Tobacco: Mass tort litigation meets public health policy-making

First-year class trend • Faculty essay by LeBel
Please help the Law School Association
Welcome the Class of 2003

For the third year, the University of Richmond School of Law is inviting all newly admitted students who have made deposits for a space in the incoming class to an orientation in May.

Here they'll meet their classmates for the first time, learn about the law school technology they'll be using, and participate in an interactive look at lawyering skills class with Professor John Douglass.

One of the most popular features of the open house is the chance to secure living arrangements. Many nearby apartment complexes where our students choose to live send representatives with floor plans of apartments, so that students can easily make a selection.

The Law School Association co-hosts the welcome luncheon at YoUR Day at UR, to which alumni are invited to meet the anticipated members of the new class.

If you would like to come, please call (804) 289-8189 by May 12.

"A Close-up Look at YoUR Law School" – May 19, 2000
Join us for lunch 12:30-1:30 p.m.
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Collection named for Jim Roberts

The Virginia collection in the William T. Muse Law Library was renamed during Law Weekend in September to honor James C. Roberts, L'57, a prominent trial attorney, lobbyist and alumnus. A portrait of Roberts was unveiled in the law school atrium during the fall ceremony, attended by more than 100 Richmond-area officials and legal professionals.

Roberts is a partner and senior litigator in the Richmond office of Mays & Valentine. He has handled significant civil and criminal cases in every field of law and possesses extensive experience in Virginia state court and all federal courts in Virginia. He also has substantial appellate experience before the Court of Appeals of Virginia, the Virginia Supreme Court, and the U.S. Court of Appeals for the 4th Circuit.

Additionally, he has engaged in significant regulatory practice before the Virginia State Corporation Commission in the areas of insurance, telecommunications and electric utility regulation. He also has performed lobbying services for a number of businesses and trade associations during sessions of the Virginia General Assembly.

Roberts holds fellowships in the American College of Trial Lawyers, International Academy of Trial Lawyers, American Board of Trial Advocates, American Bar Foundation, and National Association of Criminal Defense Lawyers. He is a former president of the Virginia State Bar and is listed in The Best Lawyers in America under the categories of business litigation, corporate law, criminal defense and personal injury litigation. He holds an undergraduate degree from Hampden-Sydney College.

First-year class counters national trend

Although smaller in number, the Class of 2002 has entered with impressive credentials, according to Michelle Rahman, director of admissions for the University of Richmond School of Law.

"Against all odds, our newest class is even stronger than last year," Rahman says. "At a time when law school applications are flat nationally and many law schools are having a tough time maintaining their standards of admission, this is big news."

The Class of 2002, with 156 students, is 7 percent smaller than the Class of 2001 with 168 students.

However, the median LSAT was 157, placing the class in the 74th percentile of all those who took the test during the past three years. That's an increase from a median LSAT score of 156 (71st percentile) in 1998, Rahman says.

The top 25 percent of the class achieved a score of 160 on the LSAT, or 83rd percentile, compared to 158 (78th percentile) in 1998. One student scored in the 99th percentile.

This year's entering students also brought a median GPA of 3.18, compared to a median GPA of 3.07 in 1998. The top quarter of the class had an average GPA of 3.47, compared to 3.41 in 1998.

The 156 students come from 25 states and four other countries, with undergraduate degrees from 79 colleges and universities. They range in age from 20 to 46, with an average age of 25. Forty-six percent are female, and 10 have other advanced academic degrees.

There are 13 John Marshall Scholars in the Class of 2002, says Rahman, bringing the total number of students currently holding the prestigious scholarship to 19.
The Hon. Frederick P. Stamp Jr., L’59, was named the 1999 recipient of the William Green Award for Professional Excellence. Stamp, a University of Richmond trustee, received the award at the 17th annual Scholarship Luncheon, which was held in November.

Stamp is chief judge of the U.S. District Court for the Northern District of West Virginia. Appointed by President George Bush to the district court in 1990, he became chief judge in 1994. He served in the West Virginia House of Delegates and as president of the West Virginia Bar Association.

“Judge Frederick Stamp’s career has been characterized by the pursuit of excellence. He has set high standards for himself as a lawyer, public citizen and jurist,” said Dean John R. Pagan in presenting the award.

The William Green Award is given annually to an individual who has brought distinction to the legal profession. It is named for Judge William Green, one of the first two faculty members of the law school in 1870.

The Scholarship Luncheon, which began in 1982, honors individual and corporate donors who have established the more than 60 scholarships at the law school, as well as the student recipients of those scholarships.

The Hon. Frederick P. Stamp Jr., L’59

A program created nearly 20 years ago to offer potential students at the University of Richmond School of Law a chance to prove their ability has been discontinued on the recommendation of the law school faculty.

The Admission by Performance program, established in 1981, was offered every summer to a group of applicants who had mixed credentials: a combination of a high LSAT score and a low GPA, or vice versa. After taking two courses during the summer, some of the group would be offered admission with the first-year class.

The decision to discontinue the program came about because of changes in legal education, says W. Clark Williams Jr., Richmond Law associate dean.

“Two years ago, the American Bar Association clarified its position on this issue. Now law schools are prohibited from giving course credit for work done before matriculation,” Williams says. “The ABP students last summer did not get credit for the two courses they took. That diminishes its attractiveness to prospective students.”

Meanwhile, the national pool of applicants to law schools has been declining, and so has the size of the ABP group at Richmond. At the same time, there are more law schools and therefore more spots available.

“We typically offered ABP to 45 or 50 students, and our yield would be 12 to 17 students after the summer,” says Williams. “Last summer, we had a group of only 20, of which six were offered admission.”

Taken together, the inability to give course credit and the declining numbers have undercut the program to the point that it is no longer viable, he says.

The admissions committee conducted a study last fall, after which the law faculty voted in December to discontinue the ABP program.

“We’ve had some fine students who came by way of the ABP program in its time,” says Michelle Rahman, director of admission. “In the class that graduated in 1994, an ABP student was No. 1.”

Now, however, Rahman says, applicants who would have fallen into the ABP category at Richmond have more opportunities for admission to law school elsewhere than they did previously.

“We’re still looking at applicants as individuals,” she says. “We don’t leave admission decisions to a computer. Each applicant is considered as a whole person, and we hope to offer admission outright to some whose admissions profiles are uneven but who show potential.”

“We still want to be known as a law school with a heart,” Rahman says.

FOR THE RECORD
Law Review issues available

The University of Richmond Law Review announces the publication of several issues this spring on topics of constitutional law.

The January 2000 issue was the Allen Chair Symposium Issue, "Aggressive Newsgathering and the First Amendment." Articles examined surreptitious newsgathering techniques, the constitutionality of recent proposed legislation regarding paparazzi, and the question of the appropriate dividing line, if any, between public and private life.

Articles in this issue were developed as a result of the symposium hosted in March 1999 by Rodney A. Smolla, holder of the George E. Allen Chair in Law.


A single copy of the Law Review is $15 and a calendar-year subscription is $35. For more information, contact the University of Richmond Law Review at (804) 289-8216 or by e-mail at lawreview@uoflaw.richmond.edu.

The Law Review is also available online at law.richmond.edu/lawreview/default.htm.

Other student journals also are available online. They are:

- Richmond Journal of Global Law and Business
  www.student.richmond.edu/~rgilb/
- Richmond Journal of Law and the Public Interest
  www.richmond.edu/~perspec/
- Richmond Journal of Law and Technology
  www.richmond.edu/~jolt/

The law school student newspaper, *Juris Publici*, also can be found online at law.richmond.edu/jurispub/

Law and journalism is Allen Chair focus

On April 13, Rod Smolla, holder of the George E. Allen Chair in Law, will lead a panel of experts on legal ethics, constitutional law and journalism as they explore "Trying Cases in the Media: Legal Ethics, Fair Trials and Free Press," the topic of this year's George E. Allen Chair Symposium. Lawyers, scholars, jurists, journalists and students will participate in a role-playing exercise posing ethical and legal conflicts, concluding in a mock trial and moot court appellate argument.

The George E. Allen Chair was named for the late Virginia trial lawyer who was the first recipient of the American College of Trial Lawyers' Award for Courageous Advocacy, in 1965. The chair was established by Allen's sons, the late George E. Allen Jr., L'36; Ashby B. Allen, R'43; and Wilbur Allen.

For more information on these free events, call (804) 289-8740.

Austin Owen Lecture to be on labor relations

"National Labor Relations Board Remedies: Where are They Going?" is the topic of the eighth annual Austin Owen Lecture, scheduled for April 10. Leonard R. Page, NLRB general counsel, will deliver the address. His areas of expertise include the National Labor Relations Act, collective bargaining, plant closings and relocations, arbitration, strikes, lockouts, and the Labor-Management Reporting and Disclosure Act. Page holds bachelor's and master's degrees from the University of Michigan, and a juris doctorate from the Detroit College of Law.

Two discussions by labor law experts will precede Page's lecture: "Sexual Harassment and ADR in the Union and Non-Union Workplace" followed by "NLRB and National Labor Policy: Current Issues."

The Austin Owen Lecture was established in 1991 for the Hon. Austin E. Owen, L'50, by his daughter and son-in-law, Dr. Judith Owen Hopkins, W'74, and Dr. Marbury B. Hopkins, R'74.

Michael J. Gerhardt, a constitutional law professor at the College of William and Mary School of Law, was the keynote speaker in April 1999 at the first annual spring reception hosted by the University of Richmond Law Review. Gerhardt spoke of his experience serving as a CNN correspondent during President Clinton's impeachment hearings.

Other information includes:

- NLRB general counsel, Austin Owen Lecture
- "Sexual Harassment and ADR in the Union and Non-Union Workplace"
- "NLRB and National Labor Policy: Current Issues."
- Michael J. Gerhardt, keynote speaker in April 1999 at the first annual spring reception hosted by the University of Richmond Law Review
- For more information on these events, call (804) 289-8740.
Tobacco: Mass tort litigation meets public health policy-making

On an icy February day, the Moot Courtroom at the University of Richmond School of Law was the site of vigorous discussions of one of the hottest, largest and farthest-reaching legal actions in years. Michael V. Ciresi, a high-profile lawyer at the center of the landmark tobacco litigation, capped the day with an attack on the tactics of some lawyers and the businesses involved, and he countered with a passionate statement of faith in the vast majority of American lawyers and corporate leaders. Ciresi, who delivered the 14th annual Emanuel Emrosh Lecture, is a prominent
“By acting in the public interest, lawyers will serve the best interests of their clients.”

— Ciresi

mass tort litigator. In the United States, he has taken leading roles in landmark cases such as the Dalkon Shield, the Bhopal chemical plant explosion, the MGM Grand Hotel fire and the Kansas City Hyatt Hotel skywalk collapse.

During his lecture at Richmond, Ciresi marveled at the enormous confluence of power that brought the tobacco litigation to a $250 billion settlement. The cases drew in the White House, the U.S. Justice Department, Congress, state attorneys general, public health agencies and the media.

From another perspective, former Surgeon General C. Everett Koop called the settlement, which came after four decades of tobacco industry denials and victories in court, one of the most significant health achievements of the second half of the 20th century.

But Ciresi returned repeatedly in his address to questions of ethics and principles.

He said the purpose of the law is to impose reason on our society and to curb society’s excesses. In that context, he said, the lawyer’s “overarching responsibility is to our system of justice.” By exercising that responsibility, by acting in the public interest, lawyers also will serve the best interests of their clients.

Ciresi, who represented the state of Minnesota and Blue Cross/Blue Shield of Minnesota in the litigation, was compelled to emphasize this standard for lawyers after encountering serious failures of responsibility and accountability stretching back years by the tobacco industry and its lawyers.

At one point during pretrial sessions, he said, when confronted by mounting evidence of distortions and untruths by industry leaders and lawyers, a spokesman for the tobacco forces said, “That’s just lawyers doing what lawyers do.”

Ciresi’s response: “Ninety-nine point nine-nine-nine percent of lawyers in this country would never do what they did.”

And the vast majority of American corporations would not do what the tobacco companies did, either, he added.

“Most corporations in this country, when they see a problem, they correct it and give fair compensation to those who have been harmed,” Ciresi said. But the tobacco industry, beginning with the now infamous 1953 meeting of leaders at New York’s Plaza Hotel, looked at the scientific evidence and turned to a public relations firm and lawyers.

They settled on a strategy to establish confidence in the industry’s leaders, so the public would believe their assertions of interest in public health. The strategy also called for the smearing of scientists and others who attacked the industry line on tobacco and health.

In 1954, industry leaders published a “frank statement to cigarette smokers” in newspapers across the nation that said, “We accept an interest in people’s health as basic responsibility, believe the products we make are not injurious and will cooperate with those charged with defending the public health.”
Studies showing the contrary were disputed. Internal documents that showed the industry knew better were described as "anomalies." Tobacco company presidents, in the now-familiar roll call before a congressional committee, raised their hands, took an oath, and stated they did not believe nicotine was addictive.

"Everybody knew smoking caused diseases; that is, everybody but the industry," Cirlesi said.

For 40 years, during which tobacco never lost a case, that strategy worked. Meanwhile, studies showed that approximately 400,000 people a year in the United States die from smoking-related causes.

But when the wall of attorney-client privilege behind which millions of pages of industry documents had been hidden was torn down by the courts, that "frank statement" became the framework for the fraud case, Cirlesi said.

“What about the kids who were 15 years old in 1953" who started smoking with the industry's assurances, only to suffer and die from resulting diseases, Cirlesi asked.

**The Purpose** of the day-long symposium, "Tobacco Litigation: New Directions for a New Millennium," was to focus on the increasing role government is taking in tobacco litigation and policy, said Paul A. LeBel, visiting professor at Richmond Law and symposium coordinator. Panels were organized around different aspects of these roles.

The nationwide settlement resulting from that case, which began in 1994, has brought about significant changes in the government's role as a regulator and litigant. As a result of the settlement, the industry and state attorneys general will funnel nearly $250 billion to 46 states during the next quarter century.

The Food and Drug Administration has issued regulations about tobacco products and nicotine that are being challenged by the industry in the U.S. Supreme Court. The U.S. Department of Justice also has filed a massive lawsuit against the tobacco industry, alleging violation of the Racketeer Influenced and Corrupt Organizations Act, which was a key to the states' successful strategy.

The “Tobacco Litigation” symposium is the 14th in the Emanuel Emroch Lecture Series, established by the late Emanuel and Bertha Emroch in 1983. The lecture series has brought to campus a long list of the legal community's leaders, including former U.S. Attorney General Griffin Bell, Eleanor Holmes Norton, Irving Younger and Judge Susan Webber Wright.

Walter Emroch, son of the late Emanuel and Bertha Emroch, welcomed Cirlesi and a gathering of students, faculty and others to the Moot Courtroom for the address. Emroch and his wife, Karen, have continued the family's support of the series.

Emroch said that while his father was actively involved in selecting topics and speakers for previous lectures, he himself has not done so until this year. A trial lawyer and a University of Virginia Law School
graduate, Emroch said he and Richmond Law Dean John R. Pagan agreed that the tobacco litigation was both timely and appropriate to the forum, and the topic was set.

Pagan said he and others in the law school decided to use the annual Emroch Lecture as the cornerstone for a broader, all-day symposium dealing with many aspects of the tobacco litigation.

“We want to leverage what the Emrochs have done to do even more,” Pagan said. The participation by so many experts on and central participants in the litigation demonstrates the respect the program enjoys. He also said the symposium is likely to spark law review articles based on the discussions.

DURING THE DAY, panels dealt with topics including “The State Settlements: The Experience of Virginia and Other States,” “Regulating Tobacco Products: The FDA Rules and the Industry Challenge,” and “Perspectives on Tobacco Litigation: Public Law, Private Law, Public Interest.”

Panelists represented several state attorneys general who were involved in the litigation, as well as representatives from the Campaign for Tobacco-Free Kids, Ralph Nader’s watchdog group Public Citizen, and the U.S. Food and Drug Administration.

Although the opinions of panelists heard during the day often were varied and conflicting, Pagan said he regretted that tobacco companies and lawyers who represented them declined invitations to participate.

“Certainly holding this in Richmond, where tobacco is such a presence, enhances interest in this symposium,” LeBel said. But with litigation still under way and concerns about attorney/client privilege, the lack of participation on the industry’s behalf was understandable.

Pagan said he hoped all sides of the tobacco controversy could be presented at a future symposium. He also emphasized that the speakers’ statements reflected their own views, and not necessarily those of the law school.

Panelists discussed their experiences in the litigation and the variety of ideas states are considering for using money from the settlement. They also explained how RICO statutes were used to attack the tobacco industry, and how this litigation might affect current and prospective cases filed against industries such as gun manufacturers and producers of alcoholic beverages.

For the afternoon session, LeBel said the symposium brought in top academics to discuss “touchy, highly controversial issues.”

G. Robert Blakey, law professor at Notre Dame University, was counsel to the U.S. Senate Judiciary Committee when Congress adopted the RICO statutes. He consulted with states on how they might apply this law to tobacco litigation and how the Justice Department is using it in its pending suit.
He described the tobacco industry as “vicious,” and said it hid behind a carefully constructed front of legitimacy and “morphed into drug dealers” who targeted young people.

Frank J. Vandall, law professor at Emory University, has been writing about litigation of this kind longer than most. He offered a glimpse at the firearms suits that have been filed recently on behalf of municipalities, including Chicago, New Orleans, Atlanta and Miami. In strategy, these may track the tobacco cases, he said.

He raised a series of questions:

Can lawyers make a case that firearms manufacturers should have foreseen the impact their products would have on cities in terms of the costs of protection, of care for the injured and survivors of those killed? How much damage has been inflicted on cities by fear that became widespread among business leaders, developers, and people who moved out, leaving a world characterized increasingly by decay and demands for services? And did they take adequate steps to remedy these problems?

How will the constitutional right to bear arms alter the equation in firearms cases?

Vandall speculated that the manufacturer of small numbers of collectible weapons probably has little to fear from these suits, while those who turn out “Saturday night specials” may have reason for concern.

He was reluctant to predict how a suit against beer, wine or liquor producers might turn out, except to say that these products may be able to demonstrate that they offer positive benefits when used in moderation.

It is the questionably responsible advertising, the long-tongued frogs and the cabins by the lake, where that industry may get itself into some trouble, Vandall said.

DESPITE HIS condemnation of the tactics taken by lawyers for the tobacco industry, Ciresi ended his lecture with a challenge to all judges, lawyers and law students that “in the final analysis, lawyers and courts must come together on common ground, or our system will be fixed by those who possess little knowledge of it and lack of respect for the value it places on human dignity.”

He added, “Lawyers have always been some of the most compassionate and socially responsible people to be found in this society. When leadership is needed; when charitable work is to be done; when the least privileged look for a helping hand; when our great institutions seek guidance, judgment and moral leadership; there, I suggest, you will find a lawyer.

“Do not retreat when a battle is to be joined in the future. Sacrifice yourself in the name and for the advancement of justice. In doing so, you will all receive the richness of life that flows from the exhilaration of contributing to the advancement of our society.”

A frequent contributor to Richmond Law, free-lance writer Rob Walker covered the courts and law-related issues for the Richmond Times-Dispatch for five years.
Beyond Litigation: A New Direction for Tobacco Policy

By Paul A. LeBel

TOBACCO LITIGATION is often described as having experienced three waves over the last 40 years, with each successive wave expanding the scope of tort law to cover claims for damages to people harmed by smoking.¹ Both the posture and the prospects of litigation against the tobacco industry look significantly different today from their appearance when the first wave — probably more accurately described as a ripple — briefly swelled and then died out in the early 1960s.

A second wave in the 1980s offered at least some promise that it would be possible to build a case for liability of a cigarette manufacturer, but a substantial investment of resources to counter the vigorous defense of the industry meant that those claims were prohibitively expensive.² The evolution of tobacco industry liability in recent years has proceeded at an increasingly rapid pace along doctrinal, evidentiary and strategic lines. On the doctrinal front, beginning in the mid-1960s, new theories of liability have been recognized, principally strict liability in tort, that make it possible to expand the scope of liability for harm caused by marketing dangerous products. During the same period of time, new approaches toward defenses have been adopted, such as comparative negligence, that diminish the impact an injured consumer’s own conduct might have on the ability to recover damages for harm caused by those products.³

The evidentiary picture has changed, as substantial portions of the documentary record of the tobacco industry’s conduct and knowledge have become available to public officials and members of the trial bar attempting to construct cases against the industry. Among the developments in legal strategy that have changed the shape of tobacco litigation has been a pooling of resources among plaintiffs’ lawyers, in an effort to correct some of the traditional imbalance between the industry and its opponents in the courtroom. Strategic developments also have included taking statutory claims — such as consumer fraud, criminal racketeering and Medicaid expense reimbursement — that were developed for other purposes and using them in private and public litigation as novel ways to expand the industry’s legal responsibility.

The metaphor of waves of litigation can be helpful in highlighting critical developments leading to the tobacco industry’s current legal posture. Without persistence and creativity by a relatively small number of litigators and public officials, it is highly unlikely that the multibillion-dollar settlements entered into by the tobacco companies and the states over the last three years would have occurred.¹ That evolutionary story is an important part of understanding the tobacco industry’s legal position as we move into the 21st century, but it is only part of the story. The wave imagery also suggests a situation in which the legal system’s predominant focus has been on using litigation to erode barriers to liability.

THE IMPORTANT QUESTION now is where we should go from here. One option would be continued reliance on the litigation strategy that is just beginning to produce isolated trial-level judgments for plaintiffs in individual smoker litigation. A common variation of this strategy has been to aggregate smokers’ claims through state-wide class action claims, after an effort to certify a nationwide class of smokers and their families was struck down.⁴ Predicting trends of liability is hazardous, but a pattern of appellate court rejection of these claims,⁵ combined with the persistent tendency of jurors to attribute a stronger measure of responsibility to smokers than to the tobacco industry, make it at least plausible to suggest that we are not on the verge of a fourth wave of tobacco litigation, in which smokers and their survivors will routinely receive massive judgments transferring vast wealth from the tobacco industry to the consumers of its products.

Even if routine personal injury and wrongful death claims on behalf of smokers themselves still face an uncertain future, the litigation filed by state attorneys general in the last five years has offered a model for a much more aggressive litigation posture by public officials. In what is probably the most striking recent development in tobacco litigation, the U.S. Department of Justice has filed an action against the tobacco industry, alleging that the industry is liable on a number of grounds, the most significant of which is likely to be the Racketeer Influenced and Corrupt Organization Act.⁶

If one were to conclude that in the short term litigation could be pursued more aggressively and more successfully, the question that remains is whether litigation should continue to be the principal vehicle driving development of a national policy about tobacco. If we continue to focus primarily on litigation centered on impo-
As of the tobacco industry's legal position,

A more comprehensive narrative about the relationship between the legal system and the tobacco industry would certainly acknowledge the significant role played by efforts to impose an expanded liability, but that narrative would now emphasize a considerably more complex presentation: an intricate mix of conflicting and overlapping interests that are just beginning to be given serious attention.

**A RESPONSIBLE APPROACH**

to public policy-making would characterize the current legal position as a transitional period. As in any time of transition, the twin demands on the policymakers are, first, to articulate a vision of itself a new direction in the tobacco policy-making will include an enhanced role for governmental entities and economic resources. A survey of the activities being undertaken by governmental entities reveals that each of these roles is already being occupied to some extent at the federal, state and municipal levels. Therefore, the policy prescription for the immediate future requires more of a change in emphasis than a radical change in direction or a dramatic intrusion of the government into matters legitimately regarded as exclusively private.

What is most needed is a clear understanding of why government intervention is needed in particular aspects of tobacco industry operation; an appreciation of whose interests are served by those interventions; and a comprehensive, coordinated effort to shape the various tobacco-related activities of governmental entities into a consistent and coherent national policy.

**AS A PRACTICAL MATTER,** we should begin any consideration of a sensible national policy about tobacco with the assumption that prohibition of tobacco products is simply not a plausible outcome of policy debate in the foreseeable future. Whatever specialists in public health and economic analysis might say about the optimal conditions in an ideal world, the reality is that any policy that is even remotely politically feasible will need to recognize that cigarette smoking will continue.

Within that pragmatic constraint, there are nonetheless some efforts that can lower the toll that cigarettes exact in health and lives. Those efforts require regulation on a number of broad fronts, and should be set with a realistic end in mind. We are unlikely to get to a situation where we have perfectly safe cigarettes being smoked by perfectly informed consumers, all of whom were adults when they first made the decision to smoke, and none of whom ever smoked in situations where others are adversely affected by their behavior. Even so, substantial benefits can be achieved from efforts to reduce the risks, to increase the awareness of the risks, to defer the initial consumption to an age when the consequences are more likely to be appreciated, and to limit the impact of smoking on the health and comfort of those who choose not to smoke.

The second major role for government in the tobacco policy arena is the levy and collection of taxes. The combination of state and federal excise taxes currently reflects many variations in the size of the taxes and a range of legislative rationales for their imposition. While uniformity for its own sake is not necessarily a compelling goal for tax policy, the existing disparity in tax rates across jurisdictional lines creates an apparently irresistible incentive toward tax evasion, and requires a corresponding increase in demand for law enforcement resources to detect and prosecute those who operate black markets in untaxed or undertaxed cigarettes.

As for the reasons for which tobacco products are taxed, all jurisdictions undoubtedly will continue to use such taxes as sources of general revenue, but much could be learned from experience with more carefully tailored efforts to link tax collection to specific program components of a general tobacco policy. Instead of focusing merely on the size of the tax and whatever depressing effect a higher price may have on demand for cigarettes, a comprehensive national tobacco policy would earmark additional increments of the tax on tobacco products to fund specific efforts...
The public will be better served by the major policy players engaging in a struggle for balance than it has been by a campaign of polarization. Too much is at stake for tobacco policy to continue to be set in a piecemeal and haphazard fashion as a reaction to the litigation pressure of the moment.

Paul LeBel is a visiting professor at the University of Richmond School of Law during the 1999-2000 academic year. After serving 15 years on the faculty at the College of William and Mary, Professor LeBel moved to Florida State University as dean of the College of Law. He remains on the faculty at FSU after leaving that position.

Kathleen Brady will be joining Richmond's law faculty this fall as an assistant professor, teaching in the areas of wills and trusts, and law and religion.

Brady, originally from Maryland, received a law degree in 1994 from Yale Law School, where she served as senior editor of the *Yale Law Journal*. She also earned a master's degree in religion from Yale Divinity School in 1991, and a bachelor's degree in political science from Yale College in 1989. She has published several articles, including "Fostering Harmony Among the Justices: How Contemporary Debates in Theology Can Help to Reconcile the Divisions on the Court Regarding Religious Expression by the State," in the *Notre Dame Law Review*.

The religion course Brady will teach at Richmond is based on a class she developed in 1998-99 as a Fellow in religion and law at Emory University School of Law in Atlanta.

"For me, there is certainly a link between religion and the law, and I hope to continue to integrate my background in theology with my legal scholarship," she says. "In my future work, I hope to make additional connections with theology, religious ethics and the law."

"Trusts and estates also has a strong, though less obvious connection, to my religious background," Brady adds. "It is an area of the law where the practitioner can be of great help to people, and while it may not be as cutting edge as some other areas of the law, it has great importance for all members of society. I am looking forward to imparting my enthusiasm to my students."

Brady previously served as a clerk for Judge John Noonan of the U.S. Court of Appeals for the 9th Circuit, and practiced law in the office of the general counsel at Yale. She also worked as a project associate for the disability policy panel of the National Academy of Social Insurance in Washington, D.C.

— Laura S. Jeffery
Professor Azizah Y. al-Hibri recently participated in an international symposium to celebrate the bicentennial of the Library of Congress. The event was co-sponsored by the Library of Congress and New York University School of Law, and included Supreme Court associate justices Sandra Day O'Connor, Anthony Kennedy and Ruth Bader Ginsburg. Earlier, al-Hibri participated with Justice O'Connor in "Women in International Law," a symposium held at the Supreme Court, and "Religion and World Conflict," a symposium at the Washington National Cathedral.

Al-Hibri also traveled to nine Muslim countries last summer to research issues relating to Muslim marriage contracts in American courts. The research was combined with a lecture tour that was arranged by the U.S. Information Agency. She has received a Fulbright award for the 2000-2001 academic year and will research Islamic marriage contracts in Egypt.

Margaret Bacigal, associate clinical professor of law, was elected vice president of the board of directors of the Virginia Poverty Law Center.

W. Hamilton Bryson, professor of law, was invited to become a member of the executive committee of the John Marshall Inn of Court. He also was named associate editor of the "American Journal of Legal History."

Associate professor John Douglass' recent article, "Balancing Hearsay and Criminal Discovery," has been accepted for publication in the May issue of the Fordham Law Review.

Professor Ann C. Hodges spoke in October during the 35th anniversary Conference on Labor Law, which was sponsored by the National Labor Relations Board, Region 33, and the University of Illinois College of Law. Her topic was "Arbitration of Statutory Claims: How Viable are ADR Alternatives?" Hodges also is serving as a member of the gifted advisory council for Henrico County public schools.

Professor John Paul Jones published "The United States Supreme Court and Treasure Salvage: Issues Remaining after Brother Jonathan," in the "Journal of Maritime Law and Commerce." He also published "Recent Developments in Virginia Administrative Procedure" with Charles Bonner, L'99, and Henry Kohnlein L'00, for the University of Richmond Law Review, and prepared a brief amicus curiae with several students for the U.S. District Court in Richmond asserting the constitutionality of Virginia's regulation for the transport of solid waste to landfills in the commonwealth.

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Associate professor John Douglass' recent article, "Balancing Hearsay and Criminal Discovery," has been accepted for publication in the May issue of the Fordham Law Review.

Professor Ann C. Hodges spoke in October during the 35th anniversary Conference on Labor Law, which was sponsored by the National Labor Relations Board, Region 33, and the University of Illinois College of Law. Her topic was "Arbitration of Statutory Claims: How Viable are ADR Alternatives?" Hodges also is serving as a member of the gifted advisory council for Henrico County public schools.

Professor John Paul Jones published "The United States Supreme Court and Treasure Salvage: Issues Remaining after Brother Jonathan," in the "Journal of Maritime Law and Commerce." He also published "Recent Developments in Virginia Administrative Procedure" with Charles Bonner, L'99, and Henry Kohnlein L'00, for the University of Richmond Law Review, and prepared a brief amicus curiae with several students for the U.S. District Court in Richmond asserting the constitutionality of Virginia's regulation for the transport of solid waste to landfills in the commonwealth.

Jones also visited Albania for the World Bank and studied the law department of the University of Tirana, subsequently offering recommendations for the reform of Albanian legal education.

Professor Robert E. Shepherd Jr. received the President's Award of the National Council of Juvenile and Family Court Judges at the council's 62nd annual conference, which was held in Chicago in July. He was the closing speaker at the conference, which focused on the centennial of the juvenile court in Virginia. Shepherd was the featured speaker at the closing plenary session of the council's "A Forum on Family Court: Exemplary Practice," held in St. Louis in September.

Shepherd also spoke on "Juvenile Law and Practice in Virginia" in October during continuing education programs sponsored by Virginia CLE, and "Guardian Ad Litem Practice" in December for the Prince William County Bar.


Deborah Tussey, visiting assistant professor of law, wrote "The Creative as Enemy of the True: The Meaning of Originality in the Matthew Bender Cases" for the Richmond Journal of Law and Technology. She also spoke on "Copyright in the New Millennium" for the Virginia Association of Law Libraries in March, and "Transactions Occurring in E-Commerce" for the State and Local Tax Institute in May.

Gail Zwimer, reference and research services librarian at the Muse Law Library, edited the chapter on administrative law in the third edition of the Virginia Law Foundation's "A Guide to Legal Research in Virginia."
During the past year, the generosity of many alumni and friends of the University of Richmond School of Law has made a tremendous impact on our efforts for our Top-Tier Initiative. The law school has benefited by those of you who have succeeded in your legal education, and who have gone forward to share your gifts with your communities, the legal profession and your law school. Thanks to you, the law school is honored to announce that more than $4 million has been committed toward the Top-Tier Initiative.

At this time, we are pleased to take a moment to reflect on Richmond Law's 1998-99 Annual Campaign, and the impact you have made this past year. On the pages that follow are the names of the people or organizations who believed in our vision and sent a gift to endorse the mission.

We thank you for your commitment and encourage your continued support for the University of Richmond School of Law.

Leading the list of our 1998-99 donors are the 1870 - members of the T.C. Williams Society and the Columbia Hall Society — whose individual and corporate gifts were up 25 percent from the previous year. A firm commitment to the Initiative, the generous nature of our alumni, and the desire to move Richmond Law to the top 50 law schools in America provide the stimulus for our important work ahead. As we look forward to our annual recognition dinner on April 15, 2000, a special thanks goes out to the law school's steadfast friends in the 1870.

THE T.C. WILLIAMS GIFT SOCIETY
Recognizing those who gave $5,000 or more during the 1998-99 fiscal year

Allen, Allen, Allen & Allen
Mr. and Mrs. Edward D. Barnes ’72
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THE COLUMBIA HALL GIFT SOCIETY
Recognizing those who gave $1,000 to $4,999 during the 1998-99 fiscal year

Mr. and Mrs. Kenneth J. Alcott ’83
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Billy Jane Crosby Baker
William B. Baker
Michael B. Ballato ’80
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Barnes & Barnes, P.C.
Dr. Erika Blanton and M. Eldridge Blanton III ’94
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Katrin Belenky Colamarino ’76
CIO Communications, Inc.
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Boyd F. Collier ’64
Community Foundation
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Davis, Davis, Davis & Rice
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McGaul, Martin, Evans & Cook, P.C.
James V. Meath ’79

* Deceased
The Judiciary Gift Society
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Mr. and Mrs. M. Richard Epps ’73
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Ouven, Barrett, Burr & Starrett
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Vandeveer & Black, L.L.P.
R. R. Watson ’88
Ronald W. Williams ’62
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James G. di Zerega ’66

The Barristers Gift Society
Recognizing those who gave $100 to $499 during the 1998-99 fiscal year

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Mary K. Alford
A. Lewis Allen ’62
S. Page Allen ’83
Richard D. Alford ’79
Robert B. Alltzer ’77
N. Calhoun Anderson, Jr. ’78
Robert M. Armstrong ’73
Joseph J. Aronica ’69
David L. Ashbaugh ’76
Robert F. Babb ’49
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Mr. and Mrs. Donald J. Bacigal ’79
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Mr. and Mrs. Don F. Bagwell, Jr. ’80
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Barbara Balogh ’86
R. David Barbee ’77
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Michael J. Barbour ’82
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Sam T. Beale
Pamela B. Beckner ’83
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Dennis L. Belcher ’76
Pamela Smith Bellman ’86
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Robert T. Billingayle ’80
Dennis J. Bishop
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Boatwright & Linka
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Carroll F. Bray, Jr. ’71
Mathis Blevins Bristesse ’83
Delmar L. Brown ’51
Ellen Fisching Brown ’93

The Top-Tier Initiative passes $4 million

The Top-Tier Initiative, designed to transform the University of Richmond School of Law into a first-tier program recognized as one of the top 50 in the country, is well on its way to the $6 million goal.

In January 2000, the total for gifts and pledges crossed the $4 million mark. Year-end giving was highlighted by the Law School Faculty Campaign, led by Professor John Paul Jones. New major gifts came from Elio J. Nannini, L’40, and brothers Timothy L. Barnes, L’78, and Jefferson T. “Jeff” Barnes, L’87.

Other gifts included a dual gift from William S. Davidson, L’73, who created a fellowship within the John Marshall Scholars program and also funded a summer research grant for a faculty member. Marshall J. House, L’84, established a new endowed scholarship in memory of his Virginia grandparents.

New members of the Top-Tier Initiative steering committee are Jacqueline Maykrantz Kraeutler, L’83, and Janice R. Moore, L’81. Kraeutler, senior counsel of Elf Atochem North America Inc. in Philadelphia, chairs this year’s Law Fund. Moore is senior counsel for Enron Capital & Trade Resources Corp. in Houston. She is a member of the Law School Association board and a member of the University’s Board of Associates.

As of press time, the total stands at just over $4.1 million.
PARTNERSHIP

HONOR ROLL OF GIFTS

The Barristers Gift Society (continued)

Dean Doubles

SCHOLARSHIP GIVEN

Elio J. Nannini, L’40, has created an endowed scholarship in memory of Dean M. Ray Doubles, a law professor and dean at Richmond from 1926 until 1947. Nannini believes the excellence of the law school faculty is a direct legacy of Doubles, a scholarly and compassionate mentor.

The Dean M. Ray Doubles/Elio J. Nannini Scholarship also honors Nannini’s ancestry. The scholarship is to be awarded to a deserving student of Italian-American heritage, or to an Italian citizen who wishes to study law in the United States. The scholarship was funded with a gift of appreciated securities valued at $119,000.

Nannini is retired and lives in Washington, D.C.

Dennis P. Brunberg ’70
G. W. Bryant, Jr. ’56
Julian A. Bryant, Jr. ’69
N. Randolph Bryant ’80
Susan Hazeldine
Buffington ’80
G. Michael Burke ’76
Stephen D. Busch ’80
Carolyn Bush
Gilbert E. Butler, Jr. ’78
Duncan M. Byrd, Jr. ’68
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Douglas D. Callaway ’80
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Henry G. Cramer ’90
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Lina Sue Crawford ’85
Nancy Sanford Crowder
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Eugene M. Desverine ’69
Nancy C. Dickerson ’87
Pamela Baldecchi Dickson ’87
Lester L. Dillard, Jr. ’47
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Sharon Slingerland
England ’96
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Welford S. Farmer ’50
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Raphael E. Ferris ’82
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A. J. Fitzpatrick ’63
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Peter M. Greens ’91
William K. Grønjen ’71
Edward H. Grove, III ’69
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P. Christopher Guedral ’79
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Robert L. Gutterman ’68
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Wayne Richard Hairfield ’75
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Donna Joyce Hall ’86
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Charles A. Hartz, Jr. ’69
Philip L. Hatchett ’84
William D. Heatwole ’81
Hertico County Bar Association
Charles Logan Hibihtes ’78
Nancy Litchfield Hicks ’85
Gordon Collins Hill ’68
Oliver W. Hill
George L. Hiller ’91
H. George Hoffmann ’80
Angelo F. F. Hombrook ’89
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Gregory F. Holland ’80
Joe H. Holt ’77
The Hon. Anne B. Holton and
the Hon. Timothy M. Kaine
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David D. Hudgins ’80
Edward Wren Hudgins
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Mary M. Kellam ’83
Thomas J. Kelley, Jr. ’81
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John F. Kelly, Sr. ’56
William S. Kerr ’65
Keycile

Participation

Located in the Office of the Dean, The Office of Student Affairs, the Office of the Dean of Students, and the Office of Student Life.

Ten best University of Richmond School of Law classes by percentage of participation

<table>
<thead>
<tr>
<th>Rank</th>
<th>Year</th>
<th>Percent participation</th>
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* Deceased
### OTHER DONORS

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<tr>
<th>Name</th>
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<td>Hugh E. Aaron</td>
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<td>Mary Tighe Easterly Antirin</td>
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<tr>
<td>The Honorable Jonathan M. Appar</td>
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<td>John G. Apostle</td>
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<td>Charles L. Apperson</td>
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<td>Jerome P. Aquino</td>
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<td>Amy Louise Arnold</td>
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<td>Samuel R. Brown</td>
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### Total Dollars Contributed

#### Ten best University of Richmond School of Law classes by total dollars contributed

<table>
<thead>
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<th>Rank</th>
<th>Year</th>
<th>Amount</th>
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</tr>
<tr>
<td>8</td>
<td>1957</td>
<td>$12,210</td>
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<td>9</td>
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<td>$10,925</td>
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<td>10</td>
<td>1976</td>
<td>$8,863</td>
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</tbody>
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1 Includes those classes with one contribution.
Sarah C. Johnson '94
M. Ray Johnston, Sr. '57
Rosa Socrates Johnston '50
Hamill D. Jones, Jr. '72
Heather Heiskell Jones '87
Lawrence T. Jones '75
Linda Schorsch Jones '89
Michelle Morris Jones '94
Ulysses P. Joyner, Jr. '62
Joyner & Company Realtors
James C. Judkins '77
William B. Judkins '76
Christian Erik Jurgensen '97
Sandra L. Karlson '94
William F. Karn '93
Richard Croswell Kast '73
Harris Lee Kay '36
Robyn Ramone Kay '78
W. Richard Kay, Jr. '74
Katherine Asson Keel '80
Daryl B. Keeling '79
Michael P. Kehoe '93
A. Bartlett Keil '57
Ina Early Keith '81
Harold V. Kelly '56
Richard D. Kennedy '91
Laurence G. Kessler '65
Richard D. Kennedy '91
A. Bartlett Keil '77
Harold L. Kestenbaum '75
Margaret Scharitch Kimmel '88
Sandra Davis King '70
Ralph E. Kipp '79
Tracy Sanders Kisser '87
Andrew P. Kline '76
Nancy Manning Knight '72
Raymond P. Knolowski, Jr. '85
Julia Krebs-Kirk '77
Roger W. Kronau '77
Neil Kuchinsky '84
Richard E. Kurtz '90
John Gregory LaFratta '94
Thomas E. LaHerd '95
Donald A. Lahy '72
Florencia Lahy '70
Thomas J. Lambeth '90
Robert B. Lambeth, Jr. '75
Lisa M. Landry '91
E. J. Ramirez Lanois '91
Mr. and Mrs. I. Earl Lawson, Jr.
T. Rodman Layman '63
Mark F. Leep '93
Linda J. Leeney '83
B. Judkins '76
Laurence G. Kessler '65
Richard D. Kennedy '91
A. Bartlett Keil '77
Maria T. Leopold '59
Jame's H. Rodriguez '88
Jame's E. Rodman '59
Timothy L. Barnes, I '87, are taking a two­
gray need to offer tuition relief, they have
northern NewJersey.
university.
John B. Russell, Jr. '78
Alan M. Salisbury '76
James E. Sanderson, II '98
Pamela A. Sargent '77
Melissa Loughridge
Sav Bundle '98
AVA M. SAWER '79
Susan E. Schalles '85
Elizabeth Dushnell Scher '95
Continued on p. 20

**Deceased**

**PARTNERSHIP**

**BARNES GIFTS WILL HELP STUDENTS**

Timothy L. Barnes, I '87, and his brother,
Jefferson T. Barnes, I '87, are taking a two­
19

Tim and Jeff Barnes

Timothy L. Barnes, L '78, and his brother,
Jefferson T. Barnes, I '87, are taking a two­
pronged approach to participating in the Top­Tier Initiative. Recognizing an immediate
need to offer tuition relief, they have
established a three-year fellowship.
Additionally, they have funded a permanent
endowed scholarship in memory of
their mother.

The Barnes & Barnes Fellowship in the
John Marshall Scholars Program offers a meritor­based grant of $10,000 per year for three years. Another gift of $25,000 funded the Marilyn Louise Barnes Memorial Law Scholarship.

"We want to demonstrate the gratitude we feel for the professors who educated us and the values they represented, the high quality of education we received, and the outstanding leaders who are currently at the school," the Barnes brothers say.

"It is a joy," they add, "not an obligation, to help contribute in a small way to the continued success of one of the finest law schools in the country."

Tim and Jeff Barnes practice personal
injury and medical malpractice law at
Barnes & Barnes in Chatham, N.J. They
have hosted several alumni gatherings in
northern New Jersey.

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injury and medical malpractice law at Barnes & Barnes in Chatham, N.J. They
have hosted several alumni gatherings in
northern New Jersey.
Dear Fellow Alumnus/a: 

I hope this letter finds you well. How’s your family doing? How’s your practice going? Exactly what type of work are you doing? How many attorneys are in your firm now? Have you tried any interesting cases lately? Have you mastered computer research yet?

Sounds like a letter home from your child at Camp Richmond! But these are things your alumni association would like to know about you. To accomplish this, we need to hear from you occasionally. Better yet, if you haven’t already done so, join the association. The advantages range from niceties such as keeping up with your law school friends, to benefits such as legal resource sharing (with our faculty, placement office, library and so on).

Now, how is the association doing? We’re doing very well, thank you. What type of work are we doing? Our work consists of networking with the law school – its faculty, placement office, admissions office, development office, students and alumni.

We have a Young Grads’ Council that has been active in supporting our graduates from the last five graduating classes. We sponsor a mentoring program between students and alumni. We sponsor scholarships and make various other financial contributions to the law school.

Our board meets three times a year to discuss (and assist with) the “issues of the day,” with representatives from the student body, the law school and the University. Currently, we are involved in the Top-Tier Initiative, which has been a major focus for a number of alumni and friends of the law school. The law school has raised $4.1 million toward the $6 million goal, and the association directly supports the initiative’s priorities of student scholarships, faculty professorships and library resources.

Well, that’s it for now. I’m going canoeing. Oh yeah … write back, please!

— Peter D. Eliades, ’84
President, Law School Association
Top-Tier Initiative kickoff highlights Law Weekend

Law Weekend last September was packed with events for everyone. On Friday, Sept. 17, the Virginia collection in the William T. Muse Law Library was renamed in honor of James C. Roberts, L'57, and a portrait of Roberts was unveiled (see article, p. 2). Professor Rodney A. Smolla led a CLE program on "Deliberate Intent and the First Amendment Implications" in the Moot Courtroom. Afterward, a gathering of 400 attended the gala kickoff for the "Top-Tier Initiative" in the Jepson Alumni Center.

On Saturday, Sept. 18, events included a meeting of the Law School Association, tours of the T.C. Williams School of Law building, and class reunions that brought alumni from class years ending in 4 and 9. A special reunion and reception for those who had participated in clinics also took place for the first time.
Five begin serving three-year terms with the Law School Association’s board of directors

Five alumni were elected to serve three-year terms on the Law School Association board of directors. They began their terms during the winter Law Association meeting in February, joining 10 others under the leadership of Peter Eliades, L’84, president; and Olin Melchionna Jr., L’74, vice president.

Here is an introduction to the newest members of the association board.

David B. Albo, L’88, of Springfield, Va., is a partner with Albo & Oblon in Springfield and a part-time prosecutor for Fairfax County. He also is a Republican representative in the Virginia House of Delegates for the 42nd House District, an elected position he has held since 1994. During the previous General Assembly session, he sat on committees for the courts of justice, general laws, conservation and natural resources, and the Chesapeake and its tributaries.

Albo is a member of the Fairfax County Chamber of Commerce’s legislative committee and transportation subcommittee, and the governor’s commission of juvenile justice reform.

Antonio Calabrese, L’86, of Alexandria, Va., is a partner in the McLean, Va., office of McGuire Woods, Battle & Boothe, where he specializes in land use and zoning, complex real estate, and commercial and retail leasing. Since joining the firm in 1986, he has represented major developers and national, regional and local companies in all areas of land use including office, retail, industrial, mixed-use, residential, telecommunications and hotel projects. He also is the partner in charge of marketing at his firm.

Calabrese is vice chairman of the Northern Virginia chapter of the National Association of Industrial and Office Projects. He also is a member of the chapter’s executive committee, and is vice chairman of the local affairs committee.

Katrin Belenky Colamarino, L’76, is vice president and assistant general counsel for Chase Manhattan Corp. in New York. She joined Chase in 1997 to focus on strategic technology law issues including Internet banking, data protection, and a proposed statute on software and information licensing. Previously, she was chief technology counsel for global relationship building at Citicorp, where she worked for six years.

Colamarino began her law career in 1976 in Cleveland, and joined the New York law firm of Serko & Simon in 1979. In 1981, she became an attorney and assistant secretary at Docutel/Olivetti Corp. She also has been a corporate attorney for Nynex Business Information Systems, Logica Data Architects and Seer Technologies.

Thomas R. Klein, L’78, of Midlothian, Va., is senior vice president of affiliated agents at LandAmerica Financial Group, the holding company for Lawyers Title Insurance Corp. and Commonwealth Land Title Co.

He joined Lawyers Title in 1987 and in 1994 was elected vice president-area manager for the Northern Virginia-Washington region. He also was named president of Real Title Company, a subsidiary of Lawyers Title. In 1996, he was elected vice president of business development at Lawyers Title. He began working with the LandAmerica affiliated agents department when Commonwealth Land Title Insurance Co. and Transnation Title Insurance Co. joined Lawyers Title under the LandAmerica umbrella in 1998.

Klein is completing a two-year elected term as chairman of Special Olympics, Virginia.

The Hon. Archer L. Yeatts III, R’64 and L’57, is a judge with Henrico District Court, a position to which he was appointed in 1995. Previously, he had been a partner in Maloney, Yeatts & Barr, the firm he founded in 1971. From 1979 to 1985, he served as a substitute district court judge. He also was an assistant commonwealth’s attorney.

Yeatts is a 1988 recipient of the University’s Alumni Award for Distinguished Service. He is married to the former Elaine Johnson, W’64, G’89 and Board of Trustees member, and is the father of Carole Yeatts Tyler, W’90, and Laura Yeatts, JW’94.
POWELL AWARD FOR JUDGE MERHIGE

Former U.S. District Judge Robert R. Merhige Jr., '42 and '76, received the Lewis F. Powell Jr. Award for Professionalism and Ethics from the American Inns of Court Foundation. The award was presented to Merhige, now special counsel with the law firm of Hunton & Williams, at the U.S. Supreme Court in October.

Merhige "handled some of the most difficult, complex and unusual cases of our time," said Robert Tayloe Ross, president of the John Marshall Inn, in nominating Merhige for the Powell Award. "He broke new ground in the fields of civil rights law, environmental law and bankruptcy law, to say nothing of his Herculean achievements in the field of criminal justice."

The award is named for the late U.S. Supreme Court justice, who was a partner at Hunton & Williams when he was appointed to the bench in 1972. Powell's son, Lewis F. Powell III, was a law clerk with Merhige and is a partner at Hunton & Williams. He was among those who endorsed Merhige's nomination, saying, "I can think of no one more deserving to receive the award that bears my father's name."

The American Inns of Court is an organization established to improve the skills, professionalism and ethical awareness of judges, lawyers, law professors and students by teaming less experienced members of the legal profession with more senior law practitioners and members of the bench. The organization has more than 20,000 active members in 49 states as well as Washington, D.C.

Merhige was a driving force in establishing the John Marshall American Inn of Court in Richmond, which meets monthly at the University of Richmond School of Law.

JUDGES IN THE CLASS OF '67

The Nov. 15, 1999, issue of Virginia Lawyers Weekly featured an article on the Class of 1967 at the University of Richmond School of Law. Ten of the 50-member class, or 20 percent, became judges. That statistic is a record for any graduating class since the Richmond law school was founded in 1870, the article states, and is likely a record for any graduating class at a Virginia law school.

One of the graduates, Carleton D. Powell, is a judge in the U.S. Tax Court in Washington, D.C. The other nine are judges in Virginia. They are:

- F. Bruce Bach, Fairfax Circuit Court
- J. Maston Davis, Richmond County J&DR Court
- Thomas O. Jones, Richmond General District Court
- Burnett Miller III, Henrico County General District Court
- Robert G. O'Hara, Emporia Circuit Court
- Walter W. "Pete" Stout, Richmond Circuit Court
- Dean W. Sword Jr., Portsmouth Circuit Court
- Glen A. Tyler, Accomack County Circuit Court, and
- Archer L. Yeatts III, Henrico County General District.

Two of the group are profiled in this issue: Judge Bach on p. 25 and Judge Tyler on p. 27.

NOTA BENE

Four more serving clerkships this year

Four more members of the Class of 1999 are serving judicial clerkships this year, bringing the total number from last year's graduating class to 21.

- Maria DeGuzman
  Fourth Judicial Circuit
  Jacksonville, Fla.

- Jennifer Hall
  Hon. John R. Alderman
  15th Judicial Circuit
  Hanover, Va.

- Cynthia Ham
  Hon. Kathryn A. Brock
  New Jersey Superior Court, J.S.C.
  Union County
  Elizabeth, N.J.

- Janet Westbrook
  26th Judicial Circuit
  Harrisonburg, Va.


CLASS Actions

'40s

Harold L. Flax, R'47 and L'49, and his wife, Mary, celebrated their 50th wedding anniversary with a 30-day trip to Malaysia, Singapore, Thailand, Taiwan, Japan and Hong Kong.

'50s

The Hon. William O. Bivens Jr., L'52, a retired judge, is now doing mediation and arbitration on senior judge status.

The Hon. William L. Wimbish, L'58, was elected chief judge of the 13th Judicial District in Richmond.

'60s

Ulysses P. Joyner Jr., R'59 and L'62, retired as clerk of the Circuit Court of Orange County, Va., in December 1997, after serving 16 years. He was honored in February 1999 by the General Assembly for his years of public service, including eight years as chairman of the Virginia State Board of Elections. He also was honored in June 1999 by the Orange County Bar Association, which placed his portrait in the county clerk’s office. He and his wife, Martha, have three grown children.

Robert F. Brooks, R'61, L'64 and G'93, has been elected to the board of trustees of the Central Virginia chapter of the National Multiple Sclerosis Society.

Ralph L. “Bill” Axselle Jr., L'68, of Williams, Mullen, Clark & Dobbins, has been elected vice chairman, government and public affairs, for the board of directors of the Greater Richmond Chamber of Commerce.

The Hon. Richard N. Levin, R'65 and L'68, of Portsmouth, Va., was appointed substitute judge of the District Court for the 3rd Judicial District.

Michael Rigsby, L'69, is chairman of the board of trustees of Commonwealth Catholic Charities.

'70s

Robert N. Baldwin, R'67 and L'70, received the 1999 Warren E. Burger Award for Excellence in Court Administration, presented by the National Center for State Courts and Institute for Court Management. He also was inducted as a Fellow in the Virginia Law Foundation Class of 2000.

Mildred Fletcher Slater, L'70, has been inducted as “master” of Piedmont Hunt Club in Upperville, Va.

William B. Crawford, R'68 and L'71, has joined Forcke Financial Group as a financial consultant. He is a chartered financial consultant and chartered life underwriter.

Greer P. Jackson Jr., L'73, is secretary of the board of directors of Commonwealth Catholic Charities.

David S. Mercer, L'73, has been elected a partner of Mays & Valentine, where he is a member of the firm’s real estate practice group and legislative and community action teams.

L. Neil Steverson, L'73, a partner in the firm of Spinella, Owings & Shaia, was appointed to the bench of the Henrico County General District Court, effective Aug. 1, 1999.

W. Richard Kay Jr., L'74, has been elected fund development chairman of the board of directors of the Mathematics & Science Center Foundation.

F. Wilson Kirby Jr., R'69 and L'76, has been elected an officer of the board of directors of the New Community School, a private college-preparatory school for dyslexic students.

Louis A. Mezzullo, L'76 and a member of the University's Board of Associates, is chairman-elect of the American Bar Association's section for real property, probate and trust law. He recently was honored by the Bureau of National Affairs as a distinguished contributing author for his participation in BNA’s “Tax Management Portfolio” series.

Edward F. Parsons, L'76, of Maloney, Huenneckens, Parks, Becker & Parsons, is president of the Estate Planning Council of Richmond.

Theodore L. Chandler Jr., L'77, with Williams, Mullen, Clark & Dobbins, is secretary of the directors of the Association for Corporate Growth.

Steven M. Edmonds, L'77, of Cantor, Arkema & Edmonds, is a member of the board of directors of Gateway Homes of Greater Richmond Inc.


Grant S. Grayson, L'77, of Cantor Arkema & Edmonds, was elected a new director of First Capital Bank.

Wade W. Massie, L'77, of the firm Penn Stuart & Eskridge in Abingdon, Va., was elected a Fellow of the American Bar Association.

James Stutts, L'77, has been elected to the board of directors of the Richmond Ballet.
Beth L. Kaufman, L'78, a member of Schoeman, Updike & Kaufman in New York, has been appointed chair of the products liability committee of the section of litigation of the American Bar Association.

Bruce E. Arkema, L'79, of Cantor, Arkema & Edmonds, has been elected vice chairman of the board of directors of the Make-A-Wish Foundation of Richmond and Western Virginia.

Wayne Halbleib, L'79, executive director of the Virginia Aggregates Association, has been named 1999 State Association Executive of the Year by the National Stone Association. He received the award, which recognizes leadership and contributions to the crushed stone industry, on Feb. 1, 1999, at the association's annual convention in New Orleans.

JoAnne Lewis Nolte, L'79, has joined the Richmond office of Penn, Stuart & Eskridge, where she will engage in regulatory practice before the State Corporation Commission. She has been elected vice president of the board of directors of the Virginia 4-H Foundation.

Thomas L. Rowe, R'76 and L'79, and his wife, Lou, became grandparents of Jacob Thomas Rowe in May 1999.

John M. Carter, L'81, of LandAmerica Financial Group Inc., is a member of the Leadership Metro Richmond Class of 2000.

Herbert A. Claiborne III, L'81, has been elected vice president for development of the board of directors of the New Community School, a private college-preparatory school for dyslexic students.

Frank DuVal Hargrove Jr., L'81, was elected clerk of Hanover County, Va., effective Jan. 1, 2000.

The Hon. Beverly W. Snukals, L'81, has been elected chair of the Central Virginia chapter of the National Multiple Sclerosis Society.

Joseph W.H. Mott, L'82, has changed jobs within the U.S. Attorney's Office in Roanoke, Va. Formerly the lead drug task force attorney with the office since 1991, he now will prosecute financial crimes and white-collar fraud.

Christopher Spencer, L'82, has been named a partner of the Richmond office of Bowman & Brooke, a Minneapolis-based firm best known for its defense of car makers and other manufacturers faced with lawsuits because of injuries caused by allegedly defective products.

John D. Whitlock, L'82, a member of the President's Council of Emerging Leaders, is president/CEO of the Whitlock Group, which

As a law student, the Hon. F. Bruce Bach, L'67, learned the importance of hard work and public service. Today, as chief judge for Fairfax County Circuit Court — Virginia's largest and busiest circuit court — Bach applies that knowledge every day.

Wanting to return to Virginia after graduating from Wake Forest University, the Arlington native applied to law school only at Richmond because his wife had a teaching job in Chesterfield County. As a student, he served on the National Moot Court team and was one of the founders of the Law Review after serving as the last editor of the Law Notes.

To pay tuition each semester, Bach worked in the law library and his wife, Beverly, taught school. Although they also worked summer jobs, once tuition, rent and other expenses were paid each month, they had about $10 left for dinner and a movie.

Following graduation, Bach worked in the commonwealth attorney's office in Fairfax. He handled "heavy-duty criminal cases" including murder, rape and robbery. In 1970, he partnered with two other attorneys to start their own firm, where Bach's practice included criminal, personal injury and domestic cases.

Although he had a good law practice, he continued to look for "something more meaningful." When the opportunity to serve as a judge arose in 1978, Bach viewed it as "my chance to make more of a difference and contribute to the community."

One of those contributions is Bach's campaign against legalese, the often complex language used in the legal world but not in today's English. He encourages attorneys to use more common phrases in court and has overseen the revision of some of Fairfax County's court orders to include this "plainer" language.

In 1994, Bach became chief judge for the Fairfax County Circuit Court. He oversees 14 other judges and 24,000 cases per year, spending 50 percent of his time on administrative duties. Bach also serves as a member of the Judicial Council of Virginia and the Virginia Criminal Sentencing Commission.

Unlike private practice that required extensive evening and weekend hours, when 6 o'clock arrives, Bach's day is usually over. That leaves plenty of time for his family, travel and golf, a passion he shares with his wife, a domestic relations attorney. They have three grown children: Bruce Jr., R'91, Barbara and Eric.

— Alissa A. Mancuso, W'94

Spring 2000 25
Class Actions

was named to the 10th annual "Rising 25," a list of growing Richmond-area companies.

Martha Blevins
Brissette, W'81 and L'83, of Richmond, works as an assistant attorney general for the Virginia attorney general’s division of consumer counsel. She published an article about the state's managed-care ombudsman in the Virginia Bar Association News Journal. She and her husband, Henry, have two children, Madeline and Roy.

John C. Ivins Jr., L'83, of Hiilschel, Fleischer, Weinberg, Cox & Allen, has been elected vice chairman of the board of directors of the Make-A-Wish Foundation of Richmond and Western Virginia.

Jacqueline Maykranz
Kraeutler, L'83, was promoted to assistant general counsel for Elf Atochem North America Inc., a maker of industrial and specialty chemicals. Kraeutler is the 1999-2000 Law Fund chair.

Lucia Anna Trigiani,
L'83, has been elected a partner of Mays & Valentine, where she is a member of the firm’s real estate practice group and its legislative and community action teams.

Ann T. Burks, L'84, has been elected to the board of directors of the Richmond YWCA.

Lee Randolph
Harrison, L'84, was elected commonwealth’s attorney for Amelia County, Va., effective Jan. 1, 2000.

Douglas M. Nabhan,
GB'82 and L'84, of Williams, Mullen, Clark & Dobbins, has been elected chairman of the board of directors of the Richmond Forum.

Mary K. Costello, L'85, was appointed to the Hudson County, N.J., Bar Association committee on professionalism.

Christopher M.
Hodgson, L'85, is a partner in the law firm of Durant, Nichols, Houston, Mitchell & Sheehan in Bridgeport, Conn. He specializes in labor and employment law representing management.

Michele Wood
McKinnon, L'85, of McGuire, Woods, Battle & Boothe, has been elected a Fellow of the American College of Trust and Estate Counsel.

David C. Bowen,
L'86, was honored as one of the Hampton Roads, Va., “Top Forty Under Forty” in the Dec. 6, 1999, edition of Hampton Roads’ Inside Business. Bowen is a partner at Willcox & Savage.

Dawn B. DeBoer,
L'86, has been elected a partner of Mays & Valentine. She is a member of the firm’s business and commercial litigation practice group.

James C. Cosby,
L'86, has joined the firm Cantor, Arkema & Edmonds as a director, where he will continue to practice in the areas of commercial litigation and arbitration, representing clients in the securities and financial services, real estate development, construction and technology industries. He had been an associate with Maloney, Huennekens, Parks, Gecker & Parsons.

Stephanie L. Hamlett,
L'86, joined the law firm of Sands Anderson Marks & Miller. She will be counsel in the firm’s local government practice group, and will focus on municipal finance and state and local taxation.

Steven J. Keeler, L'86, of LeClair Ryan, has been elected a board member of the Make-A-Wish Foundation of Richmond and Western Virginia.

Barbara C. Woods,
L'86, is an associate at Patton, Boggs in McLean, Va.

Paul Darr, L'87, and his wife, Dawn Bethia Darr, W'88, have a second daughter, Cameron Alexis, born Sept. 12, 1998.

Robert J. Hartsoe,
L'87, is practicing law with fellow classmate Jim Mansfield, L'87, at Hartsoe, Brown and Mansfield.

Michael K. Ludwig,
L'87, is director of national accounts at Suppliermart.com, a business-to-business Internet start-up company.

Jim Mansfield, L'87, is practicing law with fellow classmate Robert J. Hartsoe, L'87, at Hartsoe, Brown and Mansfield.

Kirk T. Schroder, B'84
and L'87, head of the Virginia Board of Education, has been elected to the board of directors of the Virginia Tourism Corp.

Thamer E. “Chip”
Temple III, L'87, of McSweeney Butch & Crump, has been appointed to a two-year term as a member of the board of directors of the Virginia Tourism Corp.

Kenneth Wilson, L'89,
and his wife, Debra
Nochimson Wilson, L'90, have a daughter, Miriam Wilson, born June 3, 1999.

Kelly Sweeney Hite,
L'90, is a partner at McGuade & Hite. She has a daughter, Madison Anne, born Oct. 10, 1999.

Thomas J. Lambert,
L'90, has been selected by Virginia Attorney General Mark Earley to direct his new Computer Crimes Strike Force.

Julie D. McClellan,
W'87, GB'90 and L'90, of Midlothian, Va., was elected to the board of directors of the American Red Cross, Greater Richmond chapter. She is an associate corporate counsel with Land-America Financial Group Inc.

Mike Beall, L'91, was promoted to vice president of the North Carolina Credit Union Network in Greensboro.

Lori Lovgren, L'91, is senior counsel at the National Council on Compensation Insurance Inc. in Boca Raton, Fla.

Christopher R. Papile,
L'91, has joined Kaufman & Canoles, where he practices with the firm’s litigation section in the Newport News, Va., office.

Kathy Ronnenberg,
L'91, has started her own general practice law firm in Tampa, Fla.
Richard G. White, L'91, has joined Harris Williams & Co. as an associate. He recently earned an MBA from the Darden School of Business Administration at the University of Virginia.

Lisa Frisina Clement, L'92, has joined Penn, Stuart & Eskridge. She will practice civil litigation, and also will represent clients before the Virginia Workers' Compensation Commission.

Michael P. McCready, R'89 and L'92, has opened the Law Offices of Michael P. McCready, where he will continue his practice of entertainment law and personal injury law.

Elizabeth K. Porterfield, W'92, was married to Peter S. Duffey, L'96, on Nov. 20, 1999. The couple lives in Richmond.

Helene E. Negler, L'92, was named a director and officer at the Midlothian, Va., firm of Sinnott, Nuckols & Logan.

Natalie Waldorff von Seelen, W'82 and L'92, and her husband, Kirk von Seelen, R'82, have a daughter, Meredith Hall, born June 5, 1999.

C. Meade Browder Jr., L'93, and his wife, Suzanne Lee Browder, W'86, have a daughter, Elizabeth “Libby” Abernathy, born May 24, 1999.


Richard Campbell, L'93, has been appointed counsel to the Virginia attorney general. He had been assistant attorney general and special assistant U.S. attorney, prosecuting gun crimes under the anti-crime initiative Project Exile.

James R. Kibler, L'93, has been named a director with Mezzullo & McCandlish. His practice concentrates on energy, telecommunications, administrative law, government relations, land use and zoning, environmental law and related litigation.

Margaret H. Smither, L'93, is chairman of the board of directors of Commonwealth Catholic Charities.

Laurie West Van Hook, L'93, and her husband, Jamie, have a daughter, Sarah Gwinn, born Oct. 28, 1999.

Elizabeth “Bonnie” Babb Wood, L'93, is an associate in the Charlottesville, Va., office of LeClair Ryan, where her practice will be concentrated in the areas of corporate, finance and real estate law.

Judith C. Worland, L'93, has been elected secretary of the board of directors of the Make-A-Wish Foundation of Richmond and Western Virginia.


As the only circuit judge on Virginia’s Eastern Shore, Accomack Circuit Court Judge Glen A. Tyler, R'63 and L'67, says he “tries cases as the founding fathers intended them to be tried” – based on law and fact.

"On the Eastern Shore," the 33-year resident says, “everyone knows everyone, so I have to be careful that people know I decide cases based” on those principles.

Raised in Southwest Virginia, Tyler decided to attend law school “about halfway through” his undergraduate career. Knowing he wanted to stay in Virginia, Tyler approached then-Dean William T. Muse, who offered him admission to law school if he made dean’s list during his last undergraduate semester. The day his daughter, Kimberly Tyler Oshirak, W'86, was born, Tyler received his acceptance letter.

After graduating from law school, Tyler and his wife, Myree Matthews Tyler, who attended Westhampton College, moved to Accomack County. As a young lawyer, Tyler worked in the office of an elderly attorney, Wrendo M. Godwin, handling civil and criminal defense cases. Four months after graduation, Tyler tried a murder jury case and got an acquittal.

Living in a rural region, Tyler developed a general law practice, “pretty much doing whatever came in the door.” Although his Richmond education taught him how to analyze the law and research cases, Tyler says he learned how to practice law by attending “every seminar I could go to and talking to older lawyers.”

Tyler practiced with Godwin for four years before launching a solo practice. After 11 years, he formed Tyler & Lewis, Attorneys at Law, which later became Tyler, Custis, Lewis & Dix. By 1988, Tyler was looking for a change from his time-consuming trial practice and began thinking about becoming a judge. In 1992, he was appointed to the Second Judicial Circuit.

Tyler says being a judge allows him to look at the law from a more academic point of view and make fair decisions based on arguments from both sides. Always learning, he does his own research and still attends seminars. As the resident judge for Accomack and Northampton counties, Tyler sets his own docket, hearing about 1,400 cases per year.

Living on the Eastern Shore also allows Tyler to enjoy two of his favorite pastimes – boating and golf, “an addiction” he shares with his wife. He also has a son, Adair, and three grandchildren.

-Alissa A. Mancuso, W'94

CLASS ACTIONS
Adriaen Meredith Morse, L'95, is a staff attorney in the U.S. Securities and Exchange Commission in Washington, D.C.

Richard D. Brindisi, L'96, is an associate vice president of Raymond James Trust Services in St. Petersburg, Fla. He and his wife, Audrey B. Swank, L'96, have a son, R. Chase Brindisi, born Nov. 20, 1997.

Peter S. Duffey, L'96, was married to Elizabeth K. Porterfield, W'92, on Nov. 20, 1999. The couple lives in Richmond.

Suzanne L. Nynfeler, L'96, has joined the U.S. Equal Employment Opportunity Commission as a trial attorney in the Richmond area.

Stacy L. Ross, L'96, is an associate at Mezzullo & McCandlish.

Audrey B. Swank, L'96, is serving as a law clerk to the Hon. Mark A. Pizzo, U.S. magistrate judge for the Middle District of Florida. She and her husband, Richard D. Brindisi, L'96, have a son, R. Chase Brindisi, born Nov. 20, 1997.

Patricia A. Collins, L'97, is an associate at Mezzullo & McCandlish, where she concentrates on environmental law, energy utilities, government affairs and commercial litigation.

Kristine Dalaker, W'92 and L'97, married Thomas Paul Kraabel, Nov. 13, 1999, in Richmond. She and her husband have moved to Singapore.

Ishnelia Ingalls Gubb, L'97, is an associate at Cowan & Owen, where her work is concentrated in the areas of family law and civil litigation.

Nancy J. Jensen, L'97, has joined McGuire Woods Battle & Boothe as an associate in the corporate services group. She will focus on intellectual property issues.

Megan Ann Conway, L'98, is an associate in the Richmond office of Mays & Valentine.

Karen L. Duncan, L'98, is an associate at the firm of Crenshaw, Ware & Martin in Norfolk, Va.

Scott J. Golightly, L'98, has joined Hirschl, Fleischer, Weinberg, Cox & Allen, as a member of the firm’s litigation group.

Randall G. Johnson Jr., L'98, is an associate at Hirschl, Fleischer, Weinberg, Cox & Allen, where his practice will be focused in the commercial litigation section.

Douglas Edward Lamb, L'98, is an associate at Mays & Valentine in the firm’s finance practice group.

Susan Childers North, L'98, is an associate with LeClair Ryan.

Mark S. Reisinger, L'98, is an associate with Huff, Poole & Mahoney, where he will concentrate on civil litigation and collections.

Alice M. "Coles" Warren, L'98, works in the Richmond office of Bowman & Brooke.

Angela Boice Axselle, L'99, is an associate at Hirschl, Fleischer, Weinberg, Cox & Allen, where her practice will include commercial real estate. She married Ralph L. "Rally" Axselle III on Aug. 14, 1999.

Gregory R. Bishop, L'99, is an associate with the firm of Williams, Mullen, Clark & Dobbins, where his practice focuses on general corporate law.

Carl H. Bivens, L'99, has joined Williams, Mullen, Clark & Dobbins as an associate in the capital formation section. He will focus on corporate, health care and securities matters.

Maria DeGuzman, L'99, is a judicial staff attorney for the Fourth Judicial Circuit in Jacksonvill, Fla.

Leigh Stanley Gettier, R'73 and L'99, works with the Sussex County commonwealth attorney’s office.

Rachel E. Jackson, L'99, has joined Mays & Valentine as an associate in the firm’s corporate, tax and securities practice group.

Mary Beth Joachim, L'99, an associate practicing family law at Morano, Colan & Butler, won an essay contest sponsored by the Virginia chapter of the American Academy of Matrimonial Lawyers.

Terrell W. Mills, L'99, is an associate at Mezzullo & McCandlish, where he will concentrate on the areas of corporate law and intellectual property.

Eric J. Reynolds, L'99, is an associate with Barnes & Batzell. He will practice in the firm’s family law, criminal and civil litigation areas.


Henry I. Willett III, L'99, is an associate at Christian & Barton, where he will work in the firm’s litigation department.

Kerry Robert Wortzel, L'99, is an associate in the Richmond office of Mays & Valentine.
MARK YOUR CALENDAR

Eighth Annual Austin Owen Lecture, “National Labor Relations Board Remedies: Where Are They Going?”
Leonard R. Page, NLRB general counsel

George E. Allen Chair Symposium “Trying Cases in the Media: Legal Ethics, Fair Trials and Free Press”

1870 Dinner
Robins Pavilion, Jepson Alumni Center

Commencement
Rep. Robert Scott (D-VA-3rd), speaking

Fiscal year end for the Law Fund

Law Weekend: Fall Gathering and reunions

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HONORING ALUMNUS JIM ROBERTS

James C. Roberts, L'57, poses next to his portrait with his grandchildren, Taylor and Christine Roberts, who helped in the unveiling at ceremonies in September. See article on p. 2.