates win new routes around the world. He also serves as general counsel of the Regional Airline Association and works for various airlines in regulatory matters. In his free time he skis, does pro bono work, cooks in a soup kitchen, and presides over Maret School's board of trustees. Keiner reports that his family is doing well, despite suffering a few broken bones in 1999. His wife, Suellen delayed a lecture tour on environmental law in Senegal, the Ivory Coast, and Benin after she fractured her left foot in a hole in a Baltimore sidewalk. She directs the Program on Environmental Governance and Maintenance at the Environmental Law Institute in Washington, D.C. Their son, Grant, dislocated a shoulder skiing and broke his thumb playing lacrosse at Colorado College. Their daughter, Terrill, a ninth-grader at Maret School, broke her arm at soccer camp. After graduating from Colorado College, their elder son, Scott, is pursuing a film career in Hollywood.

As a member of the 1997 Leadership Alabama Class, James E. Rotch and his classmates were challenged by Marsha Folsom, wife of former Governor Jim Folsom, to think of a way to improve racial harmony in the state of Alabama. Rotch responded by writing "The Birmingham Pledge," a simple and eloquent statement of one's belief in humanity and the dignity and the respect every individual should enjoy. Since then, more than 50,000 people from around the world, including President and Mrs. Bill Clinton, have signed the pledge and are committed to eliminating racial prejudice for all time. Rotch is a partner in the firm Bradley Arant Rose & White in Birmingham.



Tamar Meekins '87 (left), a recent nominee to the D.C. Superior Court, and Kim Keenan Solomon '87, a member of the board of governors of the National Bar Association (NBA) and the Law School Alumni Council, catch up at an alumni reception held August 9 during the NBA's annual convention in Washington, D.C.



Alumni volunteers and Business Advisory Council members enjoy a sunny day at the Foxfield Races on September 24. From left to right: Tom Melo '77, Bruce Bilger '77, Rolin Bissell '85, and David Mulliken '75.

## 1968

William Baker, Jr., reports two recent mergers in his life. He married "a wonderful lady," Bayard Gordon. In addition, his New York-based law firm, Reid & Priest, merged with California's Thelen, Marrin, Johnson & Bridges. The new firm is called Thelen Reid & Priest LLP.

The Connecticut Council on Adoption presented its annual award to David Biklen for his commitment and contribution to adoption. As executive director of the Connecticut Law Revision Commission, Biklen prepared two reports advocating procedural changes in the adoption of children in foster care and recommending that adoption records no longer be sealed from adult adoptees. He has served as a big brother in the Big Brother/Big Sister program for the past eight years, and serves on the board of directors of Immanuel Church Housing Corporation for the Elderly. Biklen currently lives in Hartford with his wife, Blanche, and their adopted daughter, Rebecca.

John Merting received the Florida Bar President's Pro Bono Service Award in February. The award recognized Merting for his pro bono efforts, including winning maintenance and medical care for a veteran merchant seaman unable to work because of his battle with cancer. A maritime lawyer in solo practice in Pensacola, FL, Merting also handles federal tort claims with an emphasis on medical negligence, and workers' compensation claims. He and his wife, Linda, have two daughters.

## 1969

Michael Fox has moved from Seattle to Vashon Island, a small island in Puget Sound. He now takes the ferry to work, where he continues to serve as a Superior Court judge.

Frederick Hodnett was recently appointed to the Administrative Law Advisory Committee by the Virginia Code Commission, where he has had the pleasure of working with former classmate, H.L. Kneedler. Hodnett reports that the committee is

currently working on several interesting projects, including the development of a resource book for hearing officers.

W. Lawrence Larche reports that his daughter, Megan, has graduated from Florida State University. After a summer trip to Europe, she plans to move to New York City and seek jobs in theater stage management. Larche's son, Will, wrote a play script that won the Critics' Choice grand prize at a district competition. He is a junior at Palm Beach County, FL, School of the Arts, majoring in musical theater. Larche specializes in estate planning at Schroeder & Larche PA in Boca Raton, FL.

Jon Tangen is a mining attorney in private practice in Anchorage, AK. He specializes in title and regulatory matters, negotiation, lobbying, and litigation. He is the past president of the Alaska Miners Association and the Alaska State Chamber of Commerce.

## 1971 ►► Reunion May 4–6, 2001

William Paret Boswell has joined McGuireWoods, LLP as a partner in its new Pittsburgh office. He had been with Consolidated Natural Gas Company since 1978 as vice president and deputy general counsel, and retired following its merger with Dominion Resources. Boswell reports that he remains chairman of the American Bar Association's Gas Committee and will become chairman of the Gas Standards Board in December.

Thomas "Tad" Decker has joined Cozen & O'Connor, A Professional Corporation, in Philadelphia, PA, where he serves on the firm's Administrative Leaders (management) Committee and practices general corporate law with an emphasis on mergers and acquisitions, corporate governance, and alternative dispute resolutions. Decker also serves as a member of the Business Advisory Council for the Law School.

**Robert Goldman** has been elected president of the Inter-American Commission on Human Rights of the Organization of American States. This seven-member commission hears complaints by alleged victims of human rights violations in the Americas, conducts on-site visits to member states, drafts treaties, and organizes promotional activities at the academic and professional levels. Goldman teaches at the Washington College of Law at American University in Washington, D.C. His scholarship focuses on international human rights and humanitarian law. His most recent book is a case book co-authored with the late Waldemar Solf, entitled *Problems and Material on International Humanitarian Law*.

**Ann MacLean Massie** recently took a sabbatical from Washington and Lee University School of Law, where she teaches, to spend a year as a theology student at Emory University. She reports that she is currently enrolled in the Master of Theology Studies Program, which she hopes to complete during her next leave.

In recognition of his outstanding dedication and contribution to maintaining the honor and integrity of the legal profession, **Alan Mogol** has been elected a fellow of the Maryland Bar Foundation. Mogol is a principal of Ober, Kaler, Grimes & Shriver, A Professional Corporation, in Baltimore, and is a frequent lecturer and author on issues affecting equipment financing.

**Mark Sullivan** was recently a guest speaker at the 22nd Annual Institute on Family Law in Tampa, FL, where he gave a presentation to more than 700 lawyers, entitled "Seeing is Believing: Charts, Graphs and Presentations for the Domestic Lawyer." Sullivan has also been appointed co-chair of the Military Committee of the American Bar Association Family Law Section.

## 1972

**Robert Adams** recently joined Odin, Feldman & Pittleman PC in Fairfax, VA. He practices in the areas of civil and criminal litigation, including personal injury, negligence, and domestic relations.

**Terrance Miller** has been elected a director of the Defense Research Institute, the nation's largest association of civil litigation defense lawyers. A partner with Porter Wright Morris & Arthur LLP, in Columbus, OH, he specializes in civil trial work with a focus on products liability.

**Roland Vaughan** has retired from the bench after serving as a federal administrative judge with the Social Security Administration in Washington, D.C. After 30 years of federal service, Vaughan reports that he is enjoying spending time with his daughter, Allison, in Annandale, VA.

## 1973

In recognition of his dedication and commitment to the Volunteer Lawyers Project, the Maine State Bar Association presented **Donald Gasink** the Pro Bono Publico Award. In the past year, Gasink accepted 16 pro bono cases, the most by any sole practitioner in the Volunteer Lawyers Project.

**Jonathan Kane** was recently named vice chair of the labor and employment group at Pepper Hamilton LLP in Berwyn, PA. Kane reports that he will be working on growth and development programs for the firm's associates.

**Joseph A. Paradis III** was recently elected chairman of the board of trustees of the American Printing House for the Blind. A nonprofit organization in Louisville, KY, the American Printing House is the world's largest company devoted to making products for people who are visually impaired.

## 1974

Cotelligent Group Inc. appointed **Ralph Baxter, Jr.**, to its board of directors in March. Baxter is the chairman and chief executive officer of Orrick, Herrington & Sutcliffe LLP, a leading law firm specializing in structured finance, project finance, and public finance, based in San Francisco. Cotelligent is a leading provider of information technology consulting and outsourcing services.

**Andrea Silverberg Field** recently became the first woman to be named a managing partner of a Hunton & Williams office. Field joined the firm, where she practices environmental law, directly out of law school. She currently lives in Washington, D.C. and enjoys spending time with her husband, Whit, and her two sons, Ben and Geoff.

**Robert P. Wax** was recently chosen to be an arbitrator/mediator on the national energy panel of the American Arbitration Association. He is also the new chairman of the Public Utility Section of the Connecticut Bar Association and continues to practice in the Hartford office of LeBoeuf, Lamb, Greene & MacRae LLP.

## 1975

In January, **Delores Boyd** became the first African American presiding judge in Montgomery, AL.

**Glenn Croshaw** became a member of the board of directors of Virginia Beach Vision, a business and economic development association in Virginia Beach, VA, in March. Croshaw chairs the commercial real estate and finance section of Willcox & Savage PC in Virginia Beach.

This past spring, **William Ferguson** was a visiting professor at the University of Memphis Law School.

*Missouri Lawyers Weekly* recognized **John Quinn III** with his colleague, Karen Baudendistel, for achieving the top defense verdict of 1999 in Missouri. Quinn defended MiTek Industries Inc. in a suit brought by a worker who was injured

when his legs were caught in a wood-truss press. When he first took the case, Quinn told the magazine, "I didn't want to be seen by the jury as a guy up there attacking a person in the wheelchair." But evidence revealed that the worker had pre-existing conditions he did not report and that he had not followed required safety procedures to stop the machine before climbing on top of it, Quinn said.

**Lee Unterman** recently joined Kurzman Karelsen & Frank, LLP as a partner, after the firm's acquisition of his firm, Bresler Goodman & Unterman, LLP. Unterman continues to focus on real estate law and will head the firm's securities group.

This summer, **David M. Webster** was awarded an honorary Doctorate of Divinity degree by Seabury-Western Theological Seminary in Evanston, IL. In previous years, Webster served as chairman of Seabury's board of trustees; he was the first layperson to chair the board.

## 1976 ►► Reunion May 4–6, 2001

**Alan S. Gold** reports that he has co-authored a chapter, entitled "The Americans With Disabilities Act and its Effects on Neurological Diseases of the Lower Body," in the textbook, *Neurological Diseases of the Lower Body*. Gold continues to represent hospitals and health care providers in employment and insurance litigation matters for his law firm, Monaghan & Gold, PC in Elkins Park, PA.

**Daniel J. Hoffheimer** reports that he has been appointed to the editorial advisory board of the *Probate Law Journal of Ohio*.

**James Lee** recently left Winstead Sechrest & Minick, PC to become a partner at Vinson & Elkins LLP. He writes that "while it was a difficult decision to leave Winstead Sechrest & Minick PC after almost 20 years, I could not pass up this opportunity." Lee is currently in the Dallas office,

where his practice focuses on commercial and bankruptcy litigation.

This past March, **Donald W. Lemons** earned a seat on Virginia's highest bench. After serving two years on the Virginia Appeals Court and three years as a Richmond circuit judge, the Virginia General Assembly elected Lemons to a 12-year term on the Supreme Court of Virginia.

**Cynthia Mitchell** recently joined Cozen and O'Connor, A Professional Corporation, and will be heading their new office in San Francisco, CA.

## 1977

After 20 years as a civil litigator with Howard, Rice, Nemerovski, Canady, Falk & Rabkin, A Professional Corporation, **Peter Busch** was appointed to the San Francisco Superior Court by Gov. Gray Davis. Busch told *The Recorder* that he hopes to bring "... qualities such as fairness, an ability to listen and to make decisions" to the bench. He also said, "It's going to be a lot of fun."

**Roliff Purrington** writes that he is currently pursuing an international M.B.A. from the University of Chicago Graduate School of Business program in Barcelona, Spain. Besides his course work, Purrington continues to practice law with Mayor, Day, Caldwell & Keeton, LLP in Houston and Austin, TX.

## 1978

**Robert W. Landau** has been elected a member of the National Academy of Arbitrators, a professional and honorary organization of the leading labor and employment arbitrators in the United States and Canada. A full-time arbitrator since 1988, Landau is the only member of the academy from Alaska.

**Blake Morant** has been promoted to the rank of professor of law at Washington and Lee University School of Law. He also has been appointed to the editorial board of the American

Association of Law Schools' *Journal of Legal Education* and the Supreme Court of Virginia's Gender Bias Study Task Force.

## 1979

**Gavin Appleby** has recently returned to the Atlanta-based firm of Powell, Goldstein, Frazer & Murphy, LLP to lead their national labor and employment law practice. Appleby left the firm in 1997 to become the chief litigation counsel of the Kimberly-Clark Corporation.

**Anne Kleindienst** recently became a shareholder and director of Fennemore Craig PC in Phoenix, AZ. She previously was a partner with Jennings Strouss & Salmon PLC, also in Phoenix. She practices corporate and municipal finance and franchise law and represents businesses in general corporate matters. Kleindienst is a former president of the Arizona Chapter of the Federal Bar Association, the Maricopa Chapter of the Arizona Women Lawyers Association, and the Arizona Licensor/Franchisor Association.

**G. Daniel Newland** has joined the San Francisco office of Seyfarth, Shaw, Fairweather & Geraldson as a lateral partner. Newland previously served as managing partner for the San Francisco office of Kauff, McClain & McGuire. He practices labor and employment law.

**Karen H. Rothenberg** has been chosen the first woman dean of the University of Maryland School of Law. She has been a professor at Maryland for 17 years and is the founder of its law and health care program, which *U.S. News and World Report* ranked among the top five of its kind nationally. Jason St. John, a student at the University of Maryland, praised the new dean: "She [Rothenberg] listens. She purposefully walks through the student entrance every day, just so she can interact with us."

### 1980

In May **David Cooke** joined the San Francisco office of Allen, Matkins, Leck, Gamble & Mallory LLP, a business law firm in California. Since 1991 Cooke had been a partner at Beveridge & Diamond, where his practice focused on civil litigation and environmental counseling.

**William Lucas, Jr.**, reports that he has recently been named executive vice president of group operations for the Hackney Group, Inc., in Birmingham, AL. In this position, Lucas is responsible for the operations of eight of the Hackney Group companies.

In July Col. **Richard Price** was reassigned to headquarters, U.S. Air Forces, Ramstein, Germany, where he serves as chief of the international law division. He previously was chief of the operational law division in the United States. His wife, Cindy, and two daughters, Daniella and Laura, have joined him in Germany.

**Stacy Sauls** was recently elected and consecrated the new bishop of the Episcopal Diocese of Lexington, VA.

### 1981 ►► Reunion May 4–6, 2001

Torys, the international law firm based in New York City, has appointed **Stephen Adnopo**z counsel of its public finance practice. Adnopo functions primarily as bond counsel, underwriter's counsel, and counsel to credit enhancers and borrowers in municipal finance transactions.

President Clinton appointed **W. Cullen Battle** to the Utah Reclamation Mitigation and Conservation Commission in 1999. Battle has practiced real estate, insurance and products liability litigation, and environmental law with Fabian & Clendenin PC in Salt Lake City since 1981. He currently serves on the Supreme Court Advisory Committee on Civil Procedure, the Utah Solid and Hazardous Waste Control Board,

and Salt Lake City's Public Utilities Advisory Committee. He is a co-editor of the *Model Utah Jury Instructions* (Michie & Co.).

**H. Buckley Cole** recently became a partner at Greenebaum Doll & McDonald PLLC in Lexington, KY. He concentrates his practice in corporate, e-commerce, telecommunications, and employment law.

**Rick Fay** was recently named managing partner at the Charlotte, NC, office of Kilpatrick Stockton LLP.

This past June, **Stanley Joynes III** married Barbara Cole Thornhill. The couple currently resides in Richmond, VA.

In recognition of his continuous devotion to the Volunteer Lawyers Project, the Maine State Bar Association presented **Kenneth Lehman** the Pro Bono Publico Award. Last year, he represented a client in a complicated employment case that required 600 legal hours to resolve. Lehman worked more pro bono hours on a single case than any other lawyer involved with the Volunteer Lawyers Project.

**Jonathan Leiner** has served as a U.S. administrative law judge for the Social Security Administration in Tupelo, MS, since 1997. "I have enjoyed very much hearing disability appeals and other Social Security matters since that time," he wrote. "The people of North Mississippi have been very gracious, and I invite any U.Va. alums in the neighborhood to drop by."

### 1982

**Thomas F. Bonhage, Jr.**, has recently joined the international law firm of Kilpatrick Stockton LLP as an associate in the firm's Raleigh, NC, office. He will primarily be focusing on technology, corporate, and securities law.



**Keith Hemmerling** is president of The Hemmerling Foundation, a nonprofit corporation in Los Angeles, CA. The foundation provides funds to charitable organizations that aid the mentally ill, the homeless, and child victims of street prostitution.

**Philip Mulford** is celebrating the tenth anniversary of his business, Mulford Mediation, which is focused on family and business mediation in Northern Virginia. In addition to managing his mediation practice, he teaches CLE programs on how lawyers can more effectively represent their clients in mediation. Mulford and his wife, Lisa, live in Warrenton, VA, and have two children, Philip, Jr., 4, and Preston, 2.

Mays & Valentine LLP recently honored **Mark Shiembob** with the Richmond Moore Award for Client Service. Shiembob's practice at the firm's Richmond office focuses on commercial real estate. He has developed a national practice representing mortgage bankers involved in all aspects of financing multi-family and commercial properties.

**Brian Snarr** writes that he has married Olivia Clemente Snarr, whom he met in September, 1982 while awaiting the results of his bar exam. The couple is currently enjoying married life in New York.

Austral University, in Buenos Aires, Argentina, has chosen **Thatcher Stone** to join their faculty of law. Stone will teach a seminar on international aeronautical law in Spanish. Additionally, he published an article on the proposed Unidroit Convention in the *University of Pennsylvania Journal of International Economic Law's* fall 1999 issue. The article discusses the complexities of cross-border financing of large, intercontinental aircraft, and explains how the proposed convention would simplify the legal and financial aspects of this process. Stone, a partner with Rosenman & Colin LLP in New York City and leader of the firm's aviation practice group, is an official commentating attorney to the Aviation

Working Group, which includes major firms such as Airbus, Boeing, GE, and Pratt & Whitney.

## 1983

**Jim Cauthen** reports that he has recently left active practice and earned a Ph.D. in political science from the University of Kentucky. He is currently an assistant professor of government at John Jay College of Criminal Justice in New York City, where he teaches courses in judicial process and constitutional law. Cauthen lives in Ridgewood, NJ, with his wife, Helen, and their children, Sarah and Will.

**Deborah Swindells Donovan** recently joined LeClair Ryan PC as a partner in the labor and employment practice group in Richmond, VA. She previously served as an assistant U.S. attorney in the Southern District of New York, and was a partner in the New York City and Washington, D.C., offices of Anderson Kill & Olick.

**William Webster** and his wife, Lindsay, proudly announce the birth of their daughter, Lily Laudreth. The family is currently residing in Spartanburg, SC, where Bill is president and CEO of Advance America, Inc.

## 1984

**Bruce Brumberg** is one of the founders and CEO of *myStockOptions.com*, a Web site which brings together top financial planning, tax, and legal experts to create comprehensive online resources for executives and employees with stock options. Brumberg is also executive producer of insider trading and sexual harassment prevention training videos and other innovative information products.

**Bradley W. Fitzgerald** and his wife, Susan, proudly announce the arrival of their twin sons, John Kirby and William Carden. The Fitzgerald family currently lives in Roanoke, VA.



## The Only Lawyer in Antarctica

WHAT DOES AN ENVIRONMENTAL LAWYER DO for a challenge after returning from a month-long commercial expedition to Antarctica aboard a Russian Navy icebreaker? If you're Susan Sawtelle '81, you sign on to spend a year working at the U.S. research facility at the South Pole.

"I've been interested in Antarctica, science, and the early explorers for years," explained Sawtelle in an e-mail from the U.S. government's Amundsen-Scott South Pole Station, where she is part of the 50-person—42 men and 8 women—wintering-over crew. Sawtelle is taking a year's leave of absence from her position as a partner with the law firm Wiley, Rein & Fielding in Washington, D.C., to act as the station's environment, health and safety coordinator. Among other responsibilities, she ensures the station's compliance with occupational safety and health standards; oversees proper management of hazardous and solid waste; supervises and reports spill response measures; and conducts regular sampling and analysis of station drinking water and indoor air to ensure that it meets EPA and OSHA standards.

It wasn't easy convincing the scientists that they should hire her—"why would we need a

lawyer in Antarctica?" they asked—but faced with Sawtelle's persistence and the knowledge that the environment, health and safety job would be a good match for her skills, they eventually gave in.

South Pole Station is one of three U.S.-funded scientific research stations located in Antarctica, all of which are operated by the National Science Foundation. Because it is so cold—in winter the temperature averages  $-80^{\circ}\text{F}$  with an average  $-128^{\circ}\text{F}$  windchill—and so dark—there is no daylight between March and August—the station is an ideal place to conduct certain kinds of astrophysical experiments. Scientists based there probe the origins of the universe by detecting pathways of subatomic particles called neutrinos through two miles of ice on which the base is built and by searching with telescopes for anomalies in the cosmic microwave background. They also define the contours of the earth's ozone hole, which was discovered at the South Pole, and measure earthquakes and other seismic disturbances all over the world.

More than half of the station's winter crew lives under a geodesic dome, and some, nicknamed "dome slugs" by their colleagues, don't venture out for weeks at a time. But Sawtelle

volunteered to be part of the first winter group ever to live in the base's metal huts, called hypertats. "Living in the hypertats means you walk to work at 100 below, which can be pretty interesting," she wrote. "By the time we reach the dome, our eyelashes are usually frozen."

But going out in the middle of the Antarctic winter—which occurs during the Northern Hemisphere's summer season—is no stroll in the park. "While it is hard to imagine, the cold is something you more or less get used to, assuming you're dressed in about six layers of clothing and you keep moving," she wrote. "There is no wildlife here because it's too cold and there's no food, and, for the most part, all you can see are miles of snow and ice whipped by the wind into waves called *sastrugi*. Now that it's night all the time, we have the stars, the moon about ten days a month, and some spectacular aurorae, which are called the *aurorae australis* in the Southern Hemisphere."

Contact with the outside world is extremely limited. "It is physically impossible for anyone to get into or out of the South Pole during the winter months, so we have no mail, no fresh food, no new supplies of any kind," she wrote. "We have access to e-mail and the Internet via satellite for about ten hours each day, and that represents by far our main means of communicating with civilization."

Sawtelle finds it a challenge to apply the same OSHA and EPA regulations with which she works in Washington, D.C., in an environment that is harsh both physically and psychologically. "There truly is never a dull moment here," she wrote. She enjoys the diversity of the base's crew, which includes scientists from other nations as well as American staff of all ages and backgrounds.

Perhaps most importantly of all, she loves Antarctica. "This is an extraordinarily beautiful and peaceful place for those who appreciate it," she wrote. 🏠

Diane Lang Brissenden has been appointed the new executive director of HIV Alliance in Eugene, OR. HIV Alliance is a nonprofit agency dedicated to stopping the spread of HIV and AIDS through education and prevention programs, and helping people living with the disease lead a fulfilling life. Prior to accepting this new position, she served as Oregon's assistant attorney general and director of the University of Oregon's health law clinic. Lang Brissenden enjoys spending time with her son, James, and her daughter, Leigh.

Stephen Rademaker serves as chief counsel to the U.S. House International Relations Committee. He is a former Peace Corps general counsel, associate counsel to President Bush, and deputy legal advisor to the National Security Council during the Bush administration. He also has served as special assistant to the assistant secretary of state for inter-American affairs. In that post, he advised Nicaragua's Contra rebels.

Debra Nicholson Ward has married Peter Craig, a rancher. She writes that she is enjoying getting used to a life filled with horses, cows and chickens. The couple lives in California.

## 1985

Stephen Bainbridge has been named the Joseph Flom Visiting Professor of Law and Business at the Harvard Law School, where he plans to teach courses in corporate finance and advanced corporate law. After spending the 2000–01 academic year in Cambridge, Bainbridge plans to return to Los Angeles, where he is a professor at the UCLA School of Law.

McDara Folan III has joined R.J. Reynolds Tobacco Holdings Inc., the parent company of R.J. Reynolds Tobacco Company, as vice president,

deputy general counsel, and secretary. He previously was vice president, secretary, and general counsel at Allen Telecom Inc., a manufacturer and distributor of wireless communications equipment in Cleveland, OH.

### **1986** ►► Reunion May 4–6, 2001

Timothy M. Cary has formed his own law firm, Timothy M. Cary & Associates, which specializes in education law and civil litigation. He also enjoys spending time with his wife, Carol, and his daughters, Eve and Felice, in Shingle Springs, CA.

R. Dulany Hunter IV is a partner with Hunton & Williams, and is currently practicing in the firm's Brussels office. His practice primarily focuses on environmental, consumer regulations, and trade law. Last year he co-authored a book, entitled *European Community Deskbook*, and he continues to write articles for the *Wall Street Journal Europe* and *Frankfurter Allgemeine Zeitung*. Additionally, Hunter was recently elected chairman of the board of directors of the Center for the New Europe, an independent free market think tank.

The Foundation For The Carolinas recently named C. Barton Landess senior vice president for donor services. He directs the foundation's development and communications activities. Landess previously worked as an attorney with Smith Helms Mulliss & Moore LLP in Charlotte, NC, and in development and as general counsel for Davidson College. He founded Davidson Consulting Group, which provides consulting services to nonprofit organizations. The Foundation For The Carolinas ([www.fftc.org](http://www.fftc.org)), the largest community foundation in the Carolinas, helps charitable foundations establish permanent endowments and encourages philanthropy by individuals.

### **1987**

Christian Bartholomew recently joined Morgan, Lewis & Bockius LLP as a partner in the litigation practice group, where he focuses primarily on securities litigation. Prior to joining the firm, he served five years as senior trial counsel in the southeastern regional office of the Securities and Exchange Commission. Bartholomew enjoys relaxing with his wife, Ana, and his daughters, Caroline and Claire, in Miami, FL.

James Billingsley married Julie van der Zweep in the chapel of the Salisbury School in Salisbury, CT, on June 26. James is an associate at White & Case in New York City. He is the secretary and a director of the Henry L. and Grace Doherty Charitable Foundation, a New York non-profit organization which gives grants for ocean ecology and oceanographic research and has supported professorships at the Law School. Julie is an intensive-care nurse and manager of the post-surgical recovery unit at the Hospital for Special Surgery in New York.

Kenneth Jakubowski was recently named vice-chair of Voice of the Electorate (VOTE), a national organization founded by Congressman Jesse Jackson, Jr., and dedicated to voter participation, research, and education. Jakubowski is a private, Chicago-based corporate and public affairs strategic communications consultant who works primarily with clients committed to giving back to their communities.

Robert (Bob) Long, Jr., reports that he is a managing director in the real estate mezzanine group at Bank of America. As a founding member of the group, Long leads a team responsible for structuring and executing preferred equity investments in real estate projects and real estate-related companies. He and his wife, Mary Roff Long (Darden '88), live in Charlotte with their children, Sarah and Evan.

R.A. (Tony) Salgado and Elizabeth Roberts '98 were married in Charlottesville last May. John T. Richards, Jr. '87 gave a reading at the wedding, while Christy Mistr '98 was a bridesmaid. Tony is currently practicing law with Dyer Ellis & Joseph, A Professional Corporation, where he focuses on international business and maritime transactions. Elizabeth is an associate at Dow, Lohnes & Albertson, PLLC, where she practices corporate and securities law for businesses in the communications industry. The couple currently resides in the Washington, D.C., area.

## 1989

Edward McCormack has recently joined the Chicago-based law firm, Jenkins & Gilchrist, A Professional Corporation, as a shareholder. He was previously with Hedlund Hanley & John, which disbanded. At Jenkins & Gilchrist, McCormack's practice concentrates on commercial litigation, including employment disputes, product liability defense, and environmental litigation.

## 1990

David C. Goldberg reports that he has moved to the legal department of America Online, Inc., where he is senior litigation counsel.

Mecklenburg County Legal Services for the Elderly named Mark Henriques Outstanding Pro Bono Attorney of the Year. The award selection committee cited Henriques's work on a case in which an elderly couple was threatened with eviction for allegedly violating community rules prohibiting residents from babysitting. Through filing Superior Court actions, depositions, and participating in mediation, Henriques was able to obtain an acceptable settlement for the couple. He currently is practicing law with Womble Carlyle Sandridge & Rice in Charlotte, NC.

Suzanne Parker recently became a partner in the Washington, D.C., office of Kenyon & Kenyon and has accepted a position as a visiting faculty member at the University of Maryland School of Law, where she is teaching intellectual property classes and coaching softball during the 2000-01 academic year. In March, Parker was a member of the U.S.A. women's national rugby team in the world Seven-A-Side championships in Hong Kong.

## 1991 ►► Reunion May 4-6, 2001

Thomas J. Amico reports that he was elected a partner of Brown & Wood LLP in New York City.

Mark Brzezinski serves a director for Russia, Eurasia, and Ukraine at the National Security Council in the White House. He previously practiced with Hogan & Hartson in Washington, D.C.

Shannon Hanson reports that she has recently accepted the new position of assistant U.S. attorney for the District of Delaware.

Mary Beth (Miller) Orson recently left the law firm Quarles & Brady LLP to become assistant general counsel at Honeywell Aerospace Services in Phoenix, AZ.

## 1992

Sheri Caplan married Kenneth Merkatz at the Pierre Hotel in New York City in 1999. She serves as vice president and assistant general counsel at Goldman, Sachs & Co. Merkatz practices privately as a cardiologist in Cleveland, OH. The couple lives in Beachwood, OH.

William E. Hannum III reports that he has become a shareholder at the law firm, Schwartz & Associates, PC, which was renamed Schwartz Hannum PC. He also writes that his entire family is enjoying Andover, MA, and that he especially enjoys his five-block commute to work.

**Kenneth Jacob** and Jennifer Jacob proudly announce the birth of their first child, Peter Henry, on March 24.

President Clinton named **Sean Maloney** staff secretary and assistant to the president in 1999. Maloney is responsible for clearing all written material going to and from the Oval Office, including all presidential briefing and decision memos, executive orders, directives, and legislation.

**Adam Pritchard** and his wife, Joan Larsen, happily announce the birth of their first child, Elizabeth. Pritchard is currently an assistant professor at the University of Michigan Law School.

**Evan Smoak** was recently elected to the board of directors of the Empire State Pride Agenda, which is a nonpartisan political advocacy organization working on behalf of lesbian and gay New Yorkers. He continues to practice commercial litigation with Barger & Wolen.

**Wendy Anderson Terry** married Herb Terry on March 25 in Washington, D.C. In October 1999 She became of counsel with Hale and Dorr LLP, also in Washington, D.C., where she focuses on antitrust matters.

### 1993

**Scott S. Evans** is running for the Colorado State Senate. He decided to throw his hat into the ring because he questions recent state legislation regarding education, growth, and gun control. Evans is still working at McKenna & Cuneo, LLP and enjoys spending time with his wife, Sonia, and his children, Mackenzie and Brendan.

**Vincent Grieco** writes that he is the proud new father of a baby boy named Olimpio Anthony. The family currently lives in Gibsonia, PA.

**Amy (Yager) Jenkins** and her husband, Matthew (Med '93), have recently moved to Mt. Pleasant,

SC. Jenkins is working in Charleston at Nelson Mullins Riley & Scarborough, LLP; her husband is an emergency room physician at Roper Hospital. Last May, the couple celebrated the birth of their first child, Zoe Kathryn.

**Elizabeth Killeen** recently joined the Charlottesville, VA, commonwealth attorney's office as assistant commonwealth attorney. She previously worked as a public defender in Fredericksburg for four years. In Charlottesville as in Fredericksburg, she focuses on juvenile cases, but this time as a prosecutor. In a profile in the Charlottesville *Daily Progress*, she said, "You have a greater opportunity as a prosecutor to have an impact on people's lives. As (a defense attorney), you are in a reactive position, and there's only so much you can do." On the other hand, she added, "There is a lot of emotional responsibility with being a prosecutor." To keep her life balanced, Killeen said, she runs and plays the oboe.

**Sara J. Kromer** has recently had two reasons to celebrate: the birth of her second son, Lee, and becoming a partner in the firm, Moore & Van Allen, PLLC in Charlotte, NC.

**David Makarechian** was elected a partner of Brobeck, Phleger & Harrison LLP in January. He practices in the business and technology group of the firm's Palo Alto, CA, office.

**Douglas Perlman** married Carol "Lisa" Kemp at the Inn at Longshore in Westport, CT, on July 4, 1999. Perlman is vice president for business affairs with the National Hockey League in New York City. He serves as special assistant to the league's chief operating officer and oversees its television department. Kemp, who earned her undergraduate degree at U.Va. and her master's degree at the University of Texas at Austin, is a manager of sales and marketing for the Coca-Cola Company in New York.

Christopher Scott, his wife, Susan, and their son, Joseph, proudly announce the arrival of twin boys, Justin and Henry. Scott is currently an associate at Holland & Knight LLP in West Palm Beach, CA.

## 1994

D. Randal (Randy) Ayers has been named a partner at Myers Bigel Sibley & Sajovec, PA, where he specializes in patent prosecution and patent litigation. Ayers lives in Raleigh, NC, with his wife, Barbara, and their sons, Hudson and Cory.

Lois Casaleggi received the 2000 Outstanding Achievement Award from the legal services department of the Whitman-Walker Clinic in Washington, D.C., at the organization's annual volunteer reception, where law firms and attorneys were honored for their volunteer work on behalf of people with HIV and AIDS. In addition to working on cases for the clinic, Casaleggi has served on the executive committee of the Legal Community AIDSWalk Taskforce for the past four years. She recently joined the Washington, D.C., office of New York-based Milbank, Tweed, Hadley & McCloy LLP as an associate in the litigation department.

Bruce Mehlman is currently the telecommunications policy counsel for Cisco Systems Inc. He enjoys spending time with his sons, Jake and Mike, in Potomac, MD.

Wendy Shang and David Harrington announce the birth of their first child, Matthew Jia-Wei, on March 12. The family is currently residing in Falls Church, VA.

## 1995

Last June, Gregory Ashe and his wife, Jordana, welcomed their first child, Hannah Judith. Ashe is currently a staff attorney with the Federal Trade Commission Bureau of Consumer Protection in Washington, D.C.

## Law Alumni Weekend 2000

NEARLY 800 LAW SCHOOL alumni, their families, and guests returned to Charlottesville May 5, 6, and 7, 2000 for Law Alumni Weekend. Taking advantage of the summer-like weather, the Classes of 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, and the Lile Law Society enjoyed special reunion activities with their classmates. In addition to attending the annual meeting of the Law School Alumni Association, all returning alumni were invited to participate in a variety of activities, including a two-mile road race, tethered balloon rides, a pickup softball game, and a dance featuring a swing band that kept the Law School rocking until the wee hours.



**Julia Morse** and her husband, Jim, recently welcomed a daughter, Anna Frances, into their family. Morse has taken a position as a permanent clerk to the Honorable Michael Hawkins on the Ninth Circuit Court of Appeals in Phoenix, AZ.

**Jennifer Short** received the Virginia State Bar's Young Lawyers Conference Outstanding Service Award for the second year in a row last June. She is co-chair of the Women and Minorities in the Legal Profession Committee and is employed by Holland & Knight LLP in Falls Church, VA.

**Brad Williams** and his wife, Noelle, proudly announce the arrival of their son, Ethan, on November 30, 1999. The family currently resides in Irving, TX.

### **1996** ► Reunion May 4–6, 2001

**Maja Berlin** is currently working as a foreign associate in the merger and acquisitions department of the Düsseldorf, Germany, office of Clifford, Chance & Pünder.

**John Chapas** has recently joined the Pittsburgh law firm of Reed Smith Shaw & McClay LLP, where his practice includes corporate and e-commerce law and mergers and acquisitions.

**Thomas "Greg" Evans** and his wife, Karen, welcomed their second child, Mark Thomas, on August 30, 1999. He joins older sister, Kelly Michelle, 3. Greg is a trial attorney with Joynes & Gaidies in Virginia Beach, VA. He and his family live in Norfolk, VA.

The New Hampshire Supreme Court handed down **Benjamin King's** first reported decision in *Appeal of Bergeron* on March 16. King's firm, Boynton, Waldron, Doleac, Woodman & Scott PA of Portsmouth, NH, represented an injured employee who required hip replacement surgery in 1996 as a result of a work-related injury sustained in 1985. The court reaffirmed that the New Hampshire Workers' Compensation Law entitles

injured employees to medical benefits for all consequences resulting from work-related injuries.

**Donald Long** recently became general counsel at Experient Technologies, a software company based in Richmond, VA. He works from home in Charlottesville two days a week, where he and his wife, **Valerie Wagner Long '98**, reside. Valerie practices real estate and land use law at McGuireWoods, LLP.

**Leah (Schwartz) Medway** and her husband, Richard, are happy to announce the birth of their son, Drew Mitchell, on May 12. Medway continues to work at Vinson & Elkins LLP in Washington, D.C., where she focuses her practice in the areas of domestic and international corporate transactions and telecommunications.

**Kevin Mottley** and his wife, Tricia, announce the birth of their son, Andrew Redden, on August 5, 1999.

Two days before the millenium, **Helen Posnansky** married Mark Thorndal in Rome, Italy. The couple currently resides in San Francisco, CA, where Thorndal practices civil litigation, specializing in media law, at Crosby, Heafey, Roach & May, Professional Corporation.

**Mel Simmons** recently joined Graydon Head & Ritchey LLP in Cincinnati, OH, as an associate in the firm's business and finance client service department. She serves on three committees within the Cincinnati Bar Association and on the safety task force committee for Downtown Cincinnati, Inc. She also has been a trustee for Prevent Blindness Ohio and the Clovernook Center-Opportunities for the Blind.

**Anthony Vittoria** recently joined the litigation department of Ober, Kaler, Grimes & Shriver PC in Baltimore, MD. His civil litigation practice includes products liability, medical malpractice, and commercial and contract suits. Previously he was an associate with Goodell, DeVries, Leech & Gray.



## 1997

**Mark M. Cho** reports that he has recently transferred from White & Case LLP's Miami office to their New York office, where he is part of the firm's corporate and financial services group.

**Matthew Cohen** is currently working as in-house counsel for Red Robin restaurants in Denver, CO.

**Eric Easley** reports that he is pursuing his Ph.D. in international relations at the London School of Economics.

**Ashby Hackney** and his wife, Zori, announce the birth of their first child, Alston Albert. Hackney writes that the family recently moved back to Charlottesville and that he is currently attending the Darden Graduate School of Business Administration.

At the Virginia State Bar's Young Lawyer Conference, **Jennifer McClellan** was presented the Outstanding Service Award for the second year in a row. The award recognizes her work as co-chair of the Young Lawyers Conference's Committee on Women and Minorities in the Legal Profession and chair of the Minority Recruitment Project Pre-Law Conference. McClellan continues to work for Hunton & Williams in Richmond, VA.

**Constance M. Pendleton** recently joined Davis Wright Tremaine LLP in Washington, D.C., where her practice focuses on First Amendment law.

**Coke Morgan Stewart** has been elected to the board of directors of the Women Under Forty Political Action Committee ([www.WUFAC.org](http://www.WUFAC.org)), a new multi-partisan political action committee that supports women under the age of 40 running for state and federal office. **Susannah Shakow '98** co-founded the group. Stewart is a litigation associate with Verner, Lipfert, Bernhard, McPherson & Hand in Washington, D.C. Coke's husband, **Andrew Stewart**, recently joined the environmental department at Latham & Watkins, also in Washington, where he has worked since finishing his clerkship.

**Cory T. Way** reports that he has left the New York City office of Sullivan & Cromwell, and has enrolled in a one-year M.P.A. program at Harvard.

**Lesley E. Weaver** was recently appointed a planning board member of the International Law and the Intellectual Property and Computer Law committees of the Young Lawyer's Division of the American Bar Association. She currently is a member of Bullivant Houser Bailey, a Professional Corporation, in San Francisco, CA, where she practices intellectual property and corporate litigation.

## 1998

**Tom Antisdell** left White & Case in 1999 to become the third member of an Internet start-up company called Information.com. In March he and his partners sold the company to Findlaw.com, the largest trafficked law port in the Internet. Antisdell is now director of business development for Findlaw.

Last August, **Ned Cox** and **Sharon Thaler '99** were married in Williamsburg, VA.

**Amy E. Davis** has become an associate with Lynn, Tillitson & Pinker, LLP in Dallas, TX. Davis writes that when she is away from the office, she enjoys jogging with her two dogs and playing one-on-one basketball with her little brother, whom she met through the Big Brothers/Big Sisters program.

**Katherine Roose Ramsey** has joined the new law firm of Mezzullo & Guare, PLC in Richmond, VA. As an associate, Ramsey will continue to practice estate planning, estate administration, and corporate law.

**Brett and Deborah Flack Richey** now own Richey & Co., which opened its first store in Charlottesville, VA, in February 1999, after 61 years of serving the Washington, D.C., area. This comfort shoe retailer ranks third in the nation for the number of certified pedorthists it employs. Pedorthists are experts in the design, manufacture, modification, and fit of footwear and orthoses. Brett's father, Rives, serves as one of the pedorthists advising Richey & Co.

**Elizabeth Roberts Salgado and R.A. (Tony) Salgado '87** were married in Charlottesville last May. **Christy Mistr '98** was a bridesmaid while **John T. Richards, Jr. '87** gave a reading at the wedding. Elizabeth is an associate at Dow, Lohnes & Albertson, PLLC, where she practices corporate and securities law for businesses in the communications industry. Tony is currently practicing law with Dyer Ellis & Joseph, A Professional Corporation, where he focuses on international business and maritime transactions. The couple currently resides in the Washington, D.C., area.

**Mark W. Saltzburg** has recently moved to the Toronto branch of Torys to practice corporate law. He reports that he is currently one of the only U.S.-trained attorneys in Toronto working on cross-border transactions.

**Susannah Wellford Shakow** serves as treasurer on the board of directors of the Women Under Forty Political Action Committee ([www.WUFPAC.org](http://www.WUFPAC.org)), a multi-partisan political action committee that supports women under the age of 40 running for state and federal office. Shakow co-founded the new group with **Coke Morgan Stewart '97**. She is an associate with Verner, Liipfert, Bernhard, McPherson & Hand in Washington, D.C., where she practices in the federal affairs and legislative department.

## 1999

**Benjamin E. Fox** has become an associate at Bondurant, Mixson & Elmore, LLP in Atlanta, GA.

**Keith McCrickard** recently joined the litigation department of Ober, Kaler, Grimes & Shriver PC in Baltimore, MD.

**Jennifer Payne** recently married Sean Bauer in Manassas, VA. **Alix Rosenthal** and **Virginia Winfield** were bridesmaids. Payne writes that the couple spent their honeymoon relaxing in St. Vincent and the Grenadines.

Last August, **Sharon Thaler** and **Ned Cox '98** were married in Williamsburg, VA.

## 2000

**Wade Chumney** is an associate with Buist, Moore, Smythe & McGee, PA, in Charleston, SC.

**Jim Garland** and **Kate Fitzgerald** report that they were married in August and are living happily in Columbus, OH.

## LL.M.

### 1982

Harry Martin reports that he has been appointed the first chief justice of the new Supreme Court of the Cherokees. The new judicial branch of government of the Cherokees establishes a court system which is, for the first time, independent of the other two branches of tribal government. He describes the task facing him as “daunting,” since he must deal with new judges, new staff people, new space, few lawyers, and law that’s still being formulated. Martin retired from the North Carolina Supreme Court in 1992. He lives in Asheville, NC.

### 1984

Winsor Schmidt, Jr., is director and professor of health policy and administration at Washington State University in Spokane, WA.

Joseph Sullivan was appointed presiding justice of the first department for the New York State Supreme Court, Appellate Division, in February. The five-member court hears appellate cases in Manhattan and the Bronx.

### 1986

Pasco M. Bowman II reports that he has recently completed a “tour of duty” as chief judge of the U.S. Court of Appeals for the Eighth Circuit. He remains an active U.S. Circuit Court judge.

### 1995

The Honorable John G. Baker taught last summer with LL.M. classmate Betty Barteau in Irkutsk, Russia, with the Russian American Judicial Partnership. Baker, a judge in the Indiana Court of Appeals, is chief of party for the two-year project.

The board of trustees of the American Inns of Court Foundation appointed Associate Justice **Randy J. Holland** its president for the 2000 term. Holland is currently the youngest person to serve on the Delaware Supreme Court. He was originally recommended to the governor by a bipartisan selection committee and was recently reappointed and confirmed unanimously for a second 12-year term. Additionally, Holland is an adjunct professor at the Widener University School of Law in Wilmington, DE.

## Softball Recap: 2000 Tournament a Success

**EACH YEAR FOR THE PAST SEVEN**, Law School alumni have been proving that they still have what it takes to play a competitive game of softball. The alumni who played in this year’s Annual Law Alumni Invitational Softball Tournament, held September 16–17 in Charlottesville, were no exception. The weather was fantastic, and everyone enjoyed a great weekend of softball and socializing. Teams with alumni from the classes of 1989–2000 participated in the tournament.

Special kudos go to **Joe Snyder '90**, who led a team from Atlanta’s Alston & Bird to the finals, and to **Kevin Maxim '94, Tate Pugh '92,**

**Mike Klein '93, Mike Keegan '92, Matt Tuttle '92, and Tod Perry '91,**


who captained their respective Law School classes in yet another competitive tournament. The date of next year’s tournament, to be held in September, 2001, is not yet set.

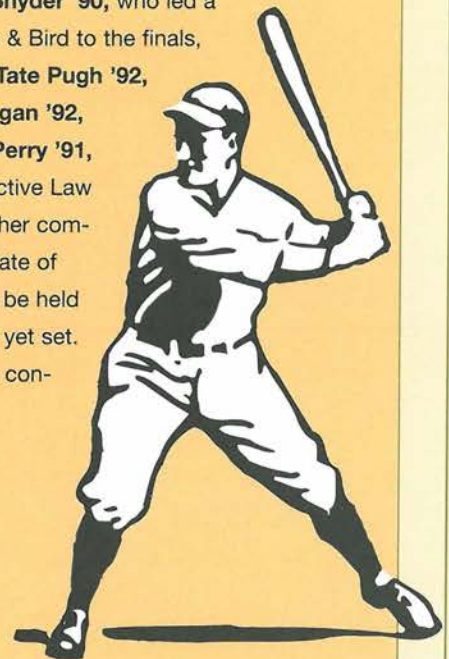
If you’re interested, please contact **Ed Sharkey '93**, at

202-955-6686 or [sharkey@dsmo.com](mailto:sharkey@dsmo.com); or

**Pete Loughlin '93**, at 703-837-5366 or

[loughlip@agc.org](mailto:loughlip@agc.org).

Let’s play ball! 



# *In Memoriam*

John R. Locke '15  
San Antonio, TX

Michael A. LaGiglia, Sr. '34  
Virginia Beach, VA  
January 19, 2000

Lunsford Lomax Loving '34  
Lynchburg, VA  
June 5, 2000

Charles S. Adams, Jr. '36  
Columbia, SC  
June 14, 2000

Milton Jere Green '36  
Bristol, TN  
May 1, 2000

George L. Gullette '38  
St. Augustine, FL  
April 16, 2000

John H. Rust, Sr. '39  
Fairfax, VA  
July 6, 2000

Lewis Jefferson Moorman, Jr. '40  
San Antonio, TX

Julia C. Baker '44  
Lutherville Timonium, MD  
August 2, 2000

John J. O'Connell '44  
Sosus, Dominican Republic  
April 26, 2000

Charles Burks Andrews '48  
Pembroke, VA  
April 24, 2000

Donald W. Booker '48  
Wilmington, DE  
April 24, 2000

R. Corbin Glos '48  
Tampa, FL  
December 22, 1999

Edgar A. Prichard '48  
Fairfax, VA  
August 15, 2000

Archie L. Boswell '49  
Norfolk, VA  
March 31, 2000

A. Paul Funkhouser '50  
Richmond, VA  
July 19, 2000

Decatur Jones Holcombe III '51  
Houston, TX  
April 1, 2000

David Nelson Sutton, Jr. '51  
West Point, VA  
August 7, 2000

Pierce N. McCreary '52  
Larchmont, NY  
August 3, 2000

Edward L. Paulsen, Jr. '52  
Akron, OH  
December 19, 1999

Franklin A. Steele '53  
Laverock, PA  
June 14, 2000

Harold C. Streibich '53  
Memphis, TN  
January 13, 1999

William Douglas White '53  
Scottsville, VA  
August 17, 2000

W. Farley Powers, Jr. '56  
Franklin, VA  
June 19, 1999

Howard Alfred Dankel, Jr. '57  
Reno, NV  
June 14, 2000

Donald P. Ross, Jr. '57  
Chatham, PA  
June 30, 2000

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

Joseph D. S. Hinkley '68  
Winchester, MA  
May 25, 2000

Steven H. Haake '85  
Pittsburgh, PA  
December 24, 1997

Jefferson C. Taylor '88  
Miami, FL  
July 12, 2000



# In Print

AS USUAL, LAW SCHOOL ALUMNI HAVE WRITTEN AND PUBLISHED books on a wide variety of topics in recent months. 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 804-296-4838; or **e-mail** it to [lawalum@virginia.edu](mailto:lawalum@virginia.edu).



**To Carolyn With Love**  
Carl M. Franklin '48,  
[franklin@law.usc.edu](mailto:franklin@law.usc.edu)

A tribute to his late wife, this memoir by Franklin, professor of law and vice president of the University of

Southern California (USC) since 1953, is three books in one. It is a love story, the tale of how Franklin married a beautiful WAVE officer during World War II, and, after serving 600 miles apart from his bride, reunited with her after the war to rear a family. It is a book of insights into university life, replete with true stories of the triumphs and foibles of professors and administrators. It is also a practical guide to fund raising that describes how Franklin and his wife raised more than \$150 million for USC and features vignettes on 52 major donors.

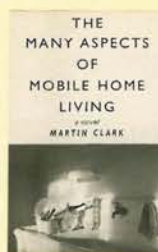
**May It Please the Court! From Auto Accidents to Agent Orange: Building a Storefront Law Practice into America's Largest Suburban Law Firm**  
Leonard Rivkin '48 with Jeffrey Silberfeld,  
Carolina Academic Press

This autobiography chronicles Rivkin's rise from a struggling sole practitioner to the senior partner of the largest suburban law firm in the United States.

**New York State Administrative Procedure and Practice (2nd ed.)**

David Markell '79 with Pat Borchers,  
West Publishing

This book canvasses the major topics that would be covered in any treatise on administrative law through an evaluation of the relevant New York statutes, regulations, executive orders, and cases. Where comparisons to federal principles are helpful, the book compares and contrasts state law to federal. The book also contains some suggestions for reform where the authors think they are due.



**The Many Aspects of Mobile Home Living**

Martin Clark '84, Knopf

This is the first novel by Clark, a circuit court judge from Stuart, VA. It is the story of Evers Wheeling, a semi-dissolute

judge from North Carolina who becomes a reluctant co-conspirator with a woman whose brother is up on drug charges. Wheeling's suddenly outlandish life includes an interstate treasure hunt, a terrible act of marital vengeance, a sleazy antiques dealer, twice-stolen money, a mysteriously valuable letter, a baffling murder trial, and a lawyer who considers Wheeling the poster boy for the sexist and racist legal establishment. *Publisher's Weekly* calls it "a sophisticated legal thriller ... an enthralling mix of Southern gothic excess and legal procedure."

**Securities Law—Insider Trading**

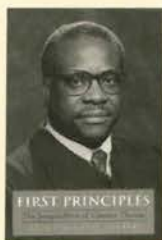
*Stephen M. Bainbridge '85, Foundation Press*

This book provides a comprehensive treatment of the federal insider trading prohibition under SEC Rules 10b-5 and 14e-3, the federal short swing profit provisions under Securities Exchange Act Section 16(b), and state common law. It also presents a detailed review of the policy debate over insider trading, with an emphasis on the law and economics literature.

**Legal Alchemy: The Use and Misuse of Science in the Law**

*David L. Faigman '86, W. H. Freeman*

This book chronicles the history and current practice of courts, administrative agencies, and Congress in integrating scientific research into their decision making. Faigman writes that policy makers, on average, have not demonstrated extraordinary abilities with scientific and technical information. He offers as examples the effect that scientific information has had on decisions made regarding the Salem witch trials, the *Roe v. Wade* case, silicone implants, and DNA profiling, to name a few.



**First Principles: The Jurisprudence of Clarence Thomas**

*Scott Douglas Gerber '86, NYU Press*

This book is a portrait of Clarence Thomas, the controversial Justice of the Supreme Court of the United States who, since he joined the Court amidst a storm of controversy and frenzied publicity, has been labeled “Uncle Tom Justice” by *Time* magazine and dismissed by many

Americans as an opportunistic puppet of white conservatism. According to Henry J. Abraham, an emeritus professor of government and foreign affairs at U.Va., the book is “an objective, impartial, measured, no-nonsense, non-political professional analysis.”

**Environmentalism and Democracy in the Twenty-First Century**

*William A. Shutkin '91, MIT Press*

This book asserts that environmentalism is as much about protecting ordinary places as it is about preserving wilderness areas; as much about promoting civic engagement as it is about pursuing environmental litigation; and as much about implementing sound economic development strategies as it is about negotiating global climate change treaties. Shutkin is co-founder and former executive director of the environmental justice organization Alternatives for Community & Environment.



**Sexy New York City 2000**

*Jeff Brauer '97, editor in chief, On Your Own Publications, LLC*

This book, described by the *San Diego Union-Tribune* as “deliciously candid, brutally frank,” lists more than 150 places people venturing into the “erotic and sexy core of NYC” can visit to meet their sexual needs.

**CORRECTION:** In the last issue's *In Print* column, we mentioned Victoria Fenwick's book about her 13 months as a cancer patient. The correct title of the book is *Victoria's Story: A Journey Through the Shadows of Breast Cancer*, and it is available from [www.1stbooks.com](http://www.1stbooks.com).

# In Defense of Capital Punishment:

## *A Response to William G. Broaddus '68*

■ Barton P. Jenks III '50

*A specialist in corporation and securities law, Barton P. Jenks III was a partner in a large Philadelphia law firm and later served as vice president and general counsel of the American affiliate of one of the largest manufacturing companies in Europe. Jenks is retired and resides in Bloomfield, CT.*

HAVING SERVED AS BOTH A VIRGINIA attorney general and a court-appointed co-counsel for a death row inmate, Angel Breard, in a federal district court *habeas corpus* proceeding, William G. Broaddus '68 expresses the view in *UVA Lawyer's* spring issue ("My Closer View of the Death Penalty") that the death penalty serves no legitimate purpose and should be abolished. I, and I believe a large majority of Americans, disagree with that view.

Mr. Broaddus says that he originally did not oppose capital punishment but that his experience with Mr. Breard changed his view of the death penalty and that, in his own words, "I am now unwilling to subscribe to the view that we have a moral right to take life."

He advances the following arguments against capital punishment (his words in quotation marks): (1) a number of death row inmates have been exonerated and released (he

says 48 nationally between 1977 and 1993), making it very likely that some innocent people have been executed; (2) in practice the death penalty is imposed in an arbitrary fashion, even when participants in the criminal justice system act in good faith, producing capricious results; (3) "Study after study has demonstrated that the death penalty does not serve as a deterrent to crime" and "Now that Virginia permits a jury to sentence a defendant to life without parole no one can contend that executions are necessary to protect society;" and (4) capital punishment does not even save the state money, for "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."

It is too much to expect any criminal justice system to be perfect. In my opinion the benefit to society in retaining capital punishment greatly outweighs the desirability of eliminating capital punishment in order to assure that no innocent person is ever executed. It is safe to say that only a minuscule fraction of death sentences are imposed upon the innocent, and, with an increasing number of states adopting measures to assure that all defendants in capital cases are represented by well qualified counsel, such injustices will become even more rare.



*If the risk of incurring the death penalty is not very effective as a deterrent, one reason is that the great majority of homicides result in a lesser sentence.*

Other safeguards, such as restricting mandatory death sentences to certain kinds of murder, or possibly even abolishing such mandatory sentences, can further reduce the risk of any innocent person being executed.

Mr. Broaddus points out that while some murders result in the death sentence others that are quite similar do not. He also suggests that subconscious racial bias by white jurors may result in some African Americans being convicted of murder and executed. No two murders are exactly alike, and the makeup of juries can differ considerably, so it should not be surprising that some juries are more disposed to recommend or impose capital punishment than others. It is likely that in some cases one or two holdout jurors will cause a jury that otherwise favors capital punishment to settle on a life sentence rather than have the judge declare a mistrial; the reverse is unlikely.

In my opinion neither the lack of uniformity in the imposition of the death sentence nor the mere possibility of racial bias influencing its imposition is a valid basis for doing away with capital punishment.

I invited James Q. Wilson, the author of *Moral Judgment and The Moral Sense* and a well known student of capital punishment, to review and comment on Mr. Broaddus's article. His written reply states that, contrary to the article's assertion, "research does not show that the death penalty fails to deter crime; it simply is unable to answer the question one way or another." For my part, I am willing to assume that murder rates in capital punishment states do not differ significantly from those in other states. However, even if this is true it hardly proves that the possibility of capital punishment has no deterrent effect. After all, people who are disposed to commit a capital crime but are deterred by fear of being caught and executed do not usually tell others of this and consequently are unknown to students of capital punishment. Nevertheless, I recall once reading of a Chicago kidnapper who, upon being captured while still in the city, said that he had not taken his victim to nearby Indiana, where it would have been harder to find him, because he knew that if he were caught there the Lindbergh Law would subject him to the death penalty.

If the risk of incurring the death penalty is not very effective as a deterrent, one reason is that the great majority of homicides result in a lesser sentence. Another probable reason is that because of our inefficient criminal justice system it usually takes from 10 to 20 years before a death sentence is actually carried out. That said, it is reasonable to believe that knowledge of the death penalty deters some would-be killers. In my opinion this is a valid reason for retaining capital punishment.

Regarding the possibility of sentencing a murderer to a life term with ineligibility for parole, it should be noted that it derives from a statute, Va. Code Section 53.1-165.1, which bars parole for persons incarcerated for any



felony offense, not just murder, committed after 1994. There is no assurance that this broad-reaching statute will not be repealed some day if it is found to contribute indirectly to prison overcrowding.

Moreover, it is an illusion to think that sentencing a murderer to life imprisonment without the possibility of parole guarantees that such person will never leave prison. Such sentencing fails to take into account the governor's power in many, if not all, states to grant pardons and clemency. In that regard, Article V, Section 12 of the Virginia constitution provides in relevant part: "The Governor shall have the power to ... grant reprieves and pardons after conviction ...," the term "pardon" being construed as embracing the lesser relief of commutation of sentence. Since the constitution does not place any restriction upon the governor's power it is clear that the General Assembly could not limit it even if it wished to do so.

In practice, it appears to be not uncommon for life termers who have been model prisoners for many years and have shown remorse and a commitment to rehabilitate themselves to eventually be released from prison, either by parole, where permitted by law, or by clemency granted by the governor. Relieving the state of the cost of caring for such prisoners and freeing up badly needed cells may well be factors influencing such releases from prison. In some cases a governor commuting a life sentence may not have been born when the murderer's crime was committed.

Even Nathan Leopold, who at the age of 19 participated with Richard Loeb in the most notorious crime of the 1920s, the kidnapping for ransom and brutal murder of 14-year-old Bobby Franks, was paroled after spending 33 years in prison (then going on to marry and live for 13 more years). He and Loeb (who was killed by a fellow prisoner) had been sentenced to serve a life term for the murder and 99 years for the kidnapping. But for a masterful plea for mercy by their counsel, Clarence Darrow, they almost certainly would have been sentenced to

death by hanging. In passing sentence the judge had urged that they never be paroled.

It seems implausible to me that the cost of "the process leading to an execution" would be far greater than, much less even exceed, the cost of 40 years of incarceration in a maximum security prison, as Mr. Broaddus contends. However, not knowing what he considers to be such costs and how they are calculated, I am not in a position to otherwise question the validity of his contention. In any case, would not much of the prosecutorial and associated legal costs that he has in mind still be incurred if by law life imprisonment without eligibility for parole were substituted for capital punishment?

Mr. Broaddus sees capital punishment as motivated by a desire for vengeance, which he calls "a base reaction ... too inherently flawed to justify the ultimate act of taking a human life." Proponents of the death penalty, on the other hand, believe that in the case of at least some, if not all, murders it is justified not only as a deterrent to the commission of murder but also as expiation, retribution, and a means of

*Proponents of the death penalty ... believe that in the case of at least some, if not all, murders it is justified not only as a deterrent to the commission of murder but also as expiation, retribution, and a means of assuring that the perpetrator will never again be in the position to kill.*

assuring that the perpetrator will never again be in the position to kill.

All proponents would agree that some murders are so vile that death is the only appropriate punishment. Timothy McVeigh's 1995 killing of 168 people in venting his outrage against the U.S. government and Richard Speck's systematic slaughter of eight student nurses in one night's murderous rampage during the 1960s come readily to

mind (although Speck's death sentence was in fact set aside). However, readers of this article should find equally horrendous and closer to home the following less publicized murders

*Readers of this article should find equally horrendous and closer to home the ... less publicized murders that took place in Rhode Island when I lived there in 1991.*


that took place in Rhode Island when I lived there in 1991:

Ernest R. Brendel was an attorney specializing in intellectual property law who practiced alone. Over a period of time he developed a friendship with Christopher J. Hightower, a dealer in commodity futures who also served as a Little League coach. Hightower, who was to be proved more con man than investment professional, in due course persuaded Brendel to place a few thousand dollars with him for investment. However, he failed to keep Brendel informed about the status of his investment, causing Brendel to eventually become suspicious and demand an accounting and the return of his money. When they were not forthcoming he filed a complaint with the Commodity Futures Trading Commission, a body with disciplinary authority over dealers in commodity futures.

Shortly thereafter Hightower went to the Brendel home while Brendel's wife, Alice, was at

work and the couple's eight-year-old daughter, Emily, was at school. He killed Brendel using a crossbow; this method assured that no one would hear the sound of a gunshot. Later in the day Hightower went to Emily's school and persuaded the school authorities that he had been asked to take her home. He then killed the child by undetermined means and waited for Alice to return home from her job as a librarian. When she arrived he strangled her, leaving no one alive who could testify against him. Thanks to the inquisitiveness of a dog being walked by its owner, the bodies of the three family members were found buried in two shallow graves in a park not far from the Brendel home.

The disappearance of the Brendel family quickly came to the attention of the police, and Hightower was apprehended driving the Brendels' car. At his trial for murder the prosecution presented overwhelming evidence of his guilt, including the discovery in the car of a crossbow whose ownership was traced to Hightower, several human teeth, and a large, nearly empty bag of lime suitable for disposing of human remains. In April 1993 Hightower was convicted of first degree murder. If ever anyone deserved to be put to death it was this monster. However, Rhode Island law does not permit capital punishment, so he received a life sentence without the possibility of parole.

Some readers will recognize Ernest Brendel's name for he was a member of the Law School Class of 1963. 

## Upcoming Alumni Events

### **Football: U.Va. vs. Georgia Tech**

Charlottesville

VSAF dinner and group seating for law alumni

**November 9, 2000**

### **Graduate Judges Program Reunion**

Law School

**November 10–11, 2000**

### **Alumni Reception for Washington, D.C.-area**

#### **Alumni on Capitol Hill**

Sponsored by Senator B. Evan Bayh III '81

**November 15, 2000**

### **Alumni Reception for Richmond, VA-area**

#### **Alumni**

Governor's Mansion

**December 2000 or January 2001**

### **Alumni Reception**

Association of American Law Schools

Conference

San Francisco, CA

**January 4, 2001**

### **Alumni Luncheon**

Atlanta, GA

**January 25, 2001**

### **Alumni Reception**

Birmingham, AL

**January 25, 2001**

### **Alumni Event for Northern Virginia-area**

#### **Alumni**

**March 15, 2001**

### **Law School Foundation Board of Trustees**

#### **and Alumni Council Meetings**

Law School

**May 3–4, 2001**

### **Law Alumni Weekend for Lile Law Society**

**and the Classes of 1951, 1956, 1961, 1966,**

**1971, 1976, 1981, 1986, 1991, and 1996**

Law School

**May 4–6, 2001**

### **Law School Foundation Reception for**

#### **Graduates and Families**

**May 19, 2001**

### **Law School Graduation**

**May 20, 2001**

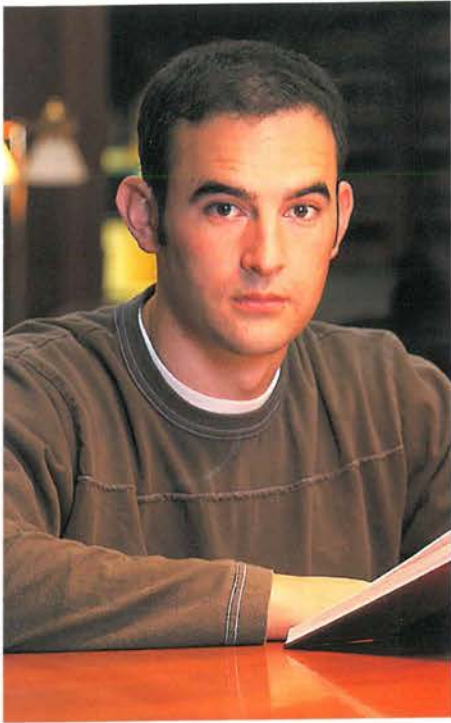
### **European Alumni Chapter Reunion**

Law School

**Summer 2001**

More events will be scheduled. For updates,  
please check our Web site:

[www.law.virginia.edu](http://www.law.virginia.edu).



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