

**A SYMPOSIUM AT THE
UNIVERSITY OF RICHMOND SCHOOL OF LAW**

The Allen Chair Symposium:

**TRYING CASES
in
the MEDIA:**

**Legal Ethics, Fair Trials
and Free Press**

**Thursday, April 13, 2000
University of Richmond**

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The George E. Allen Chair in Law at the University of Richmond School of Law

PARTICIPANT BIOGRAPHIES

Paul D. Carrington is the Chadwick Professor of Law at Duke University. He has been teaching law since 1957, chiefly in the field of Civil Procedure. He was the dean at Duke from 1978 to 1988. From 1985 to 1992, he served as Reporter to the Advisory Committee of the Judicial Conference of the United States on the Federal Rules of Civil Procedure. Since 1988, he has been working, among other things, on the history of the American legal profession. His latest book is *Stewards of Democracy: Law and a Public Profession* (1999). Among the causes in which he is presently engaged is campaign finance reform for judicial elections, a subject intersection the First Amendment. Professor Carrington has been a member of the Academic Freedom Committee of the American Association of University Professors and of the governing board of the Michigan Civil Liberties Union

C. Thomas Dienes is the Patricia Roberts Harris Professor of Law at George Washington University Law School. He received his law degree in 1969 from Northwestern University where he was the Chicago Title and Trust Scholar and Note and Comment editor of the law review. He was named a Russell Sage fellow at the Northwestern University Graduate School, served on the editorial board of the *Law & Society Review* and received his Ph.D. in 1968 in political science. Professor Dienes began teaching as a professor of law and political science at the University of Houston. He subsequently held a similar joint appointment at American University, before joining the George Washington University Law School faculty in 1980. He has been a visiting professor at Cornell and Indiana law schools and has taught in San Diego's summer law programs in Guadalajara, Dublin and Oxford. Professor Dienes took a year's leave of absence in 1988 to serve as General Counsel at *U.S. News and World Report* and he continues to serve as a legal consultant to *U.S. News*, *The Atlantic*, and *The Fast Company* magazines. He is a member of the Advisory Board of *Communications Lawyer*, published by the ABA Forum on Communications law. Professor Dienes has authored or coauthored nine books or monographs and numerous articles, primarily in the areas of constitutional law and communications law. He coauthored constitutional law casebook, *Constitutional Law: Principles and Policy* which is now in its fifth edition and he has coauthored a widely used outline and nutshell on constitutional law and a nutshell on First Amendment law. A second edition of his coauthored book, *Newsgathering and the Law* was recently published.

Molly Delea graduated from the University of Richmond in 1993 with a Bachelor of Science in Business Administration and a concentration in Accounting. Prior to entering law school, Ms. Delea worked as a CPA with KPMG. Ms. Delea is currently a third-year law student at the University of Richmond School of Law where she serves as Executive Editor of the *University of Richmond Law Review*. Ms. Delea is a member of the Moot Court Board and a member of the Client Counseling and Negotiations Board. After graduation, she plans to practice law with the law firm of Venable, Baetjer, Howard and Civiletti in Washington, D.C.

John Douglass is an Associate Professor of Law at the University of Richmond, where he teaches Criminal Law and Criminal Procedure and manages a program in litigation skills and trial advocacy. Before joining the faculty in 1996, he practiced law for 15 years. He served for eight years as an Assistant United States Attorney in Baltimore and Richmond, and was Chief of the Criminal Division of the United States Attorney's Office in Richmond from 1992 to 1996. He also served on the staff of Independent Counsel Lawrence Walsh in the Iran-Contra investigation. As a partner in a major Richmond law firm, he specialized in commercial litigation, insurance defense, construction litigation and white collar criminal defense. He has been a faculty member of the Virginia State Bar's Course in Professionalism and is a frequent lecturer at continuing legal education programs around the state. Mr. Douglass serves as a mediator of commercial disputes through the McCammon Group in Richmond. He is a graduate of Dartmouth College and Harvard Law School.

Craig Thomas Merritt graduated magna cum laude from Duke University in 1977, with honors in history. He received his legal education at the University of North Carolina at Chapel Hill, where he was awarded his Juris Doctor degree in 1980. Mr. Merritt joined the Office of the Attorney General of Virginia upon graduating from law school. He spent four and a half years in public service, serving for two years as an Assistant Attorney General in the Antitrust Unit, and for two and a half years as Chief of the Antitrust Unit. During that time, he was involved in the investigation and litigation of antitrust and other white collar offenses, including highway bid rigging, public procurement fraud, and consumer class action matters. Since moving to the Firm in 1985, Mr. Merritt has continued to handle a variety of antitrust matters including civil litigation, criminal representation, and advising on distribution, merger and acquisition issues. His practice also includes commercial and business tort litigation. He works extensively in the field of communications law, with emphasis on defamation, First Amendment, press rights and freedom of information matters. He has extensive experience in trials and appeals in the state and federal courts.

Kate Murray graduated from Randolph-Macon College in Ashland, Virginia in 1992 with a Bachelor of Arts in English. Ms. Murray is currently a third year student at the University of Richmond School of Law where she serves as the Allen Chair editor of the *University of Richmond Law Review*. After graduation, she plans to practice law in Los Angeles, California.

Steve Nash is a Associate Professor of Journalism at the University of Richmond, where he has taught public affairs reporting, news media and society, media ethics and law, and other courses since 1980. His reporting on science and environmental issues has appeared in the Washington Post, BioScience, The Scientist, National Parks, and several other newspapers and magazines. His book on the future of the Blue Ridge ecosystem, *Blue Ridge 2020*, was published by the University of North Carolina Press in 1999. Prior to entering teaching, Nash earned a Master's degree in journalism from the University of California at Berkeley, and worked as a reporter at several newspapers in the San Francisco area.

John E. Nowak is the David C. Baum Professor of Law at the University of Illinois. He graduated from Marquette University and the University of Illinois College of Law. After clerking for the late Justice Walter Schaefer of the Illinois Supreme Court, he joined the Illinois

faculty in 1972. Three graduating classes of the College of Law, including two in the 1990's, have given him their "outstanding professor award." Professor Nowak is the author or coauthor of more than a score of law review articles and several books on constitutional law topics, including a constitutional law "hornbook" and a multi-volume treatise. Professor Nowak has been a scholar in residence at the University of Arizona; a visiting professor at the University of Michigan; and the Lee Distinguished Visiting Professor at the College of William and Mary. He has presented lectures at several law schools, the National Conference of Law Reviews annual meeting, constitutional law programs and conferences sponsored by the Association of American Law Schools, and at Federal Judicial Center programs across the United States, including the Judicial Center's "Canada - United States Legal Exchange." Professor Nowak has served as a member of the Selection Committee for Order of the Coif's Triennial Book Award, a member of the Accreditation Committee of the Association of American Law Schools, and as the chairperson of the Association of American Law Schools Section on Constitutional Law. In the 1980s, Professor Nowak served as the University of Illinois' Faculty Athletic Representative to the Big Ten Conference and NCAA.

John R. Pagan joined the University of Richmond School of Law as Dean and Professor of Law in July, 1997. Dr. Pagan was Global Professor and Director of the Global Law School Program of New York University before coming to Richmond. He has taught at the Marshall-Wythe School of Law, College of William & Mary in Williamsburg, Virginia and the University of Arkansas at Little Rock School of Law. His subjects include constitutional law, civil rights legislation, torts, products liability and legal history. Dr. Pagan received his J.D. from Harvard University and a Master of Letters in Modern History and a Ph.D. also in Modern History from Oxford University.

Thomas Queen graduated from James Madison University in 1996 with a Bachelor of Arts in History. He is currently a third-year law student at the University of Richmond School of Law where he serves as Editor-in-Chief of the *University of Richmond Law Review*. He was a semifinalist in the 1998 Barnett Moot Court Competition and a finalist in the 1999 Judge John B. Brown National Admiralty Moot Court Competition. He is also a member of the McNeill Law Society. Upon graduation, Mr. Queen plans to serve as a law clerk to the Honorable Robert G. Doumar in the U.S. District Court for the Eastern District of Virginia.

Rodney A. Smolla is the holder of The George E. Allen Chair in Law. He is widely known as one of the most important constitutional law scholars today. Professor Smolla received his J.D. at Duke University School of Law, and his Bachelor of Arts, *cum laude*, from Yale University, with a major in American studies. His books include: *Free Speech in an Open Society*, which received the 1992 William O. Douglas Prize for Most Distinguished Monograph in Freedom of Expression; *Jerry Falwell v. Larry Flynt: The First Amendment on Trial*, and *Suing the Press: Libel, the Media, and Power*, which received the ABA Silver Gavel Award Certificate of Merit. He was the editor of the book *A Year in the Life of the Supreme Court*, which won the ABA Silver Gavel Award, and he is the co-author of several treatises and casebooks in the fields of defamation, the First Amendment, civil rights, and constitutional law.

Judge Margaret P. Spencer was elevated to the Circuit Court in March, 1998. Judge Spencer is

the first woman to serve in this position in the Richmond area and the first African-American to serve as a criminal judge. Prior to her election, Judge Spencer served as a judge in the Richmond General District Court, Civil Division. Judge Spencer received her Bachelor's degree from Howard University and her J.D. from the University of Virginia.

Courtney Sydnor is a 1997 graduate of the University of Virginia with a Bachelor of Arts in Foreign Affairs and currently a third-year student at the University of Richmond School of Law. She is a member of the *University or Richmond Law Review*, the McNeill Law Society, and the Client Counseling and Negotiations Board. After graduation, Ms. Sydnor will serve as a law clerk to the Honorable LeRoy R. Hassell of the Supreme Court of Virginia.

J. Joshua Wheeler is an attorney and the Director of Programs for the Thomas Jefferson Center for the Protection of Free Expression located in Charlottesville, Virginia, where he also serves as an adjunct member of the faculty at the University of Virginia School of Law. He received his Bachelor's degree from the University of North Carolina at Chapel Hill, his Master's degree from Hollins College, and his law degree from the University of Virginia. He is a member of the California, D.C., and Virginia Bars. Before his career in law, he worked for seven years in higher education administration, lastly as the Director of Admissions for Randolph-Macon College. Before his work with the Thomas Jefferson Center, he practiced law in Los Angeles, California, with the law firm of Parker, Milliken, Clark, O'Hara & Samuelian. In addition to his work in First Amendment law with the Thomas Jefferson Center, he has a solo general practice in Charlottesville.

The Thomas Jefferson Center for the Protection of Free Expression is a non-profit, non-partisan institution engaged in academic research, education, and intervention on behalf of the individual right of free expression.

Gerald T. Zerkin has been in private practice in Richmond since 1978, concentrating in criminal defense, post-conviction remedies, and constitutional and civil rights litigation. He received a Bachelor's degree from Brandeis University, a Masters of Arts from the University of Virginia and his law degree from Boston College Law School. After law school, Mr. Zerkin was a staff attorney with the Neighborhood Legal Aid Society in Richmond. He was a founding director and has been a board member of the Virginia Capital Representation Resource Center since 1992. Mr. Zerkin has also been a board member of the Virginia College of Criminal Defense Attorneys since 1992.