In 1961, Harry L. Carrico came to Richmond from Northern Virginia to serve as a justice on the Virginia Supreme Court, and soon began a valued relationship with the University of Richmond School of Law.

Chief Justice Carrico, 86, a George Washington Law School graduate, was honored this spring with the dedication of the portrait on this page for his contributions to the law school.

Carrico first called Bill Muse, then Richmond’s law dean, in 1962, when the General Assembly appropriated funds to provide law clerks to justices. He was looking for talented candidates. Over the last four decades, more than half his clerks have come from Richmond, including Doron Samuel-Siegel, L’01, who worked with Carrico through his retirement earlier this year.

Samuel-Siegel said her two-year clerkship has been invaluable. In addition to more mundane duties, she acts as a sounding board for the senior justice as he writes opinions. She also helps him research cases.

“Almost all of the Virginia in clerking for the chief because of who he is,” said Samuel-Siegel. Justice Carrico embodies humility, civility and professionalism. “It’s very serious when seriousness is required, but anyone who has heard him talk knows that he has a great sense of humor. He’s so kind and approachable that you almost forget sometimes how accomplished he is. And he’s very willing to be a mentor.”

Carrico’s contact with Richmond law students extends far beyond his clerk. He presides regularly over the law school’s moot court competition, which is named in his honor the Harry L. Carrico Moot Court Competition.

“I hope they are as well-prepared in real life as they are for moot court,” Carrico said of the competitors. “When I was in law school, I doubt that I could have stood up there before three judges who look as stern as we must look. I think the floor would have opened up and swallowed me.”

Carrico’s modesty is as genuine as his interest in young people, said John R. Pagan, the law school’s dean. “He doesn’t have a pompous bone in his body. Whenever I say he’s adopted us, he says, ‘No, you’ve adopted me.”

The attachment is mutual. The school gave Carrico an honorary degree in 1973, while his daughter was attending Westminster College. Lucretia Carrico, W’76, graduated from the law school in 1978.

In 1987, the law school gave him its highest honor, the William Green Award for Professional Excellence. And in 1998, the school asked him to chair its John Marshall Scholars selection committee, which offers scholarships to 10 to 12 outstanding prospective students each year, said Kris Henderson, associate dean for student services and administration.

“Justice Carrico is kind enough to make personal phone calls to let the candidates know that they have been selected,” she said. Each scholar receives $10,000 annually. While the money is important, Carrico’s influence helps attract the best students, Pagan said.

But the biggest incentive is the school itself, Carrico insisted. “It’s a fine school. The effort now is to get it into the top tier in terms of ratings, but I think that in terms of effectiveness, it’s been there all along.”

— By Karl Rhodes
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Rodney A. Smolla named law school dean

Rodney A. Smolla, a nationally recognized First Amendment scholar who joined the faculty in 1998, has been named the next dean of the University of Richmond School of Law, effective July 1. University Provost June Aprille announced the appointment Jan. 30.

Smolla, the George Allen Professor of Law, succeeds John R. Pagan, who announced last year that he would return to the faculty to continue teaching and scholarship after six years as dean. His tenure included a successful $6 million fund-raising campaign under the law school's Top-Tier Initiative.

Smolla came to Richmond from the College of William and Mary where he was Hanson Professor of Law, and director of the Institute of Bill of Rights Law. He is a nationally known constitutional law scholar, author of books and treatises on civil liberties and civil rights, with expertise in matters relating to freedom of speech and press. He has written 11 books including Free Speech in an Open Society, winner of the William O. Douglas Award. He also has been active in high-profile cases, one of which resulted in his arguing recently before the United States Supreme Court. (See page 6.)

A graduate of Yale University and Duke University Law School, Smolla has received numerous teaching awards, including a Virginia State Council of Higher Education Distinguished Faculty Award in 2002.

"I am honored by this appointment," Smolla said.

"The law school is a wonderful place with a proud tradition, filled with dedicated people. We are blessed with alumni who are intensely loyal, with students who are energetic and creative, and with highly conscientious faculty, administrators, and staff, all committed to excellence. The University administration and our colleagues across the campus support our ambitions, as do many of our friends in the community. I look forward to assuming the deanship."

Dean Pagan will take a yearlong sabbatical leave, after which he intends to return to Richmond as University Professor, a rank that will enable him to teach in various schools and departments throughout the University. He will continue to teach in the law school, and he will teach interdisciplinary courses for undergraduates. His appointment takes effect July 1.

During his sabbatical, Pagan will return to Oxford, England. He has been elected by the warden and fellows of Merton College, Oxford, to a Visiting Research Fellowship for Hilary term 2004 (January through March). Merton was founded in 1264 and is one of the oldest of the colleges that make up Oxford University. It ranks first among Oxford's 39 colleges according to academic performance of graduating students. Pagan's ties to Merton go back 30 years. He earned a master's degree and doctorate in history from Merton. He intends to use his fellowship to start a new book on early American legal history. His book Anne Orthwood's Bastard: Sex and Law in Early Virginia was published recently by Oxford University Press. (See page 18.)

"Under Dean Pagan's leadership," Aprille said, "the school has experienced great progress in fundraising, student recruitment, and the academic and placement success of students. The school's ranking has advanced and bar passage rates are at an all-time high. The school is well-positioned for further success in the years to come."
Billings delivers Emroch lecture

In its early years, the colony of Virginia was governed by a small group of leaders with little political experience who would lay the groundwork for the government that would eventually lead the United States.

These early Virginia leaders and the process by which they helped form the government was the subject of the 16th annual Emanuel Emroch Lecture delivered October 16 by Warren M. Billings, the visiting Williams Professor at the law school.

In his lecture, Billings focused on the foundation and development of the Virginia "parliament" in the Colonial era when Virginia was a society of immigrants. A seat in that first General Assembly, which convened in 1619, offered amazing opportunities to shape the colony.

And yet "we know so very little about them," Billings said of those earliest politicians, legislators and governors. So few left diaries, portraits, papers and letters that "it's as though many of them exist in the ether."

A nationally known authority in the field of legal history, Billings titled his lecture "Properties of the Elephant: Members of the Virginia General Assembly 1619-1700." Billings serves as Distinguished Professor of History at the University of New Orleans. Billings received his bachelor's degree in history from the College of William and Mary, his master's in history from the University of Pittsburgh and his doctorate in history from Northern Illinois University.

He is recognized as a prolific writer and archivist who specializes in the fields of early, and Revolutionary America, American legal history, and documentary editing. His book A Little Parliament, which is about the history of the Virginia General Assembly, is due to be published by the Library of Virginia in the next year.

In his lecture, Billings said his studies of Colonial records indicate that "networks of kin" influenced Virginia's early history. Often widows, sisters and daughters, through marriages, were the key to those networks even though women could not vote.

In many ways, electoral politics of that era was different from today, he said. Because the population was so small and settlements so "intimate," those who stood for office had to be personally familiar to voters unlike today when voters rarely see office-seekers in person. "They would rub elbows with their voters at church on Sunday," he said.

Service also was onerous due to the hardships posed by travel, and turnover among the legislature's membership was constant. Those who served the longest terms seem to have been people who lived near Jamestown so they were able to come and go easily.

While legislation written in those earliest years often looks like the work of neophytes, by 1705, the work of elected officials was much improved, and America's tradition of self-governance was set.

"They drew on what they knew, or thought they knew" and "did a lot of learning as they went," Billings said.

The Emroch Lecture Series was established by the late Emanuel Emroch, R'28, L'31, his wife Bertha and their friends and associates. Walter Emroch, the Emroch's son and a prominent Richmond lawyer, was on hand for the lecture.

Schlesinger named Commencement speaker

Judge Harvey E. Schlesinger, L'65, of the U.S. District Court, Middle District of Florida, will be this year's commencement speaker. Judge Schlesinger, who was appointed to the federal court in 1991 by President George Bush, has led a distinguished career as corporate counsel for the Seaboard Coast Line Railroad (CSX), chief assistant U.S. attorney for the Middle District of Florida, U.S. Magistrate Judge, and adjunct professor at the University of North Florida. He also has served as chairman of the U.S. District Court Forms Task Force, and is a member of the Judicial Conference Advisory Committee on the Administration of the Magistrate Judges System. He is a recipient of the Law School's William Green Award for Professional Excellence.
FOR THE RECORD

Bar pass rate continues to rise

<table>
<thead>
<tr>
<th>School</th>
<th>First Time Pass Rate</th>
<th>Overall Pass Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richmond</td>
<td>86.4%</td>
<td>80%</td>
</tr>
<tr>
<td>Statewide</td>
<td>77%</td>
<td>70%</td>
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</tbody>
</table>

Richmond Law graduates who took the Virginia bar exam last July succeeded at a significantly higher rate than test-takers statewide.

Richmond's pass rate was 80 percent compared with the overall statewide success rate of 70 percent. The 10 percent margin is the largest since 1983, when Richmond students beat the overall rate by 13.3 percent.

First-time test takers from Richmond also scored a noteworthy success. The statewide rate for first timers who received their degrees from ABA-accredited law schools was 77 percent. Richmond's rate was 86.4 percent. This 9.4 percent margin was the second greatest for the law school's graduates since 1983 when it was 11 percent. In 1995, the margin was 9.6 percent.

There are numerous success stories to be found in the 2002 statistics. The first-time pass rate for the top three quarters of the graduating class was a near-perfect 97.4 percent.

Law Dean John R. Pagan gave much of the credit for the improvement to the law school's Academic Success Program, which is directed by Professor Emmeline Paulette Reeves. This voluntary program is designed to enhance students' academic skills while preparing them for the bar examination. It includes seminars and one-on-one tutorials.

In congratulating graduates and faculty, Dean Pagan said, "Virginia has one of the most competitive markets for legal education in the nation, and it is gratifying indeed to see our students thrive in this environment."

Recent student accomplishments

Delphine Pioffret, '02, received honorable mention recognition in a national writing competition on tax policy. The award was made in the Tannenwald Writing Competition, co-sponsored by the Tannenwald Foundation and the American College of Tax Counsel. It was open to law students in JD and LLM programs throughout the United States. Pioffret was recognized alongside winners from New York University, Harvard University, Georgetown University, the University of Texas and Wake Forest University. Her paper, which dealt with the World Trade Organization appellate body's ruling against the U.S. export-contingent tax subsidies, was written as an independent study project. Pioffret is an associate with Crenshaw, Ware & Martin in Norfolk, Va.

A comment by Noelle Hicks, '03, will be published in the Brooklyn Journal of International Law. The comment is titled "Facilitating International Trade: The United States Needs Federal Legislation Governing the Enforcement of Foreign Judgments." A version of the paper also won first prize in the Virginia State Bar International Section Writing Competition and the Andrew P. Vance Memorial Writing Competition. As a result of her work, Hicks has been invited to a meeting of the Customs and International Trade Bar Association and the judiciary of the International Court of Trade, where the Vance award will be presented.

Philip Stupak, '04, has been elected circuit governor of the law student division of the 4th Circuit Court, which includes Virginia, West Virginia, Maryland, North Carolina and South Carolina. He also will take a seat on the national board of governors of the ABA's law student division.

Appellate Panel Hears Arguments

A panel of judges from the Richmond-based 4th U.S. Circuit Court of Appeals moved into the University of Richmond School of Law's moot court room in February to hear oral arguments. Pictured are (from left) Judge Robert B. King of Charleston, W.Va., Dean John R. Pagan, Judge M. Blane Michael of Charleston, W.Va., Judge William B. Traxler Jr. of Greenville, S.C., and Rodney A. Smolla, Allen Professor of Law and incoming dean of the law school. The court considers appeals of cases from a circuit that includes Virginia, Maryland, West Virginia, North Carolina and South Carolina. This is the second consecutive year that it has convened at the law school.
Austin Owen lecture focuses on improving corporate governance

The scandals that have rocked corporate America should provide opportunities to re-energize board rooms to lead U.S. businesses toward the best corporate governance in the world.

Stephen M. Davis, an internationally recognized pioneer in the field of corporate governance, said these scandals, which have been coming to public view with startling frequency, are creating a convergence of thought. As a result, businesses are undertaking many reforms and many more are possible.

The central focus of the reform movement should be on board rooms, where directors must be independent; on regulations handed down by government; and on investors, who must be far more active in the governance of companies in which they own shares.

Davis delivered his remarks as the 11th annual Austin Owen Lecture, which was established to honor the late Hon. Austin E. Owen, L'50. The lecture was the keynote address to the seminar "Corporate Governance in Emerging Markets of the Global Village." Davis led off an afternoon of talks, seminars and discussions that included experts on ethics and accountability as well as on business practices in the Middle East, Latin and South America, and Asia. The seminar was presented by the Richmond Journal of Global Law & Business.

Davis, president of Davis Global Advisors Inc. of Newton, Mass., has advised institutional investors, business executives, stock exchanges, governmental bodies and international organizations including the World Bank. He was nominated for a Pulitzer Prize for his book Shareholder Rights Abroad: A Handbook for the Global Investor, in which he compared corporate governance practices in top international markets.

Davis said some of the regulatory changes that are being discussed and implemented should include independent groups to monitor sometimes too-cozy businesses such as large corporations, accounting firms, brokerages and banks. But to be effective, watchdog agencies need to be free from partisan political taint.

He also warned that government should not set into law regulations that could hamper entrepreneurship and creativity.

Davis also had strong words for shareholders, who are increasingly submerged within institutional investors like pension funds and mutual funds.

"Think accountability. Think who owns the board rooms," he said. Shareholders must make themselves aware of how these institutional investors vote on corporate affairs. They should ask what principles guide these investors. To achieve real control of their funds, shareholders will need to demand changes in their governance to provide sunlight on how decisions are made and to develop new ways to monitor the activities of corporations in which funds invest on their behalf.

Boards of directors need to be energized and their architecture redesigned, Davis said. Where "imperial" CEO's also serve as board chairs, which is true for 80 percent of U.S. companies, integrity will be at issue, Davis said. The board and CEO have separate roles and the board should be free to hire and fire the CEO.

Davis also said that directors need more training for their role so that they understand such important aspects of business operations as accounting.

In the end, the best corporate governance practices will improve business operations and help the bottom line, Davis said. Boards that do better at corporate governance will have access to capital at cheaper rates, and investors will be willing to pay a premium for their shares.

"That's a big reason to improve," Davis said. "In the end, it makes you more competitive."
As one of the nation’s leading First Amendment advocates, Allen Professor Rodney Smolla understands that burden as well as anyone. No doubt he felt it keenly at 10:31 a.m. on Dec. 11, 2002, when he rose before a packed gallery in the U.S. Supreme Court to argue that the First Amendment protects symbolic speech, even when the symbol is as repulsive as a Klansman’s burning cross.

*Virginia v. Black* was Smolla’s first oral argument before the Supreme Court, but his appearance on the national stage of First Amendment controversy was nothing new. Among academics, Smolla has long been
regarded as a leading First Amendment voice. His publications include a widely-used casebook, top law review articles, plays, short stories, a forthcoming novel, and a nonfiction work that became the script for a popular movie. As a litigator of two decades experience, he has argued First Amendment appeals in dozens of state and federal courts around the nation. Early in his career, he had a knack for finding big First Amendment cases. These days, such cases find him.

Smolla first encountered the case of Barry Elton Black in September 1998. A month earlier, Black had led a Ku Klux Klan rally on a Carroll County farm, where he ignited a thirty-foot cross that was visible from a three-quarter mile stretch of public highway. Charged under a Virginia statute that makes it a felony to burn a cross “with the intent of intimidating any person,” Black asked the Virginia Chapter of the American Civil Liberties Union to take his case. Along with Richmond criminal defense lawyer David Baugh, Smolla sat on an ACLU committee that considered the request. Baugh stepped forward to represent Black at trial, while Smolla agreed to handle any resulting appeals. Both Baugh and Smolla served pro bono. Smolla took the case partly out of admiration for Baugh, an African-American, who had the courage to represent a white racist in a highly visible case. And — as Smolla later remarked — he took the case to prove a point: “Freedom of speech only matters where the speech is unpopular.”

Over the course of three years, Smolla briefed and argued Black’s appeals, first to the Virginia Court of Appeals, then to the Supreme Court of Virginia, where the case was consolidated after oral argument with a separate appeal from Virginia Beach. In that case, two youths had been convicted under the same Virginia cross-burning statute for trying to burn a small wooden cross in the yard of an African-American neighbor. On Nov. 2, 2001, by the narrow margin of 4 to 3, the Supreme Court of Virginia reversed all three convictions. The Virginia decision immediately attracted widespread attention. Many misunderstood its effect, wrongly concluding that it left law enforcement powerless to stop those who use the burning cross as a
SMOLLA ARGUES BEFORE THE HIGHEST COURT

tool of intimidation. In fact, the Virginia Supreme Court struck down the statute on a far more limited ground, holding that it violated the First Amendment because it singled out a particular form of symbolic speech — cross-burning — based solely on the speaker's point of view, while it left other forms of threatening speech untouched. Indeed, even as Virginia's attorney general sought to appeal the Black decision to the U.S. Supreme Court, the General Assembly enacted new legislation that avoided the First Amendment issue simply by making it a crime to burn "an object" for the purpose of intimidation.

The landscape of First Amendment law is mapped in broad strokes, and Virginia's decision fell into a troubled no-man's-land. The U.S. Supreme Court had struck down a Minnesota cross-burning statute 10 years earlier in R.A.V. v. City of St. Paul, 505 U.S. 377 (1992), but that opinion left more questions than answers. In 10 years, courts in four states had invalidated cross-burning statutes, while three state supreme courts had upheld them. When the Supreme Court granted certiorari in Virginia v. Black, the stage was set to settle that controversy. And the case carried much broader First Amendment implications. The line between true threats and intimidating conduct — which the law can punish — on the one hand, and obnoxious or hateful speech — which the First Amendment protects — on the other, has never been a simple line to draw. Symbolic speech — like a burning American flag, a burning draft card or a burning cross — only magnifies the line-drawing problem. Symbols are powerful rhetorical devices, but they can be ambiguous. And the use of a symbol blurs any easy distinction between speech and conduct. Given the high stakes, it was not surprising when 15 states filed amicus briefs in support of Virginia's statute, while First Amendment interest groups as diverse as the Thomas Jefferson Center for the Protection of Free Expression and the Rutherford Institute filed briefs urging the Court to strike down the cross-burning statute. The Solicitor General of the United States filed an amicus brief as well, largely to protect the government's ability to prosecute cross burning under federal civil rights statutes.

In a case of such national note, preparation for oral argument is not a solitary affair. With the aid of colleagues around the country, Smolla organized a series of "mootings." Before he faced the real court, Smolla was grilled five times by panels featuring retired federal judges, former Supreme Court clerks and noted academics. Closer to home, University law faculty joined Smolla's students in the moot courtroom to play roles as Supreme Court justices, peppered Smolla with tough questions. Undergraduates participated too, in a student forum at the Jepson School. There, Smolla learned that non-lawyers were moved more by the terrifying symbolism of the burning cross than by the niceties of First Amendment line-drawing.

A lunchtime debate with the law school's John Marshall scholars was especially productive. Smolla presented one of the government's most compelling arguments: that cross-burning could be outlawed because a burning cross is, by definition, a threat of violence, and real threats can be punished without violating the First Amendment. A student responded with a hypothetical. What if, the student asked, a terrorist group invented a symbol which it used solely as a calling card before acts of violence? What if, years later, a dissident political group adopted the same symbol for the purpose of shocking audiences and calling attention to its political message?

The point was subtle but significant. Symbols are not static. One generation's threat may be another's political manifesto. To outlaw the symbol itself, for all time, is to ignore the reality that symbols, like spoken words, can change meaning over time. Smolla liked the argument, and it became part of his arsenal for December 11. He would need it, and more.

The early morning of December 11 brought an ice storm to Washington, D.C., enough to convince Richmonders to try Amtrak, rather than I-95. The Washington press corps arrived in taxicabs, with badges announcing their pedigrees in large print — ABC, CBS, CNN, Los Angeles Times — as they crammed through the metal detectors at the court's north entrance. The reporters had the luxury of a cup of coffee in the pressroom, where a sign occupying most of a wall read: "Amendment I: Congress shall make no law...abridging the freedom of speech, or of the press." It was an omen, perhaps, but one never seen by counsel, who shook off their overcoats then headed up marble steps and through the immense oak doors that separate the Great Hall from the Supreme Court Chamber.

The room was beginning to fill as Smolla took the respondent's seat just to the left of counsel's podium. Ten feet in front of him rose the court's bench, polished mahogany spreading 60 feet from side to side to accommodate nine black leather chairs. It seemed designed to leave counsel surrounded, unable to see justices at one end while responding to a question from the other flank. Today, that effect would be magnified by the absence of Chief Justice William Rehnquist, whose recuperation from surgery would leave the advocates standing before an empty seat, with four black robes looming on either side. The gavel sounded at 10:02 a.m.

The argument began routinely enough. Virginia's state solicitor, William Hurd, seized the opening moment to argue that the Virginia statute was aimed at threaten-
Symbols are powerful rhetorical devices, but they can be ambiguous.
And the use of a symbol blurs any easy distinction between speech and conduct.

ing conduct, not at the content of the cross-burner’s obnoxious message.

“Our statute,” Hurd argued, “does not ban all cross-burning, only cross-burning used to threaten bodily harm.” Justice Sandra Day O’Connor turned the argument into a trap, pointing out a “troublesome” passage in the statute that allowed juries to infer an “intent to intimidate” from the act of cross-burning alone. Her question set the tone for the next 15 minutes, which occupied Hurd largely in a technical debate over inferences and jury instructions. As Hurd sat down, it seemed that the court might be headed toward a narrow decision, striking down the statute that allowed juries to infer an intent to threaten bodily harm.

Smolla stepped to the podium without notes, knowing he would have no time to look at them. The next 30 minutes would be the most intense of his career as an advocate, and he wanted to focus on the justices. He was less than a full sentence into the argument when Justice Antonin Scalia picked up on Thomas’s theme, comparing a burning cross to a brandished firearm. Justice David H. Souter joined in, “How does your argument account for the fact that the cross has acquired a potency... at least equal to that of a gun?” Scalia piled on, “If you were a black man at night, you’d rather see a man with a rifle than see a burning cross on your front lawn.”

Struggling to defuse the emotion of the moment, Smolla responded in a measured tone, “I totally accept the history that Justice Thomas has recounted.” Then he redirected the argument.

“As powerful as all of those points are, there’s not a single interest that society seeks to protect [by banning cross-burning] that cannot be vindicated... as well... by content-neutral alternatives.” The tactic worked, at least momentarily, as the discussion shifted to the court’s decision in R.A.V. But as his time wound down, Smolla sensed he had to confront the history of cross-burning head on. He turned to the hypothetical he had vetted mid-sentence while nodding, “You have a very interesting point.”

The exchange offered Smolla a moment’s opening to drive home his theme. Yes, historically cross-burning has been about intimidation. But it can also convey ideas. While the government may punish threats of violence that may accompany cross burning, Smolla argued, it must do so without punishing the political and social message of the cross-burner, no matter how offensive and hateful the content of that message.

Moments after the argument ended, pundits stood in the icy rain on the courthouse steps, recounting Justice Thomas’s passionate speech and speculating that it signaled the court’s willingness to ban cross-burning. Surrounded by staff members, Virginia Attorney General Jerry Kilgore spoke to a television audience about “freedom from fear.” Smolla faced the cameras alone and responded, “The point of the First Amendment is that we protect even the ideas that most of us find reprehensible.”

Oral arguments are an imperfect window into the Supreme Court’s decision-making process. The court’s final word will come later this spring. When the courtroom drama ended in Virginia v. Black, only one thing was clear: defending free speech is not for the faint of heart. In the court’s basement cafeteria, Smolla had less than an hour to unwind before appearing for a panel discussion with the National Association of Attorneys General. His afternoon was already filled with scheduled interviews and talk show appearances, and his cell phone was crowded with requests for more. A friend asked what it felt like to argue before the high court. “Like walking into a buzz saw,” Smolla quipped. “But I’d do it again tomorrow.”

In all likelihood, he will.

John G. Douglass was a lawyer in private practice and a federal prosecutor before joining the law school faculty.

Spring 2003 9
Judicial Independence

Political pressures, cynicism threaten judiciary

By Karl Rhodes

It was the trial of the century – bigger than the Scopes monkey trial, bigger than the Lindbergh baby, bigger even than O.J. Simpson. Dignitaries from across the nation pressed into the Virginia Capitol to see the former vice president of the United States stand trial for treason. Aaron Burr's accusers were led by President Thomas Jefferson, who wanted to see him hang for his alleged attempts to start his own country in the southwest frontier.

The judge was none other than Chief Justice John Marshall, the first chief justice to assert the full constitutional power and independence of the U.S. Supreme Court. But in this case, Marshall's judicial independence was highly suspect. Marshall and Jefferson were fierce political rivals, and to make matters worse, Marshall attended a dinner party with Burr and his defense attorney during the trial.

Judicial independence in the United States has come a long way since Burr was acquitted in 1807, but today's legal scholars are concerned that the American judicial system is rapidly returning to the days when it was difficult to distinguish between political decisions and judicial decisions.

At a recent seminar hosted by the University of Richmond School of Law, three prominent legal scholars expressed concern that judicial independence is seriously threatened by the increasingly partisan processes used to select judges and justices. Co-sponsored by the Richmond Bar Association, the seminar was a tribute to Harry L. Carrico, who recently retired as chief justice of the Virginia Supreme Court.
Cameo, who served on Virginia's high court for 42 years, said: "I wouldn't have had the job if I had to run for it."

"I just can't get past the idea that you have to be absolutely impartial, but to get the job, you have to accept some money. It seems to me that one of two things is bound to occur: Either you're going to favor your contributors, or you're going to bend over backwards to not favor them."

According to the Brennan Center for Justice at New York University School of Law, 80 percent of state judges must stand for some form of popular election, and expensive television advertising plays a pivotal role in many of those elections. Candidates used television advertising in 11 races for state supreme courts in November, and in all but one of those elections, the candidate with the most TV advertising won.

"The spread of television advertising into more than twice as many states since 2000 does not bode well for judicial elections," said Deborah Goldberg, deputy director of the Brennan Center's democracy program. "The public already believes that we have two systems of justice — one for those with money and one for those without. TV ads are expensive, and as money becomes more important to these elections, that cynicism can only grow."

Cynicism is the single biggest threat to judicial independence, said H. Jefferson Powell, professor of law and divinity at Duke University and one of the panelists at the Richmond Law seminar. Cynicism among the general public is bad enough, Powell said, but it's even worse when it encroaches upon the legal profession. "We've had a significant decline in the confidence that lawyers have in the differentiation between judicial decisions and political decisions."

Carrico attributed that perception to judicial elections in general and to comments made on campaign trails specifically. He mentioned one candidate in particular who during a campaign bluntly stated: "I'm a plaintiffs' judge."

According to Powell, judicial campaigns will become even more partisan in the wake of last year's ruling by the U.S. Supreme Court in Republican Party of Minnesota v. White, which involved the chairwoman of the Minnesota Board of Judicial Standards. In that case the Supreme Court held that judicial candidates could not be sanctioned for speaking out on substantive issues during their campaigns.

Most of the 40 states that hold popular elections for judges had adhered to "announce clauses" — ethics rules that prevented judicial candidates from announcing their positions on contested legal or political issues. But Associate Justice Antonin Scalia, expressing the opinion of the court's 5-4 majority, held that these rules violate the candidates' First Amendment rights.

"There is an obvious tension between Minnesota's constitution, which requires judicial elections, and the announce clause, which places most subjects of

"Either you're going to favor your contributors, or you're going to bend over backwards to not favor them."

Harry L. Carrico
"The public already believes that we have two systems of justice — one for those with money and one for those without."

Deborah Goldberg

interest to the voters off limits," Scalia wrote. "The First Amendment does not permit Minnesota to leave the principle of elections in place while preventing candidates from discussing what the elections are about."

Scalia was joined in the majority by Chief Justice William Rehnquist, who delivered the keynote address to the Richmond seminar. Rehnquist did not comment on the ruling, but the panelists who followed him had plenty to say on the subject. (See related story, page 14.)

"With all due respect to the Supreme Court and the First Amendment, judges have always had to forego some of their rights to hold the very precious position of adjudicator," said Professor Penny J. White of the University of Tennessee School of Law.

White’s experience with judicial independence is more personal than the other panelists’. She was removed from the Tennessee Supreme Court in 1994 following a highly politicized judicial campaign. "The governor and both U.S. senators were personally involved in the campaign against me," White recalled. "It wasn’t a subtle thing at all."

White was appointed to the Tennessee Supreme Court by the previous governor, and she had served on the high court just 17 months when she joined in a decision to order a new sentencing for a death row convict. The decision was unanimous, and by all accounts it was technically correct, but it did not sit well with many voters in Tennessee. In a related ruling, White joined a 3-2 majority that said the facts presented in the trial did not show beyond a reasonable doubt that the crime was sufficiently heinous to warrant the death penalty.

The second ruling had little substantive impact on the case, but it touched off a political firestorm, and White was the only justice who was up for election. Portrayed as being against the death penalty, she failed to win a majority of votes and lost her seat on the court. The campaign rhetoric revolved around capital punishment, White said, "but it was more about emptying a seat for the governor to fill."

Throughout the campaign, White remained silent about her personal views on capital punishment, citing canons that prevented judicial candidates from commenting on pending cases or contested issues. "You can call it an 'out' if you want to, but it’s an important out," White insisted.

With the new U.S. Supreme Court ruling, however, it will be more difficult for judicial candidates to get elected without disclosing their positions on hot-button issues ranging from crime and capital punishment to affirmative action and abortion. "It’s terribly unfair to ask how you would vote on a particular question," Carrico said. "You have to wait until you hear the arguments, and then you do your studying."

Powell, the professor from Duke, noted that federal judges and justices are better insulated from political pressures because they enjoy lifetime appointments and because Congress cannot cut their salaries. Nominated by the president and confirmed by the U.S.
Senate, federal judges don't have to stand for election, but they often are subject to various political and ideological litmus tests along the way.

In recent years, a Republican-controlled Senate routinely blocked President Bill Clinton's judicial nominees, and when Democrats gained control of the Senate, they returned the favor to President George W. Bush. Holding up nominations in the Senate is often cited as a threat to judicial independence, and "it's just plain wrong," Carrico said. "You should look for the best qualified person for the job regardless of party affiliation."

That's the ideal, but partisan politics have always played a major role in judicial appointments in the United States. In 1800, the U.S. Supreme Court was stacked with pro-Federalist justices appointed by President George Washington and President John Adams, noted Kenneth W. Starr in his book about the Supreme Court First Among Equals. "Notwithstanding his lame-duck status, President Adams ... nominated a brilliant, loyal Federalist from Virginia, John Marshall, to become chief justice," wrote Starr, a former federal judge and one of the seminar panelists. "Adams also rushed through nominations of other judges to the lower courts. The 'midnight appointees,' as they came to be known, were destined to dominate the federal courts for years."

But in Marbury v. Madison, the landmark case that established the concepts of judicial review and judicial independence, Marshall ruled against William Marbury, a fellow Federalist and another one of Adams' "midnight appointees."

Adams had nominated Marbury to become a justice of the peace in the District of Columbia, and Marshall (in his previous capacity as secretary of state) had signed Marbury's commission. When the new secretary of state, James Madison, refused to deliver the commission, Marbury invoked a provision in the Judiciary Act of 1789 to bring his case directly to the U.S. Supreme Court. "Marbury doubtless entered the high court brimming with optimism," Starr wrote. "This was, after all, a Federalist bench from top to bottom." But Marshall surely disappointed his Federalist comrade by concluding that the Supreme Court had no jurisdiction in the case. He pointed out that the Judiciary Act of 1789 was unconstitutional insofar as it gave original jurisdiction to the Supreme Court in cases that were not specified by the Constitution.

Even though Marshall's decision favored Jefferson's secretary of state, it infuriated the president because it asserted the high court's power to strike down laws that had been passed by Congress and signed by the president. Jefferson viewed all three branches of government as co-equals, Starr wrote, and Marshall's decision made the federal judiciary "first among equals."

"If Jefferson would have had his way, he would have impeached Marshall and the entire federal judiciary," said Carrico. But no one was impeached and the decision stood. And that is the ultimate test of judicial independence, said Powell. "We have had almost 200 years of congressional and presidential acquiescence to what Federal judges do. In other words, their orders are carried out."

Karl Rhodes is a free-lance writer based in Richmond.

"...Judges have always had to forego some of their rights to hold the very precious position of adjudicator."

Penny J. White
Two Chiefs
TWO CHIEFS

Carrico, Rehnquist honored at Law School events; Symposium considers threats to judicial independence

By Rob Walker

A distinguished collection of legal talent led by Chief Justice William H. Rehnquist of the U.S. Supreme Court convened at the University of Richmond recently to dissect a critical issue facing the judiciary and to celebrate an historic career.

This extraordinary convention of scholars, judges, lawyers and students came to campus on a misty March day to make a powerful case for the continued independence of judges in America at a time when that independence is increasingly under attack.

And they came to pay tribute to an old friend, Chief Justice Harry L. Carrico of the Virginia Supreme Court. Carrico retired in January after a long and distinguished career.

The University of Richmond School of Law and the Richmond Bar Association sponsored the day’s events.

With Rehnquist leading the way, those gathered gave heartfelt thanks to Carrico, whose 42 years on Virginia's highest court have been characterized by professional excellence, intellectual honesty, even temperament, and by independence.

In emotion-filled remarks at the end of the day, Carrico said, “I feel like I ought to pinch myself to make sure this is really true, that this is really happening to me. This is way beyond my expectations.”

Of Rehnquist’s presence, he said to the justice, “I can’t tell you how much it means to me, sir. It is not only an honor to me but it is an honor to Virginia to have you here.”

The day began with Rehnquist being awarded the law school's highest honor, the William Green Award for Professional Excellence, at the 20th annual Scholarship Luncheon at the Jepson Alumni Center. Scholarship donors and recipients, as well as several previous recipients of the Green award, were among those attending.

In presenting the award, University President William E. Cooper praised Rehnquist for setting an example for all Americans with "a career characterized by the pursuit of excellence."

"No jurist save John Marshall has played a more important role in shaping the jurisprudence of his time," Cooper said.

In accepting the award, Rehnquist said he was pleased to "recommend the law as the ideal combination of a career that offers the ability to earn a decent income and support your family, and still have something of a life of the mind."

After the luncheon, Rehnquist and Carrico moved to the Modlin Center for the Arts for the symposium on judicial independence that featured an address by Rehnquist and a panel discussion. Timothy L. Sullivan, president of the College of William and Mary, served as moderator.
I believe the creation of an independent constitutional court, with the authority to declare unconstitutional laws passed by the state or federal legislatures, is probably the most significant single contribution the United States has made to the art of government.

— William H. Rehnquist

The panel included H. Jefferson Powell, professor at the Duke University School of Law and an authority on judicial independence and constitutional law; Kenneth W. Starr, a partner with the firm Kirkland & Ellis PC, former independent counsel, former solicitor general of the United States, and former federal judge; and Penny J. White, professor at the University of Tennessee College of Law and a former Tennessee Supreme Court justice.

Each offered a different perspective on the threats to judicial independence. Each said the threat is real and substantial.

The symposium took place before a near-capacity crowd at Camp Concert Hall. Judge J. Harvie Wilkinson III, chief judge of the 4th U.S. Circuit Court of Appeals, introduced Rehnquist as "among the greatest chief justices in American history" and as "a tennis player who does not like his partner to poach at the net."

In his keynote address, Rehnquist described the concept of judicial independence as "entirely novel" when it was established by the founding fathers.

There have been instances in American history in which the independence of the federal courts faced "significant challenges," but each has been turned back, he said. He expects there will be further challenges, and those are likely to come from the other branches of government. Preservation of judicial independence will depend to a large extent on the public’s respect for the judiciary, Rehnquist said.

During the panel discussion, White offered passionate arguments in favor of judicial independence along with dire warnings about its erosion. White, who lost a seat on the Tennessee Supreme Court after a highly politicized campaign against her over a death penalty case, said, "These are dangerous times, for the independence of judges is under attack." (See related story, page 10.)

"In state after state," particularly where judges must stand for election, "selection and retention of judges are being hijacked" by interest groups that raise huge sums of money that they offer those willing to state favorable opinions on issues likely to come before the court.

In increasing numbers, these judges are dangerously close to becoming "politicians in black robes," White said. She also criticized a recent Supreme Court ruling in a Minnesota case, in which Rehnquist joined the majority. The ruling held that judicial candidates could not be sanctioned for speaking on substantive issues during a campaign. In that case, White said, the high court "blurred the distinction between judicial office and elective office. Judges [during election campaigns] feel free, even forced to announce their views" on issues that may come before them in the courtroom. Such "announcements of views" will be seen as a commitment to rulings that should never be made before a case is heard, she said.

Starr warned of "legislative intrusions" or "power grabbing" that can erode the independence of the judiciary. This conflict between the legislative and judicial branches is most visible in confirmation hearings, he said. There, legislators often demand statements on specific, controversial issues from prospective judges. And the prospects often decline because they see each case as worthy of careful review by an open mind.

Starr also expressed concern that some in the Senate are seeking internal, deliberative memoranda judges write in
formulating opinions. Those memoranda have long been considered protected by executive privilege, and that protection should continue.

Powell took on the argument that the people have a right to know a judge's personal thoughts on matters of controversy. He argued instead that independence from such public proclamations is essential for judges who must take a fair and unbiased look at cases and then act in the public's interest.

"Judges reach conclusions through a process of decision-making that is different from the other branches" of government, Powell said. They must be free from external pressures and from expression of their own predispositions and beliefs.

After the symposium, John C. Jeffries Jr., dean of the University of Virginia Law School, introduced Carrico as "the man of the hour and of the last 42 years." Jeffries spoke of the remarkable changes in technology, in judicial reform, and in the delivery of legal services that have taken place on Carrico's watch. But it will be his unwavering commitment to professionalism and courtesy that will be Carrico's legacy, Jeffries said.

To a spirited standing ovation, Carrico took to the stage with his family and artist Loryn Brazier. Law Dean John R. Pagan unveiled Brazier's portrait of Carrico to cheers and applause. The portrait will hang in the moot courtroom at the law school.

"I didn't start out to break any records," Carrico said. "I just did what I thought I was supposed to do, and I stuck around as long as I did because I loved what I was doing."

Rob Walker is the editor of Richmond Law magazine.
Pagan's book combines social, political, legal history

In his new book, Dean John R. Pagan takes the tragic story of a poor, indentured maid servant and her illegitimate child, and develops a fascinating account of how Virginia Colonial leaders shaped legal doctrines and institutions.

The book is Anne Orthwood's Bastard: Sex and Law in Early Virginia, published by Oxford University Press. It is both a revealing portrait of the cultural, religious and economic values of a 17th century community and a prism through which to view the way in which Virginia colonists took English law and made an American legal system.

The book is "a major contribution to the scholarship of 17th century Virginia," said Warren M. Billings, chair of the history department at the University of New Orleans, who also has written extensively about that period in Virginia history. "It is a combination of social, political and legal history that also happens to be very well written."

"This is wonderful legal scholarship, but it's also a wonderfully detailed description of how the justice system worked" in those years, said Brent Tarter, an editor of the Dictionary of Virginia Biography. "There is remarkably little scholarship from that period from the local level. This is a major addition."

The cast of characters begins with Anne Orthwood, the indentured servant caught in an unacceptable romance. In a tale that is described as "almost operatic in its drama and pathos," the lowly maid servant and her caddish young lover create an illegitimate child, a host of legal problems, and a revealing portrait of a place and time.

Billings, who was at Richmond last year as visiting Williams Professor of Law, said Pagan's book is a good example of "micro history" in which a scholar focuses on one episode and specific individuals, and proceeds from there to explore much larger implications. In this case, the story of the liaison between Anne Orthwood and her lover, through scholarly investigation of published and rich secondary sources, provides new insight into "how people in Virginia adapted the legal inheritances they brought from England to their purposes,

Billings said.

The book sheds light on how the law functioned in an early American community, and on how the men who operated the legal system manipulated the law to their advantage, eventually shaping it to conform to their social and economic goals. Innovative settlers, often working in their own self-interests, fashioned a distinctive legal system by adapting English statutes to the demands of the frontier.

"Within a couple of generations, they had constructed a legal regime far different from England's, a system reflective of the tobacco economy and labor market on which it was based," Pagan wrote.

To reconstruct the story, Pagan researched extensively the oldest continuous series of county court records in the United States — those of Northampton and Accomack counties on Virginia's Eastern Shore — along with English sources such as parish registers. These records include accounts of four legal cases that stem from this illicit relationship that show how colonial law diverged from the English.

Pagan's research and writing show clearly that 17th-century justice was very much a community affair. It allowed people of status "to rule in the king's name while governing in their own interest."

Two themes emerge in the book: first, the peculiar structure of Virginia's economy and labor system account for many of the differences between English and Colonial law, and second, the jurisprudence of early Virginia reflects Colonial leaders' skillful manipulation of legal doctrines and institutions in order to enhance their social status and strengthen their political position.

Through careful and thorough research, Pagan has recreated the lives of real people, showing how they fit into Virginia's evolving social, political and legal systems. "Some of them, like Anne Orthwood, were extremely vulnerable," Tarter said, while others achieved varying levels of respectability and power. Pagan's research reveals how these individuals interacted, Tarter said. It also provides insight into little known details about the developing justice system, such as how justices of the peace went about their work, how deposits were taken, and how the jury system operated.

"It's a remarkably good book," Tarter said.
Ronald J. Bacigal has been chosen to be a reporter of decisions for the Court of Appeals of Virginia for criminal decisions. In that role, he will review the judges' draft opinions and make suggestions about style or about additional cases or analysis to consider.

John Barden, reference librarian with the Law Library, published "Appellate Records and Briefs After the Case is Over," which appears in Virginia Lawyer, December 2002. In the article he discusses the origins of written briefs and the value of records and briefs in research.


Ann C. Hodges published an article in the Wake Forest Law Review entitled "Can Compulsory Arbitration Be Reconciled with Section 7 Rights?"

Robert E. Shepherd Jr. has been selected for the Harry L. Carrico Professionalism Award presented by the Criminal Law Section of the Virginia State Bar. Former Chief Justice Carrico presented the award to Shepherd at a luncheon in Williamsburg with about 500 people in attendance. Shepherd also has been chosen as a Reporter of Decisions for the Court of Appeals of Virginia to review civil opinions. The Virginia CLE has published the second edition of Juvenile Law and Practice in Virginia, which Shepherd edited and co-authored. And he has had two articles published, "Legal Disputes Resolution in Child Custody: Comments on Robert H. Mnookin's 'Resolving Child Custody Disputes' Conference Presentation," 10 Virginia Journal of Social Policy & the Law 92 (2002), and "Girls in the Juvenile Justice System," 9 William & Mary Journal of Women and the Law (2002).

Peter N. Swisher was designated a University of Richmond Distinguished Educator for 2002 by the Board of Trustees. He also published an article "Insurance Causation Issues: the Legacy of Bird v. St. Paul Fire & Marine Insurance Co," as part of an insurance law symposium in 2 Nevada Law Journal 351 (2002). Swisher also has served as an expert witness for one of the 22 insurance companies involved in the World Trade Center insurance coverage litigation.

Gail Zwirner, reference librarian in the Law Library, is co-editor of the new edition of A Guide to Legal Research in Virginia, published by the Virginia CLE Publications. She also wrote the chapter on "Administrative Law" research that appears in the guide. The guide is the most comprehensive and frequently used book on legal research issues in Virginia.

**Rice, al-Hibri address group**

In December, Condoleezza Rice, National Security Advisor to President Bush, joined more than 60 women representing a variety of ethnic backgrounds and affiliations at KARAMAH headquarters in Washington, D.C. KARAMAH: Muslim Women Lawyers for Human Rights, is a non-profit organization founded by Azizah Y. al-Hibri, Richmond law professor. She serves as the organization's president.

The occasion was an iftar dinner that was broadcast internationally. The breaking of the fast was followed by maghreb prayers led by Imamah Sanaa' Afandi. It was the first public prayer in the United States led by a woman imamah. Dr. al-Hibri and Dr. Rice also spoke at the gathering.

Condoleezza Rice (left) and Azizah Y. al-Hibri
A portrait of Oliver W. Hill Sr., H'94, the noted civil rights attorney, was dedicated last fall. Hill is joined here by Associate Dean Kristine Henderson, Reis Alsberry, L'03, and Thor Hoyte, L'03. Alsberry and Hoyte led the drive to honor Hill for his career and for his long association with the Richmond School of Law. The portrait by Elaine Bakston hangs in the Law School atrium.

Cooley named to ‘sniper’ case team

Richmond-based attorney Craig S. Cooley, R'69, G'75, L'77, has been appointed to the defense team that is representing Lee Boyd Malvo, a suspect in the sniper shootings last year that left 13 people dead.

Cooley, who teaches capital murder litigation at the Law School and who has handled about 20 death-penalty trials during his career, was appointed by Judge Jane Marum Roush of Prince William County, Va. Malvo, who faces capital murder charges, is scheduled to go on trial there in November.

Cooley said his principle responsibility will be the penalty phase of the trial, “which we hope to avoid.”

Cooley said the case poses unusual challenges. “Logistically, it will be on a much grander scale than anything I’ve ever done. The great bulk of the mitigation will come from his background in Jamaica and Antigua, which means we have to identify witnesses there, get them here, prepare them, house them. And there is evidence spread all over the United States.”

The fact that Malvo is a foreign national and a juvenile also raises issues, Cooley said. Malvo, who is charged along with John Allen Muhammad, was 17 at the time of the shootings, and the United States has signed treaties that bar the execution of juveniles. Pretrial activity in the case already has drawn intense media coverage.

Every attorney who does criminal defense work has an obligation to do court-appointed work from time to time,” Cooley said. “My experience with a lot of capital cases over the last 26 years and the fact that I teach a course on capital murder defense probably brought me to the judge’s attention. It’s going to be interesting. This case comes with challenges that are different from anything I’ve ever seen.”
1 Mr. And Mrs. Frank Cowan with Jean Tarpley, retired director of law admissions
2 Members of the class of 2001: Thomas Payne, Darmesh Vashec, Doron Samuel-Siegal
3 Christine Varoutsos, Sandy Varoutsos, Elaine Yeatts and Judge George Varoutsos, R'70, L'73
4 Professor Michael Alan Wolf and Judge Archie Yeatts, R'64, L'67
Five alumni have been elected to three-year terms on the Law School Association board of directors. In January, they began serving under John C. Ivins Jr., L'83, board president. The board, which is made up of 24 members, meets three times each year.

Here are the new members of the Law School Association board.

Robert N. Baldwin, R'67 and L'70, executive secretary to the Virginia Supreme Court, assumed the office of state court administrator in 1976. From 1972 to 1974, Baldwin served as assistant dean at the University. During his career, Baldwin has held leadership roles with organizations including the State Justice Institute, the Conference of State Court Administrators, the National Center for State Courts, the American Judicature Society, and the Institute for Judicial Administration, Criminal Justice Services Commission. He has served on the board of governors of the Virginia State Bar's Administrative Law Section and its committee on computers and the law. He was appointed to the Governor's Council on Alcohol and Substance Abuse. Baldwin is married and has two children.

Michael B. Ballato, L'80, has practiced law since January 1995 with Robert K. Caudle Jr., L'72, in Richmond. Their firm is Caudle and Ballato, PC. Over the last 20 years, Ballato has practiced extensively before courts in the metropolitan Richmond area. His is a general legal practice involving a wide variety of collections matters. Ballato is a member of the Virginia Creditor's Bar Association. He served from 1994 to 1998 on the executive board of the Richmond Bar Association, after serving as chair of its Young Lawyers Section. He is a board member of both the Richmond and Henrico County police memorial foundations. He was chair of the T.C. Williams Law School annual fund from 1991 to 1995. And he has been a Virginia CLE lecturer. A single parent, Ballato is raising an 11-year-old son.

L'87, in the firm Barnes and Barnes PC in Chatham, N.J. A civil trial attorney, Barnes specializes in complex medical malpractice cases and catastrophic personal injury litigation. He was named one of the top personal injury lawyers in New Jersey by New Jersey Monthly magazine. Barnes has been a frequent lecturer to law associations on topics such as wrongful death litigation, trying medical malpractice cases, handling personal injury cases, and on litigation involving fields including cancer medicine, obstetrics and perinatology. He works with the Trial Lawyers Care program, which renders pro bono legal services to victims of the September 11 terrorist attacks, as well as with providers of legal services for the needy. Barnes has two sons.

Pamela S. Bellemann, B'83 and L'86, is a partner with the firm Troutman Sanders LLP in Richmond. Her practice focuses on commercial development and real estate investments. It includes development, construction, acquisition, sale and leasing of commercial property, construction law, land use and zoning. Bellemann has been active in a variety of divisions and committees with the American Bar Association, the Virginia Bar Association, the Virginia State Bar and the Richmond Bar, as well as the Metropolitan Richmond Women's Bar Association. She has presented "Anatomy of a Mortgage" to the ABA's foreclosures and bankruptcies committee. She served as president of the board of directors of the YWCA and is a member of its advisory council. She is on the board of directors of the University's E. Claiborne Robins School of Business Administration Alumni Association.

Timothy L. Barnes, L'78, practices law with his brother Jeff Barnes, William E. Phillips, R'82, L'85, went to work upon graduation from law school with the firm Edmunds and Williams PC in Lynchburg, Va., and was made a partner with that firm in 1990. His practice focuses on civil litigation with an emphasis on insurance defense work. He also is involved in commercial litigation, including construction litigation. Phillips also represents employers in unemployment compensation hearings. Phillips has been active in the Lynchburg Bar Association, the Virginia Association of Defense Attorneys and the Defense Research Institute. He serves as co-chair of the University's Lynchburg-area alumni chapter. He is married to Margaret Nelson Phillips, L'87.
CLASS ACTIONS

'50s

Vasil Fisanick, L’50, of Northern Cambria, Pa., is retiring as senior partner in the law firm of Fisanick, Solomon & Fisanick. He has been a member of the Virginia Bar Association for 52 years and a member of the Pennsylvania Bar Association for 51 years. Fisanick served as deputy attorney general and administrative law judge during his career as an attorney. He and his late wife, Rita, have four children, Christian, Rebecca, Basil and Daria.

Arthur A. McDonald Jr., L’52, became voluntarily inactive from the North Carolina Bar in January 2000, one month before his 81st birthday. In what he considers record time, he was able to clear his work in the courthouse by the following July. He and his wife, Eleanor Anne, live in Durham and their son, Arthur III, is employed with Tivoli-IBM.

James C. Roberts, L’57, and a past University trustee, is a member of the newly created Advancement Council of the Virginia Commonwealth University School of Nursing.

'60s

Alfred Bernard II, L’65, along with James T. Lloyd Jr., L’84, and Philip R. Trapani Jr., L’69, celebrated the fifth anniversary of their firm, Trapani, Bernard & Lloyd, PLC. In January 2002, Bernard began serving as one of two Norfolk, Va., commissioners of account.

Walter McFarlane, L’66, superintendent of the Virginia’s Department of Correctional Education, has been appointed to the governor’s corrections facility task force.

John Rocovich, L’67, has been named president of the Virginia Tech Alumni Association.

R. Carter Scott, L’67, is a member of the advisory board for the Virginia Biotechnology Initiative. He also has been named president of the Venture Forum.

James L. Axelle Jr., L’68, is a board alternate for the Greater Richmond Partnership Inc. He was recognized as Virginia’s top lobbying/regulatory lawyer by Virginia Business magazine in the December 2002 issue.

'70s

John S. Barr, L’70, has been elected to the Virginia State Bar Council to represent the 13th Judicial Circuit of the city of Richmond. He also has been elected to the board of trustees at Averett University.

Michael S. Ferguson, B’67, L’70, continues his practice in Roanoke on a “more leisurely” schedule. Ferguson works primarily in wills and estates, and small corporate representation. He has served the Salem-Roanoke County Bar Association as president, and was an adjunct professor at Virginia Western Community College.

Thomas F. Hancock III, L’70, is a principal of Hancock, Daniel, Johnson & Nagle PLC.

Edward D. Barnes, L’72, has been elected to the board of governors of the Virginia State Bar Family Law Section. He is listed again in the most recent edition of the Best Lawyers in America (2002-2003).

John J. Davies, L’73, was appointed to the Commonwealth Transportation Board.

David S. Hay, L’74, has relocated his law practice within the city of Virginia Beach, Va. His practice focuses on real estate, environmental, zoning and land use matters, as well and traffic and criminal issues. He had been with the Virginia Beach city attorney’s office, where he served for 22 years as assistant deputy and senior assistant city attorney. He and his wife, Sue, live in Virginia Beach with their children, Patrick and Amy.

Thomas T. Palmer, R’71 and L’74, is a principal of Hancock, Daniel, Johnson & Nagle PLC, in the firm’s Roanoke, Va., office.

John F. Cowley, L’75, district attorney for Tioga County, Pa., has been elected president of the Pennsylvania District Attorney’s Association.

David B. Beach, L’76, retired in July 2002 as clerk of the Virginia Supreme Court, a position he had held since 1984. Beach joined the court as staff attorney upon graduation from law school. He later was named chief deputy clerk. The clerk’s office has 12 employees. It receives, processes and maintains records of all appeals filed with the court. Beach intends to practice law in the Richmond area as well as to mediate disputes.

Frank Overton Brown Jr., R’60, GB’74 and L’76, is an attorney in private practice in Henrico County, Va. He has served as chair of the Virginia State Bar Senior Lawyers Conference and as a member of the Virginia State Bar Council, the governing body of the state bar. He has also served on the University’s Estate Planning Advisory Council for more than 30 years.

The Hon. L.A. Harris Jr., L’76, has been named chief judge of the 14th Judicial Court. He has served as a judge on the Henrico County Circuit Court since 1990.

Deborah O’Toole, L’76, is first vice president of the board of directors of the Chesterfield County Bar Association.

Glenn W. Pulley, R’73 and L’76, a senior partner in the firm of Clement & Wheatley in Danville, Va., has become a fellow of the American College of Trial Lawyers.

Kenneth W. Thorson, L’76, has been appointed Virginia tax commissioner by Gov. Mark Warner.

Theodore L. Chandler, L’77, is chief operating officer at LandAmerica Financial Group Inc. He is responsible for all of LandAmerica’s operations, which include title insurance operations, agency services and one-stop services for regional and national lenders. He also is a member of the board of directors of United Way Services.

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The Hon. J.P. Massey, L’77, having just completed his fifth year on the Juvenile and Domestic Relations District Court of Norfolk, Va., recently ended his two-year rotation as chief judge.

Linda A. Skladany, L’77, has been named senior associate commissioner of the U.S. Food & Drug Administration. She will be in charge of the new office of external relations. She had been the vice president for congressional relations for the Washington, D.C., firm Parry, Romani, DeConcini & Symms.

The Hon. Philip Trompeter, L’77, has led the effort to create Roanoke’s new Domestic Violence Court. He is chief judge for Roanoke’s Juvenile and Domestic Relations District Court.

Henry W. Jones Jr., L’78, was ranked by the North Carolina Center for Public Policy Research as one of the most influential lobbyists in the North Carolina General Assembly.

Thomas R. Klein, L’78, married Cheryl Figueroa on Oct. 12, 2002. He is a member of the Spider Club board of directors and is vice president of the Beth Ahabah Museum and Archives Trust, a museum focused on the history of the Jewish community in Richmond. Klein is employed by LandAmerica Financial Group Inc.

Bruce M. Marshall, L’78, has been re-elected vice president of the board of directors of DurretteBradshaw.

Eric M. Page, L’78, a partner at LeClair Ryan’s Innsbrook office in Glen Allen, Va., was named to the Virginia State Bar’s Mandatory Legal Education Board.

The Hon. Jack Reasor, L’78, president and CEO of Old Dominion Electric Cooperative and a former Virginia state senator, has been appointed by Gov. Mark Warner to the Virginia Tobacco Indemnification and Community Revitalization Commission.

John B. Russell Jr., L’78, has become a member of DurretteBradshaw. He will head the firm’s Midlothian office.

Roy M. Terry, L’78, has been elected treasurer of the board of directors of DurretteBradshaw. He has been appointed as a Chapter 7 trustee for the U.S. Bankruptcy Court, Eastern District of Virginia, Richmond Division.

Sara Redding Wilson, W’72, L’78, was appointed by Gov. Mark Warner to the Commonwealth Competition Council. She is a member of the University’s Board of Associates.

James V. Meath, L’79 and Board of Associates member, has been named to the Catholic Diocese of Richmond’s new sexual abuse review panel.

Deborah Russell, L’79, serves as chair of McGuireWoods’ products liability and litigation management department.

Lenard W. Tuck Jr., R’79 and L’82, practices law in Richmond and concentrates his practice in real estate law, general estate planning and business organization.

Alma Fitzgerald Jackson, L’84, opened her own consulting firm last year. RMF Consulting—Resources for Managing Fundamentals, which provides proactive services to companies and organizations that want to avoid legal entanglements in the area of employment law.

James T. Lloyd Jr., L’84, along with Alfred Bernard II, L’65, and Philip R. Trapani Jr., L’89, celebrated the fifth anniversary of their firm, Trapani, Bernard & Lloyd PLLC.

Douglas M. Nabhan, GB’82 and L’84, has been named immediate past chair of the board of directors of The Richmond Forum.

Mary K. Costello, L’85, has been installed as a trustee of the Hudson County Bar Association. She also serves on the association’s committee on professionalism.

Laura G. Fox, L’85, is of counsel with Butler Williams Pantele & Skilling.

Steve Hart, R’82 and L’85, has been elected secretary of the Virginia Association of Fund Raising Executives. He is the planned giving officer for the Collegiate School.

Mary-Ellen Alexander Kendall, GB’85 and L’85, was elected to the board of directors of both the corporate counsel and environmental law sections of the Richmond Bar Association.

Carolyn C. Lavecchia, L’85, has received the Metro Richmond Women’s Bar Association’s Women of Achievement Award.

**Class Actions**

Stephen E. Baril, L’80, is vice president of the Richmond Bar Association.

Robert T. Billingsley, L’80, manages the Fredericksburg office for the Northwestern Mutual Financial Network. In addition to financial planning, he serves on the board of the Make-A-Wish Foundation of Central and Western Virginia. He is president-elect of the Rappahannock-Fredericksburg Rotary Club.

Stephen R. Romine, R’77, L’80 and GB’83, is a member of LeClair Ryan’s executive committee.

Herbert A. Claiborne III, L’81 and Board of Associates member, is a member of the newly created Advancement Council of the Virginia Commonwealth University School of Nursing. He also is on the board of directors of the New Community School.

Stuart W. Blain, L’82, has been elected president of the Trust Administrators Council of Richmond. He also is a board member of Elk Hill Farm.

Richard D. Gates, L’82, is an executive committee member of the board of directors of the Estate Planning Council of Richmond.

Ellen Marie Hess, L’82, of the Virginia Department of Labor and Industry, has been elected to the board of the READ Center.

Burton Leigh Drewry Jr., L’83, was recognized by the Virginia Legal Aid Society and the Lynchburg, Va., Bar Association for his pro bono contributions.

John Ivins, L’83, is vice chair of the board of directors for the Richmond Public Library.

Ann T. Burks, L’84, is president of the Richmond Bar Association.

Claire G. Cardwell, L’84, Marc S. Robinson, L’89, and Joy Hodges Robinson, L’91, have formed Robinson, Cardwell and Robinson PLLC. The firm’s practice focuses on criminal law, domestic relations, personal injury, and estate tax and corporate planning. Cardwell plans to concentrate her practice in the areas of personal injury, domestic relations and criminal defense, including state and federal appeals.
Richard Tyler McGrath, L’85, has become a certified member of the Million Dollar Advocates Forum. Membership is limited to attorneys who have won million- and multi-million-dollar verdicts, awards and settlements.

Peter M. Mellette, L’85, is a principal with Hancock, Daniel, Johnson & Nagle PLC in the firm’s Glen Allen, Va., office.

William E. Phillips, R’82 and L’85, was elected president of the Lynchburg Bar Association for 2002-2003.

Pamela S. Bellemak, L’86, is an attorney with Troutman Sanders. She specializes in real estate law.

William J. Benos, L’86, is a partner with Williams Mullen in Richmond. He has taught at the University of Richmond School of Law as an adjunct professor for nine years. His focus is international business transactions and business immigration.

Rhysa Griffith South, L’86, is chair of the committee on lawyer discipline, and a member of the board of governors, local government section, of the Virginia State Bar.

Dana Sykes, L’86, has been appointed assistant general counsel for Hamilton Beach/ Proctor-Silex Inc.

Victoria A.B. Willis, L’86, has been designated a principal of DurretteBradshaw.

Susan K. Stoneman, L’87, is vice president of the board of directors of the Estate Planning Council of Richmond.

F. Neil Cowan Jr., L’88, is president of the board of directors of the Chesterfield County Bar Association.

Susan North, L’88, is an associate in the Richmond office of Kaufman & Canoles.

Kevin T. Williams, R’84 and L’88, passed the bar exam in Tennessee and plans to enter private practice there. He has been a licensed Virginia lawyer since 1988 and has been in private business. He has served as legal counsel to Land and Sea Enterprises Inc. for the past five years.

Mark R. Graham, L’89, an attorney in Abingdon, Va., has been appointed to the state board for community colleges.

V. Benton Bailey Gugig, L’89, and her husband Darryl are the parents of Max who was born April 16, 2002. He joins sister Jessie, 7. Gugig is in-house counsel for AGFA Corporation, Ridgefield Park, N.J., in the health care division.

Marc S. Robinson, L’89, Joy Hodges Robinson, L’91, and Claire G. Cardwell, L’84, have formed Robinson, Cardwell and Robinson PLLC. The firm’s practice focuses on criminal law, domestic relations, personal injury, and estate tax and corporate planning.

Butterworth Stuts, L’89, has joined the litigation section of the Richmond office of Kaufman & Canoles PC.

Frank F. Rennie IV, L’84, leads a double life. He is an attorney with a busy civil litigation practice as a partner with Cowan & Owen law firm in Chesterfield County, Va. And he is a Naval Reserve rear admiral and the deputy commander of the U.S. Navy’s Sixth Fleet, headquartered in southern Italy.

“Over the years it’s been difficult to juggle both careers, but it has also been rewarding,” he said. “Both the service to the country through the military and the service to the community through the practice of law have been very gratifying.”

As deputy commander of the Sixth Fleet, Rennie’s military responsibility far surpasses the average one weekend a month required of most reservists. He attends meetings and conferences on behalf of the fleet’s commander back in the United States, and he works on projects for the commander. He also has logged trips to Italy, Iceland and England as part of military operations.

Rennie credits technological advances with enabling him to maintain both his civilian and military careers. Secure e-mail and Internet access allow him to stay in touch with the Sixth Fleet while he’s home in Virginia, and they allow him to maintain contact with his office and clients while working overseas. Supportive law partners and a willing staff also make it possible for Rennie to maintain his practice when he is called to active duty.

In the fall of 2001, Rennie’s technology and support systems were put to the test. A routine three-week deployment turned into a five-month assignment after the terrorist attacks of Sept. 11. Rennie originally had been called to fill in for the chief of staff of the Sixth Fleet. After the attacks, he found himself in a tense situation when all of the fleet’s ships quickly left port to avoid the possibility of more attacks.

He was sent to the U.S. European Command in Stuttgart, Germany, where he helped develop anti-terrorism plans that went to the Bush administration and Joint Chiefs of Staff. “Even today, with my duties in the Sixth Fleet, I keep up on almost a daily basis with all of the terrorist-related issues that occur over there,” he said.

Rennie graduated from the U.S. Naval Academy in 1976, and spent six years on active duty with the Navy. He then joined the Naval Reserve, and after talking with W. Joseph Owen III, B’72, an old friend who had formed a law firm, he decided to try law school. Rennie was attracted to the University of Richmond Law School partially because the school offered an opportunity for an accelerated study program. He said the instruction he received from Judge Willard Walker, both in his trial tactics course and as his clerk, was invaluable. Since graduating, Rennie has worked for Cowan & Owen, Joe Owen’s firm.

“I think the variety of what I’m able to do in my Navy career complements my legal career. It is a completely different experience.”

— By Jessica Ronky Haddad, AW’93
CLASS ACTIONS

Philip R. Trapani Jr., L'89, along with Alfred Bernard II, L'65, and James T. Lloyd Jr., L'84, celebrated the fifth anniversary of their firm, Trapani, Bernard & Lloyd, PLC.

John L. Walker III, L'89, is president of the board of directors of Theatre IV.

James M. Daniel Jr., L'90 and GB'91, is a principal of Hancock, Daniel, Johnson & Nagle PLC in the firm's Glen Allen, Va., office.

William J. Dinkin, L'90, and Kevin D. Purnell have formed the firm of Dinkin & Purnell in Richmond. The firm will focus on criminal defense, personal injury and collections. Dinkin headed the white collar prosecution team and handled numerous murder cases in his more than eight years as a prosecutor in the city of Richmond.

Julia Katz White, L'90, and her husband, Bill, welcomed a daughter, Sarah Katherine, on Feb. 27, 2002. She joins sisters Miranda, 6, and Rebecca, 4.

Brian Adams, L'91, has been elected secretary and trustee of the board of trustees of the Encore Theatre Company, which produces the Richmond Shakespeare Festival. He also is a shareholder in the law firm of Spotts Fain Chappell & Anderson in Richmond.

Catherine Harrison Claiborne, L'91, gave birth in October to Maria Harrison Claiborne.

John K. Honey Jr., L'91, is treasurer of the Henrico County Bar Association.

W. Scott Johnson, R'88 and L'91, is a principal with Hancock, Daniel, Johnson & Nagle PLC in the firm's Glen Allen, Va., office. He was recognized in the December 2002 issue of Virginia Business magazine as one of Virginia's top five lobbying/regulatory lawyers.

B. Page Gravely Jr., R'88 and L'91, is the managing director of Hancock, Daniel, Johnson & Nagle PLC.

Victor Narro, L'91, is co-director of Sweatshop Watch, a Los Angeles-based organization that advocates on behalf of garment workers in California. He also teaches at UCLA Law School.

Narro wrote and edited a chapter titled "Cleaning Up a Dirty Business," which focuses on the legal protections of domestic workers, for the book *Domestica* by Pierreette Hondagneu-Sotelo, and published by the University of California Press. Last summer, the Los Angeles chapter of the National Lawyers Guild honored him with the Robert Kenney Award for his work to improve the lives of immigrant workers throughout the city.

Nancy L. Quinn, L'91, is vice president of the Henrico County Bar Association.

W. Edward Riley IV, L'91, of Boone, Beale, Cosby & Long in Richmond, has been chosen as one of Richmond's "40 Business Leaders Under 40" by Inside Business magazine. He and his wife, Amanda, have a daughter, Isabella Lee, born on Aug. 29, 2002.

Gregory S. Robey, L'91, is a partner in the law firm of Robey & Robey in Cleveland. His practice focuses on criminal defense with a special focus on white-collar crime and drug cases at the federal level. He and his wife have two sons and live in Chagrin Falls, Ohio.

Joy Hodges Robinson, L'91, Marc S. Robinson, L'89, and Claire G. Cardwell, L'84, have formed Robinson, Cardwell and Robinson PLC. The firm's practice focuses on criminal law, domestic relations, personal injury, and estate tax and corporate planning.

Richard D. Traja Jr., L'91, has joined the Joel Bieber Firm in Richmond.

Donald T. Floyd, L'92, received the Lewis F. Powell Jr. Pro Bono Award from the Virginia State Bar last year. He was recognized for his eight years and thousands of hours of pro bono service in representation of legal aid clients. A retired insurance executive, Floyd began volunteering in 1994 at the Richmond-based Central Virginia Legal Aid Society to make a pro bono contribution and to gain experience as an attorney before entering private practice, which he has since decided to forego.

Keith Hurley, L'92, is program director of the board of directors of the Chesterfield County Bar Association.

Brian Jones, L'92, has joined Barnes & Batzli in the firm's Chesterfield, Va., office. He will concentrate his practice in family law, personal injury and criminal defense.

Brian R. Pitney, L'92, has been elected president of the board of trustees for the St. John's Church Endowment Fund.

Scott I. Bemberis, R'89 and L'93, is a partner with Clifford & Duke in Richmond, where he practices domestic relations law.

Stephanie E. Grana, W'90 and L'93, is president-elect of the Metro Richmond Women's Bar Association.

Mary C. Malone, W'83 and L'93, is a principal with Hancock, Daniel, Johnson & Nagle PLC. She works in the firm's Virginia Beach, Va., office.

Anne Derby McDougall, GB'93, L'93, has been appointed by Gov. Mark Warner to the board of regents of the James Monroe Law Office Museum and Memorial Library.

John T. Pendleton, L'93, of Gottesman & Hollis in Nashua, N.H., received the 2002 Robert E. Kirby Award from the New Hampshire Bar Foundation for distinguishing himself as a "tough advocate with a good-natured style who invests exceptional effort on behalf of his clients." A member of the New Hampshire Bar Association's Ethics Committee, he serves as corporate secretary for the Pennichuck Corp. board of directors and as director of the Rape and Assault Support Services Unit of Nashua.

Jeremy Sohn, L'93, has joined Snell & Wilmer LLP in Tucson, Ariz. He works in the firm's estate planning practice group.

Carolyn A. White, L'93, is president of the Metro Richmond Women's Bar Association.

John C. Kilgore, L'94, commonwealth's attorney for Scott County, Va., has received the Paul Harris Award from the Rotary Club of Scott County. The award is given in recognition of Kilgore's work on behalf of the Rotary's humanitarian and educational programs.

Wirt P. Marks IV, L'94, is an associate with Hancock, Daniel, Johnson & Nagle PLC in the firm's Glen Allen, Va., office.

R. Jill Wells, L'94, is an officer of the Metro Richmond Women's Bar Association.

John Carroll, L'95, has been promoted to senior counsel for Hamilton Beach/Proctor-Silex Inc.

Anne Marie Cushmac, L'95, is an officer of the Metro Richmond Women's Bar Association.

Geeta Oberoi, L'95, is an associate at the Washington, D.C., office of Chadbourne & Park in the firm's project finance
group. She specializes in energy regulatory and transactional practice and resides in Georgetown.

L. Scott Seymour, L’95, is a member of Kaufman & Canoles PC’s commercial section. He is based in Norfolk, Va.

Nelson S. Teague Jr., L’95, is a board member of Elk Hill Farm.

Matthew C. Ackley, L’96, and his wife, Melissa, welcomed a son, Michael Stein, on July 3, 2002.

Shannon S. England, L’96, has received the Metro Richmond Women’s Bar Association’s Women of Achievement Award.

Kim MacLeod Magee, L’96, an attorney at Hunton & Williams, and her husband, Chris, welcomed a son, Aidan MacLeod Magee, on May 13, 2002. He joined sister Elizabeth “Riley,” 2.

Nancy V. Oglesby, L’96, is second vice president of the board of directors of the Chesterfield County Bar Association.

Sean P. Byrne, R’93 and L’97, is an associate with Hancock, Daniel, Johnson & Nagle PLC in the firm’s Glen Allen, Va., office.

William H. Hall Jr., L’97, is an associate with Hancock, Daniel, Johnson & Nagle PLC in the firm’s Glen Allen, Va., office.

Braxton Hill, L’97, with Christian & Barton LLP, has been elected first vice chairman of the READ Center’s board of directors.

Stephanie Lindsey Hiss, L’97, is an associate with Hancock, Daniel, Johnson & Nagle PLC in the firm’s Glen Allen, Va., office.

Tim Schulte, L’97, has joined Butler Williams Pantele & Skilling as an associate specializing in civil rights and employment litigation.

Robert W. Shinn, L’97, is first vice president of the board of directors of Theatre IV.

Elizabeth C. Trahos, W’94, L’97, has been named partner with Holt York McDarris & High in Raleigh, N.C. Her practice focuses on land use, municipal law and administrative law.

Matthew M. Farley, L’98, has been elected to the board of directors of the Richmond Metro Division of the American Heart Association.

Pamela M. Herrington, L’98, has opened her own practice, which focuses on employment issues and personal injury and family law.


Melissa M. Riahei, L’98, is an associate with Wildman, Harrold, Allen & Dixon in Chicago. She has joined the firm’s litigation practice group. In addition to earning her law degree from Richmond, Riahei studied international law and comparative public law of the United States and United Kingdom at Cambridge University in England.


director of law admissions who remains a dear friend,” he said. “She was really impressive. [Richmond] seemed to be a place that took the whole person into account and I thought a lot of that.”

Many federal agencies were under a hiring freeze when Jackson finished law school, so he decided to continue his education. He earned his master of laws degree at the University of Wisconsin, Madison. After completing the program, he moved to Atlanta where he did contract work for a law firm before being hired by the ATF to work as a special agent in its Montgomery, Ala., office. That’s the same office that has been involved in the Washington-area sniper investigation, a classified case he is not able to discuss.

As a special agent, Jackson conducts investigations and works to enforce the laws in the areas that ATF oversees, spending most of his time on explosives and firearms issues.

Jackson said law school has proved to be an excellent background for his current career. “I think it helps immensely at every stage of the game,” he said. Not only does his law degree help him to understand the laws he works to enforce, but also it distinguishes him among his colleagues. “There aren’t many in our agency, to my knowledge, that have law degrees,” he said. “From the beginning the hope was that I would be a more desirable fish in a small pond.”

He said his classes in criminal law, and his clinical experience working in the Richmond commonwealth’s attorney’s office during his third year of law school have been especially useful. “When I’m dealing with a U.S. attorney, I can display a familiarity with what they have to do to prosecute the case after it has been investigated.”

— By Jessica Ronky Haddad, AW’93
**Jennifer Coates Bennett**, L'99, and her husband, **Jeffrey P. Bennett**, L'00, live in Amherst, Va.

**Susan C. Bland**, L'99, is an associate with Sinnott, Nuckolls & Logan

**Eric J. Finkbeiner**, L'99, has been appointed to serve on the Virginia Privacy Advisory Committee.

**Leigh S. Gettier**, R'73 and L'99, an associate attorney with the law offices of Owahian M. Jones, has written a novel, *Thought Crime* is a murder mystery set at the "world's largest chip factory." It is published by 1stBooks Library.

**M. Seth Ginther**, L'99, an associate with Hirscher Fleischer, has been appointed to Virginia's Advisory Council of Domestic Violence and Sexual Assault.

**Michelle C. Harman**, C'96 and L'99, has opened her own law office in Richmond. Her practice will focus on serving as guardian, conservator and guardian ad litem for children and incapacitated adults.

**Christopher A. Jones**, L'96, has been elected an officer in the firm LeClair Ryan. He works in the firm's Richmond office, specializing in creditors' rights and business bankruptcy matters.

**Philip Steward Marstiller Jr.,** L'99, has joined Emroch and Kilduff in Richmond where he will do civil plaintiffs work.

**Jeffrey P. Bennett**, L'00, and his wife, **Jennifer Coates Bennett**, L'99, live in Amherst, Va. He works with the office of the commonwealth's attorney in Lynchburg, Va.

**Terri Cofer**, L'00, has been appointed by Gov. Mark Warner to the board of trustees of the Virginia Land Conservation.

**Joshua Czarda**, L'00, is the assistant director for policy compliance with the United Network for Organ Sharing.

**Molly Delea**, B'93 and L'00, and Peter McEvoy were married Aug. 3, 2002. They live in Salisbury, Conn.

**Amy Lynn Harmon**, L'00, completed her judicial clerkship with the Hon. G. Steven Agee of the Court of Appeals of Virginia and has joined the law firm of Vanderpool, Frostick & Nishanian in Manassas, Va. Her practice focuses on corporate and commercial transactions.

**Lynn Howard Hoag**, W'93 and L'00, and her husband, **Jeffrey Brian Hoag**, R'93, have a son, Samuel Howard, born April 14, 2002.

**Linda K. Murray**, L'00, and Michael R. Henry were married April 20, 2002. They live in Los Angeles.


**Cari Steele**, L'00, has joined the Arlington County commonwealth's attorney's office as an assistant commonwealth's attorney.

**James O. Towey**, L'00, is an associate at Saunders Cary & Patterson.

**James Creegan**, L'01, has joined the workers compensation section of Stark & Stark in Princeton, N.J.

**Chris Doerr**, L'01, is an attorney at Haight, Tramonte, Siciliano in Vienna, Va.


**Michele Henry**, L'01, a John Marshall Scholar, is an associate in the labor and employment group of Frost Brown Todd in Louisville, Ky. She recently co-authored an article in the Indiana Academy of the Social Sciences titled "Does Gender Determine Success in Negotiation?"

**Michael A. Kiely**, L'01, has joined the Richmond law offices of Douglas P. McGee. Kiely's practice will encompass traffic and criminal defense, and state and federal appeals.

**Philip L. Landau**, L'01, is an associate at Akerman Senterfitt in Fort Lauderdale, Fla. His practice will focus on bankruptcy, creditors rights and commercial litigation.
Harris W. Leiner, L’01, is an associate at Barnes & Batzli. His practice will include family law, general civil litigation, estate planning and criminal defense.

Clarence D. Long IV, L’01, has begun work at the U.S. Securities and Exchange Commission in Washington, D.C.

Darren T. Marting, L’01, is an associate with Taylor & Walker, working in its Norfolk office.

Penelope S. Park, L’01 and GB’02, is an associate at Kern and Wooley LLP, specializing in aviation law, insurance coverage and "bad faith" litigation.

Bruce Russell II, L’01, has joined the firm of Boling & Hearl, with offices in Richlands and Abingdon, Va. He will focus on general litigation.

Emily W.C. Tewey, L’01, is an associate with Hancock, Daniel, Johnson & Nagle PLC in Glen Allen, Va.

Carroll Thompson, L’01, is an assistant commonwealth’s attorney for the city of Richmond. Her practice is in the area of criminal prosecution. She also is assigned at the level of captain to the U.S. Army’s 154th Legal Support Organization.

Vanessa L. Wilson, C’97 and L’01, is an associate at Barnes & Batzli. She will concentrate her practice in the area of family and general civil litigation.

Mary Margaret August, L’02, has joined the Charleston, W.Va., office of Spilman Thomas & Battle. Her practice will focus on the areas of general litigation, health care, toxic tort, labor and employment, and product liability.

Andrew Biondi, L’02, is an associate in the business and professional litigation practice group at Sands Anderson Marks & Miller.

Karen E. Daily, L’02, wrote "As Online Music Turns to Gold, Who Will Control the Goldmine?" published in the June/July 2002 issue of Virginia Lawyer.

Eric Gregory, R’96 and L’02, an associate at Morris and Morris, focuses his practice on civil litigation. He serves on the University of Richmond Law School’s Young Grads Council.

Michael Newby, L’02, is an associate with Hancock, Daniel, Johnson & Nagle PLC in the firm’s Glen Allen, Va., office.

Christopher K. Peace, L’02, has founded The Kilian Company, a Richmond-based government relations and grassroots development firm. The company will work to supply lobbying services and relationship development between a variety of clients and members of the Virginia General Assembly.

Erica C. Reed, L’02, has joined the Norfolk, Va., office of Kaufman & Canoles as a member in the firm’s commercial section.

Tuck Schumach, L’02, is working towards an LLM in tax at the Dedman School of Law at Southern Methodist University in Dallas.

Bruce Spruill, L’02, has joined the tort liability section of Troutman Sanders in Richmond.

**Mark Your Calendar**

**Commencement**
May 3

**Law School Association Board meets**
May 3

**1870 Dinner**
May 10

*By invitation*

**Fall semester classes begin**
Aug. 25

**Fall Gathering**
Oct. 24

**Law Alumni Board Meeting with the Dean’s Advisory Council**
Oct. 25

**Richmond vs. Virginia Military Institute, 3 p.m.**
Oct. 25

Evening of Oct. 25

**Corrections**

Michele Diane Henry was inadvertently left off the list of John Marshall Scholars that was published in the last issue of Richmond Law magazine. Henry graduated with the class of 2001. She came to the law school from Western Michigan University.

Due to a clerical error, the magazine listed James E. Jarrell Jr., R’62, L’68, among alumni who had passed away recently. The listing should have been for his father, the Rev. James E. Jarrell, R’58.

**Send your News to Class Actions**

**Deadlines**

June 1 for fall issue
Dec. 1 for spring issue

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PAGAN PRESENTS CARRICO PORTRAIT

Dean John R. Pagan (left) and a near-capacity crowd at the Modlin Center for the Arts celebrated the career of Harry L. Carrico, who retired this year as chief justice of the Virginia Supreme Court. In Carrico's honor, Pagan unveiled this portrait, which will hang in the Law School's moot courtroom. The portrait is by Loryn Brazier of Richmond.