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Vantage Point
Q&A with Judge Robert Bork
A new voice on faculty

INSIDE: LIVING HISTORY IN IRAQ | JOHN COGBILL'S BIG PLAN | THE LAW SCHOOL'S VITAL LINC
Dear Friends:

This has been a sensational year, and we are continuing to move forward at an accelerating pace. We had a banner year in the hiring of key new faculty members and administrators, including Carl Tobias in the Williams Chair, Michael Collins from Tulane, Senior Justice Harry Carrico, Judge Robert Bork, Henry Chambers from Missouri, James Gibson from Williams & Connolly, Benjamin Spencer from Shearman & Sterling, Paul Thompson from Hunton and Williams and the Attorney General's office, Mark McGarvie who is also a member of the University's History Department, Nancy Phillips from the University of Maryland, and Elizabeth Stauderman from Yale.

We've had an explosion of productivity from our faculty. Every faculty member published scholarship in the last year, and many distinguished themselves with awards and recognitions in teaching and civic service.

Our students are stronger academically than ever. Student organizations and journals have been extraordinarily active in presenting their work in major conferences, symposia, and in publications. Our bar passage rate for first-time takers on the February 2004 exam was 100 percent.

Even more activities are scheduled for this year, as we continue with our new Judges in Residence program, our new law film series, and dozens of conferences, speakers, and symposia. Among the highlights will be a global labor law conference being planned by Ann Hodges and Paul Thompson.

On top of all of this, we have completed a master plan to transform the school by the year 2010, a plan that includes a building addition, at least a dozen new faculty positions, and a grouping of new academic centers and specialty programs.

As dean, I am constantly on the road raising funds for these programs and spreading the word on our accomplishments and ambitions.

Thanks to all in our extended community for your support!

—Dean Rod Smolla
Holt urges graduates not to fear losses

Joel Holt, who played a leading role in the development of the highly touted legal system in the Virgin Islands, told the law school's graduating class not to be afraid of losing. "You've got to lose cases. Don't be afraid of losing or of making mistakes," he said in a commencement address last May.

Holt urged the graduates to work hard and learn to deal with problems. "When working on a case, neutralize the worst fact in the case, try to remain calm and always be in control."

Holt, a 1977 graduate of the law school, applied for a clerkship in the U.S. Virgin Islands on a whim. The judge offered him a position and Holt moved to St. Croix. Two years later, he opened his own firm there, building it into a prosperous practice focused primarily on personal injury and commercial litigation. He won a multi-million-dollar judgment in one of the first major asbestos cases.

Holt said when he left the University, he had the same things today's graduates have—"a degree, a good education and an opportunity." He told the graduates they each had the ability to achieve as much or more than he has. "Every single one of you can do it," he said.

Brent Timberlake of Heathsville, Va., spoke on behalf of the graduates, first asking all active and retired military, fire, rescue and police personnel in the audience to stand for an ovation by the audience. These are the people "who make the law we study worth something," he said.

The University awarded 147 juris doctor degrees and announced several awards. Scott Stovall of Richmond, received the Charles T. Norman Award as the best all-around graduating student.

The Cudlipp Medal, presented to the member of the graduating class who had the highest cumulative grade point average at the end of the second year of study, went to John D. McPhaul II of Spartanburg, S.C. A similar award, for the highest cumulative grade point average at the end of the third year of study, will be announced in October at the annual law weekend. Five graduates are in contention for the award, which will be decided after final grades are calculated.

Benjamin Barlow of Montezuma, Va., received the International Academy of Trial Lawyers Student Advocacy Award and the Family Law Award. Meredith Moldenhauer of Annapolis, Md., won the National Association of Women Lawyers Award, while Brian Teague of West Boylston, Mass. received the T.C. Williams Law School Scholarship Award as the student who made the most significant contribution to overall legal scholarship.

Judge Keith receives Green award

Judge Keith, who has earned degrees from West Virginia State College, Howard Law School and Wayne State University, received the award at a luncheon in his honor in March.

He also joined in the inaugural John Marshall Scholars' Judges in Residency Program, which is designed to allow students and faculty to have meaningful interaction with prominent judges from around the country. The John Marshall Scholars, recipients of one of the law school's most prestigious scholarships, serve as hosts for the visiting judges.

Judge Keith was recognized as a consistent and courageous defender of constitutional and civil rights. He has made a mark with cases including Davis v. School District of City of Pontiac (school desegregation), Baker v. City of Detroit (municipal affirmative action), U.S. v. Blanton (jury selection and pretrial publicity), and Rabidue v. Oceola Refining Co. (sex discrimination).

His opinion in U.S. v. Sinclair, known as "the Keith decision," found that then-President Richard Nixon and then-Attorney General John Mitchell could not engage in warrantless wiretap surveillance of individuals suspected of conspiring to destroy government property. The U.S. Supreme Court upheld the decision unanimously.

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Law school enrolls strong first-year class

Again this year, the law school enrolled a highly selective class of first-year students who come from a variety of geographic regions, ethnicities and backgrounds. At matriculation, 157 students entered the law school from a field of 2,401 applicants, one of the largest applicant pools in the school's history.

Of that total, 23 percent, or 553 students, were admitted. Of those who enrolled, 57 percent are men, an increase from 50 percent last year. This year's entering class includes 44 percent from outside Virginia, down from 56 percent last year. Students come from 28 states. This year's class includes 11 percent minority enrollment, down slightly from last year. There are nine African-American students in the entering class compared with seven last year. The median GPA of the entering class was 3.33, down from 3.36 last year. The median LSAT score was 161 or 85th percentile, up slightly from 160 or 83rd percentile.

Samantha Cutler, president of the Black Students Association at the law school, has been elected to the American Bar Association Law Student Division Board of Governors. Cutler, from Augusta, Ga., represents law schools in the division's Fourth Circuit, which includes ABA-approved law schools in North and South Carolina, West Virginia, and Virginia. The circuit governors work with ABA leadership on loan repayment, bar admission requirements, legal education reform and other issues of importance to low students and lawyers.

The law school goes to the movies

Beginning in January, the law school will sponsor a series of films and discussions focusing on how lawyers, the courts and the justice system have been presented in movies.

Each film will be screened on campus, and each will be introduced by someone with a connection to the movie or its subject matter.

The first screening is scheduled for January 27. The movie will be "Midnight in the Garden of Good and Evil," which is based on the popular novel about a murder in Savannah, Ga.'s, quirky high society. Frank W. "Sonny" Seiler, the lawyer portrayed in the 1997 release, is scheduled to introduce the movie.

On February 24, the 1980 film "Gideon's Trumpet," which presents the landmark case Gideon v. Wainright, will be featured. Henry Fonda plays Gideon, the prisoner who takes his case to the U.S. Supreme Court. Anthony Lewis, author of the book on which the film is based, will introduce the movie. Screenwriter and producer David Rintels also is scheduled to be on hand.

Two more films will be scheduled for the series. They will be announced later. The screenings will be open to the public.

2004-2005 Entering John Marshall Scholars

Ellis Baggs
Ft. Collins, Colo., GRINNELL COLLEGE

Michael Barber
Blacksburg, Va., VIRGINIA TECH

Louisa Bazan
East Aurora, N.Y., GROVE CITY COLLEGE

Lauren Dickey
Petersburg, Va., UNIVERSITY OF VIRGINIA

Kimberly Fitzgerald
Greencastle, Pa., JAMES MADISON UNIVERSITY

Nicole Hardin
Jeffersonville, Ind., UNIVERSITY OF VIRGINIA

Cassandra Hausner
Charlottesville, Va., VIRGINIA TECH

Jenny Holbrook
Richmond, UNIVERSITY OF RICHMOND

Kate Leonard
Oakton, Va., UNIVERSITY OF VIRGINIA

Robin McVoy
Richmond, LOYOLA UNIVERSITY

Briton Nelson
Buffalo, N.Y., SUNY - GENESSEE

John Selbach
Richmond, UNIVERSITY OF FLORIDA

Tiffany Simpson
Harrisonburg, Va., BRIDGEWATER COLLEGE

Jonathan Skelly
Ormond Beach, Fla., LIBERTY UNIVERSITY

Winter 2004
Aziobhi al-Hibri contributed her expertise of the first Islamic state in Madinah for an article, "Islam Can Adjust to Democracy," in the March 1, 2004, issue of the Fort Lauderdale, Fla., Sun Sentinel.

Ronald Bacigal was a featured speaker at the annual Fourth Amendment symposium of the National Center for Justice and the Rule of Law. He published a new edition of The Manual for the Trial of Capital Murder Cases in Virginia.


Timothy L. Coggins, director of the law library and professor of law, has been selected as the 2004 recipient of the Frederick Charles Hicks Award for Outstanding Contributions to Academic Law Librarianship. This award, given by the Academic Special Interest Section of AALL, recognizes distinguished, sustained service to academic law librarianship. The award was presented at the Harvard Law Library during the association's 2004 annual conference.

In April, Coggins taught two sessions at the seminar of the Virginia Alliance of Paralegal Associations in Leesburg, Va. They were "Internet Searching: What Every Paralegal Needs to Know," and "Kicking It Up a notch: Power Searching on the Internet."

Joel Eisen has been selected as co-author for the second edition of Energy, Economics and the Environment, a widely adopted energy law course book. In August, he gave a presentation on the Clean Air Act New Source Review program to an international audience of lawyers, scientists and policymakers at the annual World Clean Air and Environmental Protection Congress and Exhibition in London.


James Gibson's article "Data Regulation and the Preregatives of Architecture" will be published this fall in the Notre Dame Law Review. He also wrote "A Topic Both Trivial and Timeless," which was published in 10 Richmond Journal of Law and Technology 49 (2004), as an introduction to the journal's annual survey of electronic and discovery law.


Ann Hodges spoke in March at a CLE program sponsored by the Richmond Bar Association and the University Institute on Philanthropy. The CLE program dealt with legal and ethical issues for lawyers serving non-profit organizations.

Joyce Marina Janto, Deputy Director of the Law Library, was elected treasurer of the 5,000-member American Society of Law Libraries. Janto assumed the responsibilities of treasurer in July at the association's annual Meeting and Conference in Boston. She will serve in this role for three years. She published "Redemption: Reflections of a Life in Middle Management" 15 Trends in Law Library Management and Technology 1 (2004).

Corinna Lain's article "Countermajoritarian Hero or Zero? Rethinking the Warren Court's Role in the Criminal Procedure Revolution" was published in 152 University of Pennsylvania Law Review 1361.

Mark McGarvie's book Charity, Philanthropy, and Civility in American History, was awarded second place in the contest for the Virginia Hodgkinson Research Prize, and the 2004 Skystome-Ryan Research Prize. It was published in 2003 by Cambridge University Press and is available in paperback.

McGarvie co-edited the book with Larry Friedman of Indiana University's history department. McGarvie's next book, One Nation Under Law, is due for release in December.

Robert E. Shepherd Jr., professor emeritus, was presented the A.L. Carlisle Award for Youth Advocacy by the Coalition for Juvenile Justice at a luncheon in Washington, D.C. Shepherd also became a member of the new Virginia Indigent Defense Commission, which was created by the 2004 General Assembly. The commission takes the place of the Public Defender Commission. He also is serving on the Virginia Bar Association's ad hoc committee on Virginia's indigent defense and capital defense systems. He is a member of the bar's 2004 task force on indigent defense.

Dean Rodney Smolla was interviewed by National Public Radio's Madeleine Brand regarding the May 17, 2004, Supreme Court decision that allows people to sue state governments if they fail to comply with the Americans With Disabilities Act. He also was quoted as a First Amendment expert in May by The New York Times in the article "U.S. Steps Up Push Against Online Casinos By Seizing Cash."

Jonathan K. Stubbis moderated a discussion among civil-rights attorneys and education officials on "Inequality of Education in Virginia: Davis v. Country School Board of Prince Edward County" at a March 30 forum on the 1954 decision of the Supreme Court case.

Peter Swisher spoke at a Virginia Circuit Court Judicial Conference on "Same-Sex Marriage, Civil Unions and Domestic Partnerships: How Should Virginia Courts Respond?" Swisher co-authored with Jeffrey Stempel of the University of Nevada, Las Vegas School of Law, Principles of Insurance Law. The book was published by the LexisNexis/ Matthew Bender Company. He also wrote "Insurance Binders Revisited," which includes discussion of the World Trade Center property insurance litigation. The article was published this summer by Tort and Insurance Law Journal.

New faculty

Paul Thompson, who served as an adjunct pro­fessor of labor law at the law school from 1977-1986, rejoined the faculty full-time this fall after more than three decades with Hunton & Williams in Richmond, where he headed the firm’s labor and employment law team. He is a sought-after speaker on labor law topics here and abroad.

At Richmond, Thompson is teaching a new course, “Labor Law in the Global Economy.” He is also working closely with professor Ann Hodges to develop the symposium on global labor law that will be held here in the spring of 2005. Thompson received his J.D. from Georgetown University, where he was a member of the Georgetown Law Journal. He served on the board of directors of the Bon Secours-St. Mary’s Health Care Foundation in Richmond, and was a board member of the National Conference of Christians and Jews.

A. Benjamin Spencer, joins the University of Richmond law faculty from Shearman & Sterling in Washington, D.C., where he was a litigation associate. The valedictorian of his Morehouse College class, Spencer was a Marshall Scholar at the London School of Economics, from which he received a master’s degree, with distinction, in criminal justice policy. He earned his law degree from Harvard, where he was an articles editor of the Harvard Law Review.

As a law student, Spencer was the winner of the ABA Section of Antitrust Law Student Writing Competition. Following law school, he clerked for Judge Judith W. Rogers of the U.S. Court of Appeals for the D.C. Circuit. Spencer is teaching Civil Procedure, and he is focusing his research in the area of personal jurisdiction.

Azizah al-Hibri chosen outstanding educator

Azizah al-Hibri, a leading national and international voice on issues relating to Islam, the rights of Muslim women, Islamic jurisprudence, and legal, political, and religious issues relating to the Middle East, was presented a Distinguished Educator Award by the University this summer.

A citation accompanying the award, which is presented by the University provost, states, “As a scholar and teacher, she helps students understand the extent to which intellectual inquiry is tied to responsible citizenship and service to our communities.” She has been a pioneer in introducing Islamic jurisprudence to American law schools. Her scholarship brings together her experience as an American feminist, her beliefs as a person of faith, and her knowledge of the Islamic tradition and the classical Arabic language.

She uses her scholarship to lead students and the public in the kind of thoughtful and balanced dialogue that is very much needed during these times, the citation says.

The awards, which recognize excellence in teaching, are made possible by a grant from the Cabell Foundation. Winners are selected with input from current and former students, faculty and administrators. Recipients receive $2,500 for professional enrichment.

Stauderman named external relations dean

Elizabeth Stauderman, who has spent the last seven years as Yale Law School’s director of public affairs, joined the University of Richmond School of Law this summer as associate dean for external relations.

In this newly created position, Stauderman will have a hand in all aspects of the school’s public presence, interfacing with the school’s faculty, staff, alumni and friends, with University communications staff, and with local, national and international media outlets; and working closely with Dean Rodney A. Smolla to develop and promote the school’s new programs and initiatives. Said Smolla, “Elizabeth is a vibrant and creative administrator who will be a sensational addition to our campus and community.”

At Yale, she held positions at the School of Management and the Divinity School before joining the staff of Yale Law School, where she was responsible for public affairs and media relations, publications and external communications, event planning, and special projects.

Though she has spent most of her working life at Yale, Stauderman also has worked as a marketing representative for IBM. She began her career in creative and account management with an advertising firm in New York.

She holds a bachelor’s degree from Yale College and a master of studies in law degree from the Yale Law School. She also is a jazz vocalist and performer.

Phillips named development director

Nancy Phillips has joined the University of Richmond as director of development for the law school. She will oversee the major gifts program during the coming campaign for the law school.

Phillips comes to the school from the University of Maryland where she was director of development for the Clark School of Engineering. In that post, she helped raise more than $60 million during a seven-year, $50 million campaign. Previously, she worked for five years as director of corporate relations for Harvey Mudd College in Claremont, Calif. She also has worked in public affairs for Amoco Corp., and in politics and finance.

“The University of Richmond Law School has traditionally provided an excellent education in a very intimate and personalized setting,” Phillips said. “As we move into this new campaign, I’m already enjoying working with Dean Smolla and our dedicated faculty and administrators, and the energized alumni. We are sure we will be able to reach new levels of excellence.”

Phillips’ husband, Bill, is executive director of gift and estate planning for Hillsdale College. They have two children, Bill, 5, and Krista, 10.
Living history in Iraq

Lawyers with Richmond law school connections have been on the ground in Iraq, working in that shattered country to administer justice, rebuild the court system and establish the rule of law. Here are accounts of what some of them are learning and doing.

Col. Kathryn R. Sommerkamp, L’84

As an Army colonel with nearly 20 years active duty experience, I was enjoying the Southern hospitality and sunshine in Huntsville, Ala., and daydreaming about retirement. I phoned my friend at the assignments office (always a risky act) to discuss a wedding gift. Our conversation wandered and soon I had agreed to go to Iraq to work on contract law issues for the Coalition Provisional Authority (CPA), which was then governing that country.

Within weeks, I was vaccinated against most every illness known to man, loaded down with issued items that weighed more than I do, and anticipating a flight into Kuwait. Just before flying, I entered the day room at our departure site barracks and watched with horror the news reports of the rocket attack on the Al Rashid Hotel. I pondered the letter I had received telling me that I would be housed there.

Yes, Baghdad, my home from Oct. 31, 2003, to Feb. 27, 2004, was a dangerous place and there were times when explosions in the Green Zone were terrifying, but this mission was the experience of a lifetime, and, yes, I would do it again!

The legal issues were just as challenging as the physical reconstruction that is going on. In both instances, we were dealing with the crumbling, neglected and damaged infrastructure of a nation in crisis where occupation brought an odd mixture of hope, danger and death. The 52-part Federal Acquisition Regulation (FAR) seemed unduly burdensome in a country where credit cards were unheard of and checking accounts were a rarity. There were no “yellow pages” listings of local businesses and no decent land-line phones. In Baghdad, news and rumor were synonymous.

Every action taken by the CPA was analyzed and criticized by the policy makers in Washington, and election-year politics cast a shadow far bigger than the clouds of smoke billowing up from the constant explosions in Iraq’s capital city.

Yet Congress, in the emergency supplemental appropriation, saw fit to impose additional requirements on expenditure of money appropriated for Iraq relief and rehabilitation. The plodding systems of U.S. government contracting often seemed odd in a city where the population had electricity for only about four hours a day.

As lawyers, we look for rules, regulations and precedent. Apart from the federal contracting rules required for the expenditure of U.S. appropriations, precedent was a scarce commodity and legal issues were exceedingly complex. Research was efficient, if there was Internet connectivity, if you knew what to look for and if what you were after had been translated from Arabic.

Under the CPA, there were always questions. Was the CPA a federal agency? If so, whose regulations were applicable?
The job descriptions or institutional knowledge, who had their own interests and histories. The CPA was, at best, a dysfunctional family, but its accomplishments were significant when measured against the challenges. Within the areas of contract and fiscal law, the CPA quickly and expertly developed a process for Iraqi government contracting and for approval of expenditures of Iraqi oil revenues. A 13-page contracting procedure, written by my predecessor and signed by Ambassador L. Paul Bremer, brought transparency to Iraq's government contracting, saved Iraq millions of dollars through competition, and put an end to the endless negotiation of deals that seemed the norm in the Arab world.

The budget process matured from the CPA were complicated by the lack of job descriptions or institutional knowledge, rapid personnel turnover, coalition politics involving several nations, and the key role played by Iraqi ministers and their advisers who had their own interests and histories. Goodwill among Iraqis was abundant, but in reality, they risked their lives by coming into the Green Zone, and the rest of us risked ours by leaving it.

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The budget process matured from hand-counting votes on individual expenditure proposals that "sounded good" to a planning and budgeting system in which each Iraqi ministry participated. It was eye-opening to watch a female Iraqi accountant from the Ministry of Finance stare down another ministry representative and ask why, if the project was so important, it had not been included in the ministry's budget submission. No less entertaining or significant were the lunchroom conversations in which Iraqis spoke their minds on controversial issues, noting in response to raised eyebrows that Iraq is a "free country" now, and they could say what they thought.

**I made friends with wonderful Iraqis, and I marvel at the fact that I get frequent e-mail from citizens of a country where about a year ago, the possession of a satellite dish could have meant imprisonment.**

I saw the effects of precision air strikes on palaces and office buildings. I saw Saddam's pet lions (still kept in a cage at a palace in the Green Zone), and visited Uday's discotheque in the Al Rashid Palace. I worked in a makeshift office in the opulent Republican Palace, lived for months in a small trailer on the palace grounds, and flew out of Baghdad International Airport in a C-130 that twice evaded fire by surface to air missiles. My time in Baghdad put life in perspective and significantly heightened my interest in the evening news. It has also caused me to wonder if my classmates are making more money, could they possibly be having more fun? I must say, I seriously doubt it!
Lt. Ian Wexler, L’98

In October 2003, as the need arose to prosecute enemy insurgents from Iraq and bordering countries, Ambassador L. Paul Bremer and the governing Coalition Provisional Authority (CPA) created the Central Criminal Court of Iraq (CCCI). In April 2004, I came into Iraq to serve as deputy liaison officer for that court.

I volunteered for the position, though I had no idea what the job entailed. My motives were simple: it sounded like a great opportunity to help make a difference in Iraq, which I soon discovered can be a very crazy place.

Rather than prosecute insurgents under the military tribunal system, a political decision was made to create the Iraqi-run Central Criminal Court. CCCI is an independent Iraqi court that applies Iraqi law and criminal procedure (pre-1968) as further modified by CPA amendments.

The court is empowered to prosecute crimes that fall into two basic categories: crimes against the sovereignty of Iraq such as assassination of Iraqis, public corruption and organized crime, and crimes against coalition forces. The second category includes attacks on the forces as well as the possession of prohibited weapons, including rocket-propelled grenades and mortars.

C Dzi 50 yards from Saddam’s Revolutionary Palace and I work in the palace and travel outside the Green Zone to get to court. Occasional mortar attacks, suicide car bombings and small arms fire nearby makes for some interesting court hearings. But it’s tough to complain when you think of the soldiers and Marines living in tents in the desert, where they are subject to daily fire. They are truly amazing people.

At the hearings, an Iraqi investigative judge conducts an open session in chambers to determine if there is sufficient evidence to warrant a trial. Coalition forces supply witnesses and an interpreter. The court supplies its own legal staff, including an Iraqi defense counsel for the defendant.

In this fairly informal process, witnesses give sworn testimony and the judges frequently examine witnesses and clarify ambiguities by asking questions. The defense counsel is allowed to present questions to the court for review. If the judge accepts the question, the judge asks the witness the question.

At the trial level, a three-judge panel listens to the evidence in a formal, well-appointed courtroom that is open to the public. The trial court follows the European inquisitorial court model. The senior trial court judges ask most of the questions. Iraqi prosecutors and defense counsel play a more limited role than do their counterparts in the American and British adversarial systems.

Upon conclusion of a case, the judges confer privately and enter a verdict or order his release. Following the verdict, the prosecution or the defendant may appeal the verdict or sentence to the Supreme Court of Cassation, the highest appellate court in Iraq.

The rules of evidence in Iraqi courts are not quite what we are used to. Hearsay evidence is accepted readily under most circumstances, while circumstantial and most scientific evidence is looked upon with institutional skepticism by judges who have little experience with technologies such as forensic testing. The court itself requires that at least two eyewitnesses testify for each case.

Not surprisingly, the vast majority of our cases must contain enough direct evidence to overcome strict standards of proof. Because our witnesses are found all around the country and are not necessarily thinking about rules of evidence while being shot at by insurgents, this can create quite a challenge.

The handover of power at the end of June 2004 did not have a profound effect on the docket or court procedures. There was a subtle change in the court’s authority to accept cases referred by coalition forces and others. Prior to the handover, CCCI technically did not have the authority to deny referral of any case brought by the forces. Since the handover, the court accepts cases at its pleasure. It is, after all, not a coalition court.

In my experience, the entire court process, from hearing through trial and appeal, is part of a somewhat confusing labyrinth of bureaucratic mechanisms that can be cumbersome and frustrating. Ultimately, this process may be more expedient than our
judicial system and sometimes ends up with the cases being completed in a few months, a relatively short time.

I have also found that in most situations the court carefully weighs the merits of the individual cases and not infrequently finds them lacking. Full acquittals are not uncommon. Extreme coalition forces. Even with hundreds of those with whom I have interacted are comparatively draconian judicial system lawyers and judges who were trained infrequently finds them lacking. Full

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am better able to truly appreciate our own

knowledge of the judicial process here

improves every day. I am hopeful this will continue.

My experience in Iraq has been phenomenal. I feel fortunate to be in the middle of such an important, historic time and place. In understanding the desire that the courageous Iraqi attorneys, judges and court personnel have for the reinstatement of an effective rule of law in this country, I am better able to truly appreciate our own carefully balanced judicial system despite its well-documented blemishes.

Ian Wexler was commissioned as an officer in the Navy's Judge Advocate General's Corps, shortly after graduation from law school in 1998. His first station was in San Diego, where he worked as a prosecutor. Subsequently, he moved to Naval Weapons Station Earle in New Jersey and then became an instructor at the Naval Justice School in Newport, R.I. Currently, he is the deputy liaison officer for the Central Criminal Court of Iraq (CCCJ) in Baghdad. He arrived in Iraq in April and was scheduled to return to Newport in October. Wexler and his "very supportive" wife, Liz, have two children, Isabella and Owen.

Gregg Nivala, adjunct faculty

Gregg Nivala was flying fast, 50 feet above the dry Iraqi landscape. The doors to the helicopter were open to counter the heat, but the air rushing in felt like a blowtorch.

"We were on our way up to a gravesite in the north yesterday, and it was 125 degrees, and we were wearing heavy clothes and body armor. It's hard to put into words what that feels like," Nivala said in a July interview. The connection by cell phone from halfway around the world was remarkably clear and Nivala sounded upbeat.

He had been in Iraq about three months and would be there at least three more, working in the civilian Regime Crimes Liaison Office. As one of the office's two deputy directors, he has been assigned by the U.S. Justice Department to help investigate and try criminal cases against officials from Saddam's regime.

An assistant U.S. attorney based in Richmond, Nivala, a former Marine helicopter pilot, is an adjunct faculty member in the law school's law skills program. For the foreseeable future, he has set that work aside. He has a wife and two children, ages 15 and 21, back home.

Nivala said his assignment to Iraq came with a sense of urgency. "We knew we had to keep this thing moving along" to establish real justice on behalf of Iraq's newly minted government. His Marine experience and his work in the Richmond office, where courts maintain the renowned "rock-er dockers," helped qualify him for the job.

The task force's top priority has been creating a crime base—investigating crime sites across Iraq from a 30-year period, and then attempting to tie specific defendants to these crimes.

He has looked into the mass relocation and execution of Kurds, the chemical attacks on villages like that at Halabja where 5,000 Iraqis died, and he has looked for clues among massive killing fields that are being uncovered throughout nation.

"There are believed to be close to 300,000 people in the ground here" as a result of the actions of Saddam's regime, Nivala said.

The work is extraordinarily challenging. So much time has passed and so much territory must be covered.

"This was a completely controlled society, internally and externally, until after the first Gulf War when we imposed the no-fly zone in the north and some non-governmental organizations came in and began doing interviews. We had had hints but in large part, they had kept word of what was going on from being disseminated.

"Now, we have found so much that the challenge is searching through it to get the truly relevant stuff. And it's all in Arabic. You always have to be aware that this country is not secure. It takes twice as long if not longer to do anything. It's very difficult. Any time you go out into the field, you treat it as a combat mission."

Nivala said he is looking forward to returning to the United States, where he will continue working for the tribunal for a while, but he has every intention of returning to teach at the law school. He would like to find a place in the curriculum for a class on the law of war. Conducting investigations and prosecuting war crimes in a war zone while shots are still being fired may be a first. "It's interesting work, for sure."—By Rob Walker
The law school’s LINC
Legal advocacy for cancer patients
By Betsy Powell Mullen
When Margee Smither, L'93, graduated from law school, she focused on passing the bar exam and ignored some unusual health symptoms.

After the exam, she visited a doctor and was stunned at the unexpected diagnosis: colon cancer. Instead of joining her classmates in the job search, she battled cancer, undergoing surgery and chemotherapy. Unable to pursue her career dreams, she worked part-time for a former employer and did some research for University law professor Ann Hodges.

And that's how she first became involved with LINC, Legal Information Network for Cancer, a legal advocacy group for cancer patients co-founded by Hodges.

As she began recovering, Smither vowed to place a higher priority on family and helping others. With time, she felt better. She found a full-time corporate law job and she let go of LINC.

"I went back to work and rejoined the rat race and sort of forgot my pledge to myself," she said. "Then I had my five-year anniversary and my doctor told me that I was essentially 'cured.' I sat down in my office that day and literally had a smack-myself-in-the-forehead moment.

"I looked around my office and realized that I didn't want to do it anymore. I wanted more time with my daughter, and I wanted to use my law degree to help other cancer patients."

She stayed long enough to collect a year-end bonus, which she donated to LINC.

LINC was co-founded by Hodges and Phyllis Katz, L'82, who had become friends because of two shared experiences — both are employment lawyers and both are breast cancer survivors. In 1993, they began meeting for coffee. Katz mentioned an idea she had for a nonprofit organization, and those coffees became brainstorming sessions.

Their mission was to help people with the "business side of cancer." That includes doing battle with insurance companies on coverage issues, appealing the denial of Social Security benefits, writing wills and medical directives for patients, taking care of custody arrangements and stepping in when creditors are hounding people too sick to fight. It does not include medical malpractice.

The first result of those discussions was a 1994 conference at the law school, which brought people together to talk about the financial, employment, housing and insurance issues that cancer patients face.

After a second conference in 1996, LINC was born.

The organization provides information, counseling and referral services, and helps educate the community about cancer. For clients who qualify, it offers pro bono legal aid.

The work can be as simple as giving information over the phone to help someone find community resources. And it can be as complicated as helping a client navigate the legal system after they have lost a job because of cancer or after an insurance company has refused to cover certain treatments.

LINC is a "one-stop resource" for cancer patients too sick to spend hours trying to find...
Author Adriana Trigiani (right) with Ann Hodges at LINC fundraiser

Students get involved with LINC for a variety of reasons, Hodges said. Some have had a personal experience with cancer. Others work with LINC through clinical externships or public interest grants. Either way, they are usually hooked.

"This is a small piece of the battle, giving people some security so they can focus on their health."

— Kyle Leftwich Banning

"They see what they can do and they see they can make a difference in people's lives," Hodges said. "That's what keeps people coming back."

Katz envisions using the University as a laboratory and getting a broad mix of students involved. Hodges said students will develop a guide on creating a legal nonprofit organization, which can be used by anyone who wants to establish one, including future LINC branches.

LINC appears ready to expand beyond Central Virginia.

Allison Held, '96, is leading a committee to bring services to Virginia's Tidewater region.

"There's no other organization like us down there, and we're getting calls for help," said Held, assistant to the commission at the State Corporation Commission and past president of LINC. Fundraising is still a struggle. "We're so unique. It's hard for people to understand what we do."

Held, who volunteered when she was Hodges' student, was LINC's first staff member. Although she had no personal connection to cancer then, several friends and family members have struggled with it since, including a close family friend who died this summer.

"Now all of a sudden, I have people in my life who are dealing with these issues," she said.

That experience "has reinforced my commitment," said Held, who received the Richmond Bar Association's pro bono award in January. "LINC is needed even more."

According to Brandy Burnett, '96, one of the problems many cancer patients...
face is the lack of important legal documents, such as wills, powers of attorney and medical directives. Once they’re diagnosed with cancer, pursuing these documents seems like “an admission of defeat,” said Burnett, who works for Rue and Associates and is LINC’s treasurer. “They put it off because they don’t want to think they’re giving up.”

So patients procrastinate and they become too sick to seek out and visit an attorney. Burnett meets them in their homes or hospitals to take care of business. After working on a couple of cases for LINC, Burnett faced a more personal job, coordinating legal matters for her grandfather after he was diagnosed with lung cancer. Helping him during his illness reminded her of the importance of house calls. Visiting patients at home means “keeping them in a comfortable environment instead of dragging them out to more offices,” she said. “People are so genuinely thankful.”

In May, Burnett won LINC’s first Krista Latshaw Pro Bono Service Award. Burnett said the award humbled her. “I don’t feel like I do that much,” she said. As LINC gains more recognition, and becomes more sophisticated, it becomes more effective, said Randy Sullivan, L93.

One of his first LINC clients was a young family man with two children to support and mounting medical bills. He did not speak English fluently and had been denied Social Security benefits. Sullivan got the benefits and then began calling doctors and hospitals to work out payment plans. The responses were “heartening,” he said. Everyone was willing to work with him, and some were willing to write off fees.

The University gave us an institution behind the name, and that gave us credibility and respect.”

— Phyllis Katz

Increasingly, lawyers doing pro bono work for LINC “automatically have credibility,” he said. Kyle Lefwich Banning, L93, came to LINC for a more personal reason. She lost her mother to breast cancer while in law school. She connected to Hodges her third year when she found out her professor was battling the same illness. When Hodges called in 1996 and explained LINC, Banning jumped at the opportunity to help.

“My inspiration was my wonderful mother,” who had great health care, insurance and family support, she said. “So many people don’t have that. It’s just so difficult for people, and to be able to resolve some of these issues for them is so rewarding.”

One of her first clients was a single mother who faced eviction and who was worried about what would happen to her 12-year-old daughter. "LINC is so practical in terms of helping people during their struggle,” said Banning, who specializes in Social Security benefits at Marks & Harrison. "It’s easy to get lost in the system. We file appeals and push their claims through the system and don’t stop until it goes through. We have never been unsuccessful for a LINC client. This is a small piece of the battle, giving people some security so they can focus on their health,” she said. Banning calls LINC “the most rewarding thing I’ve done with my law degree.”

Smither couldn’t agree more. Her experiences with cancer and LINC have turned out to be a “blessing,” she said. "I don’t know how else I would have come to appreciate what is important in life, and to appreciate how great I have it – a supportive family, great employers and employment opportunities, excellent medical care, and my health! There’s no way I could have not gotten involved with LINC.”

LINC

LINC

Want to help?

Every attorney wants to make a difference. You can, too, by using your legal expertise to assist cancer patients through Legal Information Network for Cancer (“LINC”).

LINC seeks attorneys who provide services on a pro bono and/or sliding fee-scale basis in the following areas: drafting of wills, advance medical directives and powers of attorney, employment and insurance, bankruptcy and debt, social security disability appeals and child custody, among others. Attorneys in all areas of practice are welcome; those with expertise in estate planning, employment, insurance and bankruptcy are particularly needed.

For information contact Susheela Varky, client services director, at (804) 662-5465 or Susheela@cancerlinc.org, or see www.cancerlinc.org.
On culture and the law

A conversation with Judge Robert H. Bork.
Editor’s note: Judge Robert H. Bork, former U.S. solicitor general and former judge of the U.S. Court of Appeals for the District of Columbia, joined the faculty in August. Bork may be best known for his role in the Watergate controversy, for President Reagan’s failed attempt to appoint him to the U.S. Supreme Court, and for the debate on culture and Constitution that followed. As Distinguished Professor of American Law and Culture, Bork will teach courses this year with Dean Rodney A. Smolla.

JMS: You’ve returned to teaching law several times in your career. Why now and why at the University of Richmond?

Bork: Why at the University of Richmond is easy. I have a good friend in the Jepson School of Leadership Studies, Professor Gary McDowell, who told me this was a great place and that the intellectual atmosphere here was very open. And I like the area and when I met Dean Rod Smolla, I liked him, so here I am.

But I’ve been teaching out at Ave Maria law school in Ann Arbor, Michigan for four or five years, so I teach on and off. That course is called Moral Foundations of the Law. One of these days I’ll discover what the moral foundations of law are. We keep trying.

JMS: You’re co-teaching a course this semester with Dean Smolla about the Constitution and American culture. For an originalist like yourself, American culture must have little to contribute to constitutional decision-making.

Bork: I wish it were true.

JMS: What do you think will be the themes of the course?

Bork: I have no fixed agenda. The subject can be approached in a variety of ways. It depends on how the discussion proceeds. It will largely be affected by how the students help direct the course. This is not the basic constitutional law course in which we are covering the law and you have to learn it that way. It will be, I hope, more of a conversation on the interaction between the culture and the law. Law affects culture very deeply and culture affects law very deeply.

JMS: Your views on important legal issues have changed over the course of your legal career.

Bork: I went to law school as a socialist. I was going to use law to bring down the system. Then some terrible things happened to me. One was I ran into the Chicago economists—Milton Friedman—and they destroyed my dreams of socialism in a hurry. Then I spent two terms in the Marine Corps, and that changes your view of human nature and what its capacity for change is.

JMS: What was it about the Marine Corps that changed your views?

Bork: In the service you come across people you never see in the rest of your life. I had an idealized vision of working men becoming models of self-sacrifice and idealism and so forth. That’s nonsense. Human nature isn’t like that. None of us are like that. I got into the socialism business through a high school teacher and reading a lot of books. You can read books forever and they make socialism sound like a wonderful idea. If people behaved certain ways it would be a wonderful idea but they don’t behave that way not even when coerced.

JMS: What have been the other major influences in shaping your beliefs? Does religion play a large role?

Bork: No. I became a member of the Catholic church about a year ago. But for most of my life, I wasn’t particularly interested in religion. No, my views were shaped by reading and just experience with life. If you talk about reading then, Friedrich Hayek’s *The Road to Serfdom*, Whittaker Chambers’ *Witness*, reading Dostoevsky—that novel that is variously called *The Devils* or *The Possessed*.

JMS: You were in the Justice Department as solicitor general during the Watergate investigation. What do you think has been the most lasting effect on American society of Watergate?

Bork: I think a wave of sort of misguided reform, of which the latest example is the McCain-Feingold campaign finance act, which is nothing but regulation of political speech—and the Supreme Court has now ratified it. But before that there were a series of campaign finance acts, war powers acts, the establishment of an independent counsel or special prosecutor (which they finally gave up on when they began prosecuting the wrong politicians). I think the reaction to Nixon was a great overreaction. What happened then was not curable by any legal reform I can think of. Nixon’s not the first president to engage in hanky panky. I don’t know any way you can stop it by legal reform. You can stop it only by an alert press and congressional oversight.

JMS: Given that the executive branch is probably larger than the framers of the constitution ever envisioned—

Bork: Everything has changed.
Archibald Cox was appointed special prosecutor. The Department of Justice was extremely vague about the presidency. I don’t think they knew what that office was to become. They left that to future developments, and it became a very powerful office. On the other hand, Congress has become steadily more powerful and more intrusive, and the courts have too. I think we have much more government from all three branches than the framers anticipated.

JMS: In other interviews, you’ve talked about your belief that the Department of Justice was capable of dealing with what you were calling hanky panky.

Bork: In Nixon’s case, long before Archibald Cox was appointed special prosecutor, the U.S. Attorney’s Office in Washington was on to the case and they had developed about a 73-page outline, which heavily implicated Nixon. A man named Earl Silbert, an assistant U.S. attorney, developed that, but Congress insisted that Elliot Richardson, as a condition for his confirmation as attorney general, appoint a special prosecutor. They simply wouldn’t trust the Department of Justice.

The fact is the Department of Justice was clearing it up. They turned the 73 pages over to Cox when he came in and somebody wrote in the margin—and I don’t know who, and I’ve asked—beside a discussion of Nixon, ‘constitutional problem?’ They were clearly wondering if they could indict Nixon, and that was before Cox was on the scene. So I think the Department of Justice in that era was capable of dealing with White House misconduct. I became less sure of that when Janet Reno was in office. There were some times when she was absolutely required by law to appoint an independent counsel and she wouldn’t do it.

JMS: I’d like to speak a little about the current Supreme Court and your views of what you think the Rehnquist court will be remembered for.

Bork: It will be remembered for the people who disagreed with Rehnquist. They’ll be remembered for Souter, Ginsberg, and Breyer, and Stevens, Kennedy, O’Connor. You call it the Rehnquist court, and that’s conventional, but he doesn’t dominate that court by any means.

JMS: Who do you think would be good candidates to fill future vacancies on the court?

Bork: If I told you who I thought would be good candidates, that would put the kiss of death on them. I have some in mind.

JMS: How do you think America would be different today had you been confirmed?

Bork: Roe v. Wade would have been overruled. People misunderstand; that would not outlaw abortion. It would just return the issue to the states, where it was up until 1973. The flag-burning case would have gone the other way. I certainly would have dissented in screaming tones from the campaign finance case. Really an abomination. And I would not have stretched the First Amendment to cover all these extreme forms of pornography. What difference that would make, I don’t know.

JMS: You have argued in favor of a constitutional amendment that would allow any federal court decision to be overruled by the legislature. Recently you have supported a constitutional amendment on gay marriage, which suggests you might not trust the courts with this issue.

Bork: I think that’s a fair inference.

JMS: Is this because modern courts don’t follow your thinking on constitutional originalism, so you’d rather take your chances with the...
legislature? Or do you think all important decisions should be made by the legislative process rather than by the courts?

Bork: No, I think there are some important roles for the courts, but I wish they understood it is not making up the Constitution. The people on the court I tend to think are closest to my views are Scalia and Thomas. Rehnquist sometimes. And the rest are making up rights that have no plausible relationships to the constitutional text, history or structure. It's interesting because as they depart from any concern for the Constitution, all they need is the word 'liberty' in the 14th Amendment and they're off and running. Foreign courts are doing the same thing with their constitutional charters. And since the major cultural influence on both the American courts and the foreign courts is what we loosely call the intellectual class, and our justices have begun to cite foreign decisions and they cite ours, you're approaching a state in which there will be a kind of international constitutional law. There will be international common law of constitutional law, which will be entirely judge-made. And it will be much the same across national boundaries because the social forces at work, the cultural forces at work on the courts are the same.

JMS: Is there any one main factor in the culture that is contributing most to the decline you describe in your work?

Bork: I think it's the spirit of radical personal autonomy — what you see in Supreme Court decisions now. You remember the mystery passage that appeared in Planned Parenthood v. Casey, and it appeared again in Lawrence v. Texas? 'At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.' The mystery of human life. From that kind of twaddle follows constitutional decisions. All that is is a statement that, if you took it seriously, you can't have any government because everybody can define meaning and existence for themselves. Of course they don't mean that, but they mean it in certain areas. They won't allow legislative moral choices in a lot of areas. Where the spirit of radical personal autonomy comes from, I don't know. It may be affluence; maybe technology has made us so we can satisfy ourselves in ways that were previously impossible. Work really isn't that hard any more compared to what it was. I can't locate where the spirit of autonomy comes from but I think it's reached excessive proportions.

JMS: What do you see as the role of law schools and legal education in this larger intellectual debate?

Bork: In constitutional law, law schools are like the Supreme Court. This Supreme Court is not like the Warren court. The Warren court politicized everything. No defendant ever won an antitrust case in the Warren court no matter what the lower court cited, no matter what the findings of fact were. Always the government won. No taxpayer won. No patent holder won. They politicized every field of law, including the Constitution. This court isn't like that. If you go up there on a regular antitrust case or tax case you get an intelligent hearing and you get a lawyer-like response. It's only when you get into a cultural area in a constitutional context that the court moves left. And I think that is true in many law schools. People
working in the law and economics, by and large, are doing hard, intellectual work. People teaching constitutional law are often indulging their political views. Some of them have said the function of legal scholarship is to persuade to a certain political result. That’s in print. The one I really enjoyed was the one who said if he were a judge, he’d decide every case in a way to advance socialism—Mark Tushnet, at Georgetown law school.

We have a lost generation of constitutional scholars. Some of the younger people are much better, but we have people tenured who were student radicals in the sixties and seventies, and when they teach constitutional law there’s no relationship to an intellectual discipline at all. I think some of the younger faculty are going to be much better. That may have long-term effects on courts.

JMS: Tell us about your first case when you came out of law school.

Bork: I was with Willkie Owen for a year—Willkie Farr & Gallagher as it is now. They kept describing this antitrust case, and it was baseball’s reserve clause. I worked on that for several months and produced a tome defending the reserve clause. They settled the case, and I said I’m ready for the next antitrust case, but that was the only one they ever had. So I went searching for another job and got offers including Cravath, Swaine & Moore and Kirkland & Ellis in Chicago. I’d gone to school in Chicago and Kirkland was much less hierarchical. Cravath sounded like I’d be carrying somebody’s briefcase for years. I turned Cravath down, and in those days people didn’t turn Cravath down. The hiring partner said ‘Why?’ and I told him I thought I’d get more responsibility sooner at Kirkland. He said you come back in four years and we’ll have lunch and you tell me about the cases you’re running. The fact is I could have because I was running cases by that time. They weren’t the biggest cases but they were my cases.

My first case I think was the sale of expectances. You don’t know what that is, and I hope you never find out. Often heirs to an estate will begin to sell at a discounted value their expectancies from the estate. There’s a big market for those things. There used to be a man in Philadelphia who traveled around Europe and got hold at various watering places of impecunious heirs and bought their expectancies and resold them at retail. In the course of that I learned the difference between a remainder vested subject to being divested and a contingent remainder. I learned about oral argument at that point because I went into a state court where we were, and the judge was going to assign the case to a master, and I said before you do, you ought to decide a legal issue. He said what’s the issue? And like an idiot I said whether it’s a contingent remainder or whether it’s a remainder subject to being divested. He said, in effect, shut up. I learned about how you talk to judges.

JMS: What did you enjoy most about your antitrust work?

Bork: Antitrust law was a complete mess. I practiced antitrust law. I liked to litigate it, but when people came to me for advice, I was in deep trouble. You could look at the thing and come up with any answer. Once
they got in trouble there was no problem. You would go in and do battle.

What I enjoyed most when I got into teaching was working through the problems until I thought I saw the connections between all the fields of antitrust law, which are often seen as separate, and then developing a theory about what principles should guide antitrust and applying them to particular business practices. I wrote a book. I took a sabbatical and went to London. I had two footlockers full of articles and cases and so forth. People asked why would I go to London to write a book about American antitrust law and the answer was the alternative was New Haven. I had to delay publishing it when I became solicitor general, and I didn't want to publish a tendentious, controversial book, because people would say this is the way he's going to argue cases. But the truth was if a case came up that I could not agree with but we had an institutional duty to defend, I would assign it to one of my deputies. I wasn't going to stand up and say things I did not believe. But that was hard, working through that field. I really enjoyed when I finally thought I had it.

JMS: Do you think things have improved in that field?

Bork: Oh, yes. Antitrust laws have vastly improved. At the time I wrote the book I thought it never would. At the time I wrote the book, I thought the intellectual errors were too deep and the political motivations were too strong.

The nice thing about antitrust is that you turn to price theory and economics. You can get an answer, and furthermore, price theory is a powerful rhetoric. It's possible to make advances in antitrust and improve it because of the power of microeconomics. Unfortunately there is no similar way to demonstrate things in constitutional law. I think the argument for originalism is overwhelming, and I have yet to hear it refuted successfully. In antitrust, lawyers and judges had been making up their own brand of economics for years. Economists hadn't really looked at antitrust. They heard that antitrust was preserving competition and they said that's fine. They never looked at what it was doing, which was often destroying competition. When economists became aware of what was taking place, they provided very solid support for what some of us were arguing.

There's no similar intellectual force to reform constitutional law. Interestingly enough, the Supreme Court says, for example, they are not bound by what's in the Constitution. Ask where does substantive due process come from and they say the court's always done it. That's their best answer. It's quite true. The court has always done it. They must think they've established an easement across the Constitution. You can criticize them again and again and again and nothing changes. I don't know that it ever will change. The court has become a powerful political and cultural force, legislative and claims finality, which no other legislature can claim. And it has enough political support that I don't think you can confirm people now who would change the court's directions.

JMS: Reflecting on your time in law school and your career, what do you think is the most important advice you could give law students today?

Bork: Keep going until you find a place you like. I have always been very restless. I practiced for seven or eight years, until I realized that one more deposition and I was going to lose my mind. One more motion to dismiss. That's when I went into teaching. And now I'm glad I got out of full-time teaching. Other people are in practice and they love it all their lives.

I don't know how to advise anybody except to find what in law he or she likes best to do. I've changed law firms, I've left a law firm for teaching. Then I became solicitor general and later a judge. The best time I ever had was the first five years of teaching law. But then the student radicals hit. They were impervious to argument, and, for some years teaching lost much of its intellectual pleasure.

JMS: What did you enjoy about those five years?

Bork: It was a kind of free-wheeling intellectual atmosphere. Particularly with Alex Bickel: We disagreed about a lot of things but we both were reasonable about it. He changed my views and I changed his views, according to him.

JMS: Is there a particular area of law that you find yourself more interested in today?

Bork: I find myself less interested in law as such and more interested in the aspect of the course dealing with the interaction of law and culture. The two are entwined so I can't get completely away from the law. But a lot of what I read now is not written by lawyers.

JMS: Do you expect if you were to write future books, that they would be along the culture lines?

Bork: Yes. I'd also like to write a book on the martini. It's called 'The Theory and Practice of the Dry Martini.' The martini is an example, like constitutional law, of heresy creeping in. It started with the vodka and olives, which is to the orthodox martini what substantive due process is to the law.

JMS: We really appreciate your taking time to talk with us.

Bork: I've enjoyed it.
At the helm of the National Capital Planning Commission

By Rob Walker

John V. Cogbill III awoke on May 29, 2004, in the nation's capital. The temperature was a cool 58 degrees. The sky was clear and bright. By midday, as 150,000 people, including thousands of white-haired veterans, gathered on the Mall, it was in the mid 70s. A perfect day, Cogbill thought. "Somebody is looking out for us."

They had come to dedicate the National World War II Memorial and to honor veterans of that war, dead and living, and when President George W. Bush asked the vets in the crowd to stand, Cogbill choked back tears. He patted his father on the back as John V. Cogbill Jr. rose with his brothers-in-arms. Father and son looked across the faces of those living representatives of the distant war. "That was a very special moment."

For Cogbill, a Vietnam-era veteran and father of two sons serving in the U.S. armed forces, the day was significant for another reason. As chairman of the National Capital Planning Commission, he oversees landmarks and federal development in Washington and the broader national capital region, which reaches into Maryland and Virginia.

Among the first tasks of his six-year term—presidential appointment—was overseeing planning and construction of the World War II Memorial. There had been conflict on the commission over plans for the memorial and Cogbill was brought in, in part, to bring it to fruition.

"They said the President has selected you, and would you like to be chairman?"

The prickly issues related to the memorial quickly paled. Within months of his June 2001 appointment, on Sept. 11, 2001, terrorists attacked the Pentagon and the World Trade Center. Cogbill and the commission turned their attention to securing some of the nation's most symbolically and functionally important buildings and monuments, while maintaining their beauty and accessibility.

"We have to provide security [to our federal buildings] without making Washington a fortress," Cogbill said.

Cogbill's work with the commission, overseeing a staff of 57 and juggling often-competing interests, is rewarding, but it is not his full-time job. He is managing partner of the McGuireWoods law firm's Richmond office.

"That means a lot of responsibility and a little authority," he said in typical, self-deprecating fashion.

He is chief administrator to more than 600 people working in a quarter of a million square feet of office space in a downtown tower that is undergoing a complete renovation while the firm continues its national and international practice.

This is a busy man.

Cogbill was born in Munich, Germany, in 1948, where his father was in the U.S. Army Constabulary. Cogbill's first home, which he knows through family lore, was a
house with a hole in the roof that had been opened by a bomb. Life there, he was told, was "rudimentary." The economy moved on cigarettes and coffee. Europe lay in waste.

Because of his father's Army career, the family moved around. When his father was sent to Korea, they moved back to Richmond. There were plenty of ties there on both sides of the family, which traces roots to the city, Chesterfield County and Williamsburg.

Cogbill counts among his forebears court clerks, commonwealth's attorneys, and a state senator. His great-great-grandfather W.W.T. Cogbill, an infantry captain, was killed at Gettysburg in Pickett's Charge in 1863. Cogbill earned an appointment to the U.S. Military Academy at West Point, N.Y. After his military service, he returned to Richmond to law school with a family of his own. McGuireWoods hired him before his graduation from law school.

In his practice, he has focused on real estate, environment, land use and urban design.

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A few years ago, Gary Thompson, a friend who also happened to be state Republican Party chairman, said he had heard about a job opening and asked Cogbill if he might be interested. "I was knowledgeable about planning but I didn't know much at all about the commission," Cogbill said.

Three months later he had a call from the White House, saying they had heard he might be interested. He looked further into the commission's role and determined, "I could help with that."

He sent up a resume. They asked him to come for an interview. This was a busy time for Cogbill, but he made the trip to Washington for a 7 p.m. meeting. "I figured if they were willing to meet with me at that hour, they must be interested." The next day he got word: "They said the President has selected you, and would you like to be chairman."

Since then, Cogbill has distinguished himself as "a great champion" who "has taken a leading role with many of the agency's signature initiatives," said Patricia Gallagher, the commission's executive director. The commission benefits from his expertise with real estate law and his "ability to bring everyone to the table."

"One reason they were looking for someone new on the commission was they were having problems" with the World War II memorial, Cogbill said. This was a project that had been in the works since 1987, but the commission had not been able to reach a consensus despite a rising interest across the nation in honoring the veterans of World War II and the involvement of high-profile leaders including actor Tom Hanks and former senator and veteran Bob Dole.

"I rallied enough votes to get it through," he said. "If I hadn't been there, I'm still not sure it would have passed."

During his tenure, Cogbill worked alongside the legendary J. Carter Brown, who had served as director of the National Gallery and, until his death in 2002, as chairman of the Washington Commission of Fine Arts, which reviews changes to the capital city's monumental landscape.

He also found himself sharing the podium at the White House with First Lady Laura Bush.

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Cogbill finds a number of notable projects filling the agenda for the remainder of his term on the commission.

Among the most significant are completion of the Pennsylvania Avenue plan and transformation of the South Capitol Street Corridor.

Cogbill described the Pennsylvania Avenue plan as "an extraordinary piece of planning" designed to secure, beautify and keep open one of Washington's most valued public spaces. This work, which should be completed this fall, focuses on the street in front of the White House, and it includes the return to that site of leafy elm trees that were once part of the landscape.

The South Capitol Street corridor plan should transform that littered gateway into a grand boulevard that will provide settings for future national monuments, memorials and museums. It also will serve as a major evacuation route in the event of emergencies.

Closer to home, Cogbill offered support for the work the law school is doing in educating the next generation of attorneys. He said his firm will continue to look at Richmond for good hires. "We know the facility. We keep an eye on what they're doing. We have a good history there."

What is the most important lesson he learned in his law school years? That came with the very first paper he turned in. "I had been looking at all these legal writers like Learned Hand and reading famous opinions by Supreme Court judges so I was trying to write like that. When I got the paper back the note on it said 'Write in plain English.' It was very instructive. It's advice I'd repeat to any student today."

John Cogbill's Big Plan

Top: Cogbill shows rendering of the National World War II Memorial. Above: Cogbill with his father at the dedication of the memorial.
Environmental Reading

By Margaret L. Sanner and Carl Tobias

University of Richmond School of Law graduates who are planning autumn vacations, reflecting on summer 2004 trips or contemplating 2005 adventures may want to read a host of new books about the environment. These titles feature various aspects of natural habitat: one is close to home, a second is in the South, a third is out West, a fourth covers the United States, and a fifth encompasses the world.

Turning The Tide (2003, Island Press) by Tom Horton is a comprehensive analysis of the progress, or lack thereof, made in protecting the valuable 'resources of the Chesapeake Bay. The author descriptively examines the bay; assesses its present state vis-à-vis pollution, harvests, resilience and population pressures; as well as offers lessons and suggestions for conserving and enhancing the bay's environmental quality.

Cumberland Island National Seashore (2004, University of Virginia Press) by Lary Dilsaver thoroughly evaluates an important component of the national seashore system situated off of Georgia. The writer canvasses the island's history before creation of the National Seashore; establishment of that seashore and the problems entailed in securing the land for it; the area's planning, operation and resource management in the 1970s; the controversies over seashore management and use, which continued from 1980 to 1995; and the author's hope for Cumberland Island in the new century.

A Celebration of the World's Barrier Islands (2003, Columbia University Press) by Orrin Pilkey, is an international examination of these fragile environments. The writer characterizes Hurricane Dennis as a useful catastrophe; canvases the global picture and the American scene; juxtaposes the islands' science and certain human realities, which are awash in politics; reviews six examples of barriers around the world and affords a requiem for some friends. The original batik illustrations of barrier islands by Mary Edna Fraser are a delight to behold.

The National Wildlife Refuges (2003, Island Press) by Robert Fischman, is a thorough analysis of the nationwide refuge system. The author explains the system and its history; assesses the National Wildlife Refuge System Improvement Act of 1997 and its efficacy; evaluates how resource management might be applied to specific refuges and resources; and speculates on the effectiveness of resource management through organic legislation.

Keeping Faith With Nature (2003, Yale University Press) by Robert Keiter, comprehensively explores public land management in the western United States. The writer traces the history of policy and power on the public domain; scrutinizes ecology on that domain and how it may be triumphant; considers how ecology might be restored and preserved; and suggests how a new order involving ecosystems and democracy could keep faith with nature.

Lawyers should find much of interest in these volumes. All of the books show how critical the law can be to the environment, although none of them is exclusively about law.

Margaret Sanner is a partner in Goodman, Allan & Filetti, PLLC, and Carl Tobias is the Williams Professor at the University of Richmond School Law.
Have you ever wondered just what are the rewards of service in our noble profession? A friend of mine asked himself this question before he committed to volunteer with the Trial Lawyers Care program, which provided pro bono service to more than 1,700 families who had been victimized by the disasters of Sept. 11, 2001.

"You ask yourself why you want to be a lawyer," he said. "Then something like this comes along. You volunteer, then you understand." 

Our profession has a remarkable legacy of service, giving to others, to our country, our communities, our profession and our schools. Public service is integral to our lives as lawyers.

"This is what is best in our profession," said the Hon. Stephen Breyer, associate justice of the U.S. Supreme Court when addressing the Trial Lawyers Care attorneys at the ceremony honoring them in July of this year. "This is a profession that tries to help; it is a profession that responds when help is asked." 

As we begin this new school year, we are reminded of the success and values instilled by our law school, and we give thanks for the first-rate legal education it has provided for us all. We are also reminded that we, too, must respond when help is asked. That is the character of lawyers as a whole and specifically of our alumni at the University of Richmond.

I write asking you to respond to our call for assistance in supporting the exciting and ambitious plans proposed by Dean Rod Smolla. Last spring, he outlined his bold agenda for five academic centers at the law school, including new programs in intellectual property, law and medicine, and the international rule of law. Dean Smolla has also proposed adding many new faculty positions, expanding the law school building and increasing revenue for student financial aid.

Your involvement in this mission is essential. Your collective generosity, your advice and wisdom, your business acumen and your moral support will be integral to the work that lies ahead.

Led by Dean Smolla and Nancy Phillips of the law school development office, the law school will implement a creative class agent program to enhance contact with our alumni. We seek greater awareness of the activities at the school, a heightened interest in involvement in the future of the school, and a greater investment in its giving programs.

We need your help. The strength of this new program, and Dean Smolla's ambitious agenda for our law school, like any mission of service, lies with the collaborative effort of all alumni. Not one class, one segment of the alumni, not one individual, can spearhead this effort. We seek involvement of all alumni. We will be calling on you in the months ahead and look forward to working with you to accomplish these many goals.

I implore you to be receptive to the calls from your class agents, to be involved in the mission which we all will be asked to serve, and to be generous in supporting the law school in every way possible. I look forward to working with you all.

—Tim Barnes, L '78, president
The Law School Association

Omohundro catches Legislature's gaffe

The Virginia General Assembly returned to the state capital in July, thanks to Carl E. "Buddy" Omohundro, I and GB'02. The lawmakers met in special session to correct a whopper of a legislative error they made last spring granting employees the right to request Saturdays and Sundays off.

On April 1, the General Assembly mistakenly resurrected an old law that gave workers this option, and no one noticed it until Omohundro, an associate with the McGuire Woods law firm in Richmond, found the mistake while doing research for a client. The legislators' intent was to eliminate penalties that were part of obsolete Sunday closing laws. But what they did was accidentally keep this old provision alive while repealing a section that gave exemptions to most Virginia businesses.

In effect, Omohundro discovered, the law gave employees the right to request Saturdays or Sundays off based on their religion. And if businesses refused, they could have been fined up to $500 for each violation or required to pay employees triple their normal wages for working on the Sabbath.

When he read the law, Omohundro said he thought, "I must be missing something. They wouldn't have done this." He made a number of phone calls, consulted with colleagues at McGuire Woods and alerted the Virginia Chamber of Commerce.

He was correct in assuming it would be a big deal. Stories quickly appeared in Richmond and state media. Omohundro also was interviewed by the Washington Post and appeared on National Public Radio.

The legislature returned for a one-day session to correct the error, which had gotten past two cabinet secretaries, three lawyers in Attorney General Jerry W. Kilgore's office, lawyers in the legislature's legal department and advisers to Gov. Mark Warner.

A Richmond native, Omohundro received his bachelor's degree from the University of Virginia in 1992, where he earned first-team All-Atlantic Coast Conference football honors. He was editor-in-chief of the Richmond Law Review. After earning his law degree and an M.B.A., he clerked for Justice Elizabeth Lacy of the Supreme Court of Virginia.
Robert G. O'Hara Jr., L'67, retired from his work as chief judge of Virginia's 6th Circuit. He had been appointed to the bench in 1977. He is credited with having new court and jail facilities built in several localities in the circuit. O'Hara was the subject of a feature story in the Aug. 2 edition of the Richmond Times-Dispatch. He raises beef cattle on his farm outside Emporia, Va.

Henry R. Pollard IV, L'67, is chairman-chief executive officer of Parker, Pollard and Brown.

Carroll F. Bray Jr., R'68 and L'71, retired in February 2003 after 17 years as executive vice president, general counsel and corporate secretary at the Federal Home Loan Bank of Atlanta.

Edward D. Barnes, L'72, was selected for inclusion in Virginia Business magazine's annual Legal Elite. He has been included in the list every year since its inception. He also was included again this year in the Best Lawyers in America. He is chair-elect of the board of governors of the Virginia State Bar family law section.

Edward K. "Eddie" Carpenter, L'73, was appointed judge for the General District Court of the 16th Circuit by the Virginia General Assembly last May. He had been the Goochland County commonwealth's attorney before his appointment.

John J. Davies, L'73, is vice president of the board of directors for Virginians for the Arts. He is with Davies, Barrell, Will, Lewellyn & Edwards.

Philip J. Whiteway, L'74, is secretary-treasurer of the board of Virginians for the Arts.

John W. Daniel II, L'75, of Troutman Sanders, was named to Virginia Business magazine's Legal Elite in the environmental law category. The Legal Elite were selected as leading attorneys in their fields of law, according to a poll of more than 5,500 Virginia lawyers.

Harold L. Kestenbaum, L'75, has been chosen as one of the top 100 franchise lawyers in North America by the Franchise Times.

Deborah S. O'Toole, L'76, is president-elect of the Chesterfield County, Va., Bar Association.

Glen W. Pullay, R'73 and L'76, of Danville, Va., is a member of the Virginia Bar Association's board of governors. He is president of Clement & Wheatley, where he is the lead attorney in the firm's litigation department.

Bruce C. Stockburger, L'76, has been elected as an American Bar Foundation fellow. Stockburger is partner and chair of the business and healthcare practice areas at Gentry Locke Rakes & Moore in Roanoke, Va.

Theodore L. Chandler Jr., L'77, is treasurer of the board of governors of the American Land Title Association. He is president and COO of LandAmerica Financial Group.

Wade W. Massie, L'77, has been selected for inclusion among the Legal Elite by Virginia Business magazine. He is a principal with the Abingdon, Va., law firm PennStuart.

John C. Shea, L'77, has been named to the Virginia Commonwealth University Children's Medical Center board of directors. He is a partner at Marks & Harrison.

John C. "Jack" Gould, L'78, was elected president of the Hopewell/Prince George, Va., Chamber of Commerce. He is an attorney with Marks & Harrison where his practice focuses on personal injury and criminal defense.

Kenneth E. Powell, L'78, has been elected to the board of directors of the Maymont Foundation.

David L. Hausrath, L'79, has been promoted to senior vice president and general counsel of Ashland Inc., based in Covington, Ky. He joined the company in 1980.

James V. Meeth, L'79, is president-elect of the Virginia Bar Association. He is vice chairman of Williams Mullen and also chairs the firm's labor and employment section.

Stephen E. Barii, L'80, is advertising committee chair of the Virginia State Bar. He is president of the Richmond Bar Association.

Barry A. Wilton, L'80, is president-chief operating officer of Parker, Pollard and Brown.
John M. Carter, L'81, is director of human resources in the office of the executive secretary for the Supreme Court of Virginia. He had been with LandAmerica.

Mary G. Commander, L'81, has relocated her law office in Norfolk, Va. Her firm continues to emphasize family law, including adoption, divorce and family law mediation.

Barbara Ann Dalvano, L'81, has joined Isaacs, Rosenbaum, Woods & Levy in Colorado Springs, Colo. She practices in the areas of estate planning, taxation and business transactions.

Karen Neil Swisher, L'81, was promoted by the board of visitors at Virginia Commonwealth University to professor of health law and bioethics in the department of health administration at Forum. Membership to the board of visitors at the Medical College of Virginia campus. In addition to teaching health law and bioethics, McCauley, L'83, is a member of the Million Dollar Advocates Forum. Membership to the forum is limited to attorneys who have won million and multi-million dollar verdicts, awards and settlements.

Mary P. Adams, L'84, is program director of the Chesterfield, Va., Country Bar Association. Siran S. Faulders, L'84, has joined Troutman Sanders.


Lynn F. Jacob, L'82, a partner at Williams Mullen, has been elected a fellow of the College of Labor and Employment Lawyers.

Phyllis C. Katz, L'82, has been elected a principal at Sands Anderson Marks & Miller.

Donald W. Piacentini, B'74 and L'82, is chief financial officer of Parker, Pollard and Brown.

Steven D. Gravely, L'83, of Troutman Sanders, was named to Virginia Business magazine's Legal Elite in the health law category. The Legal Elite were selected as leading attorneys in their fields of law, according to a poll of more than 5,500 Virginia lawyers.

Michael G. Phelan, L'87, an attorney in Richmond, was recognized by New York-based Trial Lawyers Care for his work on behalf of victims of the Sept. 11, 2001, terrorist attacks. He represented two clients who lost family members at the Pentagon. Trial Lawyers Care, formed within days of the terrorist attacks, is the largest pro bono program in the history of American jurisprudence.

F. Neil Cowan Jr., L'88, is immediate past president of the Chesterfield County, Va., Bar Association.

Lynwood Lewis, L'88, was elected to the Virginia House of Delegates (D-100th District). He is an attorney on the Eastern Shore of Virginia.

D. Gregory Corr, L'89, has been elected to the board of directors of the Greater Richmond Bar Foundation.

William L. Neeley, L'89, was honored with a Leader in Christian Service Award. The award, sponsored by Milligan College and Standard of Virginia, is with Marilyn C. Goss, L'82, has been elected president of the Old Dominion Bar Association. She is with the Legal Aid and Justice Center.

Theodore F. Adams III, L'86, of Troutman Sanders, was named to Virginia Business magazine's Legal Elite in the legislative/administrative law category. The Legal Elite were selected as leading attorneys in their fields of law, according to a poll of more than 5,500 Virginia lawyers.

Law degree proves valuable to preservationist

A funny thing happened to Jonathan Poston, R'76 and L'81, on the way to his law degree. He earned an M.A. in early American history with a specialty in the interpretation and administration of historic sites.

The year-long detour to The College of William & Mary spawned Poston's lifelong career, but the law degree from Richmond has come in handy. As director of museums and preservation initiatives for the Historic Charleston (S.C.) Foundation, Poston often finds himself knee-deep in issues related to zoning and real estate law.

"I never intended to work for a law firm," said Poston, a native of Bluefield, W.Va. After one year in the legal field in his hometown, Poston visited a law classmate in Charleston, S.C. He made some contacts in the historic preservation field, and ended up moving permanently to the city that serves as an icon for the Old South.

"I thought I'd stay two years," Poston said. Twenty-one years later, he's still there. During his tenure, Poston has written the definitive book on Charleston's history and architecture. A 717-page tome, The Buildings of Charleston, won the South Carolina Honor Award for Historic Preservation.

Not only has he survived zoning board hearings and the four-year process of writing and publishing a book, but Poston has lived through a devastating hurricane. Hugo's rampage across the South Carolina coast in 1989 marked "a watershed period" for historic Charleston, Poston said. As traumatic as the loss of historic property was, he added, "there were silver linings." For instance, "the hurricane offered the opportunity to investigate [the city's] historic courthouse."

That investigation turned into a 10-year restoration project that Poston coordinated. Through meticulous research and attention to detail, he said, "we restored it to its 1792 appearance."

Poston's job requires that he dwell in the past, and that suits him. He'll stick with it for the indefinite future because "there's always some new challenge that arises."

— Anna Barron Billingsley
CLASS ACTIONS

Publishing Corp., recognizes business and civic leaders who exemplify Christian servant leadership in their vocations. Neeley has been a staff member at Mountain Mission School in Grundy, Va., since June 2003.

G. Russell Stone Jr., L'89, has joined the firm of Bowen, Champlin, Carr and Rockcharlie. He will concentrate in civil and criminal litigation and domestic relations.

's90s

W. Christopher Browder, L'90, has received Martindale-Hubbell's top AV rating. Browder's practice includes utilities, regulated industries, business transactions, land use and development, and intellectual property. He focuses on clients who develop power generation, water or wastewater facilities. He is with GrayRobinson in Orlando, Fla.

Blair M. Jacobs, L'90, and Heather Webb Jacobs, L'91, have three daughters: Peyton, 7; Ainsley, 4, and Macey Lee, born Oct. 22, 2003. Heather stays at home with the children and Blair is partner at Pillsbury Winthrop, where he practices patent and trademark litigation.

Alex Cecil, L'91, is chief compliance officer with Scott & Stringfellow Inc. and BB&T Capital Markets. He was profiled recently in the Richmond Times-Dispatch.

Keith N. Hurley, L'92, is second vice president of the Chesterfield County, Va., Bar Association.

Penny Land, L'92, and her husband, Cameron, welcomed a daughter, Paige Alexandra, born Feb. 24, 2004.

Todd Preti, L'92, is a shareholder with Midgett & Rack in Virginia Beach. He continues to practice in the areas of estate planning, administration and corporate law.

Brian R. Pitney, L'92, has been elected a principal at Sands Anderson Marks & Miller.

William O. Quirey Jr., L'92, is an associate with Brown Greer.

Sean P. Byrne, L'93, has been elected a director at Hancock, Daniel, Johnson & Nagle.

G. Wythe Michael, L'93, has been promoted to member at Hirschler Fleischer.

Cullen D. Seltzer, L'93, has opened his own office. He had been with BrownGreer.

Jeremy Sohn, L'93, and his wife, Khrista, had their second child, Mollie Parker, on Dec. 22, 2003.

David W. Hearn, L'94, has been elected a principal at Sands Anderson Marks & Miller.

Mark M. Caldwell, L'95, has been elected a principal at Sands Anderson Marks & Miller.

Brydon M. Dewitt, L'95, is a partner at Williams Mullen in the firm's employee benefits practice. His practice focuses on all areas of employee benefits law, including qualified pension plans, welfare plans, HIPAA compliance, stock-based compensation and benefits issues arising in mergers and acquisitions.

Robert F. Moorman, L'95, is a partner at Reed Smith. His practice emphasizes construction and commercial litigation.

Patsy L. Mundy, L'95, was selected as counsel at Sands Anderson Marks & Miller. She is in the firm's compensation practice group, where she focuses on workers compensation and employment law.

Law Weekend Events:
Friday, October 29 and Saturday, October 30

Friday — Symposium. The Business of Medicine: Perspectives on Medical Liability Reform. Registration at 1 p.m., Honors Convocation, Austin Owen Lecture at 1:30 p.m., followed by a panel discussion. Moot Court Room.

Excellence Celebration — 4 to 6 p.m. in the Moot Court Room. Join in a celebration of student and faculty accomplishments from the past year.

Friday evening — Fall Gathering — 6:00 – 8:00 p.m. at Jepson Alumni Center.

Saturday — Working session of the Law School Association begins at 8:30 a.m., followed by the general session. At 10:30 a.m., Dean Rodney A. Smolla delivers his “State of the Law School” address — Room 114 in the Law School. Lunch will follow in the Atrium.

Saturday evening — Class reunions for classes with years ending in '4' or '9' — see invitations for time and location; Student Bar Association Halloween party — Science Museum of Virginia.
David J. Walton, L'95, was recently elected to membership at Cozen O'Connor in Philadelphia. He concentrates his 28 practice in all aspects of litigation and counseling involving employment discrimination and non-compete/trade secret issues. He lives in Skippack, Pa.


Brandy Burnett, L'96, won the first Krista Latshaw Pro Bono award for her service to LINC, the Legal Information Network for Cancer.

Christopher L. Perkins, L'97, is a partner at LeClair Ryan.

Robert W. Shin, L'97, has been elected to the board of directors of the Maymont Foundation. He is president of public affairs for Capital Results, a government consulting firm in Richmond and Raleigh, N.C.

Kotia K. Hill Homel, L'98, was elected to the Virginia Bar Association’s young lawyers division executive committee. She is an associate at LeClair Ryan in Richmond.


George F. Marable III, L'98, was elected commonwealth’s attorney for Dinwiddie County.

Jeffrey T. Selser, L'98, has joined the firm Verrill & Dana LLP in Portland, Maine, as an associate in the real estate department. He had worked as staff counsel to a title company and later as a real estate and telecommunications associate with Gruber & Associated in Maryland.

Wendell L. Taylor, L'98, formerly an attorney with Hunton & Williams, is counsel to Depuy Attorney General James B.

Walter W. Regirer came out of war-torn Europe to the law school with a long list of credentials that he could not fully verify. Then-Dean William T. Muse found him fascinating, approved his admission, and watched a full and varied career unfold.

Regirer, now 91, was far from the typical Richmond law student when he came to Richmond in the 1940s. He was born in Poland and he went to school in Warsaw. He furthered his education at Lyceum Jaccord in Lucerne, Switzerland, the University of Lille Law School in France, the University of Warsaw Law School, and the University of Cracow Law School.

Like many men of that era, Regirer saw a good piece of the world early in life, and over the course of his career, he would see much more.

In the 1940s, he served on Polish, Dutch, British, American and Panamanian merchant ships in the North, Red and Mediterranean seas, and in the Atlantic and Indian oceans. He worked as a steward, an oiler and an assistant engineer.

From 1943 to 1945, he was a civilian construction engineer with the U.S. Army in the China-Burma-India theater. Next, he served as an occupational counselor with the Army separation center at Fort Meade, Md., and then at Fort Lee, Va., and with the War Department in New York and Washington, D.C.

His military connections continued through much of his career, including time with the Judge Advocate General (JAG) Department in Richmond during the 1960s, and as instructor in international law with the JAG school in Charlottesville, Va., from which he retired in 1974 as a lieutenant colonel.

He went on to serve Virginia governors Robb, Baliles and Wilder as chair­man of their military protocol committees and aide-de-camp. Wilder promoted him to brigadier general in the Virginia Defense Force.

Regirer’s long and varied career included other significant facets that took him around the world with his wife Teresa, who was born in Portugal and was often described in press accounts as “a charming Brazilian.” He was an interna­tional trade representative for the U.S. Department of Commerce, and honorary consul for Mexico and El Salvador. She was a world traveler who settled down in Richmond to work alongside her husband.

Together the Regents operated nursing homes around Richmond, including the venerable Mrs. Pyler’s Home and later University Park Nursing Home and the Windsor Nursing Home, highly regarded private homes in Richmond.

Regirer became an acknowledged expert in health law, aging, Medicare and Medicaid issues, serving on national and state boards and commissions.

Said his close friend Otis Brown, R'S6, "His facilities set the standard for private facilities for adults" and though he traveled all over, Regirer always felt at home in Richmond and at the University.

— Rob Walker
Comey, who is second in command at the U.S. Department of Justice in Washington, D.C.

Carl H. Bivens, L’99, joined Troutman Sanders.

J. Christopher Lemons, L’99, is in the global capital markets and mergers and acquisitions group at Hunton & Williams in Richmond.

Elizabeth O. Yost, L’00, was awarded the first Virginia Association of Fund Raising Executives (VAFRE) Rising Star Award in April at the association’s annual awards ceremony. The manager of annual and planned giving at the greater-Richmond chapter of the American Red Cross, Yost was recognized by VAFRE as a newcomer who has demonstrated great potential in the field of fund raising.

Flora Townes Hezel, L’01, an attorney with the Community Tax Law Project in Richmond, has been chosen by the ABA section of taxation as a 2004 John S. Nolan Fellow. She was among six young tax attorneys recognized with this award for achievement and promise in their work.

Scott McMichael, L’01, is the administrative services specialist for special education in the Virginia Department of Education’s office of dispute resolution and administrative services.

Paul Archer Fritzinger, L’02, is with the public defender’s office in Franklin, Va.

Ashley K. Geyer, L’02, has joined Brown-Greer as an associate.

Noelle Hicks, L’02, has published an article on pre-judgment interest in admiralty cases in the University of San Francisco’s Maritime Law Journal. An attorney practicing in Charlotte, N.C., she adapted her article from the appellate brief that won for her the University of Richmond School of Law’s award for the best brief in the Judge John R. Brown Admiralty Moot Court Competition in 2002.

J. Yaden Hunt, L’03, is an associate in the litigation section at Sports Fain Chappell & Anderson in Richmond.

Jacqueline S. McClennan-Neal, L’03, has joined Morris & Morris. She will concentrate her practice in civil litigation.

Sia Nejad, L’03, is an associate with Cherry, Seymour & Hundley.

Lisa M. Tuck, L’03, is an associate with Bourdow, Bowen & Ellis. She practices civil litigation.

Courtney Bowe, L’04, is an account coordinator with Barber Martin Advertising.

Ben Barlow, L’04, Robert Loftin, L’04, and Brent Timberlake, L’04, all reached the semi-final round in the 2004 Judge John R. Brown Admiralty Court Competition. The three also brought home the Jones, Walker, Waechter, Poitewen, Carrere & Denegre Award for the best respondent’s brief. Vincent Caruso, L’04, and Justin Imerate, ’01 and L’04, reached the quarter-final round of the competition. Imerate placed second for the award given to the best oral advocate of the competition, yielding to its winner by one-tenth of one point.