I suspect that most of you share the frustration of many of us inside the Law School over the seeming difficulty of improving our national rankings in U.S. News and World Report. We are committed to constantly improving the intrinsic quality of the school, not for the sake of rankings, but for the underlying ambition to pursue excellence relentlessly in all we do.

Yet the rankings of our Law School do matter, much as the stock price of a company matters. We take the rankings seriously and have fierce ambitions to advance both the underlying quality and the external rankings of the Law School.

I know of nothing in our basic “fundamentals” that would prevent us from being ranked among the top 25 law schools in the country. We have taken many concrete steps toward improving the Law School. These steps are part of our strategic plan, which is well on the way to implementation. We are: 1) adding 12 new faculty positions; 2) doubling our financial aid award structure; 3) opening new academic centers specializing in discrete areas such as intellectual property law, environmental law, international law, family law, and health law; 4) devoting substantial resources to marketing efforts; 5) continuing to improve the entering credentials of students; 6) expanding our commitment to pro bono service, and 7) completing a building addition that will house these expanded programs.

In recent years we have hired nine new faculty members at the entry, middle, and senior levels. These are people with stature and records equivalent to those working at law schools ranked among the top 25-50 in the nation. Our faculty's publication record in recent years is exemplary, including articles in the nation’s most prestigious law reviews, such as Penn, Chicago, Duke, Harvard, Northwestern, Southern Cal, and Columbia, to name a few. Our student body already ranks in the top tier in the nation by many objective measures.

Yet we are impatient with the lag in the time it takes for these improvements to be recognized in the national marketplace. One way to close that gap is to send our faculty to national forums, and to bring academics and jurists of national stature to campus to see first-hand the quality of our operation. We also are working to improve our Web site and other publicity efforts.

Candidly, an enormously important element in this will be fundraising and public relations, and we spend ever-increasing energy on those efforts. Much of what it takes to continue to improve our quality, such as paying the salaries to attract national players in legal education to the faculty, adding to our student financial aid, finishing our building addition, and spending the sums necessary to herald our accomplishments, requires additional resources.

Keep the faith! Keep your conviction in the essential American optimism that quality will win out, and excellence will be rewarded. We are a school with a proud and wonderful history and a bright future. Our rankings will catch up with our intrinsic quality, and continue to advance as our quality improves.

Rodney A. Smolla
Dean, School of Law
Law graduates will have ‘significant’ impact

Attending the Law School has “honed and refined your intellect and your character,” Frederick G. Rockwell III told graduates in the class of 2006.

Rockwell, L ’79, a judge in Chesterfield, Va., and an adjunct faculty member, said in his commencement address that he remembers the passion, zeal and enthusiasm of being a law student, and he promised the graduates that “it’s going to work out for you” as it has for countless other graduates.

He said he expects the graduates to have an impact on their communities that will be “significant, due in large measure to the three years you spent at this institution.”

Dean Rodney A. Smolla presented the school’s Distinguished Alumni Medal to Rockwell.

Donta’e Bugg of Newport News, Va., was the student speaker. He told his classmates that each had someone at home who supported them through the rough periods.

“Their level of excitement today is through the roof,” he said. He encouraged the graduates to be “mentors and role models” and to work hard to break down stereotypes.

Faculty speaker John G. Douglas told the graduates that just as the Wizard of Oz gave the gift of insight to Dorothy and her friends, “education is about finding and using what’s been in you all along.”

Kristi Cahoon of Scarborough, Maine, received the Nina R. Kestin service award as special recognition for “extraordinary contributions” during her years at the law school. (See related story, next page.)

Dean Rodney A. Smolla presented the William Green Award for Professional Excellence at a luncheon in March.

Lemons, who serves as John Marshall Professor of Judicial Studies at the Law School, was recognized for what Dean Rodney A. Smolla called “a life in pursuit of excellence” in scholarship, ethics, professionalism and service.

Like previous winners of the Law School’s most prestigious award, Lemons has engaged in “a ceaseless struggle to realize his own potential,” Smolla said.

The award was presented during the 23rd annual Scholarship Luncheon at the Jepson Alumni Center, where the school also recognized scholarship donors and recipients.

In his remarks, Lemons said lawyers and judges in America held society together, sometimes well and other times not so well. By educating the best and brightest in civility and professionalism, the Law School plays a valuable role.

The award is named in honor of Judge William Green, one of the original members of the faculty of the Law School, who gave an eloquent address on professionalism at the Law School’s opening session on Oct. 10, 1870.

Graduate to establish non-profit in Washington

After graduation, most law students move on to clerkships, established firms or corporate suites. Kristi Cahoon, L ’06, will move into borrowed office space in Washington, D.C., where she will launch single-handedly a non-profit organization to work with cancer patients.

Cahoon, who was honored at commencement for her extraordinary contributions, says her inspiration as well as significant support for her work came from professors and programs at the Law School.

“Until I took professor [Ann] Hodges’ course on nonprofits and the law, I really hadn’t found anything in law school that excited me,” Cahoon says. That course led to further study at the Philanthropy Institute, and work with LNCF (Legal Information Network for Cancer) and the Mid Atlantic Juvenile Defender Center. “I realized this was something I was really interested in, and I had a lot of knowledge I thought I could bring to it.”

This summer, she will move to Washington—a city with a high rate of cancer and a large low-income population—where she will establish CAN, the Cancer Assistance Network. She will exchange expertise for office space at KARAMAH: Muslim Women for Human Rights, a non-profit founded by professor Azzaa F. al-Hibri. Her first task will be writing grant applications and seeking funding and volunteer lawyers to work with cancer victims who need legal help.

In addition to Hodges and al-Hibri, Cahoon says her Richmond classmates “have been most supportive, signing up for my mailing lists and offering their expertise.

“It’s nerve wracking, but with this great group in your corner, it’s a lot easier.”

Intellectual Property Institute expands opportunities

Beginning in the 2006-2007 academic year, the Law School will offer a certificate in intellectual property through its Intellectual Property Institute.

Certificate students will learn the fundamentals of intellectual property law and can then choose advanced courses that provide in-depth training in specific IP subjects, including patent and copyright law, computer law, entertainment law and trademark law.

The Law School also is developing ways to provide students with practical experience by working with attorneys, judges, local businesses, and public institutions on intellectual property issues such as technology transfer and patent prosecution. The institute is exploring the potential for a “virtual clinic” that would provide services to clients hundreds of miles away without having to leave school.

The institute’s mission is to create an active scholarly program of conferences and publications focusing on contemporary intellectual property issues arising in the context of intellectual property protection in the digital age.
Academic Festival 2006
Three days of theory, practice and service
From March 29-31, the University of Richmond School of Law hosted symposia, films, lectures, and panel discussions during Academic Festival 2006: Living Greatly in the Law.

The festival offered programs that integrated legal theory, practice and public service in a forum that attracted diverse audiences from the University and surrounding communities. From frank talk about Iraq, to a documentary film on the death row reprise of inmates in Illinois, to vigorous debates over teaching evolution, and protecting journalists’ sources, the festival rolled through a range of issues that are in the public eye today.

Iraqi ambassador believes war ‘Will be judged very favorably’
Iraq’s ambassador to the United States described Iraq under Saddam Hussein as “home to 25 million people, all of whom were hostages to his regime.” The United States’ removal of Saddam “was right and in the interest of the Iraqi and American people.” But the American intervention “was not managed very well,” Samir Shakir Mahmood Sumaida’ie said in a carefully stated but unscripted discussion during the academic festival.

After the successful invasion of Iraq, the United States and its allies “failed to do the simplest and most obvious things that accompany a change in regime,” he said. “It was perplexing to Iraqis that the world’s greatest power could be so incompetent.”

Among the earliest mistakes, he cited the failure to impose a curfew and the disbanding of the police and army, which left cities open to looting, lawlessness and an emboldened insurgency.

“It was incredible to believe,” Dean Rodney A. Smolla introduced the ambassador, describing him as “an extraordinarily reflective and thoughtful leader” during “an extraordinary period in the history of our countries.”

Sumaida’ie’s appearance was sponsored by the Law School’s Journal of Global Law and Business.

Naomi Andrews, the journal’s editor, outlined Sumaida’ie’s successful career, which includes founding a computer design firm that did business in Pakistan and Saudi Arabia, and an investment consulting firm based in Beijing. Prior to the removal of Saddam Hussein and the Baathist regime, Sumaida’ie was active in opposition efforts in the United Kingdom.

After Saddam’s ouster, Sumaida’ie was a member of Iraq’s interim Governing Council and helped write its new constitution. He has served recently as Iraq’s ambassador to the United Nations.

In opening remarks, Sumaida’ie said he would not read a statement but that he hoped to open a dialogue to help explain a situation “that must appear perplexing to many of you.” Americans, he said, must be asking many questions regarding Iraq. Did we do the right thing? Where is this heading? Have we helped win the battle over international terror or have we created more terrorists? Is there civil war? Have the Iraqis benefited from the intervention? What will this cost the United States? What will be its benefits?

He covered many of those topics as he fielded questions for more than an hour. His appearance drew the largest crowd of the three-day festival in March, filling the Moot Courtroom. He was greeted by sustained applause as he took the stage. He pounded his fist on the Bailey stage, the emblematic location of the Academic Festival. Sumaida’ie’s appearance was sponsored by the Law School’s Journal of Global Law and Business.

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The play “The Unconscionable,” which was performed in March at the Modlin Center for the Arts, explored the true stories of six innocent survivors of death row and issues surrounding the death penalty. The Law School sponsored the performance.

Former attorney general slams hearings
Meese said the nominations of justices John G. Roberts Jr. and Samuel A. Alito Jr., prompted ad campaigns, rallies and competing news conferences that were more like political campaigns than Congressional hearings. He said the hearings often seemed more focused on intimidation and character assassination than on confirming qualified nominees.

Meese also said the attacks against judges who approach the Constitution with restraint were misguided. The Constitution is not a “trampoline” for judges to jump off in any direction. “Since 2001,” he said, “the attacks on judges who are faithful to the Constitution have been systematic, prolonged and particularly vicious,” and not typical of past confirmations.

Former U.S. Attorney General Edwin Meese described the harsh tone of attacks on judicial nominees recent Congressional hearings during a speech at the University in February. Meese, who served as attorney general under President Ronald Reagan, was particularly critical of left-leaning interest groups and senators whose attacks were directed at nominees who favored judicial restraint. The Federalist Society at the Law School sponsored Meese’s appearance, which drew a crowd of more than 100. Meese’s speech was titled “The Constitution, the Courts and the Congress.”

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DEBATE

M attox debate focuses on religious freedom

For example, the international community should have intervened in Rwanda, he said. “Despotist rulers cannot terrorize the population,” attack their neighbors and develop weapons of mass destruction, as Saddam had in the past, without fear.

Sumaida’ie told the audience that the worst thing the United States could do now is to withdraw its forces suddenly. That would create a vacuum and lead to a defeat “of spectacular scale” for Iraq, the region and the United States.

A terrorist victory would have repercussions in the Middle East and around the world for generations. Sumaida’ie described Iraq as a nation of considerable resources and talent, though many powerful leaders fled the country during Saddam’s reign. Once the violence is under control and the political situation stabilizes, the nation’s infrastructure, including its vast oil industry, can be rebuilt. Iraqis who fled will return to help create “a model country in the Middle East and in the world.”

Irish history provides constitutional perspective

The British constitution has been “stretched and scoured” over the past 250 years by Irish events. Today, Ireland continues to play an important role in constitutional change in the United Kingdom.

This complex, often violent history and its interplay with modern issues was the subject for the annual Austen Owen Lecture March 19. Legal scholar and educator Sir David Williams delivered the lecture as the opening event in the three-day academic festival. The title of his lecture was “Ireland 1880-2005: A Constitutional Perspective.”

Williams, who is president of the University of Wales, is known for his “enormous influence,” at Cambridge University, Dean Smolla said. Williams was that great university’s “first modern president,” serving as vice chancellor for seven years of “transformational changes.”

Williams spoke of significant constitutional change and turmoil in Britain over the past 35 years resulting from domestic and international terrorism, constitutional experiments, human rights legislation, the new prominence of the judiciary, and attempts to alter the structure of the houses of Parliament.

He said American support has long been important to Ireland and, therefore, influential in those debates. “Expropriation of millions of Irish has created a powerful Ireland beyond the Atlantic,” he said.

The Austen Owen Lecture is endowed by family and friends of Judge Owen.

Jury system works despite pressures

In John Grisham’s bestseller Runaway Jury, one character says ominously, “Trials are too important to be left up to juries,” and the manipulation and skullduggery begins. But in reality, most Americans have faith in the jury system and see jury service not as a burden but as an important civic duty, a recent Harris poll shows.

The evolution, impact and future of the jury system was up for discussion during the academic festival in a program titled, “Reining in a Runaway Jury: Insights and Tactics.”

Three panelists offered insights: Donelson R. Forsyth, holder of an endowed chair in ethical leadership at the University’s Jepson School of Leadership Studies, Jeffrey T. Frederick, nationally recognized trial consultant and author of Mastering Voir Dire and Jury Selection, and Paula L. Hannaford-Agor, director of the Center for Jury Studies, National Center for Courts in Williamsburg.

Their appearance was sponsored by the Emrich Lecture Series, which was established by the late Emanuel Emrich, ’28 and ’33, his family and friends.

In an overview of research on juries, Forsyth said the design of juries usually works well in achieving a correct verdict. Despite the 24 Angry Men myth, “groups tend to hold pressures in check” so one juror is unlikely to sway the others, he said. Juries are usually successful because they are relatively anonymous, not made up of experts, and don’t have to work together in the future, he said. An extremely cohesive group is more likely to make a mistake than a less cohesive group.

In cases where juries make mistakes, there often is a misunderstanding on points of law, a lack of fair representation of the broader community, or an extremely cohesive group whose members are reluctant to disagree.

When IP rights threaten creativity

When the law and creativity collide, “there aren’t any black and white answers,” according to television executive, screenwriter, producer and educator David Sontag.

His was joined for the forum by the first intellectual property rights to an idea these days “can be an expensive obstacle to creativity,” he said. “But the last thing you want is to end up in court.”

The IP forum and a discussion about the intellectual property rights to an idea concluded the first Academic Festival. With its success, the Law School is already planning its next festival for the 2006-07 academic year.

Doctors, lawyers find common ground

More than 30 lawyers-to-be and doctors—whose professions often interact like dogs and cats—met at the Law School this year for an unusual opportunity to learn from and about one another.

Under the direction of Sean Byrne, ’93 and ’97, who is a certified emergency medical technician (EMT), the doctors and law students discussed the jury system during Academic Festival 2006.
Law students compete in Vienna

Students from the Law School were in Vienna this April for the Willem C. Vis International Commercial Arbitration Moot Court Competition, which is designed to foster the study of international commercial law and to train prospective lawyers in methods of alternative dispute resolution.

Teams of law students representing 158 institutions in 50 countries competed. This was the first time Richmond students joined the competition held in Austria.

Third-year students Naomi Andrews and Kendra Horger, and second-year students Mike Clements and Zev Antell, prepared briefs for the competition. Rob Hawkins of Hunton & Williams, and Jill Williamson of Alston Bird were coaches.

Andrews and Horger, with coach Hawkins, represented the Law School during the oral advocacy phase in Vienna.

Opening ceremonies took place at the Wiener Konzerhaus, where approximately 1,000 law students and hundreds of coaches and judges (practicing lawyers, arbitrators, and law professors) gathered from throughout the world.

Over the next four days, teams were paired at random for four rounds of oral arguments before panels of three arbitrators.

For the Record

Dean Rodney A. Smolla, who represented the lawyers in their appeal, told the court that the case involved substantial free-speech issues. He questioned whether concerns over the “dignity of the profession” trumped the First Amendment right to free speech.

The case received considerable publicity, including a column by James J. Kilpatrick, who concluded, “If I want to sue my doctor for a botched operation, give me a pit bull lawyer every time.”

The Thomas Jefferson Center for the Protection of Free Expression awarded the Florida court a “Jefferson Muzzle.” The muzzles are presented annually for what the center deems egregious offenses against the First Amendment.

Belcher, Dean Smolla named law fellows

Dennis I. Belcher, L’76, and Dean Rodney A. Smolla, have been named fellows of the Virginia Law Foundation.

The honor is limited to 1 percent of active and associate members of the Virginia State Bar who reside in the Commonwealth. Fellows must uphold the highest standards of the legal profession, be outstanding in the community and distinguished in the practice of law.

A partner with the firm McGuire-Woods in Richmond, Belcher concentrates on estate taxation, trust administration, and private wealth services.

Smolla was selected for his outstanding contributions to both the profession and the Richmond legal community.

The Virginia Law Foundation supports pro-bono programs, improvement of the administration of justice, public education about the law, continuing legal education and public service internships for Virginia law students.


Henry L. Chambers Jr. moderated a panel on Reauthorization of the Voting Rights Act of 1965 at the Association of American Law Schools meeting in Washington, D.C. He also presented a paper, “Dred Scott: Tiered Citizenship and Tiered Personhood,” to a conference on the Dred Scott case and its effects at the University of Texas Law School in Austin. He is lecturing this summer on constitutional law: “We the People: The Citizen and the Constitution” in San Diego.

Timothy L. Coggins, associate dean for library and information services, published “Legal, Faculty and Other Internet Sites for Attorneys and Others” in Richmond Journal of Law and Technology, the Law School’s online law journal (http://law.richmond.edu/jolt-links.asp). Coggins also presented “Effective Advocacy: Tips, Techniques and Examples” at the All-California Joint Institute, sponsored by chapters of the American Association of Law Libraries, in March in Sacramento, Calif.

Joel B. Eisen co-authored the second edition of Energy, Economics and the Environment, a leading energy law course book for law and business schools. The 2006 edition is updated to focus on recent developments, and integrates economic and environmental issues with energy resource issues. Eisen also published “Rapanos, Carabell and the Isolated Man” in the University of Richmond Law Review’s Allen Chair Edition on The State of the Chesapeake Bay in the Twenty-First Century. Eisen calls upon the Supreme Court to reject proposals in two cases involving the Clean Water Act to construe the statute more narrowly.


Mary L. Heen is General Counsel of the American Association of University Professors for a two-
Corinna Lain, Shari Motro, Carl W. Tobias.

Corinna Lain presented “Faculty Fundamentals” at the Richmond and West Forest University law school.

Excerpts from Emmy Reeves’ article “Cool Data on a Hot Issue: Empirical Evidence That a Law School Bar Support Program Enhances Bar Performance,” was reprinted in The Bar Examiner (vol. 75, No. 1, February 2006). The article, written with Linda Jellum, was published originally in the Nevada Law Journal. Reeves presented the article with Jellum, by teleconference, to faculty of the Charleston Law School in March.

Shari Motro’s article “The IRS’s Shotgun Marriage” was published on the op-ed page of The New York Times on April 14, 2006.

A. Benjamin Spencer published “Jurisdiction and the Internet: Returning to Traditional Principles to Analyze Network Affiliated Contacts,” in the University of Illinois Law Review (February 2006), and “Jurisdiction to Adjudicate: A Revised Analysis,” in vol. 73, University of Chicago Law Review (May 2006).


Awards

Professor Ann C. Hodges and Associate Dean Kristine M. Henderson were named winners of the Willie L. Moore Award, which is presented annually by the Black Law Students Association. The award acknowledges the recipients’ support for the association and their commitment to social justice. A graduate of Yale University Law School, Moore joined the Law School faculty in 1990. He was director of the Youth Advocacy Clinic at the Law School, where he was a highly regarded teacher and mentor, and advocate for children and young people. Upon his death in 1992, the association created this award in his honor.

New faculty

Christopher A. Cotropia will join the faculty this fall as an associate professor. He comes to Richmond from Tulane University School of Law. Cotropia received his B.S. with honors in computer engineering and electrical engineering from Northwestern University, and his J.D. with honors from the University of Texas School of Law, where he served as articles editor of the Texas Intellectual Property Law Journal. After graduating from law school, he clerked for the Honorable Alvin A. Schall, U.S. Court of Appeals for the Federal Circuit. Cotropia was an associate with Fish & Richardson specializing in intellectual property litigation. His research and teaching interests focus on intellectual property, primarily patent law.

Kristen R. Jakobsen Osenga joins the faculty as assistant professor. She comes from Chicago-Kent College of Law where she was a visiting assistant professor specializing in patent law. Osenga received her B.S.E. in biomedical engineering from the University of Iowa, a master’s in electrical engineering from Southern Illinois University, and her J.D. magna cum laude from the University of Illinois College of Law, where she served as notes editor of the Journal of Law, Technology & Policy. Following law school, Osenga joined Finnegan, Henderson, Farabow, Garrett & Dunner in Washington, D.C., concentrating on patent law. She clerked for the Honorable Richard Linn, United States Court of Appeals for the Federal Circuit. Osenga will teach in the area of intellectual property with a focus on patent law.

Noah M. Sachs joins the faculty as assistant professor of law. He has been Climenko Fellow and lecturer at Harvard Law School, specializing in environmental law. Sachs received his B.A., magna cum laude and Phi Beta Kappa from Brown University, a master’s in public affairs from Princeton University’s Woodrow Wilson School of Public and International Affairs, and his J.D. with distinction from Stanford Law School where he was articles editor of the Stanford Environmental Law Journal. He was with the firm Carter, Ledyard & Milburn in New York City, and with Foley Hoag in Boston. He will teach environmental law.

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Prison inmates are the definition of the pariah. They are often despised, forgotten and ignored. Eliciting concern for a person tried and convicted of a violent crime is not easy in a world with sick children to heal, borders to protect, markets to win and election seats to occupy.

“They all claim to be innocent,” people say, and some of them are, which tells us that not all is well in the way we administer justice.

In the fall of 2004, I attended an event at the Law School in which Peter Neufeld from the Innocence Project at Cardozo University, and Marvin Anderson, a Virginian who had been exonerated after serving time in prison, spoke to a full house. The evening provided a thoughtful foray into a tough topic.

At the conclusion, something unexpected happened. Rodney A. Smolla, dean of the Law School, stood and eloquently addressed the social importance of this work and shared his wish that one day the Law School would be doing its own work on behalf of wrongly convicted inmates.

I have attended many academic events in my life, but I had never heard the leader of such an institution share a goal in quite that way. He seemed steadfast and literal. I had not heard or met Smolla before, but I was mightily impressed and very hopeful. The next day I called and asked for a meeting.

When we met, I told the dean of my long interest in post-conviction work. It started at the University of Virginia Law School and continued as I clerked for Judge Robert R. Merhige Jr., where I found myself drawn to habeas cases. My interest strengthened with my appointment to a federal death penalty case, and eventually to my work with the Richmond Public Defender’s Office. I told Dean Smolla I wanted to volunteer my time to help build an innocence program at the Law School.

He agreed, and the Law School and I began our journey toward this goal. For a little over a year now, I have linked arms with students, faculty, lawyers, administrators and scientists to create just such a program, now called the Institute for Actual Innocence, IAI.

The IAI is an academic program with clinical and classroom components. Its mission is to identify, investigate and ultimately litigate cases of wrongful conviction in Virginia. The cases may or may not involve biological evidence. Only inmates with serious felony convictions and considerable time remaining on their sentences, or those facing a death sentence will qualify.

The IAI is served by a 16-member, multidisciplinary board of advisors, and Dr. Walter Nance, a science advisor from the VCU/MCV Human Genetics Department. The program will involve a host of local attorneys, some of whom have joined the board and others who have conveyed their interest in assisting in other ways.

Our students’ first contact with the program is through a seminar in Causes of Wrongful Convictions taught each fall. This course is an introduction into the systemic, structural problems that compromise criminal trial outcomes. This course will ground the students intellectually for the work that will follow in the spring semester. That work includes field-based reinvestigation and review of cases. The students perform “legal autopsies” on each case taken for formal investigation. The students will be closely supervised and will benefit from total immersion in the trial, appellate and habeas records of criminal cases.

The IAI is designed to carefully vet incoming requests for assistance from inmates in Virginia. The IAI uses a 22-page questionnaire for its initial review, the first step in a six-phase case-review process. The review becomes more thorough with each level. After the review, a few cases will be selected. The IAI retains total discretion in this process.

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Seeking post-conviction justice

By Mary Kelly Tate
Our resources—mostly law students—will be guided carefully. Once a case has been fully investigated and deemed to have highly credible and persuasive evidence of factual error, the students will present their findings to experienced local attorneys for oversight and analysis. The IAI will then seek co-counsel to pursue litigation under Virginia’s writs of actual innocence—statutes promulgated, in theory, to soften the post-conviction landscape in Virginia. The writs are procedural—onerous, so relief is not easily won. Petitions for clemency may also be sought in appropriate cases.

In addition to the concrete and practical learning opportunities available in the program, the IAI will allow students to imagine and define the role of the citizen/lawyer. Their work will be a catalyst for self-discovery as the students see how lawyers might engage society. They will work together to help people at the very margins of society, and they will see the challenges and burdens that prosecutors and law enforcement officials struggle with every day.

The IAI is an independent program connected solely to the Law School, but it informally joins a national community of 40 or so programs doing similar work. The most famous are the Innocence Project at Cardozo University and the program that began at Northwestern’s School of Journalism. Earl Washington Jr.’s case is probably the best known case of wrongful conviction in Virginia. Its tortured history is a glimpse into the legal, political and social realities that make remediation of such injustices so painfully and tragically complicated.

Washington, a poor and uneducated African-American, was a young man in 1984 living in Culpeper, Va. With an IQ around 69, he was prototypically susceptible to the tawdry harms that can arise from deeply flawed criminal investigations and the legal proceedings that follow.

The Innocence Project and a New York law firm handled Washington’s post-conviction litigation. While in custody on an unrelated charge, Washington confessed to the rape and murder of a young mother from the area. Four additional confessions were also part of Washington’s encounter with law enforcement. Most of those confessions were quickly discarded, but the real treasure for law enforcement was the admission that seemingly solved the case of the horrible rape and murder.

Thoroughly examined through scientific DNA testing led to a pardon. He had served almost 20 years in prison.

During his time in prison, many questions arose from the fact that we do know that wrongful convictions happen.

What is the appropriate societal response to this sobering reality? What is an acceptable level of error? Is the death penalty compatible with risk of error? And who is responsible for faulty convictions—law enforcement, prosecutors, the courts, defense counsel or the public?

There is a temptation to view the pursuit of post-conviction exonerations as somehow the fashion of the moment, when, in fact, the problem resides at the heart of our criminal justice system’s credibility. The causes of wrongful convictions are manifold. One of the most common problems is mistakes by eyewitnesses. This realization is not new. Edwin Borchard, a professor at Yale Law School, chronicled this legal reality in 1932 with his seminal book Convicting the Innocent. Borchard’s book is a needed reminder that scholarly and legal concerns about wrongful convictions predate DNA, CSI and Court TV.

Other causes include faulty interrogation procedures, poor quality indigent defense, a bias toward confirmation in criminal investigations or “tunnel vision,” laboratory mistakes and outright fraud.

Most prosecutors are committed, good-faith, public servants who strive for the right outcome, but a number of cases have been tied to prosecutorial misconduct. Perhaps the most promising development in the area of wrongful convictions is that institutions and public servants are starting to perceive the problem as one worthy of redress.

Former Gov. Mark Warner of Virginia ordered a random audit of 31 DNA cases to test for accuracy. Two of those 31 were found to be in error, an error rate of 7 percent. These findings led Warner to order retesting of a broad range of cases.

Warner also showed leadership in the Roger Keith Coleman case that for so long had been at the vortex of the anti-death penalty movement in the United States and around the world.

To the dismay of some death penalty foes, the DNA tests Warner ordered after Coleman’s execution demonstrated that Coleman was not an innocent man sent to death. But the longstanding controversy surrounding the Coleman case reinforced the importance of accuracy in criminal investigations and trials.

The Warner era showed that governors have a substantive and symbolic role to play in strengthening the government’s investment in criminal trial accuracy.

In a time of culture wars, the area of wrongful convictions is hospitable to both the left and the right. Conservatives and libertarians alike are deeply bothered by the specter of an innocent person stripped of life or liberty.

The IAI hopes to do the hard work with a spirit of civility to identify some of the errors that occur. These errors not only are injustices to the lives of those falsely convicted, but they also do grave injury to our institutions and the social, political and democratic legitimacy that depends on these institutions.

While facing the problem of wrongful convictions, we should remember America’s strength lies in its ability to recognize and rectify injustices. Our finest moments are when we have faith that we are strong enough to admit our mistakes.

Borchard’s book is a needed reminder that scholarly and legal concerns about wrongful convictions predate DNA, CSI and Court TV.

Mary Kelly Tate is special assistant to the dean for pro bono services and director of the Institute for Actual Innocence at the Law School. She earned her law degree from the University of Virginia in 1991.
One professor’s pro bono work teaches lessons learned outside the classroom

By Rob Walker

In the winter of 2003, authorities in Hanover County, Va., converged on an isolated, ramshackle house in response to a call made from a nearby home. As sheriff’s deputies arrived, six children who lived there fleeted into the woods. They found another, a 2-year-old, inside.

Through a frigid night, authorities searched for the six children using thermal imaging equipment, helicopters with search beams, and rescue dogs. The next morning, the children, cold and hungry, emerged from the woods on their own and were taken into protective custody.

The house was primitive, with no electricity, sewage, or running water. It was later demolished on orders from the county. The children never had been enrolled in school, never had immunizations, and seldom had left the property. They had lived lives almost entirely isolated from the outside world.

The father ultimately was charged with felony child neglect. The mother was “green warranted”—taken into protective custody for mental health evaluation. She had been treated previously for psychological disorders.

A sheriff’s deputy described the situation as “sad, really sad.” The story was big news in Richmond, prompting an outpouring of public support for the family.

Corinna Lain, an associate professor at the Law School, recalls seeing the events on the evening news. At the time, Lain had no idea she would be intimately involved in the case, her first pro bono project.

Lain agreed to represent the father in a termination of parental rights action against him. “Termination of parental rights is essentially the death penalty as a parent,” Lain explains. “The parent loses every legal connection to the child, including the right to visit the child or even be informed as to how that child is doing.” It was a serious case.

Whatever the outcome, she knew that a person in this man’s position needed help.

By the time the litigation was finished, Lain had invested more than 500 hours pro bono in the case. “You never know up front how involved a case will be,” Lain says, “and you shouldn’t take something on unless you are willing to do the job right.”
In this instance, Lain knew early on that the case would require a substantial investment. There were seven children ages 2 to 17, and each had undergone multiple evaluations to assess the effects of lifelong isolation. The mother and father both had mental health issues. There were five other attorneys involved in the litigation, almost all of whom were against her client. There was also the parallel criminal neglect case against the father, which had implications for the termination proceeding. On top of all that, Lain came into the litigation late. The case had been proceeding for a year when she entered the fray.

“I knew it would be an involved case,” Lain says. “But I also understood the need for my involvement. And once I learned more about the facts, I became even more convinced of that.”

Since he became dean of the Law School in 2003, Rodney A. Smolla has promoted a “Pro Bono Strategic Plan” that “should reinvigorate the school’s institutional commitment to encouraging pro bono service activity by students, faculty and administrators.”

Pro bono service, Smolla says, reflects a fundamental value of the profession. It is an ethical duty of lawyers. It enriches one’s understanding of the legal system while benefiting society and the Law School. It should be routine.

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As a student, Lain was most engaged in classes that mixed theory and practice. “I wanted to emulate that,” she says, “and prosecuting in Henrico was a step in that direction. I wanted to be able to say, ‘This is how it works,’ and then give my students an example.

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It was a memorable moment for anyone connected to the Law School. During January’s U.S. Senate hearings to confirm Judge Samuel A. Alito Jr. as an associate justice of the United States Supreme Court, one questioner dropped an intriguing local reference.

“Split Circuits” was created by a law professor at the University of Richmond,” DeWine said. “Hardly a week passes when at least one split does not emerge.”

An expert in civil procedure, Spencer created Split Circuits and the Federal Civil Practice Bulletin (http://federalcivilpracticebulletin.blogspot.com), last fall. “It’s a great way to keep in touch with the legal world,” says Anderson, who enjoys the Southwest Virginia Law Blog (www.swvalaw.blogspot.com), as well as several nationally recognized blogs, including one called Intellectual Property Law Blog (www.ipinstitute.blogspot.com), which Gibson created. Recent student posts discuss Britney Spears’ claim that a Korean pop singer stole one of her hit songs, as well as a move by high-end fashion designers to copyright their creations. For the last six months or so, Gibson’s students have been posting news stories on intellectual property issues to the Richmond IPI Blog (http://ipiinstitute.blogspot.com), which Gibson created. Recent student posts discuss Britney Spears’ claim that a Korean pop singer stole one of her hit songs, as well as a move by high-end fashion designers to copyright their creations. For the last six months or so, Gibson’s students have been posting news stories on intellectual property issues to the Richmond IPI Blog (http://ipiinstitute.blogspot.com), which Gibson created.

Law-related blogs create ‘a new public forum’

By Cathy L. Eberly

For his work, Spencer recently received notice on another blog for lawyers, http://www.bankinglawgiantonblog.com/, which referred readers to the professor’s recent posts on bankruptcy matters. It describes Spencer as “a rising star” behind “two terrific blogs.” Although many blogs welcome readers’ comments, Spencer’s do not inspire online dialogue.

“Blogs are a way for us to express our creativity,” says Anderson, who reviews local restaurants on his own blog, www.biglickreviews.com. “That’s what’s so great about them—anyone can create a blog.”

Spencer believes, his readers are law school faculty and a few practitioners—not to mention at least one government lawyer who used it to help Senator DeWine make a political point.

Spencer recognizes that the practice of maintaining blogs doesn’t carry the same cachet as publishing articles, which is why he reserves commentary and analysis for that more traditional medium. Many other legal eagles, however, do not hesitate to express their opinions online. A Google search for “blog” turns up more than 1.2 billion entries. According to a survey by blogads.com in 2004, lawyers and judges rank fourth among groups who read and post to blogs.

Blogging in the Classroom

Richmond law professor James Gibson, an intellectual property and computer law expert who directs the Law School’s Intellectual Property Institute (IPI), believes that, despite differing levels of quality, law-related blogs are valuable educational tools.

“It’s true that you get what you pay for,” he says, “but there’s always something to learn from blogs. After all, aspiring filmmakers can always learn something, even from bad films.”

For the last six months or so, Gibson’s students have been posting news stories on intellectual property issues to the Richmond IPI Blog (http://ipiinstitute.blogspot.com), which Gibson created. Recent student posts discuss Britney Spears’ claim that a Korean pop singer stole one of her hit songs, as well as a move by high-end fashion designers to copyright their creations in an effort to prevent discount retailers from selling cheap copies.

“This activity opens up the world of legal mystery to our students and provides content that is accessible to anyone, even those who know very little about intellectual property,” Gibson says.
While in his third year at the Law School, Brandon Rash, L’06, who is also trained as an electrical engineer, launched his own blog to post news related to law and technology. Combining abbreviations that refer to his academic degrees, he called it The EEJD Blog (http://eejd.blogspot.com). He kept it running until the workload grew too great for him to continue.

“When I started finding law-related blogs, I noticed there were many general ones, but none related to my interests,” says Rash, who is a first-year associate at Hunton & Williams in Richmond. “Creating a blog was a great way for me to learn legal issues beyond what I was reading about in my textbooks.”

According to Spencer, students not only learn from posting to blogs, they also benefit from reading them. “I’ve had students tell me that reading Split Circuits has given them ideas for papers they’ve been assigned to write,” he says.

Some students see additional benefits from blogging. Third-year Law School student Josh Brady believes that the up-to-the-minute information on intellectual property cases he developed while posting to the Richmond IPI Blog helped him stand out in a sea of candidates while he was seeking a position as a patent attorney.

“I always tried to find a way to work what I know about current cases into the conversation during interviews,” he says. “Once I learned through a Google search that one of my interviewers had worked on a particular case, and I was able to discuss that” during the interview. “Occasionally I was more up-to-date on an issue than the practicing lawyers.”

Rules of the Road

The Law School’s Gibson believes that blogging is exceptional when compared to other communication practices. “It’s very community-oriented and interactive,” he says. “It’s like standing in the public square and speaking your mind. You can have a discussion on a topic of interest with people from all over the world.”

While acknowledging its freewheeling nature, Gibson says that blogging is subject to informal regulation by its practitioners. One of the attractions of blogs is the ease with which bloggers can move among sites to check information. Most blog authors include material from other blogs in their posts. In addition to crediting the source, they also include a link to the site from which they borrowed the information.

“If they don’t do this, it’s technically copyright infringement, but the real threat to bloggers is disapproval from within the community,” Gibson says. “In this world, Internet credibility, called ‘net cred,’ is very important. Bloggers who don’t play by the rules will soon be ostracized.”

Despite pressure to maintain credibility and to post interesting material regularly so readers stay engaged in this sea of information, millions of bloggers believe the future of this new technology is bright.

Gibson predicts that, as blogging tools evolve, they will begin to feature voice and video capabilities. In the meantime, many lawyers view blogging as an effective and inexpensive way to express themselves before a large number of people.

As Brandon Rash notes, “It’s a new revolution that can help anyone become a publisher.”

Cathy L. Eberly is a freelance writer based in Keswick, Va.
You name it, Bill Wood, L’66, has probably seen it during his law career. Over time, a plethora of ill tempers and hostile attitudes coupled with the uncertainty factor in litigation have led the University of Richmond School of Law alumnus to become “evangelistic about mediation.”

“There’s the lottery affect about going to court,” he explains. “No matter how much you prepare and feel you are ready, you never know what the judge and jury will do. That’s the beauty of mediation. The parties control their own destiny. That’s why I got into it.”

Wood is one of seven graduates of the Law School who have joined The McCammon Group, a Richmond-based firm that specializes in mediation along with a variety of other dispute resolution services. John McCammon formed the group in 1995 after retiring from Wright, Robinson, McCammon, Osthimer and Tatum, a law practice he founded after leaving McGuire, Woods & Battle (now McGuireWoods).

McCammon, who has served as an adjunct faculty member at the Law School, has drawn on experts with connections to the Law School since the beginning, and he is pleased with their dedication and hard work.

“They are a powerful group, very effective,” McCammon says. “Richmond has a great heritage. Its law school alumni are great practitioners at the bar, and the people who have joined this group are terrifically popular and highly skilled.”

McCammon, who has an undergraduate degree in psychology and a graduate degree in public policy along with his JD from the University of Virginia, had been involved in mediation and arbitration throughout his law career. It was during those earlier years of practice that he realized the need for alternative dispute resolution (ADR) services in Virginia. After retiring in 1993, he took a year off and studied the ADR market.

“Conventional wisdom in Virginia was that alternative dispute resolution wasn’t needed,” he says. “It
“[Mediation is] more flexible than the process of litigation. You can craft solutions you can’t get in a trial.”

— John G. Douglass
Richmond Law professor

Reaching a settlement can take time, he adds. “It’s not unusual to go back and forth with offers 10 times. The mediator helps the parties, and the lawyers produce the results themselves. The reward comes at the end of the day—at times late in the night—when the case can be brought together and the people leave shaking hands.”

McCammon maintains that mediation is not a replacement for a trial. “It’s an adjunct, a shot in the arm to negotiation,” he says.

The McCammon Group, the largest mediation group in the state, has 45 mediators in Virginia and five in Washington, D.C. There are approximately 1,000 Supreme Court certified mediators in Virginia.

Roughly half of McCammon’s mediators are retired judges. All others with the exception of Sen. Walter Stosch, R-59 and GB’84, are lawyers. McCammon remembers when the initial group of seven began offering mediation services. “It really was uncharted waters,” he says. “People didn’t know what to make of it. Lawyers were uneasy. It was somewhat of a threat to them.”

The group handled four cases during the first month of business in June 1995. Today, it handles about five cases a day and has a settlement rate of better than 85 percent. “We did more cases in 2005 than there were concluded jury trials in the state court systems of Virginia,” McCammon says. “We have mediated and arbitrated about $2.5 billion worth of disputes.”

Originally called The McCammon Mediation Group, McCammon changed the name when he broadened the scope of the firm’s work. Along with mediation and arbitration services, the group has a Federal Dispute Resolution Division and a Facilitation and Training Division that works with government, businesses, and associations. Services include facilitating negotiations and teaching communication and management skills as well as conflict resolution and negotiation skills.

“It’s all about collaboration, communicating to resolve conflict,” McCammon says. “You can apply those techniques in the workplace and the boardroom.”

Other areas of expertise such as private judging are on the horizon. “I believe that there are more processes emerging,” observes McCammon. “People want problem solved in more efficient and effective ways.”

John G. Douglass, professor of law at Richmond and a member of The McCammon Group, sees several advantages to mediating a case.

“It relieves the pressure on crowded court systems,” he says. “Also, it’s more flexible than the process of litigation. You can craft solutions you can’t get in a trial. And it’s confidential. You can resolve your dispute and not have it publicized.”

When he first heard about the group, Douglass felt that the venture would turn into something impressive. “John is very energetic and creative,” he says. “One of the great rewards of being in the group is being associated with folks who are so experienced in the world of litigation. Many have had impressive careers as judges. They can bring that experience to bear as a mediator.”

Retired Judge Joseph E. Spruill Jr., R-59 and L-58, was honored to join The McCammon Group. “My wife says that I flunked retirement,” he says, laughing. “I work with the group whenever that call comes in. I usually work once or twice a month. The cases are across the board, sort of like the cases I heard as a judge.”

Spruill’s experiences with mediation have been rewarding. “It’s great to see people come together and resolve something,” he explains. “It’s a good feeling to know you have had a hand in getting a dispute resolved.”

Joining the group was a natural fit for retired Judge Donald H. Kent, R-60 and L-63. “I had respect and admiration for John as a lawyer and administrator of The McCammon Group,” he says. “One of the attractions was the people John had working for him.”

When he was sitting as a judge in Alexandria, Kent had used a form of mediation to resolve some cases. “I enjoyed that settlement better than a trial,” he says. “You can resolve a matter to the satisfaction of all concerned.”

Mediation allows the parties to be open in discussing the merits of their case and voicing their concerns to the other side.

“In court there are rules of evidence that restrict testimony but in mediation that is not true,” Kent says. “Years ago the Virginia Bar adopted a rule of professional conduct that requires lawyers to discuss with their clients the possibility of mediating or arbitrating rather than going to court. Let them know that it is an available route they can take.”

The process also allows the parties to save money. “If we settle the case, we cut off the pipeline of cost plus the cost of a trial,” McCammon says.

Retired Judge F. Bruce Bach, L-67, remembers one case he mediated for the group where each side had already spent $350,000 on attorneys fees. “I settled the case in one day,” he recalls. “It was a heck of an economical way to do it. It’s a tremendous cost saving. You can’t take a large trial to court today for less than $100,000.”

It wasn’t until the end of his career on the bench that retired Judge William H. Ledbetter Jr., L-66, began to see the value in alternative dispute resolution. Since joining The McCammon Group, he has become a “true believer” in the process. “All of us in mediation want to see the deal done,” he says. “We try very hard.”

The collaboration that has taken place between Virginia’s private and public sectors in the past 11 years demonstrates the importance of mediation. “[Both sectors] have worked hard to address the challenges [posed by increasing demands on the judicial system] and have turned things around dramatically,” McCammon says.

The number of jury trials that take place each year in Virginia has gone down 60 percent in the last decade, in part due to mediation and arbitration.

The process of mediation is a powerful tool, he adds. “It’s so rewarding. It’s a work of love, a work of passion.”

Joan Tupponce is a freelance writer based in Richmond.
Judge Felton named appeals court chief

Judge Walter S. Felton Jr., R’66 and L’69, has been elected chief judge of the Virginia Court of Appeals, where he oversees the clerk’s office, staff attorneys, and a busy docket.

In a recent interview, Judge Felton said he felt comfortable at the appellate court. “It fits nicely with my background in academia—reading and writing and researching. It’s a far different life from the trial bench.”

A native of Suffolk, Va., Felton has led a distinguished career, beginning in his undergraduate years. He obtained a bachelor’s degree in English literature at the University, where he was inducted into Phi Beta Kappa and Omicron Delta Kappa. He earned his JD degree at the Law School, where he was chancellor of the McNeil Law Society and articles editor of the University of Richmond Law Review.

Upon graduation, Felton served four years as a captain in the U.S. Army Judge Advocate General’s Corps.

He then entered private practice until 1982, when he was appointed to the faculty of the Marshall-Wythe School of Law. He also was named administrator of the Commonwealth’s Attorneys’ Service and Training Counsel.

In 1994, he was appointed deputy attorney general for Virginia, heading the Intergovernmental Affairs Division. In 1995, he was named senior counsel to the attorney general. From 1999 to 2000, Felton served as counselor to the governor and director of policy. In 2000, he was named the A.L. Philpott Distinguished Adjunct Professor of Law at the University of Richmond School of Law. He taught Law, Politics and Public Policy.

In 2002, he returned to the law faculty at William & Mary and was appointed legislative counsel for the college.

He was elected as a judge of the Court of Appeals of Virginia and has served in that capacity since 2002.

The chief judge also plays an administrative role with the court, overseeing court functions that “can be routine,” Felton says, “but we need to be efficient.” The 11 judges, along with six senior judges, usually move cases from oral argument to release in 60 days.

Felton also serves as a member of the Judicial Council of Virginia and the Executive Committee of the Judicial Conference of Virginia.

He has served in various capacities with the Virginia State Bar, and is a member of the Commission on Virginia Courts in the 21st Century.

He lives in Williamsburg.

Jagdmann elected to seat on SCC

Former Virginia Attorney General Judith Williams Jagdmann, L’84, has been elected by the General Assembly a commissioner of the State Corporation Commission. The term runs for six years.

Jagdmann recently served as Virginia’s 43rd attorney general, taking that post when Jerry W. Kilgore stepped down to run for governor. From 1998 to 2005, she was deputy attorney general for the Civil Litigation Division.

Prior to joining the attorney general’s office, she served 13 years as counsel to the SCC and its staff on securities and utility matters.

The SCC acts as one of Virginia’s primary regulatory agencies, with oversight of varied business and economic interests.

Jagdmann and her husband, Joseph V. Jagdmann, L’86, have two children.
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 or Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, (804) 289-8028.

1960s

The Hon. Harvey E. Schlesinger, L’65, has been named chairman of the Community Foundation in Jacksonville, Fla. He serves as U.S. District Court judge for the Middle District of Florida.

The Hon. Archer L. Yeatts III, R’64 and L’67, of Henrico County General District Court, is the grand president of Sigma Phi Epsilon fraternity. Sig Ep, which was founded at the University of Richmond in 1901, is the largest college fraternity in the country. It has more than 13,000 undergraduate members.

The Hon. Walter Felton Jr., L’69, is chief judge of the Virginia Court of Appeals. A Suffolk native, he was elected to the intermediate appellate court by the General Assembly in 2002. Prior to that, he served as then-Gov. Jim Gilmore’s policy director and chief lawyer. (See related story in Alumni News on page 26.)

1970s

Ben R. Lacy IV, L’75, is a principal with Sands Anderson Marks & Miller. As chair of the firm’s governmental relations practice group, he concentrates on the life and health industry, including insurers, providers and agents. For the past five years he has been recognized in Virginia Business’s “Legal Elite” for his work in governmental relations law.

Peter J. Connors, L’76, a partner at Orrick, Herrington & Sutcliffe in New York City, was elected in December 2005, to the executive committee of the New York State Bar Association’s Tax Section. He also was elected last year to the council of the ABA Tax Section and to the council of the International Fiscal Association, the leading organization for international tax professionals.

John Randolph “Randy” Nelson, L’76, was the first recipient of a new award from the Virginia State Bar in appreciation of his extraordinary public service to the Supreme Court of Virginia. Nominated by his peers, he was recognized for his contributions to the court through pro bono representation of indigent criminal defendants and parties in child custody, abuse and neglect proceedings. He has been in private practice in Lynchburg, Va., since 1976.

Dale W. Pittman, L’76, chairs the Consumer Section of the Virginia Trial Lawyers Association. He also is a member of the association’s board of governors.

Raymond A. Gill, L’77, a Woodbridge, N.J., certified civil trial attorney, has been chosen as a “Super Lawyer” for 2006 by New Jersey Super Lawyers magazine. Only 5 percent of all attorneys in New Jersey earn this honor. In addition, he has been named one of 2006’s “Top 10 Attorneys” in New Jersey in a poll conducted by Law & Politics magazine. He lectures frequently on innovations in demonstrative evidence and trial tactics. He founded the firm Gill and Chamas in 1986.

John N. Federspiel, L’78, is the director of West Virginia’s Division of Criminal Justice Services, the state’s criminal justice planning agency.

Thomas R. Klein, L’78, senior vice president of LandAmerica Financial Group, was elected chair of Beth Ahabah Museum and Archives, Richmond’s Museum of Jewish History. Klein also is

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Michael says, “And lawyers want to be accessible to the new folks. the school. But the sense of community has not changed. he was back in private practice at Carrell Rice & Rigsby. He remained at the State Bar until February 1998. A month later, with a Distinguished Alumni Award in 1986. volunteers for numerous organizations, including the University’s employment at SunTrust bank, Crestar’s corporate successor. She also vol- home more with my teens, and this made it possible.” he jump to the corporate world. Battle & Boothe (now McGuireWoods). One afternoon a friend state as bar counsel. His responsibilities included heading the bar’s until, she says, “I began to crave a little more of a challenge.” For more than two decades, Michael taught at the Law School. Twenty-one years later, Linda leads the Richmond legal depart- For a mother, she says, the change was superb. “I wanted to be talking to Blacksburg, Va., where Michael attended University. Michael completed law school in just two years. “With a toddler and another one on the way,” he says, “the pressure was on to finish school and get working.” (The second child, Elisabeth, graduated from the University in 1991.) Michael worked at the State Corporation Commission before entering private practice. Linda taught piano lessons for 10 years until today, she says, “I began to crave a little more of a challenge.” Michael went to work at the Virginia State Bar, where “the pay was more stable, and in those days, it was more common for lawyers around the state to be bar counsel. His responsibilities included heading the bar’s professional regulatory department. Linda took her turn at the Law School. After graduation, Linda went to work at McGuire, Woods, Battle & Boothe (now McGuireWoods). One afternoon a friend stopped her on the sidewalk and told her that Crestar Bank was start- ing a legal division and needed a second in command. She made the jump to the corporate world. For a mother, she says, the change was superb. “I wanted to be home more with my teens, and this made it possible.” Twenty-one years later, Linda leads the Richmond legal depart- ment at SunTrust bank, Crestar’s corporate successor. She also vol- untes for numerous organizations, including the University’s Estate Planning Advisory Council. The University presented her with a Distinguished Alumni Award in 1986. For more than two decades, Michael taught at the Law School. He remained at the State Bar until February 1998. A month later, he was back in private practice at Carrell Rice & Rigsby. The Rigsbys say they are astonished at the improvements at the school. But the sense of community has not changed. “It is important for students to have those relationships,” Michael says. “And lawyers want to be accessible to the new folks. After all, they energize us ‘old folks.’” By Mary Gravely, W’88 Greg McCracken, L’89, joined his wife, Michelle McCracken, L’89, and Morris H. Fine in the Virginia Beach law firm of Fine, Fine, Legum & McCracken. His practice will concentrate on claims against the U.S. government under the Federal Tort Claims Act. Ben Riggs, L’89, is general counsel at Four Season Produce in Lancaster, Pa. Send your news! Write to LawAlumni@ Richmond.edu or Law Alumni, University of Richmond Law School, University of Richmond, VA 23173. 1980s Phyllis C. Katz, L’83, is a member of the employment and local government team at Sands Anderson Marks & Miller. She serves on the board of LINC (Legal Information Network for Cancer), which she founded. She also is on the advisory board for the Massey Cancer Center, is an adjunct professor at the University and serves as a faculty member of the Non-Profit Management Program at VCU. She has been selected by her peers for inclusion in Virginia Business magazine’s list of Virginia’s “legal elite.” Brenda L. Page, L’82, a principal at Page & Associates in Richmond, was recog- nized as an advocate by the National College of Advocacy Achievement Recognition Program of the Association of Trial Lawyers of America. Nancy G. Pari, L’83, has been elected commonwealth’s attorney for the city of Chesapeake, Va. John R. Bode, L’81, chairs the labor and employment department of Miller & Martin, a full-service firm with offices in Atlanta, Chattanooga and Nashville, Tenn. He and his family reside in Chattanooga. Mark Sheridan Brentnall Sr., L’81, is with Vandeventer Black in Richmond. He lives in Midlothian, Va. 1990s Todd M. Lynn, L’93, is a partner atatten, Womann, Hutton and Diamonstein Todd Prell, L’94, is a shareholder at Midgrett & Prell in Virginia Beach. His practice includes the areas of estate planning, probate and trust adminis- tration, fiduciary litigation, elder law, and small business planning. He has served as an adjunct professor of law at Regent University, where he taught classes on mergers and acquisitions. In addition to serving on the executive board of the Hampton Roads Estate Planning Council, he is president of the Hampton Roads CFP Planning Council, and is past president of the American Academy of Trust, Estate and Elder Law Attorneys. James M. Wilson, L’93, has joined his law practice with David J. Stoyanoff to form Wilson Stoyanoff & Glen Allen, Va. The firm focuses on small business, franchising, estate planning, tax mat- ters and business transactions. Hugh E. Aaron, L’83, practices with Healthcare Regulatory Advisors Inc., a four-lawyer firm in Glen Allen, Va. His practice is focused on areas including medical coding and the Medicare pro- gram. He also is president of HHAI Coding Specialists, a firm that provides intensive professional training and con- sulting nationwide on medical coding and Medicare billing compliance. In March 2003, he served on the faculty for the American Health Lawyers Association’s Annual Institute on Medicare and Medicaid Payment Issues. He has served as instructor or co-instructor for the Law School’s health care regulation class and recent- ly published “The Effect of Hospital Charges on Outlier Payments: Under Medicare’s Inpatient Prospective Payment System: Prudent Financial Management or Illegal Conduct?” in the June 2003 Annals of Health Law. W. Scott Magarey IV, L’83, was named a “Pennsylvania Rising Star” by the Philadelphia-based magazine Law & Politics. Nicole Beyer Rovner, L’94, has been appointed deputy secretary of natural resources by Virginia Gov. Timothy Kaine. Sandra L. Halsey, L’95, and her husband, Mike, welcomed son Gabriel Lucas on Feb. 23, 2006. He joins brother Ethan. Haley recently was appointed to the Martinsville City School Board. The Hon. Ashley Keeseu Turner, L’95, was elected to a Juvenile and Domestic Relations District Court judgeship of the 15th Judicial District (city of Richmond). Michael J. Walton, L’95, was a “Pennsylvania Rising Star” by the Philadelphia-based magazine Law & Politics. In October 2007, he presented a 28 RICHMOND LAW Summer 2006 29
CLASS NOTES

Save the date! On October 20 and 21, the Law School will host its annual Alumni Weekend and Fall Gathering. This is reunion year for the classes of 1956 and 1961. “Come and join us!”


Carlos L. Hopkins, ’96, recently opened Hopkins Law Offices. His firm emphasizes criminal defense and general civil litigation. Also a judge in the Virginia Army National Guard, Hopkins served seven years as a deputy commissioner’s attorney for the City of Richmond.

Ranakidivi Chudauma, ’09, has joined the firm of Kausik & Unger, which concentrates on complex real estate litigation and transactions. She is a member of the Richmond Bar Association.

Jonathan D. Frieden, ’97, and his wife, Jennifer, welcomed their first child, Hannah Grace, on Feb. 4, 2005. An attorney at Odle Feldman Pitzmann, Frieden recently was named to Virginia Business magazine’s “Legal Elite” in the young lawyer category. His commentary on cases has been featured on NBC and CBS news programs, and he has been quoted in the Washington Post, the Washington Times, on Web sites and in other newspapers around the country.

Diana Leigh Johnson, ’07, is a partner at Bowles Rice McDougall Groff & Love in Charleston, W.Va.

Russell Nance, ’07, is special counsel in the tax department at Cadwalader, Wickersham & Taft in New York City.

Sherrill Ann Oates, ’07, is vice president and counsel of Lehman Brothers Bank and Lehman Affiliate BMC Mortgage Inc. of Irvine, Calif.

Steven A. Taylor, ’07, was appointed by Richmond Mayor L. Douglas Wilder to the board of commissioners for the Richmond Hospital Authority.

Joshua H. Rahmann, ’08, James A. Schettine, ’08, and Nhon H. Nguyen, ’08, have formed the law firm of Rahmann & Schettine in Richmond. The firm assists clients with collections, commercial and residential real estate matters, construction law, business law, general litigation, labor and employment law.


Maria De Guzman Aguila, ’09, is program manager of the legal council at Jacksonville Area Legal Aid Inc.’s Fair Housing Advocacy Center in Jacksonville, Fla.

Gregory R. Bishop, ’09, a member of the business section of Williams Mullen, has been named a partner in the firm. His practice focuses primarily on mergers and acquisitions, and other corporate and securities transactions. He also provides clients with general business counseling and long-range planning.

Lauren M. Ebersole, ’09, is a partner at Morris & Morris.

Troy Savenko, ’09, is a partner with LeClair Ryan.

2000s

Timothy L. Corey, ’00, is the firm’s tax partner in its Baltimore, Md. office. Corey is a member of the tax department at Cadwalader, Wickersham & Taft in New York City.

Jennifer Kazar, ’00, and her husband, David, celebrated the birth of their son, Jake William Kazar, on July 30, 2005.

R. Thomas Payne II, ’01, is an associate attorney general at the Office of the Attorney General at Virginia Fair Housing Board. He is counsel to the Virginia Fair Housing Board and enforces the Virginia Fair Housing Law in state and federal courts.

Kelly A. Bryant, ’02, has joined Parish, Houck & Sneed in Fredericksburg, Va., as an associate.

Alston Marie Jennette, ’02, and Andrew Christopher Geris, ’09, were married on Dec. 3, 2005, at Canon Chapel. The Honorable L.A. Harris, Jr., ’76, father of the groom, served as both the officiant and the best man. The wedding party included Amanda R. Beasley, ’01, Johanna E. Bragg, ’01, Jennifer C. Giles, ’03, and Daniel B. Schy, ’04. Guests included several other school classmates. The couple lives in Richmond.

Chris Peace, ’02, won the special election in January for the Virginia House of Delegate’s 97th District.


Warren Teller, ’02, welcomed Blake Gregory, her son, and LeClair Ryan.

Robert J. Allen, ’03, has joined Brosher Law Offices in Richmond. His practice will focus on complex land-use and zoning cases, Alcoholic Beverage Control law and the representation of children.

Christian B. Franklin, ’04, has been named partner at Parrish, Houck & Sneed in Fredericksburg, Va.

Charlie Homiller, ’03, is the focus of an article on representation agreements for solo practitioners in the January 2006, ABA Journal.

Kelley M. Wynne, ’03, is an associate at Spotts Fain.

Ralph G. Brabham, ’04, is an associate with Arent Fox in Washington, D.C.

James Madison Metcalfe, ’04, married Dr. Andrea Rahn, a Navy doctor, on July 10, 2005. He completed his judicial clerkship in the Circuit Court of Fairfax Va., in August and joined his wife in Guam. Shortly thereafter, Jim, a Navy Reserve Supply Corps officer, was assigned to duty in Guam.

Women lawyers advance through achievements

Just out of law school, Virginia Hackney, ’69, thought she was well prepared when she walked into an interview with a prominent Virginia Beach law firm. But before she hit the chair, her would-be employers told her, “Sorry. We can’t hire a woman.”

Hackney had graduated from law school as one of three women in a class of 50. In the legal community she was seeking to join, there were few women lawyers. “Among big firms at that time, there were no women,” Hackney recalls. Over the course of the next three decades, she would witness dramatic changes.

Hackney’s career finally began with advice from former Richmond Law Dean William Taylor Muse, “Go down and talk to the folks at Hunter & Williams,” he suggested. She did and she was hired as a law clerk doing research for the firm’s litigation section.

“It got me in the door,” she says.

Three months later, Hackney was promoted to litigation associate, handling cases on her own and working with senior lawyers on bigger cases. As a female at the firm, “I was out there on my own,” she says.

When the first of her three sons was born, “A partner told me it wasn’t possible to be a mother and be in litigation,” she says. “It wouldn’t have occurred to me to argue with him. That just wasn’t how things were done.” She was one of the corporate team, into banking and “a little health care.” Today Hackney leads the Virginia lawyer firm’s health care team.

In 1977, Hackney became the first female partner in Hunter & Williams’ history. That title “was really wonderful,” she says, “but more importantly, it meant that I had to work even harder to prove myself.”

In the years since then, women have entered the profession in increasing numbers, and though they are no longer a tiny minority, a gap remains in terms of the number of women in leadership roles at law firms and elsewhere in the profession. Women will close that gap “only by achievement,” she says. “Achievement takes a great deal of hard work, talent and the support of many other people.”

Hackney acknowledges those who contributed to her success. Among them are other lawyers and judges she has worked with, her husband, who also is an attorney, her father, who treated her and her sister as if they were “just about the greatest things that ever walked on earth,” and the women in her family, including her mother and her grandmother who, at 5 foot 11 inches, was “just about as strong and smart as could be.”

“I give Dean Muse full credit for my winding up here [at Hunter & Williams].” He and others on the law faculty, including Hunter Sneed and Ray Doubles, “brought the law to life.”

By Mary Craven, ’78

CLASS NOTES

In Memoriam

A. Lewis Allen, ’62
November 6, 2005

Alfred Bernard Ill, L’65
November 11, 2005

Harry Edward Cohn, ’65
October 19, 2005

Charles Fetter, ’63
February 2, 2006

John T. Green, ’69
December 21, 2005

Frank W. Hardy, ’55
November 10, 2005
Translation business finds growing market

Two Richmond law graduates have developed a thriving business in a world where business increasingly means dealing with different nations, cultures and languages. They are providing translation services to legal, business and other professional clients.

The idea arose when Richard Estevez, '95, a bilingual lawyer working in Washington, D.C., kept coming across translations his law firm had purchased that were not up to his expectations.

“They weren’t always professional, and they cost too much,” says Estevez, whose mother hails from Colombia and whose father is a native of Cuba. “I could see there was a market for high-quality, reasonably priced translation services.”

After beginning his career practicing international and telecommunications law, Estevez went to work for SkyOnline, a McLean, Va.-based provider of telecommunications services to Latin America. In his work, he identified a cadre of certified translators living in Latin America, Europe, and the United States who were proficient in law, medicine or engineering, among other technical fields. Soon, he became aware that he had developed a talent bank for which there was increasing demand.

Almost four years ago, Estevez launched Trusted Translations Inc. (www.trustedtranslations.com).

“Our goal is to be the No. 1 company in the world offering the finest high-volume, technical English-Spanish translation services at the best prices,” says Estevez, whose business is based in Falls Church, Va. “We also translate other languages including French, German, Italian, Portuguese, Chinese and Japanese.”

Trusted Translations brings together teams of translators who work from centers around the world.

The firm’s client list is a Who’s Who in international business: banks, accounting firms, investment houses, law firms and automobile manufacturers—even the United Nations.

Trusted Translations became a family affair two years ago when Liliana Ward, '93, joined the company as director of operations. “She’s an incredibly gifted linguist, much better at the subtle nuances of language than I am,” Estevez says of his sister, who practiced law for 10 years.

“Both Richard and I started translating, as children, for my grandparents,” Liliana says. “Today, accurate and efficient translation services are becoming a necessity.

“In law, we argue the meaning of common words all the time,” she says. “Precision in language is crucial to all types of legal work,” and precise translations are a necessity when parties to legal proceedings speak different languages.

By Cathy L. Eberly