

Winter 2006

## Richmond Law Magazine: Winter 2006

Follow this and additional works at: <http://scholarship.richmond.edu/law-magazine>

 Part of the [Other Law Commons](#)

---

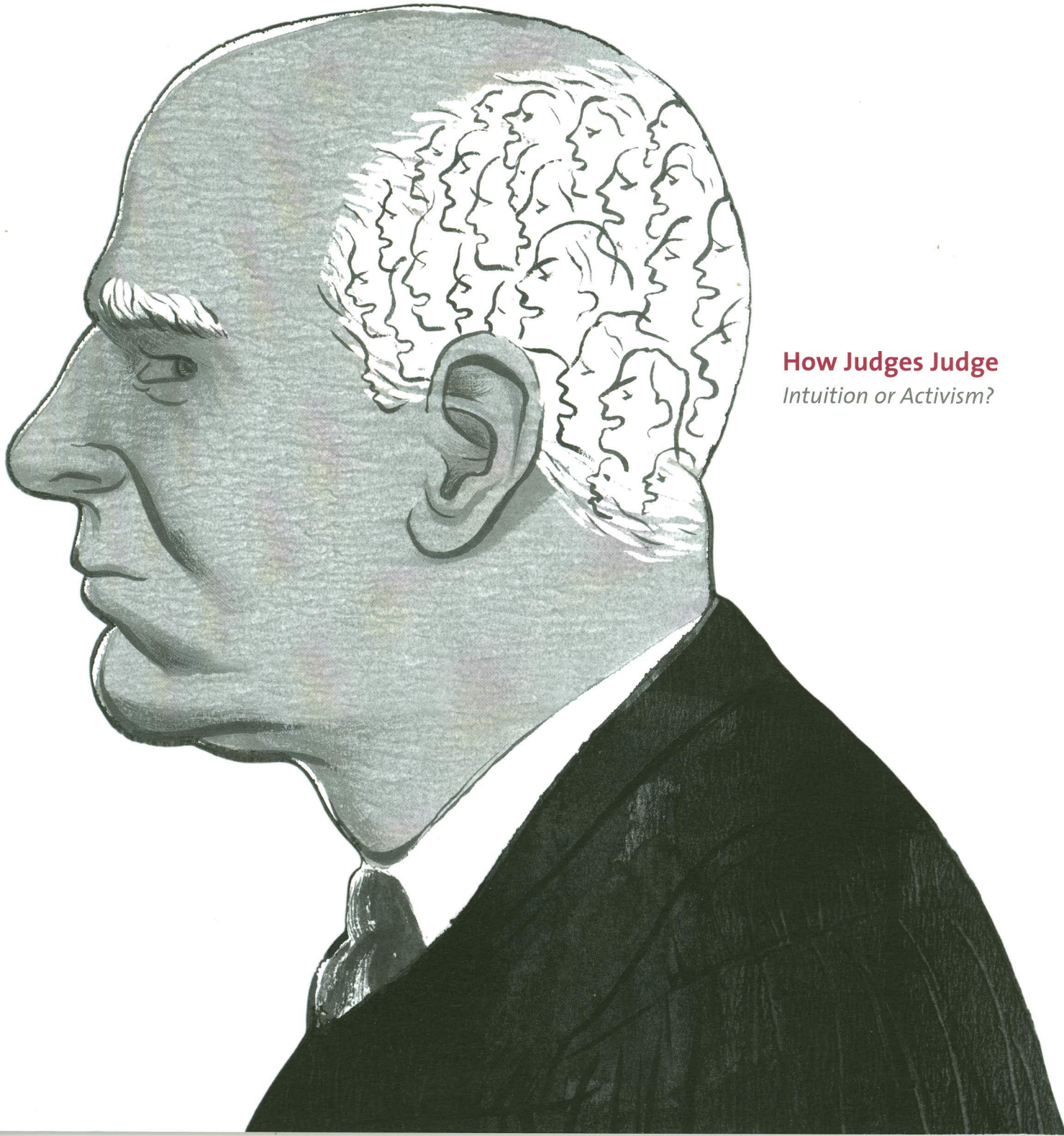
### Recommended Citation

<http://scholarship.richmond.edu/law-magazine/3>

This Magazine is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Richmond Law Magazine by an authorized administrator of UR Scholarship Repository. For more information, please contact [scholarshiprepository@richmond.edu](mailto:scholarshiprepository@richmond.edu).

# RICHMOND LAW

Magazine of the University of Richmond School of Law • Winter 2006, Vol. 18, No. 2



**How Judges Judge**  
*Intuition or Activism?*

## Dean's letter

### Earning loyalty again and again



Our extended Law School community of alumni, students, faculty, and staff continues to join with our many friends in the legal, civic, and academic community in common endeavors to fulfill our three great missions: teaching, research, and public service.

As I travel throughout the state and nation meeting our alumni, I am at once humbled and invigorated by their professional dedication, civic engagement, and generosity of spirit. It is truly inspiring to be part of a school with such an uplifting history, a school that has positively touched so many students who have then gone on to positively touch the lives of so many others.

In visiting our alumni, I am moved by how many of them live lives of inspiration and consequence. Many have chosen careers in the law. Many others have made other worthy choices. Some have entered politics, business, the arts, the clergy, or the noble vocation of raising a family. I am constantly inspired by the myriad ways in which our alumni contribute to the nation, the justice system, the worlds of politics, culture, business, or religion, living lives of creativity, engagement, leadership, and energy. And whatever

their vocation may be, I am constantly struck by the affection and loyalty so many of our alumni retain for their Law School. Such loyalty is not the Law School's entitlement. It must be earned, and earned again and again, through actions that demonstrate our unflagging commitment to excellence.

Our mission is far more ambitious than the graduation of students able to pass a bar exam. Our mission is to instill in students the values that will help them lead a good and meaningful life. Our mission is to inspire students to live lives guided by the highest traditions and aspirations of our profession.

As we continue together to work to constantly advance our vital missions, we help to pass the torch to a future generation. We ought never to forget the enduring importance of this enterprise. It speaks to the heart of the American promise, to the central role of the legal profession in the stewardship of our most basic values as a nation: the preservation of human liberty and dignity within a constitutional democracy governed by the rule of law.

A handwritten signature in dark ink that reads "Rodney A. Smolla". The signature is written in a cursive, flowing style.

*Rodney A. Smolla*  
Dean, School of Law



## Distinguished panel focuses on Merhige legacy



Robert E. Payne



James R. Spencer



Anne B. Holton

Judges, lawyers, extended family and friends gathered at the Law School Oct. 7 for “Reflections on the Art of Judging: A panel discussion honoring the life and legacy of Judge Robert R. Merhige Jr.”

Four distinguished judges filled the afternoon with recollections of courtroom experiences, behind-the-scenes confidences, and lessons learned from the controversial judge who was one of the Law School’s most distinguished graduates. Merhige died Feb. 18, 2005.

The panel focused on what Dean Rodney A. Smolla described as “the qualities of courage, humanity and humor” that were hallmarks of Merhige’s long career. It also offered timely insights into how judges work.

The panel included judges Roger L. Gregory of the 4th U.S. Circuit Court of Appeals, a recess appointment to the court by President Clinton who was re-nominated by President George W. Bush; Anne B. Holton of the Richmond Juvenile and Domestic Relations Court and a former clerk to Merhige; U.S. District Judge Robert E. Payne, who was nominated to the bench by President George H.W. Bush; and U.S.



Roger L. Gregory



Dean Rodney A. Smolla

District Judge James R. Spencer, who was nominated by President Reagan.

Dean Smolla served as moderator. Judge Payne wore a bright “Merhige green” tie for the occasion, a reminder of the judge’s sartorial flair.

Once reviled in local editorial pages and spat upon in restaurants, Merhige, L42 and H’76, was described as “the consummate trial judge,” “a generous spirit,” and “a man of judgment and insight into the law and people.”

“As a friend and colleague,” Payne said, “one could not ask for better.”

Merhige was renowned for his fairness, tough-

ness, and his capacity for work, the panelists said. He was the engine propelling the Eastern District’s famous “rocket docket” because, Holton said, “He firmly believed justice delayed is justice denied.”

He was an innovator who took on huge, complex cases including the A.H. Robins bankruptcy reorganization, and contract litigation against Westinghouse Corp.

He had an ability to get parties in such cases to work for “a sound business resolution,” Payne said.

“He firmly believed that most of the time, the parties had more flexibility than the judge or jury to work out the best agreement,” Holton said.

Added Spencer, “He had a personality suited to settling. He had tremendous rapport with lawyers.”

“He was Catholic but he had some Baptist preacher traits,” Gregory said.

Courage, Smolla said, is a word often used for military heroes. How is it appropriate here?

Spencer, an African-American who grew up in segregated South Carolina, called Merhige “one of the most courageous people I have ever known.”

He recounted the stream of civil rights cases that came before Merhige in a time and place “that went contrary to many of his rulings, contrary to hundreds of years of culture.”

Yet Merhige, like a handful of other judges across the South, “stood the test while living in that culture. When the time came, he rang the bell that ended that aspect of the culture,” Spencer said. “His belief in the rule of law never wavered.”

Smolla asked the panel if they could or should “separate who you are from this [judging] enterprise?”

“I don’t think so,” Spencer said. “I grew up in totally segregated society. I had to make it from the other side of this culture war. I can never get away from what makes me who I am.”

Payne reminded the gathering that

Merhige’s experience included “being shot at in bombers at 25,000 feet” during World War II. “That will help focus your perceptions.”

The art of judging, Payne said, involves applying the rule of law to the facts while relying on “our practical experience and judicial intuition.”

Gregory recalled a famous photo taken during the desegregation trials that shows Merhige with students at Petersburg’s black Peabody High School. The judge had visited the school to see first-hand the conditions there.

Gregory, whose parents worked in a tobacco factory, was a student at Peabody when the judge came to call. “Those were my classmates” in the photo, he said.

Gregory recalled the old, worn, hand-me-down books passed along to the Peabody students from the white schools. He remembered how there was “just enough room at the bottom of the page, below all those other names, for a little boy from Petersburg to write his name.

“Well, I hope all those other students whose names were there are doing well,” he said. “The one whose name was at the bottom of the page is on the 4th Circuit Court of Appeals because of people like Judge Merhige and the Constitution.”

— Rob Walker

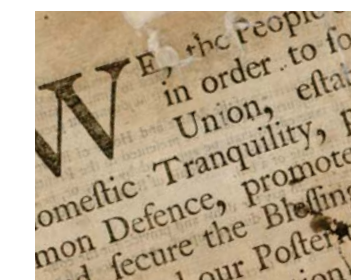
### Pro bono fair inspires community service

With huge debts and lucrative offers from prestigious firms, many law students are veering away from public interest law, and they will be hard to lure back onto the pro bono track, said Senior Justice Harry L. Carrico of the Supreme Court of Virginia.

“To get us away from our intensive drive to make money, to find time to devote to community service, public service, service to others is tough,” he said. “We must get [students’] minds on something besides themselves.” ▶▶

### WEB RESOURCE

## Constitution Finder serves global interests



In an era when constitution writing is flourishing, law professor John Paul Jones maintains a database offering constitutions and related documents from around the world.

From Afghanistan to Zimbabwe, the Constitution Finder provides links to 469 constitutions. It contains at least one constitutional text in at least one language for each of 204 countries. The listings change as countries come and go.

“Following the displacement of communism and socialism in various states, there was a season of constitution making,” says Jones, a constitutional advisor who involves students in his work. “I foresaw a time when lawmakers and students would want to see for themselves the words of the primary sources.”

The Constitution Finder helps educate users about what constitutions actually say, how they are constructed, and what questions their drafters chose to answer, or leave unanswered.

The Web site has proved helpful to a range of users—from school children with homework questions to professional constitution writers who are crafting amendments or replacements for various constitutions.

The Constitution Finder also contains links to relevant Web sites around the world.

Jones maintains the database through the University’s Web site at [confinder.richmond.edu](http://confinder.richmond.edu).

## CAREER SERVICES

## Burstein hired as associate dean for career services



Joshua Burstein

Joshua Burstein joined the Law School in October as associate dean for career services. Burstein, who holds a bachelor's degree from Harvard University and a law degree from New York University, comes from NYU where he was director of counseling and career development.

A New York native, Burstein worked at law firms there and in Los Angeles, and with a labor union in New York.

Throughout his career, Burstein says, he has enjoyed recruiting and mentoring people.

"I thought I could use my experience to help others figure out what they wanted to do," he says. "This is a natural step for me. I love the vibrancy you get from students."

In addition to working with students and employers, he says the career services staff also works in conjunction with the offices of admissions and alumni development. "We need to be aware of why students come here, and we can help maintain a connection with them after they are gone."

"I've contacted alumni in Richmond, New York and other places and they definitely love the place. They are eager to help."

Burstein succeeds Beverly Boone, who retired at the end of 2004, after two decades of dedicated service in the career services office.

The Law School's Student Bar Association attempted to do that by holding the Community Service Fair in September. Justice Carrico was one of several speakers.

"A lawyer's ethical obligation to provide pro bono service to the justice system and the community is among the most deeply held values of our profession," said Rodney A. Smolla, dean of the Law School. "It is also core to living greatly in the law, to making one's life as a lawyer meaningful and fulfilling."

Student organizations represented 20 service projects at the fair, including Habitat for Humanity, Boaz and Ruth, Tax Project and Kid's Café. The Virginia Poverty Law Center also sent representatives.

The fair succeeded in enlisting 155 volunteers for various projects.

"I was very excited about the turnout," said Jennifer Becker, co-chair of Student Bar Association's community service committee. "This will most certainly turn into an annual event."

Community organizers Valerie Thompson and Jesse Brown, with Probation and Parole District One, were looking for interns and volunteers for the GED program.

"We want to make certain we have a [range] of people volunteering and tutoring the parolees," said Brown, substance abuse clinician in the Day Reporting Center.

During the fair, Carrico spoke about his experience in pro bono service. He also informed students of a program that encourages lawyers to pledge 50-hours to pro bono service over the next 12 months. Students who sign the pledge can be recognized as Virginia Bar Association Community Servants. About 100 students signed pledges with the bar association.

"We hope to get a small army of people who are interested in helping others who can't help themselves," Carrico said.

— Michelle R. Hershman



Jennifer Becker and Harry L. Carrico.

## Law School, Virginia Tech form Intellectual Property Initiative

The Law School has joined with the College of Science at Virginia Tech in an Intellectual Property Initiative to address rapidly evolving challenges facing law, science and public policy in the world of intellectual property.

The rare pairing of the large public and smaller private institutions will enable faculty and students to research intellectual property issues from multi-disciplinary perspectives.

The initiative was announced at the Law School in November by Dean Rodney A. Smolla and Lay Nam Chang, dean of the Virginia Tech College of Science.

Its three-part mission is to educate students by enriching curricular offerings and bringing together students of law and science; to enhance research efforts by creating opportunities for faculty to participate in exchanges, colloquia, grant proposals and other activities; and to explore public policy issues that involve the intersection of law and science in the intellectual property arena.

Among the features of the program, qualified Tech students will be able to apply to the Law School's Intellectual Property Program where they can obtain both an undergraduate and law degree in as few as six years (three years at Tech and three at the Law School). As many as

10 Tech students a year will enter the program, which is scheduled to start in 2006.

The two schools also will work together to recruit high quality faculty with expertise in germane areas and will cooperate on fundraising efforts to support the initiative.

## Pagan's portrait presented to Law School

Former Law School Dean John R. Pagan was honored this fall with the unveiling of his official portrait. The painting is by Loryn Brazier of Richmond.

Pagan, who is now University Professor, served as dean for six years, stepping down in 2003 to return to teaching and scholarship.

During his tenure as dean, the Law School completed successfully the Top-Tier Initiative, which included a \$6 million fund-raising campaign.

The portrait was a gift to the Law School by the Law School Alumni Association. Tim Barnes, L'78, association president, presented the portrait.



Artist Loryn Brazier and former Dean John R. Pagan

## Law School launches National Center for Family Law

Building on a tradition of excellence in a rapidly changing field, the Law School has moved rapidly in recent months to establish a National Center for Family Law.

Plans for the center began with a conversation between Dean Rodney A. Smolla and Edward D. Barnes, L'72, whose Barnes Law Firm is the largest law firm in Virginia handling primarily family law issues.

"I felt like this was an area of law that has become extremely complex and important yet it hasn't gotten the intensive attention it deserves," Barnes says.

The center will take on a multi-pronged mission. It will educate students in a curriculum that concentrates on family law; provide continuing legal and judicial education on family law to lawyers and judges; provide legal and community services through clinical



Edward D. Barnes

## NEW COURSE OFFERING

## American Indian law course will examine complex issues

In a rare foray into native and modern Indian law, the Law School will offer a course next year dealing with the relationships between government and American Indians.

Richmond will become one of about two dozen colleges in the nation that offer such courses and the only one in Virginia, according to the American Indian Law Center Inc. in New Mexico. The closest such courses are available at the University of Connecticut and New York University.

Virginia Indian leaders, who have negotiated with Law School officials to get the course, hope it can be replicated at other state schools.

The study could be increasingly important as Indian tribes pursue tribal sovereignty and federal recognition.

Indian law is a complex field with a long history that dates from the arrival of European settlers in America. From the beginning, the new arrivals and existing tribes interacted, and laws governing this interaction developed.

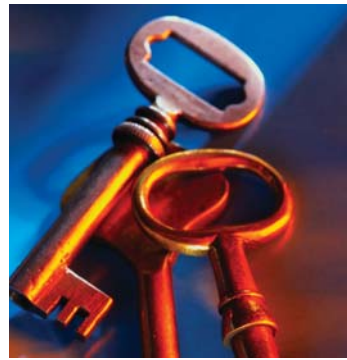
Recent disputes often involve land, such as that proposed for use as a reservoir near Newport News, Va. The Mattaponi tribe has battled its construction, claiming it violates a treaty written in 1677.

Disputes also involve money, including gambling operations, which have been established on tribal lands outside Virginia.

According to an Associated Press report, the federal government awarded \$6 billion in funding for assistance programs, and other benefits to recognized Indian tribes around the country.

## NEW COURSE OFFERING

## Innocence institute launched



The University of Richmond School of Law will offer a course this spring on *Wrongful Convictions* as the first step in its new program, the Richmond Law Institute for Actual Innocence.

A year in the planning, the institute will work to identify, investigate and exonerate wrongfully convicted individuals in the Commonwealth of Virginia. It joins a national community of innocence projects committed to improving the administration of justice in the United States. The program limits its work to Virginia cases with credible, substantial claims of innocence.

A core goal of the institute is to convey the importance of public service in the life of a lawyer, says Mary Kelly Tate, the institute's director. A rich educational experience for law students is critical to its mission.

The institute strives for a balanced approach, reaching out to both law enforcement and defense communities in its work, as well as to leaders in forensics and other relevant areas. It will call on a variety of outside experts who will work with students.

programs and student internships that focus on family law and the needs of children; and foster research and scholarship on legal and public policy issues that relate to family law.

Students will be able to earn a certificate of concentration in family law through the center. Its continuing education mission will be accomplished through live and on-line programs, and production of educational materials.

The existing Children's Law Clinic, which has a longstanding reputation for representing children in the Richmond area, will become part of the center. Plans are for the clinic to expand its offerings and integrate activities with other center functions.

Family law has changed dramatically from times when it usually involved a divorced couple fighting over assets, Barnes says. Today, there are challenging child custody and financial issues, same-sex relationships, tax issues, and bankruptcy questions. Firms may have a clinical psychologist on staff, as well as accountants, financial planners, and elder law specialists. Alternative dispute resolution is often important, Barnes says. "It's become very sophisticated."

"We thought the Law School would be the perfect place for this to germi-

nate," he says. "This will be a centralized place for intensive study, a clearinghouse for ideas, and for training people on developing relationships with allied professions."

With an initial pledge of \$350,000 from Barnes, fundraising for the center is underway. The goal is \$5 million.

A distinguished board of directors has been recruited that includes Johanna L. Fitzpatrick, chief judge of the Court of Appeals of Virginia, and Cheryl Hepfer, president of the American Academy of Matrimonial Lawyers. The academy already is planning to sponsor programs at the center.

For further information, contact Barnes at ebarnes@barnesfamilylaw.com.

• • •

## Gulf Coast hurricane sends students to welcoming Richmond

In the aftermath of Hurricane Katrina, hundreds of law students from the Gulf Coast region were among those scrambling to return some order to lives disrupted by the storm.

Fifteen of those students, including an exchange student from Australia by way of Tulane University Law School,

found the University of Richmond School of Law to be a welcoming haven where they have continued their studies.

According to Michelle L. Rahman, associate dean for law admissions, the students' tuition for fall semester was waived by the Law School and was paid instead to their home schools. The Law School also helped many of the students find housing, sometimes at no cost. Due to extraordinary circumstances, three or four may remain at Richmond after their home schools reopen, Rahman says.

All "have handled this adversity with aplomb and good spirits," she says. "They've been a pleasure to have with us."

Many of the students tell unsettling tales of flight from New Orleans as the hurricane approached, followed by days of uncertainty and wandering.

Lesley McCall, 1L, went first to Houston, then to Memphis, Pittsburgh and home to Lancaster, Pa. Friends put her in touch with Rahman, who "was a dream to work with, especially after having been rejected by a dozen [other] law school admissions offices because I wouldn't be able to provide a transcript" on short notice.

"When we realized that Tulane would be closed for the semester, we started looking around at schools," says Theresa Rose Goulde, 3L, and a 2001 Richmond graduate. "The University of Richmond was one of the first to reach out to affected students, which was incredibly comforting at a time when one is stressed, worried, filled with some anxiety over how to finish one's law degree, and a little overwhelmed at the tragedy that was unfolding."

After frantic calls to a half dozen law schools, Daniel Sarrell, 1L, arrived in Richmond Sept. 5, the day before he was to start classes at the Law School. A catered meal was waiting in the faculty lounge. Rahman and Dean Rodney A. Smolla welcomed the new arrivals.

"We were treated as if we belonged at Richmond all along," Sarrell says. A

group of students provided whirlwind tours and orientation. Books were on hand at the bookstore at no charge. "Dean Rahman had told me everything would be taken care of, and she was absolutely correct."

Alex Calenda fled New Orleans for Little Rock, Ark., then Memphis, then home to Rhode Island, before contacting Richmond and being offered a spot.

"Everyone from Dean Smolla, Dean Rahman and her wonderful staff to the students, and generous alumni have helped and should be commended," Calenda says. "T.C. Williams has shown itself to be a first class law school in every sense of the word."

• • •

## Professor joins effort to save New Orleans pets

Watching the news after Hurricane Katrina hit was difficult for Elizabeth Nowicki.

"Seeing abandoned dogs trying to swim after rescue boats and chasing after buses leaving with their owners just made me sob," says the law professor, who owns a horse and a dog. Then a friend, who had just returned from a rescue trip to New Orleans, sent Nowicki a picture of a little dog standing on a ledge, surrounded by toxic floodwaters. The picture put Nowicki over the edge—she was going to New Orleans. (With permission from Associate Dean Clark Williams, she canceled just one class.)

To get her friend, Chris Faigle, to return with her, Nowicki bought a boat and contacted Pasado's Animal Rescue, a Washington-based group, and they set off for Louisiana.

The next day, Nowicki arrived in a city that "looked like a war zone. Everything was covered with layers of brown residue. Trees, power poles, street signs were all down. It was totally empty and silent, except for the occasional military vehicle."

Many houses bore two symbols: a ▶▶

## INTERNATIONAL VISIT

## Lady Thatcher joins summer gathering



(From left) Professor Jim Gibson, Dean Rodney A. Smolla and Lady Thatcher.

Former British Prime Minister Margaret Thatcher met informally with a group of students and faculty from the Law School and the Jepson School of Leadership Studies in July 2005. The students, who were enrolled at a program at Emmanuel College, Cambridge University, trekked to London for the reception.

When she walked in the room, says Joanna Suyes, 2L, "I was immediately struck by the fact that she's a woman. I was 12 or 13 when she was elected the first time and I remember being so happy that a Western country finally elected a woman to lead them.

"She was so gracious in stopping to talk and shake hands with each one of us," Suyes says. "I especially loved that she referred to President Reagan as 'Ronnie.'"



(From left) Richmond law students at reception: Amanda Oberholtzer, Joanna Suyes, Mike Clements and Michelle Jenkins



Students who came to the Law School as a result of Hurricane Katrina joined Dean Rodney A. Smolla and Virginia Supreme Court Justice Donald W. Lemons for a visit to Washington where they met Justice Antonin Scalia. This photo was taken in the office of William Suter, the clerk of the Supreme Court of the United States. Pictured from left to right: Payton Biddle, Christine Salmon, Matthew Dursa, Smolla, Lemons, Liz Pugh, Daniel Sarrell, P.J. Bugg, Leslie McCall, Joshua Bushman.

## ACADEMIC FESTIVAL

## Three-day fair set for March

The Law School has scheduled three days this March for a celebration of learning featuring symposiums, lectures, guest speakers and other programs.

“Living Greatly in the Law: University of Richmond School of Law Academic Festival,” or “Learn-a-palooza,” as it has been unofficially named by students, will take place March 29-31.

The festival will bring outstanding speakers to the Law School, and it will give groups from around campus opportunities to work together. The University, the Richmond legal communities, and the public are invited.

There will be a “town hall” program on “Invasions of our Freedoms: Where are we headed with privacy rights?”

A panel will discuss journalist-source privilege. There will be a debate on intelligent design; a program on the impact of copyright law from the artist’s perspective; and a session on “Children, violence, and the First Amendment: Music, movies and video games.”

On the schedule is the Austen Owen Lecture, featuring Sir David Williams. His topic is “Ireland 1880-2005: A constitutional perspective.”

The Emmanuel Emroch Lecture will focus on “Juries: How to pick them; what they do; and where they are headed.”

The Law School’s Center for Actual Innocence will sponsor a movie and related discussion on the use of DNA evidence to exonerate convicted felons.

All programs will be free and open to the public. For information, see [www.law.richmond.edu](http://www.law.richmond.edu).



Chris Faigle and Elizabeth Nowicki in New Orleans.

brown stain marking the water level, and fluorescent paint left by the military, sometimes indicating the number of dead found inside.

Pasado’s rescuers trudged from house to house in the stifling heat. “We found dogs in backyards, in houses, in garages, in attics, on roofs, hiding under houses, and wandering the streets,” Nowicki says. These terrified, often injured animals had lived for weeks in the overwhelming heat without food or fresh water. “It was a miracle,” she says.

Rescuers also found animals that had been locked in crates or tied to porches when their owners left the city. Those animals never had a chance, she says.

Pasado’s workers rescued about 60 animals per day. Healthy animals were shipped to other states, and sick animals stayed for care.

While Pasado’s functioned effectively, some local and military officials raised concerns about workers breaking into houses to rescue animals. When Nowicki was approached about the issue, she agreed to help. “Breaking and entering was absolutely, without a doubt, the right thing to do,” Nowicki says.

Many dogs later, Nowicki returned to Richmond, and the homeless, terrified animals weighed on her mind. So did

Morris Alexander. Records showed he was the likely owner of two dogs she helped rescue.

She found the two Chows on a street where houses had been submerged for weeks. They “were in such bad shape that instead of challenging us like normal Chows would, one dog tried to climb a tree, and the other hid in a toxic water and oil pit.”

She rescued the two dogs but was troubled by handicapped license plates on a car in front of the house. Did Alexander, the disabled owner, make it out alive? His phone numbers did not work, and he was not on the Red Cross “safe” list.

Nowicki searched for days for Alexander. Ultimately, a friend found a distant relative, and a week later, Nowicki had Alexander on the phone. Nowicki says that a huge weight was lifted, though just two of his five dogs survived.

Nowicki says what she saw in New Orleans is sad, but she is happy with what she accomplished. And she smiles when she recalls buying boat, trailer and supplies. She told her mother, “I don’t even want a boat. I’m an idiot.”

She christened her boat the *Morris Alexander*.

# FACULTY BRIEFS

Faculty achievements, publications and appearances

**Azizah Al-Hibri** published “The Nature of the Islamic Marriage: Sacramental, Covenantal or Contractual” in *Covenant Marriage in Comparative Perspective*, John Witte and Eliza Ellison, editors, Eerdmans Publishing, Fall 2005. She is co-editor of the section on Islam in *Sex, Marriage and Family in World Religions*, Columbia University Press, December 2005.

Al-Hibri lectured on Islam and women’s rights in Brussels, Belgium, last winter, and she met with Belgian women leaders, both Muslim and non-Muslim, as well as Belgian senators and government leaders.

**Robert H. Bork** published the new book *A Country I Do Not Recognize: the Legal Assault on American Values*, Hoover Institution Press, September 2005.

**Timothy L. Coggins**, associate dean for library and information services and professor of law, received the 2005 ProQuest/Virginia Library Association Intellectual Freedom Award at VLA’s annual conference in Williamsburg, Va., in October 2005. The award is presented every other year to a person who promotes intellectual freedom,

exemplifies the spirit of intellectual freedom, and challenges censorship efforts.

Coggins authors a VLA news column “Intellectual Freedom Update,” focusing on censorship, access to information by users of public libraries, information policies that affect access, and other intellectual freedom issues. He and James W. Sanderson, a senior librarian in Newport News, Va., and VLA committee chair, developed a survey on Internet filtering and access policies that was distributed to public libraries throughout Virginia. They co-authored “Beyond Rhetoric: Internet Filtering in Virginia Public Libraries,” which was published in the April/May/June 2005 issue of *Virginia Libraries*.

**James Gibson** published “Once and Future Copyright” in the *Notre Dame Law Review*. He also wrote an amicus brief urging the U.S. Supreme Court to reverse its ruling in the file-sharing case, *MGM Studios V. Grokster*. Sixteen law professors and economists joined in the brief. He published the op-ed column “File-Sharing Delusion” in the *Providence Journal*. The column was distributed through the

Scripps-Howard News Service.

Gibson submitted written commentary to the U.S. Sentencing Commission regarding the Family Entertainment Copyright Act of 2005. *The Washington Post* published a letter he wrote on the Google Print Project.

Gibson served on several panels discussing the *MGM v. Grokster* case, including one at the Virginia State Bar’s annual Intellectual Property Conference. He moderated a panel discussion at the Law School on “Creativity in the Information Age.”

He was quoted in about 20 newspapers including *The New York Times*, *The Financial Times*, *Slate*, and *The Chronicle of Higher Education* on the Grokster case and related topics.

**Melissa Coretz Goemann** is director of the Juvenile Law and Policy Clinic, which sponsored a legislative roundtable in October for participants from Washington, D.C., Virginia and Maryland. The meeting was held at Georgetown University Law Center. Co-sponsors included the Juvenile Justice Clinic at Georgetown law, and the Mid-Atlantic Juvenile Defender Center. Discussion focused on methods

Left to right:  
Azizah Al-Hibri, Robert H.  
Bork, Timothy L. Coggins  
and Melissa Coretz  
Goemann.





for defenders to develop more proactive roles in juvenile justice legislative strategies and advocacy techniques.

**Ann C. Hodges** spoke on “Bargaining for Privacy in the Unionized Workplace” in May at New York University’s annual conference on labor. Her article by the same title will be published as a chapter in *Workplace Privacy: Here and Abroad, the Proceedings of the Conference*. It also will be published in the *International Journal of Comparative Labour Law and Industrial Relations*.

Hodges and Phyllis Katz, L’82, spoke on “Forming and Guiding Law-Related Nonprofits” at the Virginia State Bar Pro Bono and Access to Justice Conference in May. Their talk focused on a new course for law and graduate business students at the University on nonprofits.

She also spoke on labor and employment law at the Union Community Action Network training program sponsored by the Richmond Central Labor Council and United Way.

**John Paul Jones** has edited two issues of the *Journal of Maritime Law and Commerce*. He also has written an amicus brief for the 4th U.S. Circuit Court of Appeals in a case involving the salvage of the Titanic.

**Shari Motro** published *The Income Tax Map: A Bird’s-Eye View of Federal Income Taxation for Law Students*, Thomson West, 2005; “Lessons from the Swiss Cheese Map,” *Legal Affairs*, September 2005; and “Single and Paying for It,” *The New York Times* op-ed page, Jan. 25, 2004.

**Emmeline Reeves** spoke on bar exam support programs at a national academic-assistance training workshop in June at the University of Nevada, Las Vegas.

**Rodney A. Smolla** published “Content and Context: The Contributions of William Van Alstyne to First Amendment Interpretation,” *Duke Law Journal*, December 2005; and “The ‘Do-Not-Call List’ Controversy: A Parable of Privacy and Speech,” 38 *Creighton Law Review* 743 (2005) (James L. Koley Lecture.)

Smolla also appeared in November as an expert witness before the U.S. Senate Subcommittee on the Constitution, Civil Rights and Property Rights at a hearing on pornography on the Internet.

**A. Benjamin Spencer**, with West Publishing, will publish a series of law school study aids called *Acing Law School*. The first, *Acing Civil Procedure*, was published in September. The guides have been compared with the popular

*Emanuel’s* and *Nutshell* series.

Spencer was appointed to a committee that will make recommendations to the Supreme Court of Virginia on public access to confidential information contained in court records.

His blog, *federalcivilpractice.blogs.com*, was included in the most recent Law Professor Blogger Census.

**Peter Nash Swisher** is co-author of *Understanding Family Law*, third edition 2005, LexisNexis; *Virginia Family Law: Theory, Practice and Forms*, 2005 revised edition, Thomson/West. He wrote “The Insurable Interest Requirement for Life Insurance: A Critical Reassessment,” 53 *Drake Law Review* 477, 2005; and “Marriage and Some Troubling Issues with No-Fault Divorce,” 17 *Regent University Law Review* 243, 2005.

**Carl W. Tobias** published articles on federal judicial selection in the *University of Utah Law Review*, the *National Law Journal*, *Jurist*, *San Diego Union-Tribune*, *San Francisco Chronicle*, *Richmond Times-Dispatch*, *The Roanoke Times*, and *The Virginian-Pilot*. He has also published articles on detainees and on the Ninth Circuit in the *National Law Journal*. Tobias published an essay on health courts in the *University of Richmond Law Review*. He was a widely quoted contributor to the debates over

judicial selection, Supreme Court nominees, and the Vioxx litigation, appearing on outlets including National Public Radio, Marketplace, Voice of America, WRVA, WCVE and KCBS.

Tobias has been quoted on various cases, especially the Vioxx litigation, judicial selection and the Ninth Circuit split in numerous newspapers, including the *Washington Post*, *Los Angeles Times*, *Christian Science Monitor*, *National Journal*, *Toronto Globe & Mail*, *Philadelphia Inquirer*, *Newark Star-Ledger*, *USA Today*, *Boston Globe*, *Wall Street Journal*, *St. Petersburg Times*, *Milwaukee Journal*, *Miami Herald*, *Legal Times*, *National Law Journal*, *Newsday*, *Richmond Times-Dispatch*, *Forbes*, *Financial Times*, *N.Y. Daily News*, *San Francisco Chronicle*, *Hartford Courant*, *Washington Times*, *Pittsburgh Post-Gazette*, *Dallas Morning News*, *Raleigh News & Observer*, and *Baltimore Sun* as well as wire services, including the Associated Press, Scripps-Howard, Knight-Ridder, Reuters, Gannett, McClatchy and Bloomberg.

**Sally Wambold**, technical services librarian, is preservation columnist for *Technical Services Law Librarian*, a newsletter published by the American Association of Law Libraries. She is government-relations committee chair for the association’s Southeast Chapter.

## New faculty

**Shari Motro**, an expert in taxation, and wills and trusts, is an assistant professor of law. She is a graduate of Yale College and NYU School of Law, and worked as an associate in the tax department of Davis Polk & Wardwell in New York. She teaches federal income taxation, and wills and trusts.

**Tamar Eisen**, a graduate of Stanford Law School, is a visiting assistant professor of law and director of the lawyering skills program.

**Melissa C. Goemann**, an NYU Law School graduate, is the director of the new Juvenile Law and Policy Clinic and an adjunct assistant professor of law. She is the president and executive director of the Mid-Atlantic Juvenile Defender Center.

Virginia Supreme Court Justice **Donald W. Lemons**, a graduate of the University of Virginia School of Law, is the John Marshall Professor of Judicial Studies at the Law School. Lemons previously served as the A.L. Philpott Distinguished Adjunct Professor of Law here from 1998 to 2000. He also will work with the John Marshall Scholars.

**Gary L. McDowell**, an internationally recognized constitutional scholar who is the Tyler Haynes Interdisciplinary Professor of Leadership Studies and Political Science at the University, has accepted a joint appointment with the Law School. His popular course on statesmanship, which is cross-listed in the Leadership and Political Science departments, will be open this year to law students.

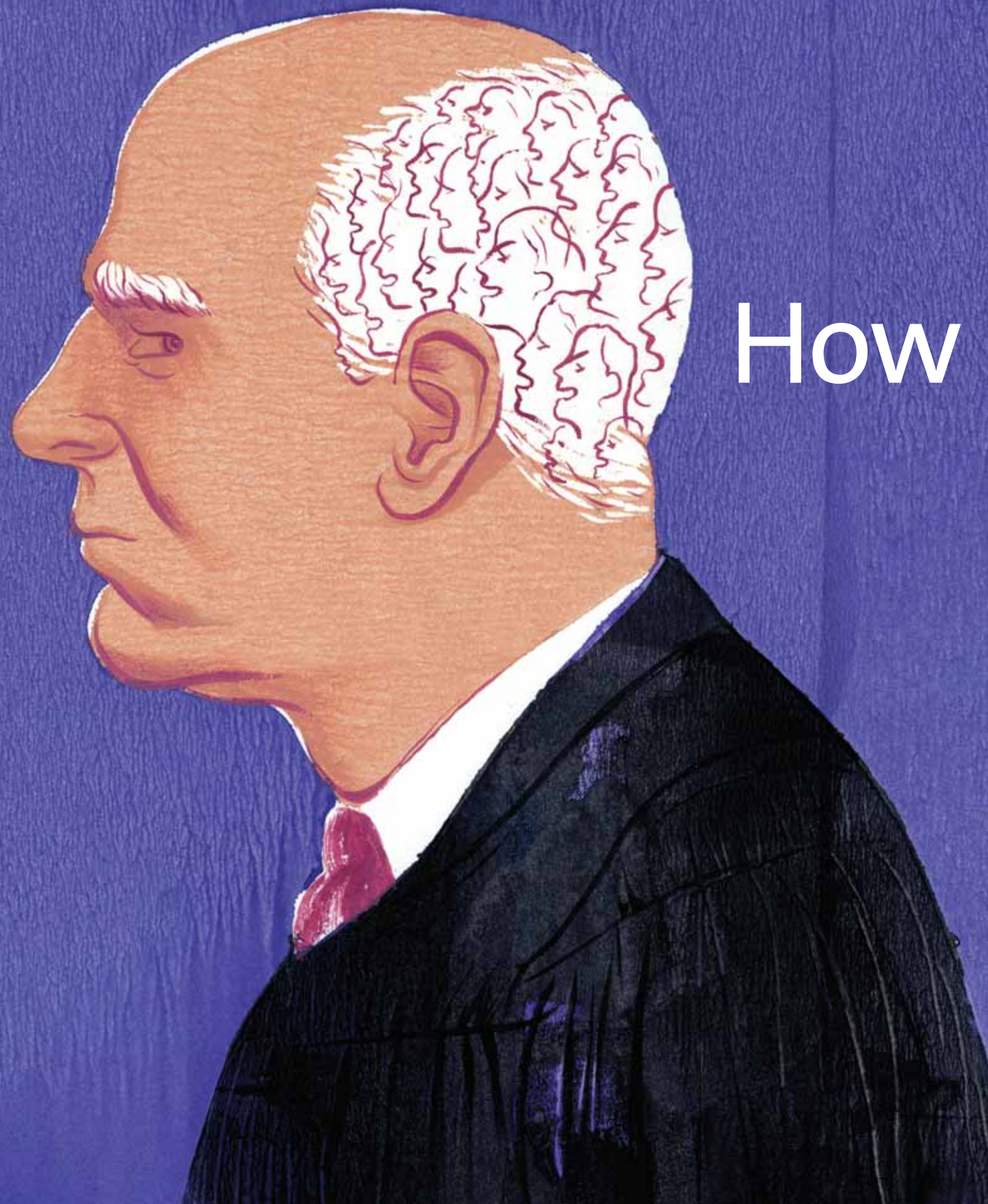
**Mary Kelly Tate** is visiting assistant professor for pro bono academic programs and director of the Richmond Law Institute for Actual Innocence. The RLIAI will join with the national network of Innocence Projects to provide legal assistance to Virginia convicts seeking exoneration. A student clinic in this area will begin this spring.



Left to right:  
Ann C. Hodges, A. Benjamin  
Spencer, Peter Nash  
Swisher and Shari Motro.



Left to right:  
Tamar Eisen, Donald W.  
Lemons, Gary L. McDowell  
and Mary Kelly Tate.



# How Judges Judge

changed by majority vote. The politicians represent the people and the votes of politicians reflect the will of the democracy. Judges have no business interfering.

This critique of judicial activism also comes from other quarters. Public interest “activists,” the people who power lobby groups, political action committees, special interests, thus often decry judicial activism. So do others in the chattering classes—the vocal hoards of lawyers, professors, journalists, columnists, writers, talk radio hosts, Internet bloggers, television panelists—those who comprise the great maw of pundits and pontificators who populate modern public discourse.

In contemplating Judge Robert R. Merhige Jr.’s career as a judge, I have been struck by how often I have heard his law clerks and the lawyers who appeared in his courtroom remark on the extent to which Judge Merhige seemed self-confidently guided by his “judicial intuition” as to how a pending matter ought to be resolved.

We live in a time in American history in which there is an escalating debate over the role of judges in our society, a debate often cast in the vocabulary of slings and arrows aimed malevolently at “judicial activists.” My purpose here is to explore this critique of “judicial

activism,” contrasting and comparing it with the role of “judicial intuition” in American law, taking as exemplar and foil the remarkable career of Judge Merhige.

## Activists anonymous

For about as long as I can remember there has been a brouhaha in America over judges who abuse their judicial power by failing to “follow the law.” The usual sneer-word for this is “judicial activism,” shorthand for “making up the law” instead of “following the law.” The label “activist” usually connotes a judge who cheats. If the judge were just to “follow the law” in a particular case, the judge would be forced to reach conclusion “x.” But conclusion “x” strikes the judge as unjust, or unfair, according to the judge’s own subjective moral, religious, or political views. And so the judge looks for a way to reach conclusion “y,” the very opposite of “x.”

This attack on activism often comes from politicians—from presidents, senators, congressmen, governors, or mayors. These political officials typically see it as their job to be the activists in society—that is to say, to be the legitimate agents of legal change. It is OK for a senator or president to act to change the law, because that is their job, and they are accountable to the people. In a democracy, the argument goes, law should be

## Intuition or activism?

By Rodney A. Smolla

Many of these folks are themselves activists. They are passionately engaged in debate over American politics, culture, morality, and law, actively seeking to advance their own views of right and wrong, wisdom or folly.

Again, American orthodoxy is that these are legitimate activists, properly licensed for the work, as James Bond is licensed to kill. This is the laudable activism of argument and persuasion, the means by which citizens in a democratic republic attempt to persuade one another to generate a consensus backed by a majority vote.

Perhaps most interesting are the anti-activist judges, those who reproach other judges for their activism. These judges are convinced that their colleagues are making up the law, imposing their own subjective views on the populace, thereby lacking the integrity, self-restraint, and self-discipline, to “follow the law,” whether or not they find the results that follow pleasing.

Attacks on judicial activism are fueled in part by the passions that surround certain especially controversial issues in American life. Liberals may attack conservative judges for activism in advancing a conservative agenda in judicial rulings, such as decisions awarding the presidency to George Bush over Al Gore, or shifting power from the federal government to the states, or approving the death penalty. In turn, conservatives may attack liberal judges for activism in advancing a liberal

# BALKANS IN THE BALANCE

Today, I am grateful for the charcoal dust that blanketed my clothes following the second bomb's explosion. Dusting myself off punctuated my first day in the Balkans' region as a very green "rule of law" consultant with the United Nations Development Program. That moment forever altered the lens through which I would view emerging democracies' judicial reform initiatives.

Gathering my nerves, I suddenly understood the import of the great Macedonian Doce Delchev's famous quotation: "The world is the playing field for the competition of ideas."

Soon after the dust settled, I began comprehending the tensions created when you supplant entrenched totalitarianism with the rule of law. Both bombs, I was told, were planted by Albanians who wanted to intimidate the appellate judges with whom I would soon be meeting. I was standing in the eye of a storm created by violently competing ideas.

The world's media remains transfixed on the ever-fresh ethnic- and religion-driven violence simmering in the Middle East, the Balkans, Africa and elsewhere. The apparently insatiable thirst for revenge among these vying political and ethnic factions dominates our political attention.

My personal experience in these countries engenders guarded optimism regarding the lasting role that the "rule of law" will play in forging their destinies. I reached this conclusion watching competing ideas play out in those countries' court-

rooms and during face-to-face discussions with Supreme Court justices and Ministry of Justice officials. It is in their courtrooms and boardrooms, not the streets, where competing notions of governance truly struggle for dominance.

Fortuitously, if not miraculously, I find myself serving as an international rule of law consultant to several Balkan and Middle Eastern emerging democracies. Having recently returned from the Balkan region, I was asked to share some observations about that region's prospects for embracing true democratic reforms.

Most recently, I was honored to lead a United Nations' international evaluation team to Serbia and Montenegro. Our team's mission was to measure Serbian courts' post-Milosevic democratic reform progress. Our Serbia and Montenegro work was intended to advance the United Nations' Millennium Goals, which, in part, intend to improve human rights and to advance economic stability in developing democracies. As with other rule of law projects with which I have worked, Serbia's democratic reform progress is precariously balanced upon its ability to establish a predictable, independent, rule-of-law-based judiciary.

Establishing such a judiciary is the cornerstone of virtually every democratic reform movement. Unfortunately, my foreign field experience convinces me that these countries' judiciaries often lack the predicate skill-sets necessary for planning and implementing sweeping democratic reforms. The dearth of adequately

trained, indigenous legal professionals creates demand for rule of law consultants who are willing to work in the most challenging legal and political environments. This is to be expected given transitional governments' lack of experience with democratic institutions, practices and infrastructures.

Ask yourself the following question: As an experienced American lawyer or jurist, steeped in traditional notions of judicial independence, accountability and transparency, how would you begin engineering a new democratic judicial system from the ashes? If you feel overwhelmed by that prospect, imagine the challenge facing emerging democracies, which often are led by people in power due to totalitarian patronage, that have never experimented with democracy.

A less obvious but significant obstacle to the

unstable marriage of political convenience, coupling so-called equal confederates in a less-than-blessed partnership.

While in Belgrade this October, not once did I hear a single person utter the term "Serbia and Montenegro," even among the highest judicial leaders. One is either Serbian, Montenegrin or Kosovar.

Further dimming the prospects for democratic reform in Serbia and Montenegro is Montenegro's grumbling insistence upon becoming a separate state. This existing crack in Serbia-Montenegro relations could grow into a full-blown chasm by end of 2006.

Most troublesome is the Kosovo question. Unlike Serbia, Kosovo is populated primarily by ethnic Albanians. Yet, it is a "province" governed by Serbia. Perhaps more so than its Balkan counterparts, Kosovo's

**"... Serbia's democratic reform progress is precariously balanced upon its ability to establish a predictable, independent, rule-of-law-based judiciary."**

Balkans' democratic transition may have emerged with French and Dutch refusal to adopt the European Union Constitution. The prospect of E.U. membership and the accompanying infusion of international investment has been the most compelling "carrot and stick" incentive driving Balkan democratic reforms, including restructuring judiciaries.

The picture varies from one Balkan state to another. In Bulgaria, for example, I believe democratic reforms are permanent and are capable of weathering future military and political challenges. Systemic judicial branch reforms are being institutionalized as we speak. Most importantly, of all the Balkan states, I sensed in Bulgaria a genuine commitment among leaders, young and old, to democratic reform.

Until the Dutch and French rejected the constitution, I was optimistic about Macedonia's democratic future. Because I sensed less commitment from Macedonian leaders, especially within the top ranks of their judiciary and Ministry of Justice, I felt economic incentives resulting from E.U. membership would generate reform. With the possibility of E.U. expansion becoming more remote, coupled with the instability of neighboring Albania, and looming questions about Kosovo, I would give Macedonia a 50-50 chance for sustainable democratic reform.

Whether Serbia and Montenegro and Kosovo will successfully make a permanent democratic transition is anyone's guess. Serbia and Montenegro represents an

judiciary is burdened with a reputation for being abjectly corrupt and unpredictable. Moreover, Kosovo appears ready to turn to violence to gain its independence from Serbia.

Serbia's public stance is that it will prevent Kosovo's independence at all costs. However, most believe Serbia would be willing to jettison Kosovo if it were to receive special consideration for E.U. membership. Here again, the Dutch and French E.U. votes may have eliminated an alternative to settling the Kosovo question.

Until these potentially violent discords are reconciled, I see little if any hope of lasting rule of law reforms taking root in Serbia and Montenegro or Kosovo.

Delchev was indeed prescient. The Balkans still represents the playing field for the competition of ideas. For rule of law specialists, no truer words have been uttered. ■

*Thomas N. Langhorne III, L'86, worked with the civil litigation firm Wright, Robinson, McCammon, Ostheimer and Tatum in Richmond, and later, he was director of judicial training for the Supreme Court of Virginia. In 2002, after conducting workshops for visiting foreign judges, he and his wife, Deirdre, founded The Langhorne Group Inc., which provides consulting services to American state courts and emerging democracies abroad. Contact Langhorne at [rightinfo@aol.com](mailto:rightinfo@aol.com).*

Seeking  
justice  
amid  
the violent  
competition  
of ideas

By Tom Langhorne, L'86



agenda in judicial rulings, such as decisions on abortion, gay and lesbian rights, or affirmative action.

At times the rhetoric against judicial activism would lead one to believe that it has become a veritable epidemic, a spreading contagion undermining the whole American system. Yet curiously, in all my years as a lawyer, I have never met a self-proclaimed judicial activist. You'd think with all this activism running rampant one would run across an occasional confession. Shoot, you'd expect to find chapters of "activist's anonymous" in every state and federal jurisdiction.

(The meetings would begin: "Hello, I'm Judge Joe Schmo, and I'm a judicial activist." "Hello Joe Schmo!")

In my years of law, never once have I heard a judge say, "My notion of what it means to be a judge is that you impose your own political views on others, pretending to follow the law. I just do what I think is right, according to my own subjective sense of justice, morality, and political wisdom. Then I fancy it up as 'the law.'"

Every judge I have ever known insists with steadfast sincerity that he or she would never dream of imposing his or her subjective preferences on the outcomes of cases. Judges all claim that what they do is follow "the law," as best they can determine it, whether or not they agree with what the law is. The law is the law.

So what are we to make of this dissonance? What do we make of the fact that there is so much complaining about activism, but no owning up? I suppose it could be a massive cover-up, a mammoth ruse being perpetrated on the American people. This is an improbable explanation, however. A contrary possibility is far more plausible. I think that what may well be at issue here is not "activism," but "intuition."

### The role of intuition in judging

If there are no self-confessed activists to be found, there are self-confessed "intuitionists." That is to say, there are many judges and scholars who have argued, over the years, that judging is not an exercise in mathematics,

but an exercise in judgment. In turn, the art of "judgment" involves mental and deliberative processes that include, inevitably and fittingly, a role for intuition.

Intuition in judging, properly understood, is never an end, but a means. It is not a substitute for sound legal reasoning, but a means by and through which sound legal reasoning is reached.

Edward Levi, distinguished lawyer, legal scholar, and legal educator who served as dean of the University of Chicago Law School, and then as that great university's provost and president, once noted that the "function of articulated judicial reasoning is to help protect the court's moral power by giving some assurance that private views are not masquerading behind public views." Dean Levi's point appears irrefutably correct. To eschew the naked imposition of "private views," however, is not to eschew the private search for the sound result that is an essential part of any deep and difficult exercise of judicial power.

While we do not want "judicial activism" on the bench, we do not want "sterile intellectualism" either. Judge J. Braxton Craven Jr., a judge who served on the United States Court of Appeals for the Fourth Circuit, once took a shot at sterile intellectualism in law schools, stating derisively in an article published in *The North Carolina Law Review* that "[t]here are probably yet some law professors who think the word 'justice' belongs in Sociology I rather than in Property II." In contrast to this sterile intellectualism, Judge Craven professed admiration for Chief Justice Earl Warren, because Chief Justice Warren made it respectable to ask the elemental question: "Is it fair?" The subjective or indeterminate nature of concepts such as "fairness" or "justice" was undaunting to Judge Craven: "The legal mind that will not talk about injustice because it cannot be defined is like a surgeon who will not treat cancer because it is not yet fully understood."

As Oliver Wendell Holmes posed the problem in his classic work *The Common Law*, "[t]he very considerations which judges most rarely mention and always with an apology are the secret from which the law draws all the juices of life." Holmes puts the matter strongly: "Every important principle which is developed in litigation is in fact and at bottom the result of more or less definitely understood views of public policy; most generally, to be sure, under our practice and traditions, the unconscious result of instinctive preferences and inarticulate convictions, but none the less traceable to views of public policy in the last analysis."

These insights are especially apt when the legal dis-

pute involves fundamental questions of constitutional law. Judges dealing with difficult constitutional issues must by necessity employ all the tools of the trade, always beginning with the constitutional text in contest, but always including thoughtful consideration of the surrounding history, tradition, precedent, structure, context, and function of that text. As the Supreme Court recently explained in an important Eighth Amendment case, "[t]he prohibition against 'cruel and unusual punishments,' like other expansive language in the Constitution, must be interpreted according to its text, by considering history, tradition, and precedent, and with due regard for its purpose and function in the constitutional design."

Once these tools are added into the mix, some degree of subjectivity, some role for intuitive judgment, must be counted as well. Consider a series of questions posed by Justice Benjamin Cardozo in his book *The Nature of the Judicial Process*:

"What is it that I do when I decide a case?"

"To what sources of information do I appeal for guidance?"

"In what proportions do I permit them to contribute to the result?"

"In what proportions ought they to contribute?"

"If a precedent is applicable, when do I refuse to follow it?"

"If no precedent is applicable, how do I reach the rule that will make a precedent for the future?"

"If I am seeking logical consistency, the symmetry of the legal structure, how far shall I seek it?"

"At what point shall the quest be halted by some discrepant custom, by some consideration of the social welfare, by my own or the common standards of justice and morals?"

### Judge Merhige as exemplar and foil

Justice Cardozo's list is especially helpful in considering the judicial career of Judge Merhige. I had the great privilege of being able to talk to Judge Merhige on many occasions about the art of judging, including an interview I once conducted for a film documentary. He had an unflagging reverence for the law, and would never have characterized himself as an activist. But he would readily concede that judging involved judgment, and while he may never have introspectively reduced the process to the precise inventory of questions suggested by Cardozo, in my view these were precisely the considerations that brought constancy and integrity to Judge Merhige's rulings, and that earned him such great

respect within our profession.

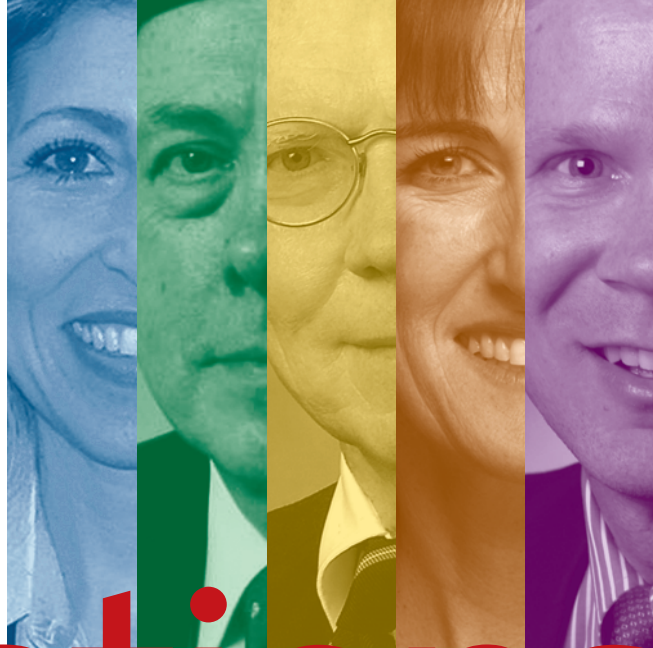
Judge Merhige was full of spark and sparkle, and undoubtedly his judgments were often informed by a sparkling flash of intuition that directed him toward a result even before his fine analytic mind has fully puzzled out the rationale. So be it. In one of the more intellectually honest soul-bearings ever attempted by a thoughtful jurist, Judge Joseph C. Hutcheson Jr. once wrote: "I, after canvassing all the available material at my command, and duly cogitating upon it, give my imagination play, and brooding over the cause, wait for the feeling, the hunch—that intuitive flash of understanding which makes the jump-start connection between question and decision, and at the point where the path is darkest for the judicial feet, sheds light along the way."



These words are apt in describing Judge Merhige's career. Judge Merhige had a profound impact on the metropolis that is greater Richmond, on the state, the nation, and the profession. I doubt that any graduate of the University of Richmond School of Law ever contributed more. Judge Hutcheson's remarks on judging provide the perfect metaphor for praising Judge Merhige, who justly deserves to be treated as a hero, as important in his way to the country as the likes of Holmes or Cardozo. Judge Merhige's life, "at the point where the path is darkest for the judicial feet, sheds light along the way." ■

*This article was adapted from a piece by Dean Rodney A. Smolla that was published in the University of Richmond Law Review, November 2005. To obtain a copy of the original article, go to <http://law.richmond.edu/lawreview/currentissue.htm>.*

# Varied vocations



## Law alumni find rewards in diverse careers

By Betty M. van Iersel

**R**ichmond law graduates find their place wherever their aspirations, talents, and rigorous education lead them. Some of their career paths are tried and true; some take unexpected turns.

A sampling of alumni from the past five decades reveals that they lead major corporations and work in prestigious firms in major cities around the world. They serve non-profit organizations, drive legislative agendas, and are active in a full range of community services.

“As demonstrated in the profiles below, our alumni are living testimony to the value of our Law School’s mission, which is to instill in students the ambition ‘to live greatly in the law,’ integrating, theory, practice, and public service,” says Dean Rodney A. Smolla. “The fine lawyers described here, like so many of our alumni, serve society through a fascinating array of careers, with energy, skill and dedication in the highest traditions of the legal profession.”

More than half of recent alumni, research shows,

have pursued careers in private practice, with its many variations. Another 17 percent have chosen careers in business and industry, while 17 percent have entered the judiciary, a longstanding career touchstone for Richmond law graduates. (In fact, in a 2001 survey of Virginia’s state judges, 107 of 320 were Richmond graduates, by far the greatest number from any law school.)

Still others choose careers in government, including the military, in the public interest/non-profit sectors, and in academia as professors or as counsel to colleges and universities.

Virginia is their favorite place to live and work, though law alumni are scattered throughout the nation and around the world.

They are pioneering new technologies, speaking, traveling, and publishing widely.

Those we spoke with also were quick to emphasize the importance of finding a balance between work and life outside their practice.

## INTERNATIONAL ARBITRATOR



*“I defy anyone to use his or her legal education in more different arenas than I have been privileged to do.”*

—William K. Slate II, L’68

William K. Slate II, L’68, says he began his career with two years of “living out my fantasy of working at the FBI.” Today, Slate performs on an international stage as head of the world’s largest arbitration-mediation organization, the New York City-based American Arbitration Association. Among its many vital services, the association this fall was busy establishing pro-bono mediation centers for victims of hurricanes Katrina and Rita who needed help with insurance claims.

The opportunity to head the association came to Slate after years of service to the federal courts, and not long after he had accomplished a previous goal of founding a successful research and consulting firm.

The work is demanding and lawyers must pay attention to the other aspects of life, he says. He has

followed his own advice, pursuing avocations as esoteric as beekeeping and birding. “Don’t ever minimize the importance of the stability of family and friends. Being an attorney should not be a solo paradigm.”



## CIRCUIT JUDGE

*“The law is very often rewarding—it is the cornerstone of our society—but at the same time, it is sometimes frustrating and disappointing.”*

—Joseph E. Spruill Jr., R’55 and L’58

Judge Joseph E. Spruill Jr., R’55 and L’58, has spent much of his career at the other extreme, in small-town Tappahannock, Va., where he served as a commonwealth’s attorney and later, as Circuit Court judge for the 15th Judicial District. He was chosen by his peers to serve as president of the Virginia State Bar. Two sons followed him to the Law School and into the profession.

Judge Spruill, a former president of the Richmond Law Alumni Association, says that during his years with a small local firm and on the bench, he has seen many graduates of the Law School come to the bar and flourish, becoming leaders of the profession and pillars of the community.

“Often, when trying cases, I look across the bench and see lawyers with a tough job to do, and the pressures on them sometimes seem unrelenting,” he says. “I understand their plight because this is where I spent most of my professional life. It does help explain, I suppose, why I have such affection and respect for lawyers.”



## BUSINESS COUNSELOR

*“I never studied business or economics as an undergraduate. Now, business is all I do, and I absolutely love it.”*

—Patricia Covington, L’92

At 36, Patricia Covington, L’92, was named deputy general counsel of CarMax, the used car sales giant, heading the company legal department’s business operations group. The group handled matters pertaining to compliance in the areas of federal and state laws for motor vehicle financing. During her tenure, she spent about six months as acting general counsel.

Her colleagues at Hudson Cook in Linthicum, Md., her current employer, refer to her as “the fireball,” because she “puts her energy and drive into all aspects of her life, from professional projects to charity work,” notes *Corporate Counsel* magazine in its April 2005 issue. Covington made the publication’s “short list” of rising stars most likely to become general counsel of a Fortune 500 corporation by 2010. Covington started her own foundation, Fundación Proniño, to help homeless children in her native Honduras.

“I kept an open mind about my area of practice while at Richmond,” says Covington, whose undergraduate majors at James Madison University were political science and history. “In fact, I never even thought about a business-related practice. Now, all I do is business, and I absolutely love it.”

## VIRGINIA ATTORNEY GENERAL



*“The law is a noble and interesting profession. At its heart, it is about helping people.”*

—Judith Williams Jagdmann, L’84

Judith Williams Jagdmann, L’84, “was thrilled and honored” when Virginia Attorney General Jerry Kilgore asked if she would complete his term in office while he stepped aside to run for governor. Jagdmann’s children, who were 15 and 11 at the time, and her husband Joe, a 1986 graduate of the Law School, appreciated the importance of the appointment. It was an honor and challenge in Jagdmann’s 21-year career in public sector law.

Her career in service to Virginians has resulted in initiatives including the Commonwealth’s “Do Not Call” telephone privacy legislation, which was on the books before the federal law.

Her legal team secured a judgment by the Virginia Supreme Court (*Tauber v. Commonwealth*, 2002) that resulted in more than \$51 million in awards against a

real estate developer in Northern Virginia. The award was distributed for charitable purposes.

As deputy attorney general, Jagdmann also represented consumers before the State Corporation Commission and in the appeal of a GTE South rate proceeding, which culminated in a \$200 million refund to Virginians.

One of the law’s greatest rewards, Jagdmann says, is the “ability to make a difference.”

## PUBLIC AFFAIRS EXPERT



*“The whole point of law school is to be able to argue either side equally effectively.”*

—Robert Shinn, L’97

Robert Shinn, L’97, thought he had found his “dream job” when he was 34. He was named executive assistant to CSX Chairman John Snow, then the highly regarded head of one of the nation’s great railroad companies and Shinn’s mentor.

In 2002, Shinn found himself on a 100-day whirlwind tour, shepherding Snow’s nomination for U.S. Treasury Department secretary through the arduous, 24-7 confirmation process. “One morning, at 1 a.m., I was sound asleep at home and I received an urgent call that some documents in my possession had to be faxed immediately,” he recalls. He got up, dressed and found an open Kinko’s.

Aware of the pace his life might take, Shinn chose his young family over the limelight in Washington. He turned down the opportunity of following Snow to the nation’s capital. Instead, he put his knowledge of gov-

ernment operations to work as president of public affairs for Capital Results, a consulting firm in Richmond and Raleigh, N.C.

“It was tempting to keep my name in the running, but the madcap pace of the confirmation process had offered me a glimpse of what working for the treasury secretary would have entailed,” Shinn says. “I knew I could expect 18-hour days and long work weeks.”

## CONTINUE TO LEARN

Asked for advice for young attorneys and law students, these lawyers from distinct fields emphasize keeping up with technology, global affairs, and business issues.

“Don’t get too caught up in specific cases and details,” Shinn warns. “What is indispensable is the process of reasoning through an issue and coming up with arguments to support your point of view.”

Spruill credits Richmond with providing a “thorough preparation” for the law, but cautions new attorneys that the law is a noble but demanding profession.

“The law is very often rewarding—it is the cornerstone of our society—but at the same time, it can be frustrating and disappointing,” he notes. “The one piece of advice I would give is that you must work hard and prepare well for the task ahead. If you aren’t prepared, it will always show.”

Slate and Shinn applaud Richmond for its emphasis on public service and professional collegiality.

Jagdmann praises the Law School’s “very strong core preparation.”

“Richmond stressed that to be a successful attorney you must continue to learn and build on core principles,” Jagdmann says.

For Covington, the Law School did a great job of connecting students with the practical side of the law through competitions, such as Moot Court, and through client counseling and negotiations. “These really gave me the chance to practice the skills needed in the legal profession,” she adds.

A lawyer’s work can be stated simply, Slate says. “Lawyers are fundamentally problem-solvers.”

“One of the most rewarding aspects of my legal training has been [finding opportunities] to create a win-win situation,” agrees Shinn. Instead of getting lost in conflict, CSX’s team worked with communities to resolve issues, and “we actually created good long-term relationships with some of the neighbors.”

Many alumni acknowledge with pride the growing stature of the University and the School of Law.

“I chose Richmond because it had a strong regional reputation when I graduated from Thomas Jefferson High School [in Richmond],” Slate notes. “One of the most rewarding aspects of being an alumnus over the years is how Richmond continues to flourish, and today, it also is growing a national and an international reputation.” ■



# Proud history, bright future

## Strategic plan builds on existing strengths

By Dean Rodney A. Smolla

Justice Oliver Wendell Holmes once challenged students to “live greatly in the law,” and we have borrowed from Justice Holmes in crafting the watchwords for our future, “To Live Greatly in the Law: Integrating Theory, Practice, and Service.”

We have an illustrious history and a bright future. We have embarked on a bold strategic plan with a vision that promises to build on our current strengths while defining a path to an even greater future. We developed this plan with input from our alumni, faculty, staff, and students, and I am pleased to report that it is moving ahead with enthusiastic support from all

elements of our community.

There is much for us to do in the months and years ahead. We will increase financial aid to make our school more affordable to all students. We will increase the size of the faculty by 12 positions to add depth and diversity to our curriculum, and to enhance our contributions to society through research and public service. Modestly and gradually, we plan to increase the size of our student body.

We will encourage a new dedication to pro bono service by students and faculty. This effort will include the creation of a pro bono services program.

We plan to develop interdisciplinary partnerships with other academic units on campus, while creating specialized academic centers to foster research, public outreach, and concentrated educational opportunities for students. We will work to enhance our international curriculum and programs, and our already superb technology and information services.

We will capitalize on the opportunities for collaboration with the local community, including the rich array of state and federal courts, administrative agencies, public interest organizations, law firms, businesses, and educational institutions in the area. We will serve those entities as we create enriched experiential programs for our students.

We have begun raising money for and planning our building addition, which will be named the Judge Robert R. Merhige Jr. Law Pavilion in honor of our dear friend and distinguished alumnus. (A final decision to proceed with detailed planning and construction, once funding is secured, will require Board of Trustees approval.)

One of the defining features of the strategic plan is the creation of specialty academic centers. These are serious proposals that are well on their way toward development. The centers for which planning and implementation are most advanced are in environmental law, intellectual property, family law, and international programs.

Environmental law has long been a strength of the Law School, and we are fortunate to have the Merhige Center in Environmental Law, a center that we plan to enhance.

In a similar vein, the Law School is renewing its longstanding commitment to stepping up our international presence and programs, an agenda that grows more pressing as the world economy becomes increasingly interconnected. We are pursuing efforts in both public and private international law.

In April 2007, we will host an international rule of law conference, as part of the series of events that will take place throughout Virginia commemorating the 400th anniversary of the settlement of Jamestown. Justice Donald Lemons of the Supreme Court of Virginia, who recently joined our school as the John Marshall Professor of Judicial Studies, has agreed to serve as co-chair of this effort, and is the driving force behind it. Similarly, our alumnus William Slate, CEO of the American Arbitration Association, has pledged to assist the Law School in pursuing programs relating to alternative dispute resolution in the international

## Strategic plan goals

- Double the total financial aid awarded students to ensure a student body that is exceptionally well qualified and diverse.
- Increase dramatically the size of the instructional faculty, adding at least 12 new faculty lines by 2010.
- Commit in a dramatic and consequential way to creating a pro bono service program, elevating the Law School’s emphasis on the importance of performing pro bono activity, and strengthening its ties to the surrounding community.
- Forge interdisciplinary partnerships with other campus units, strengthening the integration of the Law School into the larger flow of University endeavors, thereby enriching the course offerings, scholarship, and service opportunities available throughout the University and within the Law School.
- Execute an aggressive national marketing campaign to inform academics, judges, practicing lawyers, and prospective students about the excellence of the Richmond law program.
- Enhance further the technology and information services programs.
- Open specialized academic centers to foster research, public outreach, and concentrated educational opportunities for JD students and students enrolled in shorter certificate, masters, or joint degree programs.
- Capitalize on the opportunities for collaboration and contribution in the local community, taking advantage of the rich array of state and federal courts, federal, state and local administrative agencies, public interest organizations, law firms, businesses, and educational institutions in the area, providing service to those entities, and creating enriched experiential programs for students.

arena, a burgeoning field of legal and business activity.

We have officially launched our new Intellectual Property Institute, directed by assistant professor James Gibson, one of the nation’s top young experts in the field. One of the first activities of the Intellectual Property Institute is the National CyberEducation Project, an outreach program that educates college students about the role of intellectual property in the digital era. You may view the film produced by Jim on file sharing on the Web site for the Intellectual Property Institute, at <http://law.richmond.edu/ipi/cybered>. This project has enjoyed generous funding support from The Media Institute in Washington, D.C.

Another exciting element of the Intellectual Property Institute is our new intellectual property joint venture with Virginia Tech, created through the partnership and leadership of Dean Lay Nam Chang there.

## “In the end, our strategic plan is more about values than about programs, fundraising, or bricks and mortar.”

Qualifying Virginia Tech students can earn their undergraduate degrees from Tech and law degrees from Richmond in six years. As part of this agreement, Richmond law professors will help develop and teach undergraduate courses at Tech, and Tech will aid in identifying and selecting top-flight applicants to our J.D. program who wish to work in the expanding field of intellectual property law. The two institutions also will work together on research projects, financial aid, and career placement in the intellectual property field.

Another exciting piece of the strategic plan envisions the creation of a National Center for Family Law. Edward Barnes, L'72, has assumed the chair of our National Center for Family Law Board, which includes an extraordinary group of more than 30 practitioners, jurists, and scholars expert in family law. This is a virtual who's who in the field, from Virginia and across the nation.

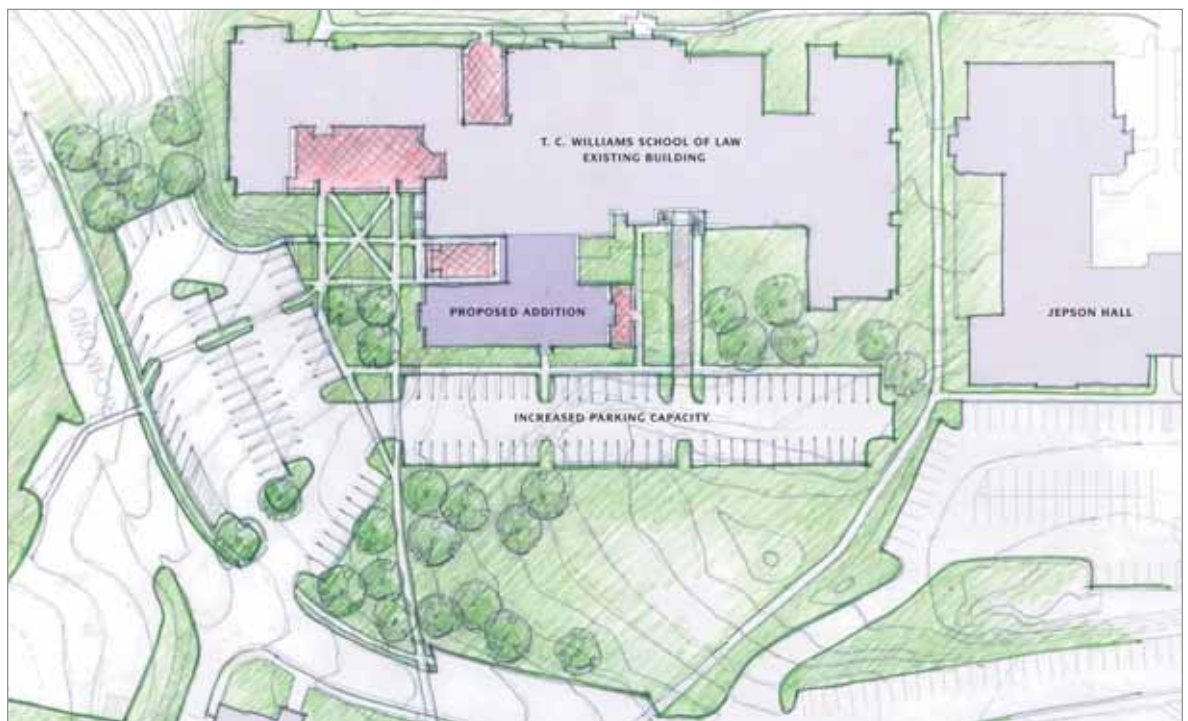
This center will capitalize on our existing strengths in this field, exemplified by faculty members such as professors Kelley Bartges, Melissa Goemann, Robert Shepherd, Peter Swisher and Adrienne Volenik, as well as the large number of alumni who have prominence in family law within the bench and bar.

The interest and enthusiasm surrounding this effort have been nothing short of phenomenal. The center holds great promise to emerge as one of the jewels of the Law School's programs.

We have rededicated ourselves to pro bono service, and to increasing our connection to and engagement with the local community. We will build significant new programs to facilitate service by our students and faculty, to encourage and assist other lawyers and firms in the community in increasing their commitment to pro bono service, and in generally enhancing the Law School's involvement in the flow of legal and civil life in Richmond and throughout the state.

In the end, our strategic plan is more about values than about programs, fundraising, or bricks and mortar.

As I often emphasize, our Law School plays a vital role in our profession and our community, and as we move forward with this plan, we move in the spirit of providing a future generation of students the opportunities that will enable them to “Live Greatly in the Law,” as so many of us have had the blessing and good fortune to do. ■



The Law School addition, the Judge Robert R. Merhige Jr. Pavilion, is shown in these preliminary renderings adjacent to the main entrance at the Moot Courtroom. The addition should add approximately 20,000 square feet of space to the Law School building.





## Smithers named broadcasters' counsel

**J. Westwood Smithers Jr., L'72**, has been named senior vice president and general counsel of the Corporation for Public Broadcasting, the nonprofit corporation that provides federal funding for public radio and television.

Smithers had been executive vice president of Commonwealth Public Broadcasting Corporation and general manager of its two PBS television stations in Richmond and Charlottesville, WCVE and WCVW.

Patricia Harrison, the corporation's president, said, "West Smithers knows first-hand the challenges facing public broadcasting in today's legal, regulatory, economic and political environments. His tremendous legal experience and public broadcasting station perspective will be a real asset to the CPB."

In Richmond, Smithers was credited with persuading the Virginia General Assembly to appropriate funds to help the state's public television stations with digital conversion, which was mandated but not funded by the federal government.

## Law graduates hit 'top 40'

The Richmond weekly news-magazine *Style* has named five Law School graduates to its list of the "Top Forty Under 40," which honors young people for "career success and outstanding service to the Richmond area."

The honorees are, *Style* says, "finding ways to further the arts, promote the exchange of ideas and generate enthusiasm for service among their peers," while "reaching out to those who need" support.

The list includes:

**Patricia Collins McCullagh, L'97**, director with McCandlish Holton. At a firm that is known for encouraging community service, McCullagh is chair of the volunteer committee.

She is quoted as saying, "The best three years of my life were in law school," where she occasionally teaches.

**Allison Leigh Held, L'96**, assistant to a judge with the Virginia State Corporation Commission. Held credits professor Ann Hodges and Phyllis Katz, L'82, with issuing "the call to action" that has driven her to pro bono service.

Held was involved in organizing LINC, the Legal Information

Network for Cancer.

**Michelle Welch, L'99**, Richmond deputy commonwealth's attorney.

Welch has distinguished herself by doing "unglamorous" work that improves neighborhoods and individual lives, *Style* said. She has spearheaded efforts to clean up graffiti, blight, vandalism and prostitution, while handling a variety of prosecutions from misdemeanors to homicides.

**Christopher Peace, L'02**, holds the unusual job title of assistant vice president for grassroots issues management at McGuireWoods Consulting in Richmond. The son of the late Nina Peace, L'75, Peace is following in his mother's footsteps.

With an eye toward politics, he is involved in numerous community activities. He is vice chairman of the Virginia Council on Human Rights.

**G. Manoli Loupassi, L'92**, an attorney in private practice, serves as president of the Richmond City Council and treasurer of the city GOP.

He is involved in numerous community groups, teaches Sunday school to teenagers, and is quoted as saying, "What you learn in life is applicable to how you conduct your life. Belief is extremely important, because it is what you are."

Left to right: Patricia Collins McCullagh, Allison Leigh Held, Michelle Welch, Christopher Peace and G. Manoli Loupassi



**Richmond Law magazine is looking for information on alumni to include in Class Notes. If you have news or if you would like to gather and send news of your classmates, please contact us at [LawAlumni@Richmond.edu](mailto:LawAlumni@Richmond.edu) or Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, (804) 289-8028.**

## 1950s

**William S. Smithers Jr., L'58**, of Richmond, has been named a Virginia Bar Association Life Member. The award was presented at the association's 115th annual meeting in July.

## 1960s

**The Hon. Joseph P. Johnson, L'60**, of Abingdon, Va., has been named a Virginia Bar Association Life Member. The award was presented at the association's 115th annual meeting in July.

**The Hon. James R. DiFrancesco, L'61**, is serving as interim judge in the Court of Common Pleas of Cambria County, Pa. Nominated for the temporary slot by Pennsylvania Gov. Ed Rendell, DiFrancesco has practiced law in

Ebensburg, Pa., since retiring as chief public defender in Cambria County.

**A. Lewis Allen, L'62**, of Hampton, Va., was recognized as a Virginia Bar Association Life Member at the association's 115th annual meeting in July.

**The Hon. William G. Boice, L'63**, of Richmond, has been named a Virginia Bar Association Life Member. The award was presented at the association's 115th annual meeting in July.

**The Hon. Don Kent, R'60 and L'63**, and his brother, Jess, were winners of the 45th annual Member-Guest Golf Tournament held in June in Arlington and Fairfax, Va. In an alternate shot format, Kent, a retired circuit judge who works as a mediator and arbitrator with the McCammon Group in Richmond, and his brother parred the second hole in a sudden-death playoff for the win in a field of 176 players.

**William J. Sturgill, L'63**, of Norton, Va., has been named a Virginia Bar Association Life Member. The award was presented at the association's 115th annual meeting in July.

Key to Abbreviations

School of Arts and Sciences.....	A
Robins School of Business.....	B
School of Continuing Studies.....	C
Graduate School of Arts and Sciences.....	G
The Richard S. Reynolds Graduate School of the Robins School of Business.....	GB
Honorary degree.....	H
Jepson School of Leadership Studies.....	J
University of Richmond School of Law.....	L
Richmond College.....	R
Westhampton College.....	W

**Bruce A. Beam, L'64**, of McLean, Va., was recognized as a Virginia Bar Association Life Member at the association's 115th annual summer meeting in July.

**Vincent J. Mastracco Jr., L'64**, of Kaufman & Canoles in Norfolk, Va., has been inducted into the Virginia State Bar Current Fellows by the Virginia Law Foundation. Induction as a fellow is an honor conferred by the VLF on selected Virginia attorneys, law professors and retired members of the judiciary who are deemed to be outstanding in their profession and in the community.

**The Hon. Von L. Piersall Jr., R'61 and L'64**, is affiliated with Salient Partners, which provides mediation and arbitration services.

**William A. Young Jr., L'64**, has been elected secretary of the Shepherd's Center in Richmond.

**The Hon. William H. Ledbetter Jr., L'66**, was awarded the 2004 Harry L. Carrico Outstanding Career Service Award for his "exceptional leadership in the administration of the courts while exhibiting the traits of integrity, courtesy, impartiality, wisdom and humility." Ledbetter retired in April after serving 18 years on the bench for the 15th Circuit, which covers Fredericksburg, Va., and the surrounding counties. He is a mediator and arbitrator with the McCammon Group.

**Roderick B. Mathews, L'66**, a retired partner at Troutman Sanders, is a member of the board of governors of the American Bar Association. As governor of the ABA's 4th District, he will represent Virginia and the District of Columbia.

**Anthony F. Troy, L'66**, has been elected to the board of directors of the Virginia Law Foundation. A former Virginia Attorney General, Troy is a partner with Troutman Sanders in Richmond.

**William K. Slate II, L'68**, president and CEO of the American Arbitration Association, was elected to the International Council for Commercial Arbitration.

**The Hon. Gerald F. Daltan, R'66 and L'69**, has been appointed to the bench for the Juvenile and Domestic Relations Court for the 15th Judicial Circuit.

## 1970s

**Robert N. Baldwin, R'67 and L'70**, who retired in April 2005 after serving as executive secretary of the Supreme Court of Virginia since 1976, is a recipient of Virginia Bar Association's William B. Spong Jr. Professionalism Award. A national leader in the field of state court administration for nearly 30 years, Baldwin has served as president of the Conference of State Court Administrators, as a director and vice

chairman of the National Center for State Courts and as a director of the American Judicature Society. A Fellow of the Virginia Law Foundation and a member of the Boyd-Graves Conference, Baldwin served as assistant professor and assistant dean at the University of Richmond School of Law before joining the Supreme Court as assistant executive secretary in 1974. He is executive vice president and general counsel at Goodman, Allen and Filetti.

**Donald K. Butler, R'66 and L'70**, was featured in a *Richmond Times-Dispatch* article July 9, 2005. A veteran family law specialist at ButlerCook, he has been a major player in helping to make sweeping changes in family law in Virginia over the past 35 years.

**Virginia H. Hackney, L'70**, was profiled in a *Richmond Times-Dispatch* article July 5, 2005. She was the first female partner at Hunton & Williams, where she has worked for 35 years.

**James W. Hopper, L'72**, has been elected treasurer of the Henrico County (Va.) Bar Association.

**Stuart E. Katz, L'72**, is secretary-treasurer of the Local Government Attorneys of Virginia Inc., a nonprofit organization that promotes the continuing legal education of local government attorneys.

**Harvey L. Bryant, L'74**, commonwealth's attorney in Virginia Beach, was elected

chairman of the Criminal Law Section of the Virginia State Bar. It is the second largest section of the VBA with membership of more than 2,000 defense attorneys. During his career, Bryant has spent nine years in private practice and 22 as both a state and federal prosecutor.

**Dennis L. Belcher, L'76**, a partner in the Richmond office of McGuireWoods, was elected secretary of the American College of Trust and Estate Council for 2005-06. He practices in his firm's taxation and employee benefits department, and is past chairman of the ABA's Section of Real Property, Probate and Trust Law.

**Peter J. Connors, L'76**, was honored as a 2004 "distinguished author" by BNA Tax Management advisory board members for his tax planning insights and analysis as published in the BNA Tax Management Portfolios. He is the author of the *BNA Foreign Income Portfolio, 909-3*, *The Branch Related Taxes of Section 884* and of numerous other BNA Tax Management articles and memoranda.

**Dale W. Pittman, L'76**, of Petersburg, Va., is chair of the Civil Rights Section of the Virginia Trial Lawyers Association.

**Lewis T. Stoneburner, L'76**, of Cantor, Arkema, has been elected to membership of the American Board of Trial Advocates (ABOTA) and the Virginia chapter of ABOTA. His areas of practice



## Help secure the Law School's long-term financial health

The University of Richmond offers many gift options to those who want to include the Law School in their long-term philanthropic plans. These options provide both financial and tax rewards while making meaningful contributions to the school.

We are pleased to work with you and your financial advisors to design an appropriate plan.

For additional information, contact Nancy H. Phillips, director of Law Development, at (804) 289-8023 or [nphillip@richmond.edu](mailto:nphillip@richmond.edu).



**Above: (left to right) S.D. Roberts "Rabbit" Moore, L'61, Janice Moore, L'81, and Edward D. Barnes, L'72.**



**Right: Members of the Class of 1965: (front, left to right) Joseph L. Lewis, J. Patrick Keith, Ralph E. Mirarchi, H. Woodrow Crook, Jr., Watson M. Marshall and William S. Kerr. (Back, left to right) Andrew J. Canada Jr., Michael Morchower, Kenneth W. Nye, J. Dale Bimson and Haywood F. Taylor III.**

include professional liability, personal injury and commercial litigation. He is a district governor for the Virginia Trial Lawyers Association.

**John Conrad, L'77**, has joined the board of directors of the St. James's Children's Center.

**Kenneth E. Powell, L'78**, works in the Richmond office of Stone & Youngberg, a fixed-income securities firm and one of the largest underwriters of tax-exempt local government debt in the West. Previously, Powell was a vice president of Legg Mason Wood Walker, where he co-founded the firm's special district bond practice.

**Charles J. Zauzig III, L'78**, is vice president of the Virginia Trial Lawyers Association.

**C. Thomas Ebel, L'79**, is serving his third term as president of the board of directors at Sands Anderson Marks & Miller in Richmond.

**William R. Marchant, L'79**, has been elected secretary-treasurer of the Richmond Bar Association.

## 1980s

**Mary G. Commander, L'81**, an attorney with Commander & Carlson in Norfolk, Va., was awarded the Women of Distinction Award in Law by the YWCA.

**Jennie Waering, L'81**, a federal prosecutor for more than 20 years, was featured in a June 17, 2005, article in *The Roanoke Times*. She specializes in fraud and environmental cases.

**Edward V. O'Hanlan, L'82**, was elected a fellow of the Connecticut Bar

Foundation's James W. Cooper Fellows Program. Membership in the program is by invitation and is evidence of professional distinction. He is a former member of the Connecticut Bar Association's board of governors; a CBA Trial Advocacy instructor; director of the New Canaan, Conn., YMCA; and a superior court attorney trial referee, fact finder and arbitrator.

**Robert M. McAdam, L'83**, is a partner at Kalbaugh Pfund & Messersmith in the firm's Roanoke, Va., office. His practice focuses on workers' compensation and general liability defense.

**Louis D. Snesil, L'83**, has joined Marks & Harrison in Richmond and will focus his practice on workers' compensation. He is a governor at large for the Virginia Trial Lawyers Association.

**Donna Lange, L'84**, is a director of the Henrico County (Va.) Bar Association.

**Stephen K. Lewellyn, L'84**, of Culpeper, Va., is a district governor for the Virginia Trial Lawyers Association.

**Brewster S. Rawls, L'84**, is an attorney at Rawls & McNelis in Richmond.

**Paul M. Black, L'85**, was named by *Virginia Business* magazine to its Legal Elite in the area of civil litigation. He is a shareholder in the Roanoke, Va., firm of Melchionni, Terry, Day, Ammar & Black, where he practices in the areas of commercial litigation and troubled loan workouts for financial institutions.

**Carolyn C. Lavecchia, L'85**, of Richmond, is a district governor for the Virginia Trial Lawyers Association.

**Teri Lovelace, L'85**, is director of development at the Tuckahoe YMCA in Richmond. She serves on the board of directors of the Richmond chapter of the University of Virginia Alumni Association and the Community Tax Law Project.

**Mark S. Brennan, L'86**, has joined Vanderverter Black as a partner.

**Renu M. Setaro, L'86**, has joined Vanderverter Black as a partner.

**Rhysa G. South, L'86**, has been named by the Local Government Attorneys of Virginia Inc. as the 2005 winner of the Cherin Award for an outstanding deputy or assistant government attorney. She serves as an assistant county attorney in Henrico. She has been with the county since 1987. South is a former president of the Henrico County (Va.) Bar Association.

**Andrea R. Stiles, L'86**, is a shareholder at Batzli, Wood & Stiles in Glen Allen, Va. The firm practices in family law and related matters.

**Stefan M. Calos, L'87**, has joined the law firm of Sands Anderson Marks & Miller in Richmond. He was a charter member of the board of directors and corporate counsel for the Heritage Gardens Foundation Inc. Calos also served as director of the Association for the Preservation of Virginia Antiquities, City Point Branch, and served as a member of the strategic planning committee for the city of Hopewell, Va.

**The Hon. Teresa Chafin, L'87**, was sworn in March 17 as Virginia's first known female Circuit Court judge west of Roanoke. She serves in the state's 29th Judicial Circuit. Chafin was a juvenile and domestic relations judge for three years before assuming her new post.

**Leisa Ciaffone, L'87**, is judge-advocate for the Salem-Roanoke County (Va.) Bar Association.

**Michael G. Phelan, L'87**, of Richmond, is a district governor for the Virginia Trial Lawyers Association.

**Stanley Wellman, L'87**, is a director of the Henrico County (Va.) Bar Association.

**Mark T. Williams, L'88**, of Danville, Va., is a district governor for the Virginia Trial Lawyers Association.

**Kurtis J. Winstead, L'88**, was awarded the Meritorious Service Medal while serving in Iraq with the Tennessee Army National Guard. Winstead is a founding member of the Nashville firm Colbert & Winstead.

**S. Sadiq Gill, L'89**, is a partner at Vanderverter Black.

**Mark R. Graham, L'89**, was honored with a humanitarian award by the alumni association of Emory & Henry College in recognition of his efforts to provide a college education to a former Rotary youth exchange student from Bolivia.

## 1990s

**John K. Honey Jr., L'90**, is president-elect of the Henrico County (Va.) Bar Association.

**Dr. Shirin M. Morad, L'90**, completed her internal medicine residency in Savannah, Ga., in June. She is in private practice in Bluffton, S.C., where she lives with her husband, Phillip Joyce, a nuclear medicine technologist.

**Patrick J. Sanderson, L'90**, is secretary of the board of directors of the Children's Home Society of Virginia.

**Russell W. Updike, L'90**, of Covington, Va., is a district governor for the Virginia Trial Lawyers Association.

**Alex Cecil, L'91**, has been named to the boards of directors for Scott & Stringfellow Inc. and BB&T Capital Markets Inc.

**Jennifer E. Crossland, L'91**, has joined the Barnes Law Firm, where she practices family law. She is immediate past-president of the Metro Richmond Family Law Bar Association and serves as president of the Sweet Briar College Alumnae of Richmond.

**Victor Narro, L'91**, an attorney and teacher at the UCLA Labor Center in Los Angeles, is serving a five-year volunteer

## ALUMNI PROFILE

### Teaching lawyers to take control



A year ago, if you had asked Cordell Parvin, L'72, what he was planning to do next, you might have expected him to say he was going to take it easy. After 33 years of practicing law, eight of them for Jenkens & Gilchrist PC, he had built a successful construction law practice. He had served as a practice group leader and rainmaker for his firm, and founded its attorney development program.

But Parvin had no intention of finding the nearest hammock. Instead he launched a brand new career as a teacher, mentor, coach and motivator of lawyers. Today, as Cordell Parvin LLC (cordellparvin.com), he speaks at law schools and young lawyers programs, helps law firms introduce career planning to their associates, and coaches attorneys one-on-one.

The idea for Parvin's business germinated years ago at Richmond. "I thought my calling was to teach, and I was so impressed with Dean Muse and the rest of the law faculty that I strongly considered getting an LL.M. and becoming a professor," says the Richmond native. "Unfortunately, that was during the Vietnam War, and the Air Force told me they did not need lawyers with LL.M.s. So I never pursued an advanced degree."

What Parvin did pursue were opportunities to help clients achieve their objectives, and to help lawyers develop successful careers and fulfilling personal lives. His message has always been simple: Set goals and prioritize your time—both work and personal—so you can meet those goals.

When his daughter was young, Parvin says, he would go to work early on Saturday mornings so he could be home by the time his family awoke. He advocates planning billable hours creatively around family time, exercising and other personal activities to maintain focus and avoid burnout.

"Energized and well-trained lawyers who offer extraordinary service and value to clients" will produce the greatest profits for their firms, Parvin says.

His words are magic to students who worry that their legal careers will swallow them whole. "I feel so relieved to hear that my greatest fears about life as an attorney will never be realized if I take control of my personal life with the same dynamism that I will always try to extend to my career," wrote one law student shortly after hearing Parvin.

He finds his new venture fulfilling. "Instead of having just a few clients, I have hundreds, and I am growing because I have relationships with folks 20 or 30 years younger than me," Parvin says. "I have never had so much fun in my life."

By Cathy L. Eberly



(left to right) Gary Coates, L'87, Pete Tench, Margaret Nelson, L'87, Scott Stolte, L'87, retired director of law admissions Jean Morns Tarpley, Bill Phillips, L'85, during Alumni Weekend activities.

## ALUMNI PROFILE

## Citizen Vigilance's way through the world



**Michele Vigilance, L'96**, had been trying cases and arguing appeals for several years before she became a United States citizen in 2005. The chronology would seem unusual for most young lawyers, but it fits the facts of Vigilance's unusual life.

Born in London of parents from Trinidad and Guyana who met in England, Vigilance came to America when she was 16, settling with her family in Northern Virginia.

She enrolled in the College of William and Mary, where she majored in political science with a focus on international relations, a minor in French and "a healthy helping of music," she says. Law school seemed to be the next logical step.

"I wasn't sure what I was supposed to do, but I thought it would be helpful in most any career," she says.

While in law school, Vigilance interned with the Richmond commonwealth's attorneys office, and when she graduated, "They remembered me and offered me a job." Today, she is senior assistant commonwealth's attorney supervising a team of lawyers.

"There's an inordinate amount of violent crime in Richmond despite the city's relatively small size. Combine that with all the property crime that generally accompanies the presence of illegal narcotics, and you've got an incredibly busy police department and prosecutor's office," she says.

Like most law students, Vigilance had professors who made an impact. One was John Paul Jones in whose class she struggled.

She and Jones "talked a lot," she says. "He was extraordinarily kind. He has been a great help when I've become disillusioned."

Upon hearing that she did not pass the bar exam, Jones "sent me a two-line letter reminding me that the passing of the bar had nothing to do with the quality of attorney I was going to be. It had been a harrowing experience, and his words were very encouraging. He sent me a congratulatory note when I passed the exam."

With such a cosmopolitan upbringing, Vigilance says she remains interested in "having access to everywhere."

She travels frequently with her parents and on church mission trips. "It's intriguing to see the perspective of people from what we call 'third world' countries. The average person here takes so much for granted in terms of rights and resources. Being born to Caribbean parents and having traveled to their countries and others, I think I'll never lose that perspective. It has helped me to perceive situations accurately and to interact with people from all walks of life," she says.

"I appreciate the value of my legal career, but it definitely doesn't define who I am. A lawyer is an expert in one field, just like a mechanic is an expert in his. Both have a value to the culture."

By Rob Walker

appointment as a member of the Los Angeles Police Department's Permit Review Panel. He was appointed by Los Angeles Mayor Antonio R. Villaraigosa.

**W. Edward Riley IV, L'91**, is a governor at large for the Virginia Trial Lawyers Association.

**Jo Anne S. Bittner, L'92**, is a partner at Odin, Feldman & Pittleman, where she practices real estate and land-use law in Fairfax, Va.

**Alison Wright Feehan, L'92**, is assistant general counsel at Capital One in Richmond.

**Brian H. Jones, L'92**, of Chesterfield, Va., is chair of the Family Law Section of the Virginia Trial Lawyers Association.

**Candace Blydenburgh, L'93**, has been named partner at Bowman and Brooke.

**Kim Daniel, L'93**, is vice president of the Metropolitan Richmond Women's Bar Association.

**Edward F. Rockwell, L'93**, is director and senior counsel for Hewlett-Packard. He lives in Milan, Italy, where he manages a team of lawyers across Europe, the Middle East and Africa. His work focuses on business process outsourcing and IT outsourcing transactions.

**Margaret H. Smither, L'93**, was featured in a *Richmond Times-Dispatch* article spotlighting her work with LINC, the Legal Information Network for Cancer. Now in its 10th year of service, LINC helps people deal with the non-medical issues that come with a cancer diagnosis.

**Carolyn A. White, L'93**, has been elected vice president of the Richmond Bar Association.

**Jason W. Konvicka, B'91 and L'94**, is a governor at large for the Virginia Trial Lawyers Association.

**Anne Marie Cushmac, L'95**, is president of the Metropolitan Richmond Women's Bar Association.

**Stephen T. Harper, L'95**, is a partner with Kerns, Kastenbaum and Reinhardt.

**The Hon. Sage B. Johnson, L'95**, was appointed judge in the 28th Judicial District Court.

Send your news!  
Write to LawAlumni@  
Richmond.edu or Law Alumni,  
University of Richmond Law  
School, University of Richmond,  
VA 23173.

**Brennen Keene, L'96**, is a member of the Guilford College Alumni Association's board of directors.

**Jonathon H. Lack, L'96**, is a winner of the First Lady's Volunteer of the Year Award, which is presented to Alaskans who engage in unpaid volunteer activities within the state, who demonstrate extraordinary personal commitment to long-time volunteer service, and who have made a significant impact on or brought important benefits to their community or state. Lack has taught more than 200 young Alaskans to serve as lawyers and judges in the Anchorage Youth Court. He also has served on the boards of organizations that support juvenile justice and the humanities and that help victims of Alzheimer's disease.

**Vijay K. Mago, L'96**, and his wife welcomed a son, Thomas Todd Jerath Mago, on Nov. 22, 2004. He joins brother Charlie, 3.

**Carrie Hallberg O'Malley, L'96**, has rejoined Hirschler Fleischer in the firm's Fredericksburg, Va., office.

**Ellen R. Fulmer, L'97**, is vice president of the Henrico County (Va.) Bar Association.

**R. Braxton Hill IV, L'97**, of Richmond, serves as an ex-officio member of the board of governors of the Virginia Bar Association.

**Jacqueline M. Reiner, L'97**, is an associate at Vanderverter Black.

**Jeffrey W. Saunders, L'97**, is counsel at Sands Anderson Marks & Miller in Richmond.

**T. Vaden Warren Jr., L'97**, of Charlottesville, Va., is immediate past president of the Young Trial Lawyers Section of the Virginia Trial Lawyers Association.

**Bill Hagner, L'98**, and his wife, **Amy Morris Hagner, L'97**, live in Philadelphia with their son, William Harrison, "Harry," who was born Dec. 10, 2004. Bill works in New York City for Guggenheim Partners, an investment management firm. Before moving to

Philadelphia, the couple worked in Frankfurt, Germany.

**W. Barry Montgomery, L'98**, is a partner at Kalbaugh Pfund & Messersmith in the firm's Richmond office. His practice's emphasis is on first-party defense claims, including fraud, coverage and property. He also handles criminal defense and personal injury cases.

**Craig J. Curwood, L'99**, was awarded LINC's second annual Krista Latshaw Pro Bono Service Award for Outstanding Legal Services to area cancer patients. LINC is the Legal Information Network for Cancer.

**Christopher M. McCarthy, L'99**, is a director at Thompson & McMullan in Richmond.

**Neil S. Talegaonkar, L'99**, is a director at Thompson & McMullan in Richmond.

**Tracey D. Watkins, L'99**, has been appointed the chief of staff of the U.S. Merit Systems Protection Board in Washington, D.C.

## 2000S

**Amy Lynn Harman, B'97 and L'00**, is an associate attorney at Kaufman & Canoles in the firm's Norfolk, Va., office. She practices in the areas of real estate development and financing as well as lender representation.

**James J. Reid, L'00**, is an attorney in the Newport News, Va., office of Kaufman & Canoles, where his practice focuses on general civil litigation in state and federal courts.

**Elizabeth Yost, L'00**, is a marketing assistant at Henrico Federal Credit Union.

**J. Robert Bryden, L'01**, is an associate at Kalbaugh Pfund & Messersmith in the firm's Richmond office. He served as a law clerk to Judge Michael C. Allen of the Chesterfield (Va.) Circuit Court, followed by a clerkship at the Supreme Court of Virginia in the office of the chief staff attorney.



Class of 2000 reunion included (back row, left to right) Jim Reid, Andrew Boehm (spouse), Everett Lupton, Mark Holloway (spouse), Rick Fuller, Pete McEvoy (spouse), George Salmoiraghi, Jessica Salmoiraghi (spouse); (front row) Kristin Reid, Sarah Boehm, Melanie Holloway, Aileen Tucker, Molly McEvoy, Sarah Queen (spouse), Thomas Queen

**Shannon Y. Dion, L'01**, and **Mathew A. Taylor, L'01**, were married on May 21, 2005.

**Caryl Stephens Johnson, L'01**, has joined Kaufman & Canoles' Norfolk, Va., office, where her practice will focus on municipal finance. She is the former administrator of the New York City Industrial Revenue Bond Program and previously served as a financial advisor to the Virginia Small Business Financing Authority.

**Vanessa W. Jones, C'97 and L'01**, is treasurer of the Metropolitan Richmond Women's Bar Association.

**Lisa S. Booth, L'02**, is an associate in the Richmond office of McGuireWoods in the firm's corporate services department. Her area of concentration is energy and utility matters.

**Alan Gernhardt, L'02**, is counsel to Virginia's Council on the Freedom of Information Act. He is married to **Michele M. Fitzgerald Gernhardt, L'02**.

**James R. Jebo, L'02**, is an associate at Harman, Claytor, Corrigan and Wellman.

**R. Christopher Jones, L'02**, is an associate at Johnson Jones.

**James Mick Kessel, L'02**, is an associate at Marks & Harrison, where we works in the firm's Petersburg, Va., office representing clients in personal injury cases.

**Carl E. "Buddy" Omohundro Jr., L'02**, has joined Apex Systems Inc. as corporate counsel. Omohundro will head the company's legal department.

**Christopher Peace, L'02**, a government-relations consultant in Ashland, Va., was featured in a *Richmond Times-Dispatch* article June 22, 2005. He is the founder of One Hanover PAC, a political-action committee that he hopes will inform fellow Hanover County residents about local issues and will get those residents involved in their communities.

**Tucker C. Shumack, L'02**, is tax counsel at the U.S. Senate Small Business Committee.

**Robert J. Allen, L'03**, is an associate at Stephen J. Cannella & Associates.

**John D. Ayers, L'03**, has joined Marks & Harrison as an associate. He represents injured people.

**Timothy J. Bentley III, L'03**, has joined Marks & Harrison as an associate. He represents injured people.

**Tara A. Manson, L'03**, has joined Spotts Fain as an associate. She will focus her practice on commercial and employment litigation.

**Joseph M. Mattoon, L'03**, and his wife, Sunny, welcomed a son, Charlie Cole, born June 3, 2005.

**Rebecca Randolph, L'03**, has joined the office of the commonwealth's attorney for Hanover County, Va.

**Joseph J. Tannery, L'03 and GB'05**, is a staff attorney at the Chesapeake Bay Foundation.

**Ryan W. Boggs, L'04**, is an associate in the real estate section of Williams Mullen. In his practice in the firm's Richmond office, he will focus on commercial real estate and land use.

**Kelleigh L. Domaingue, L'04**, is an associate at Devine & Nyquist in New Hampshire. Her practice includes environmental litigation, estate and trust law, and civil and complex commercial litigation.

**Jacqueline C. Hedblom, R'04**, is an associate in the Richmond office of Hirschler Fleischer.

**R. Brent Rawlings, L'04**, is an attorney with Hancock, Daniel, Johnson & Nagle. His practice includes corporate and transactional matters, regulatory compliance, reimbursement and billing and managed care organization and operations.

**Scott D. Stovall, L'04**, is an associate at Cowan Owen.

**Anna Parris, L'05**, and J. Robert Walker IV were married May 14, 2005, at Washington and Lee University in Lexington, Va., the couple's undergraduate alma mater. Guests included **Deborah Schechner, L'05**, and **Dawn Bell Williams, L'05**. Bob recently was appointed to a position at the Department of Homeland Security by President Bush. The couple resides in Washington, D.C.

## IN MEMORIAM

**John M. Bareford, R'40 and L'49**  
March 17, 2005

**Thomas O. Beane, R'53 and L'60**  
July 14, 2005

**Robert P. Beaver, L'59**  
September 16, 2005

**Frederick Ross Coates, R'54  
and L'59**  
March 1, 2005

**Marvin F. Cole, R'43 and L'48**  
August 20, 2005

**Frederick H. Combs, B'68 and L'73**  
August 7, 2005

**David L. Daniel, L'78**  
March 15, 2005

**Fred O. Funkhouser, L'34**  
March 4, 2005

**Oakley J. Graham Jr., R'46  
and L'51**  
June 26, 2005

**Frank David Harris, L'53**  
October 8, 2005

**G. Blair Harry, L'68**  
August 4, 2005

**Duval Q. Hicks, L'43**  
October 2, 2005

**Jeremiah Jonathan Jewitt Jr.,  
R'48 and L'50**  
October 8, 2005

**Frederick Thompson Kingdon,  
L'38**  
July 1, 2005

**Wilbur M. Lewis, L'39**  
April 18, 2004

**Graham G. Ludwig, L'79**  
August 22, 2005

**Theodore P. Mathewson, L'33**  
January 31, 2005

**Charles A. Moreau, L'91**  
March 14, 2005

**Martha Z. Neely, L'78**  
July 26, 2005

**Harry J. Perrin Jr., R'48 and L'52**  
June 13, 2005

**Walter W. Regirer, L'49**  
July 31, 2005

**Hugh Reid Thompson Jr., L'50**  
August 13, 2005

**Calvin F. Tiller, L'79**  
April 2, 2005

**Kenneth Roger Weiner, L'73**  
June 17, 2005

**Andra Jade Zavoy, L'99**  
September 18, 2005