

Winter 1999

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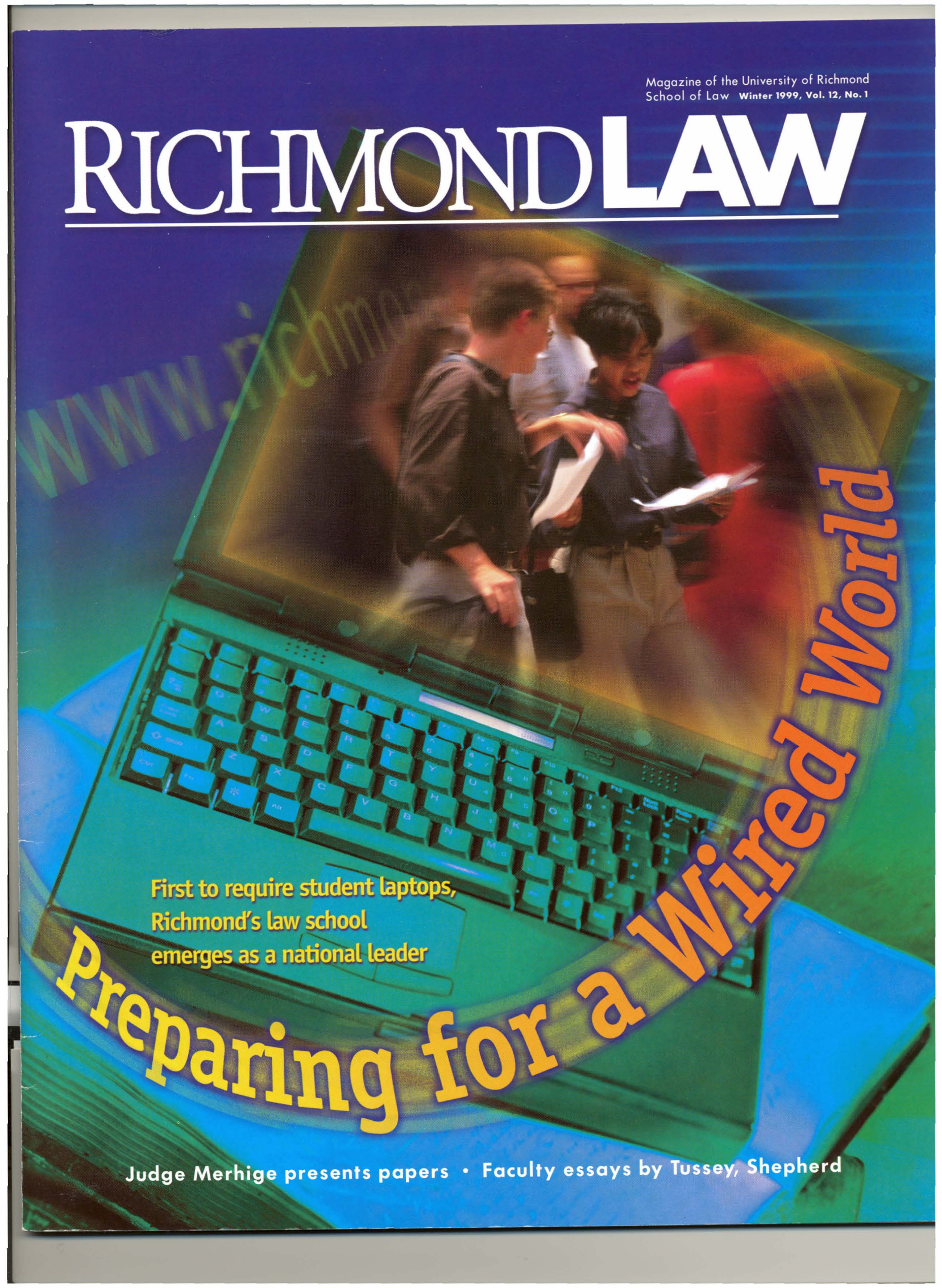
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Magazine of the University of Richmond
School of Law Winter 1999, Vol. 12, No. 1

RICHMOND LAW



First to require student laptops,
Richmond's law school
emerges as a national leader

Preparing for a Wired World

Judge Merhige presents papers • Faculty essays by Tussey, Shepherd



PRACTICING INTERVIEW TECHNIQUES

Fifteen alumni from the Young Grads Council helped first-year students look ahead to their job search with a series of mock interviews in January. One of the interviewers was Judy Lin, L'97 and GB'98, above left, from Williams Mullen Christian & Dobbins, shown critiquing a resume for Jennifer Hunt, L'01, one of 60 students who participated. Alumni represented seven different law firms in Richmond.

The magazine of the
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SCHOOL OF LAW

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KEY TO ABBREVIATIONS

School of Arts and Sciences	A
The E. Claiborne Robins School of Business	B
School of Continuing Studies	C
Graduate School of Arts and Sciences	G
The Richard S. Reynolds Graduate School of The E. Claiborne Robins School of Business	GB
Honorary degree	H
Jepson School of Leadership Studies	J
University of Richmond School of Law	L
Richmond College	R
Westhampton College	W

Cover illustration by
Susan Sawyer

Photo opposite by
Doug Buerlein

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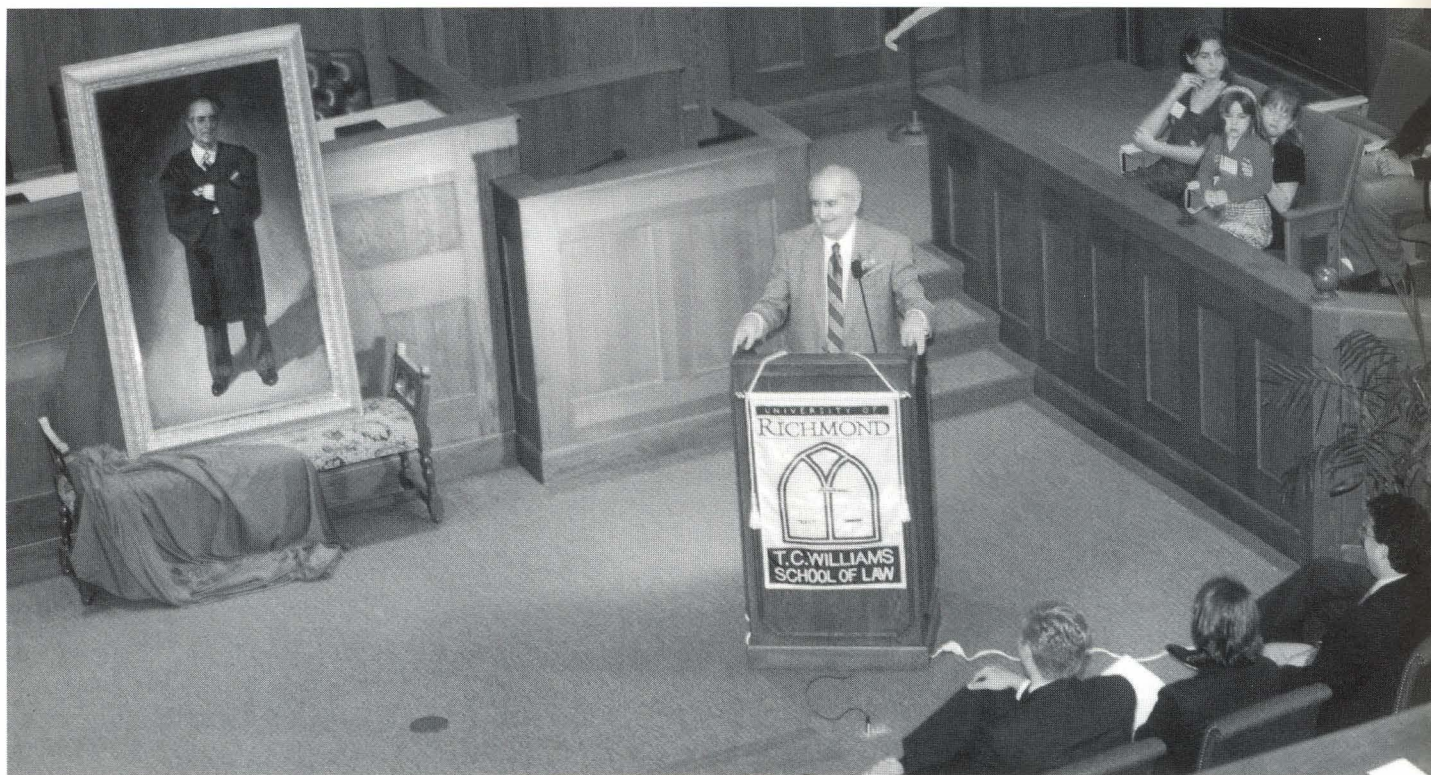


Photo by Thomas Kojcsich

Judge Merhige gives his papers to the law school

Merhige's papers "are a rich archive for historians who seek to understand the history of America in the late 20th century."

— Dean John R. Pagan

A former Virginia governor, the mayor of Richmond, and more than a dozen judges filled the Moot Courtroom in September to witness retired Judge Robert R. Merhige Jr., L'42 and H'76, present his papers to the University of Richmond School of Law. But the man of the hour said the most distinguished guests were "the people I love most in the world": his wife, children, grandchildren and 26 former law clerks.

Three of Judge Merhige's clerks spoke at the ceremony, which was held to coincide with the judge's annual gathering of his former aides. They recounted Merhige's sense of humor, practical approach to litigation and courage to hear cases no other judge wanted. "He told me time and time again that more often than not, there is a common-sense solution" to a case, recalled Gregory J.

Golden, L'96. "It's just buried beneath briefs where the parties can't find it."

Pamela Goldstein Sauber, L'85, recalled some of Judge Merhige's landmark decisions, including the creation and administration of the Dalkon Shield Claimants' Trust. But his greatest decision, she said, was that "he welcomed me into his family, his chamber and his heart."

Matthew N. Ott Jr., Judge Merhige's first law clerk, recalled one case during the turbulent '60s in which the judge granted Vietnam War protesters the right to rally at the Virginia War Memorial. "I learned that freedom of speech also belongs to those who dislike the majority view," Ott said.

After the clerks spoke, Judge Merhige's grandchildren unveiled a portrait commissioned by his law clerks. The portrait

now hangs in the law school.

Richmond is "deeply grateful" for the gift of Merhige's papers, said Dr. John R. Pagan, law school dean. "They are a rich archive for historians who seek to understand the history of America in the late 20th century." Joel B. Eisen, associate professor of law and director of the Merhige Center for Environmental Law, noted that many law schools had sought the papers because Merhige "has dealt with some of the most important legal issues of our time."

Judge Merhige retired in June after 31 years as a judge of the United States District Court for the Eastern District of Virginia. He is special counsel on the litigation, antitrust and alternative dispute resolution team at Hunton & Williams in Richmond.

— Laura S. Jeffrey

Judge Lemons is first Philpott Professor

The Hon. Donald W. Lemons, of the Court of Appeals of Virginia, is the first A.L. Philpott Distinguished Adjunct Professor of Law. He is teaching Dynamics of the Judicial Process during the spring semester.

The position is named for the late A.L. Philpott, R'41, L'47 and H'78, long-time Speaker of the Virginia House of Delegates and delegate from Henry County, who would have been the first occupant of the position if he had lived. In remarks at a reception in January, Judge Lemons paid tribute to the legendary Speaker Philpott.

"He was a master craftsman when it came to legislation," Lemons said. "He had an encyclopedic knowledge of the Code of Virginia. After 33 years

in the legislature . . . he had written or modified most of it."

"I am pleased to be the first recipient of the position," Lemons concluded. "It is my wish that the students who are

reached by this effort will come away encouraged by the example of A.L. Philpott to embrace his love of the law and his rich legacy of public service."

Judge Donald Lemons, second from right, with Philpott family members, from left, Robert Petty; Ward Marsteller, L'99; Patricia Petty; and Judy Philpott.



Photo by Thomas Kojstich



Judge Wright lectures on sexual harassment law

Chief Judge Susan Webber Wright, of the U.S. District Court for the Eastern District of Arkansas, spoke on uncertainties in sexual harassment law as the keynote address in a daylong symposium titled, "Sexual Harassment in the Nineties: The Issue That Won't Go Away." Her talk in November was the 13th annual Emanuel Emroch Lecture.

Justice Lacy receives award

Virginia Supreme Court Justice Elizabeth B. Lacy, H'92, was named the 1998 recipient of the William Green Award for Professional Excellence. Lacy received the award at the annual Scholarship Luncheon, which was held in December.

Lacy has been serving on the court since 1989, when she was appointed to a 12-year term. She was Virginia's first female deputy attorney general, and the first female judge to serve on the Virginia State Corporation Commission.

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.



1998 Green Award recipient Justice Lacy with Dean John R. Pagan, left, and previous recipients W. Taylor Reveley III; Chief Justice Harry L. Carrico, H'73; Judge Robert R. Merhige Jr., L'42 and H'76; and seated, Oliver W. Hill, H'94.

Photo by Thomas Kojstich

RECENT STUDENT ACCOMPLISHMENTS

Negotiating competition

Two teams from the University of Richmond School of Law scored a big upset in the American Bar Association's regional negotiating competition for 20 southeastern law schools. The competition, which focused on product liability, was held in November at Regent University School of Law in Virginia Beach, Va. A Regent team had won the competition for three consecutive years.

The Richmond team of Cari M. Steele and Brandon H. Elledge, both L'00, won the competition after arguing in the

final round against a team from Washington & Lee University in Lexington, Va. Runners-up were Charles K. Seyfarth and Henry I. Willet III, both L'99, who defeated a team from Regent.

"We are very proud of Cari, Brandon, Chuck and Henry," says Troy Savenko, L'99, president of the law school's client counseling and negotiation board. "Their performance has gained national recognition for our school within the legal community."

Both Richmond teams were invited to participate in the ABA's national negotiating competition, held in February in Los

Angeles. This marked the first time teams from the law school have participated in a national negotiating competition. A team from Southern Methodist University in Texas won the title.

"Both our teams did extremely well," says Margaret Bacigal, associate clinical professor of law, and the teams' faculty adviser and coach. "We can all be proud of their performance."

Award for WLSA

The Women's Law Student Association received the Ally Award in November from Virginians Aligned Against Sexual

Assault, "in recognition for your efforts on behalf of sexual assault victims in the Commonwealth of Virginia."

The award recognized WLSA's volunteer work over several years through the YWCA Sexual Outreach Program, for which law students have donated clothing and assembled crisis care kits in hospital emergency rooms for sexual assault survivors. Accepting the award for WLSA was this year's president, Vanessa Phillips, L'99.



Photo by Thomas Kofetsch

Ambassador Gabriel visits

His Excellency Mr. Nichol Gabriel, lawyer and ambassador to the United Nations from the British island colony Seychelles, visited the law school in October to address the International Arbitration class taught by Visiting Professor Hamid G. Gharavi. Gabriel, a candidate for president in Seychelles, gave a presentation on the U.N. and led class discussion.

Legal Forum speakers address issues

Virginia author John Tucker was the first speaker in the 1998-99 Legal Forum speaker series. On campus in October, Tucker spoke about his nationally acclaimed book, *May God Have Mercy*, which examines questions surrounding the murder of a 19-year-old Virginia woman and the subsequent arrest, trial

and execution of her brother-in-law, whom many believed to be innocent. A reception and book-signing followed Tucker's talk.

The series continued in February with Linda Woods, an expert in family law whose talk was titled "Beyond *Bottoms*: Homosexuality and Family Law

Today." Later in the spring, the forum will host a program with the *Richmond Journal of Global Law and Business*.


The Legal Forum is a committee of the Student Bar Association.

— Ghada Qaisi, L'00



Author John Tucker, left, with Legal Forum leaders Rob Doherty, L'99; Ghada Qaisi, L'00; Mike Tita, L'00; Tammy Belinski, L'99; and Darren Traub, L'00. Qaisi, Tita and Traub are Legal Forum co-chairs.

Photo by Thomas Kofetsch



First to require student laptops,
Richmond's law school
emerges as a national leader

Preparing for a Wired World

BY BOB RAYNER

Five years ago, most people had never heard of the Internet, e-mail or the World Wide Web. Today, these terms are part of the everyday vernacular.

Five years ago, attorneys had only a small taste of the changes online technology would one day bring to their profession. Today, at law firms large and small, technology has become an

invaluable tool for communications and research.

Five years ago, the University of Richmond School of Law became the first in the country to require that all of its students purchase laptop computers. Today, the school has emerged as a national leader in using technology as an integral part of a legal education. It has become

a model for other law schools around the country, and has created for itself a reputation as a training ground for computer-savvy law students.

"By the time our students graduate, they are totally comfortable with computer-assisted legal research and the use of laptop computers. Applying technology becomes second

nature," says Dr. John R. Pagan, dean of the law school. "This is a niche the law school has created for itself. Now it seems everyone is jumping on the bandwagon."

The influence of computers and online communications in the practice of law today is pervasive. A 1998 survey by the

Richmond Law links

University of Richmond School of Law home page
<http://law.richmond.edu/>

William Taylor Muse Law Library home page
<http://law.richmond.edu/library/musehome.htm>

Student publications
Richmond Journal of Law & Technology
<http://www.richmond.edu/~jolt/>

University of Richmond Law Review
<http://law.richmond.edu/lawreview/default.htm>

Richmond Journal of Law and the Public Interest
<http://www.richmond.edu/~perspec/>

Juris Publici
<http://law.richmond.edu/jurispub/1998/12/default.htm>

TECHNOLOGY USE BY ATTORNEYS AND LAW FIRMS

Extent of technology use

	Percentage in large law firms*	Percentage in small law firms**
Lawyers who personally use computers in their practice of law	98.7	90.0
Lawyers who have full Internet access	96.7	97.7

American Bar Association found that 97 percent of large law firms and 98 percent of small firms provide full Internet access for their attorneys.

Among large firms, the survey reports, 95 percent use the Internet for legal research and 94 percent use it to communicate with clients, while 86 percent of small firms say they do online research and 54 percent communicate with clients online.

Back in 1994, the legal profession was far less familiar with online technology. And requiring law students to purchase a laptop computer was a pioneering concept.

"Lawyers were starting to show up in court and in meetings with laptops," says Steven D. Hinckley, who at the time was director of the William Taylor Muse Library at Richmond. "We wanted a program that prepared students to use something that would become an everyday tool in the future. Law schools

weren't doing enough of that. We hoped the laptops would become as common as carrying a legal pad."

They did. But five years ago, the idea seemed a little risky, says Hinckley, who left Richmond in 1996 and is now director of the law library at the University of South Carolina in Columbia.

"It was out on the edge, but we decided it was worth the risk," he says. "We raised some private money and got some corporate support. I think everyone's been pretty happy with the results."

Hinckley credits Joseph D. Harbaugh, who was dean of the law school at the time, with leading the charge for the laptop program. He was supported by a core group who believed in the project, Hinckley adds.

Harbaugh, now dean at Nova Southeastern University College of Law in Fort Lauderdale, Fla., wrote about

technology's growing impact on the practice of law in the Winter 1995 issue of *Richmond Law*, when the laptop program was in its infancy.

"My generation of lawyers went to the law library to access the information we needed. That same information, and so much more, is now on call to members of today's computer generation with the tap of a keystroke," Harbaugh wrote.

By arming every student with a laptop, Richmond's law school sought to give its students an upper hand in the skills and experience needed to tap into the one-keystroke revolution in legal research and communications.

"Our students have access to people as well as materials all over the world," Pagan says.

Harbaugh, interviewed from Fort Lauderdale, says the laptop program was a result of recognizing changes starting to take place in the real world.

"We had experimented with the faculty and staff using computers, we had noticed the legal profession growing in the use of computers and we had noticed lawyers changing from desktops to laptops," he says. "Today's lawyers need to be comfortable and efficient with today's technology, and they need to have a vision of how future technology will be used so they can best support the needs of their clients."

Harbaugh, who left the University of Richmond in 1995, has continued to lead efforts to integrate technology and legal education at Nova Southeastern. He believes the improved technology at both schools is an essential part of training lawyers for the future. "It was a key decision in moving the law school forward," he says of Richmond's laptop program.

The program has had a wider impact than simply teaching students how to master the latest technology. It has pro-

Resources provided by firms

	Percentage in large law firms*	Percentage in small law firms**
Intranet	29.7	4.9
Plans for intranet next year	64.2	5.1
Home page	57.7	11.1
Plans for home page next year	57.6	18.4
Computers for use away from office	94	49.1

vided a powerful new teaching tool for professors, both in the classroom and out. "I'm able to give a lot more feedback to my students," says Dr. Michael Allan Wolf, who teaches property and environmental law.

Because he's able to post information electronically that is immediately available to students, he adds, the universal use of laptops has helped students "organize their reading and prepare for class."

The laptops also have created a technology-friendly atmosphere at the school, one that attracts students who have an interest in computers and gives them the room to innovate once they've started school.

In 1995, Richmond Law students created the world's first student-edited online law review, the *Richmond Journal of Law & Technology*, which can be found at <http://www.richmond.edu/~jolt/>.

"You don't get many opportunities to be the first in the world at anything," says Richard

P. Klau, L'96, who was a leader in putting the online journal together. "I don't think that would have been possible in a law school where technology wasn't occupying a large part of the imagination. It was a fairly radical idea at the time."

Stimulating the imagination of students is one of the big benefits the laptop program produced, with some very practical results.

While Richmond Law students possess a solid background in using computers, thanks to their daily hands-on experience with laptops, many also find that it leads to an interest in some of the profession's fastest-growing arenas — those that deal with legal questions concerning technology, such as intellectual property rights.

The strong presence of computers at the law school "makes our students aware of all the emerging legal issues involving technology," Dean

Pagan says. "There's a high level of interest in learning about the cutting-edge legal developments. And that can provide employment opportunities. Two of the hot hiring areas now are international law and intellectual property." Technology is a crucial aspect of both, he adds.

Some alumni have already managed to parlay their technology skills into real-world jobs. Since graduating, Klau, who helped start the online law review, has developed a career based on technology and the law (see profile, p. 27).

The school's obvious commitment to technology, Klau says, was one reason he found it attractive. "It certainly affected my decision to come."

The laptop program has created other intangible strengths for the law school.

For years, it was perhaps best known as a place that excelled at educating attorneys to practice law in Virginia. Thanks to the laptops, the school is also developing a reputation as a technology leader. The new reputation is most clearly established in Virginia, but it is beginning to reach beyond the borders of the Old Dominion.

"It's part of an effort to project an image as future-oriented, as a place that trains students to practice in the 21st century," Pagan says. "It does attract students who have technology backgrounds and who are very future-oriented. They realize an education here won't be stodgy."

Eric Link, a 1997 graduate who is now a counsel for the U.S. House of Representatives Committee on Commerce, says his experience at Richmond was

* Surveyed were the 500 largest private law firms in the United States, with a 29.6 percent response rate.

** Surveyed were private law firms with 20 or fewer lawyers, with an 11.6 percent response rate.

Information taken from *Small Law Firm Technology Survey: 1998 Survey Report* and *Large Law Firm Technology Survey: 1998 Survey Report* (Standing Committee on Technology & Information Systems of the American Bar Association).

Reasons lawyers use the Internet or online services

	Percentage in large law firms*	Percentage in small law firms**
Legal research	95.4	86.4
Communications with clients	93.5	53.6
Communications with colleagues	83.7	52.7
Access court records	83.0	34.1
Non-legal research	82.4	66.1
Marketing	73.2	18.8
Collaborate with clients on documents	56.9	21.5
Locate expert witnesses	46.4	15.9
File court documents electronically	40.5	2.5

anything but stodgy.

"Increasingly, the way business is done is through e-mail and the Web. These were the things we used as students," he says. "Just the rudimentary things the laptops fostered were important. I felt like I was way ahead of the curve when I got out of school."

"We became more highly sensitized to technology than most law students," he continues. "Being able to efficiently search the Internet helps me as an attorney."

The government agencies that the Commerce Committee oversees put "a tremendous amount of information on the Web," he says. "I know where to find it."

The University of Richmond School of Law, Link believes, was ahead of its time in introducing its students to the emerging online technology. "I can't overstate that."

But the advantages laptops have provided aren't limited to improved Internet skills. They've

also changed the way many classes are taught.

Wolf, the property and environmental law professor, says laptops facilitate more communications between him and his students. By using e-mail and the school's intranet, he can answer questions or post discussion points or legal citations that are relevant to cases being studied in class.

The program also has brought some practical advantages. Wolf now gives a weekly quiz to his first-year property class that allows him and the students to gauge their progress on a regular basis. It's all done by computer.

"Before, this would have been very time-consuming. Now, all the responses are by e-mail and all the grades are sent electronically," Wolf says.

He also is one of the professors who requires that his students take the final exam on their computers. "The exams tend to be more coherent and

organized," he says. "And it makes grading easier. I don't have to deal with 85 cases of illegible handwriting."

Not all professors require students to use their computers for exams. But they could: students use laptops to take notes in every classroom. In the three largest classrooms, which are wired, students can connect to the network to do in-class research, or to communicate with the professor or each other.

Wolf says the open laptop can be a temptation to a student whose mind is wandering and may feel like playing a little electronic solitaire during class. But he sees this as a minor problem. "Students will always find ways to distract themselves if they're bored," Wolf says. "It used to be reading the newspaper during class."

Overall, he believes the laptops have been a strong asset for students and teachers.

John Paul Jones, who

teaches constitutional, administrative and admiralty law, agrees that the laptops have been a valuable teaching tool.

"I don't think they have made a profound difference in the way I teach," he says. "We're teaching students how to think, and technology doesn't change the way a lawyer has to think."

"But once they learn to think like a lawyer, technology can make lawyers more efficient. Technology can be liberating."

He sees the computers as "props rather than the play itself. The props we're using have gone through a profound change, but the play is still Oliver Wendell Holmes."

These props can help students become efficient and effective researchers, he adds, and can break down some of the barriers between teachers and students.

For example, Jones encourages students to send him questions via e-mail about topics he's discussed in class, ques-

Types of information obtained through the Internet

	Percentage in large law firms*	Percentage in small law firms**
Government information	81.3	35.7
State case law	41.4	28.9
Federal case law	53.9	31.7
State statutes	43.0	25.5
Federal statutes	51.6	29.9
Federal administrative rules/regulations	53.1	21.3
State administrative rules/regulations	50.8	17.5
Court records	59.4	20.1
Forms	62.5	21.3

tions that students might not want to ask out loud, "for fear of looking too bright or not bright enough."

The e-mail also allows him to be more accessible to students, Jones says. "It's like holding office hours, except the office hours are 24 hours a day."

Jones sees several distinct results from the laptop program. Students are "across the board more sophisticated" about the use of personal computers and the collaborative use of networks, he says. They are becoming entrepreneurs in the field of law and technology, thanks to their experience at Richmond. And some students are becoming technology specialists who are well-positioned to help law firms move into the computer age more effectively.

"We can supply the interpreters for law firms. They understand the law and they can speak the language of technology," Jones says.

His primary reservation

about the program is the cost of buying the required computer package.

That's just another burden in the already expensive process of attending law school, Jones says, and he worries that too many students leave school with massive student loans to pay off. "So there is some cost for all this benefit."

The school works to make the computers as affordable as possible, without sacrificing quality. The cost of laptops is included in students' financial aid packages, which makes purchasing them easier for students.

Timothy L. Coggins, director of the school's law library and an associate professor, says the library and technology staff work with vendors each year to create a package for the incoming law students. This year's cost a little more than \$3,000.

The package includes an IBM Thinkpad 6000, a printer, modem, carrying case, cables,

network connectors and software, Lexis, Westlaw and an anti-virus program, as well as a comprehensive three-year warranty.

About 140 of the 170 first-year students purchased the University's package this year. The other 30 brought their own laptops, which were checked out by the school during the summer to make sure they would be compatible with its network and hardware.

The library, which has loaner laptops for any student whose own computer breaks down, is the nerve center of the law school's technology program. Every student has a wired carrel where the computer can be hooked up. The library also has an extensive Web page with a vast array of resources and links to other Internet sites.

"Law schools need to incorporate technology more into their instructional programs

when the technology can enhance the learning," Coggins says. "Richmond is doing that both inside and outside the classroom. Many other schools have begun emulating the University of Richmond."

But that doesn't mean the school can rest on its laurels. Plans are already underway for rewiring the law school to improve online speed and efficiency. And the leadership continues to look to the future.

"My prediction," Pagan says, "is that this school will continue to innovate in the use of computers in the classroom."

Bob Raymer is a business writer for the Richmond Times-Dispatch who covers advertising, health care and the stock market.

Protecting Copyright through Technology: How Will Fair Use Fare in the Next Millennium?

By Deborah S. Tussey

The impact of digital technology is nowhere more evident than in copyright law, where rapid technological change has threatened to outpace the law's ability to adapt.

The current Copyright Act was enacted in 1976, well before the digital juggernaut achieved full momentum. During the past two decades, courts attempted, with mixed success and remarkably limited guidance from Congress, to stretch the act to fit new electronic realities, struggling with issues as fundamental as the meaning of "copying" in the digital environment. Late last year, Congress weighed in with the most comprehensive piece of legislation yet enacted to address copyright in the Information Age.

The Digital Millennium Copyright Act¹ represents a hard-fought compromise between the interests of protection-minded "content providers" (publishers, software developers, the entertainment industry) and a loose coalition of pro-dissemination librarians, scientists, educators and public interest groups. The more generously monied, politically influential ownership interests largely prevailed, but the public interest groups won key concessions.

The good news for copyright owners is that Congress has made a serious attempt to solve the troubling problem of digital piracy; the bad news for consumers is that the congressional solution may limit or eliminate, in electronic media, some of the fair use privileges that information users have long enjoyed with respect to printed works.

While the DMCA enacts a number of far-reaching provisions, none are likely to have

greater repercussions than new prohibitions against circumvention of copyright protection technologies. These provisions may change forever the ways in which consumers use copyrighted materials such as movies, computer software, sound recordings and other digitized information.

The DMCA adds to the Copyright Act a new chapter² that prohibits circumvention of technological measures that control access to copyrighted works; it further prohibits the manufacture, importation or sale of, or traffic in, technologies that enable circumvention. The prohibited technologies must be primarily designed to circumvent either access controls or measures designed to protect copyright owners' rights, e.g. anti-copying protections; must have only limited commercially significant purposes other than circumvention; or must be marketed for use in circumvention. Additionally, the chapter prohibits tampering with "copyright management" information — such as digital watermarks, which identify the author, title, copyright owner and so on — of a given work.

The provisions concerning acts of circumvention and copyright management information are meant to conform U.S. law to two World Intellectual Property Organization treaties. However, the prohibition against circumvention technologies is a bonus for copyright owners, not required by the WIPO treaties. The chapter includes special provisions, effective within 18 months, which preclude the manufacture, importation or sale of most VCRs and camcorders that fail to comply with certain copy protection

systems. The technology prohibitions are a clear swipe at the Supreme Court's decision in *Sony Corporation of America v. Universal City Studios, Inc.*,³ which held that VCR manufacturers are not liable for contributory copyright infringement because VCRs have substantial noninfringing uses.

Lawyers have a closer acquaintance than most information consumers with prevalent copyright protection technologies, such as password controls and data encryption. Lexis and Westlaw protect access to their information through password systems, and they monitor and charge for each customer use. CD-ROM products containing state codes, case law and other legal materials are "rights managed" to expire on certain dates, requiring users to buy updated disks.

Until recently, such technologies have been little used with respect to mass-market products like software, movies or music CDs. However, software developers tout the imminent arrival of comprehensive "trusted systems," which promise copyright owners in such products not only the ability to control access and copying, but the ability to monitor and charge for every use and track every transfer of a work. Such systems may also allow owners to collect substantial personal information about users.⁴

Divx, the digital video disc system developed by Richmond-based Circuit City, provides a hometown example of a trusted system brought to fruition. Divx movies are encrypted to defeat unauthorized copying and licensed to consumers for a limited period of time, after which the

disc becomes unusable. The Divx disc cannot be loaned to a friend, even within its use period, without an additional payment — every use is tracked through a centralized computer system.

For digital pirates, the DMCA calls a necessary halt to the escalating technological spiral in which every attempt by copyright owners to protect their properties through electronic protection systems is countered by software or hardware designed to nullify the protection. Pirates now face liability not only for copyright infringement, but also for accessing protected materials. To use Divx as an example, a digital pirate who circumvented the disc's protection systems and defeated the time limitation would be liable under the anti-circumvention provisions even if he did not copy the movie; if he did copy the movie, he would also be liable for copyright infringement.

For legitimate consumers, however, the breadth of the provisions may threaten the private, noncommercial uses of copyrighted works which most of us make without a second thought, such as lending a music CD to a friend, installing legally purchased software on two home computers instead of one, or forwarding a copy of an interesting electronic article to a colleague.

Fair use concerns expressed by public interest groups prompted Congress to delay for two years the effective date of the provision prohibiting acts of circumvention. During that period and each succeeding three-year period, the Librarian of Congress must formally investigate potential adverse effects on information users' rights to make noninfringing uses of certain classes of copyrighted works, particularly those implicated in standard fair use activities: criticism, comment, news reporting, teaching, scholarship and research. Three-year exceptions to the circumvention prohibition may be granted to those users.

The final version of the act also incorporates specific permanent exceptions. The original bill contained no fair use exceptions for encryption research, information security testing or reverse engineering of software in the interests of interoperability. Circumvention is now permitted for those purposes, as well as for law enforcement and intelligence activities. Nonprofit libraries, archives and educational institutions receive a severely limited exception allowing them to foil access prevention technologies for the purpose of evaluating a work for acquisition purposes. Devices that allow parents to control their children's access to objectionable materials are permitted under certain conditions.

Finally, users may circumvent technologies which collect or disseminate "personally identifying information" reflecting the online activities of the user. For example, users may disable "cookies," those ubiquitous and generally harmless bytes used by online businesses to track customers' visits to Web sites. Public interest organizations which opposed earlier versions of the bill grudgingly accepted the final version, with the added exceptions and the moratorium provision, though not without concerns about the impact on fair use.

Fair use doctrine is one of the copyright safety valves that protect the public domain from wholesale monopolization by the information industry. The DMCA claims to make no change to the doctrine, but its real impact is far from clear. Content providers will lobby extensively to limit the scope of the exceptions established by the Librarian of Congress.

Even if waivers from the circumvention prohibition are granted to some traditional "fair uses," they are unlikely to cover the private, minimal uses which most consumers routinely employ. Moreover, the two-year moratorium does not apply to the

prohibition against circumvention technologies. Users who might well assert fair use privileges may have no lawful access to devices which would, in turn, give them access to the works.

The provisions of the DMCA must also be viewed in the broader context of past and pending proposals that further strengthen the position of content providers. In a separate bill enacted last session,⁵ Congress extended the duration of copyright for an additional 20 years, once again saving Mickey Mouse from the dread fate of inclusion in the public domain. This latest in a series of extensions of the copyright term promises that copyright owners may ultimately retain their rights in near-perpetuity, contrary to the constitutional command that copyright be for a limited term.

The controversial Collections of Information Antipiracy Act,⁶ which would provide broad, meta-copyright protections for databases and other compilations — including most collections of legal information — was stricken from the DMCA in the final moments, but will inevitably be resuscitated in the present session. Reed Elsevier and Thomson, the corporate owners of Lexis and Westlaw, have lobbied heavily for this bill. Debate continues elsewhere on a proposed new article of the Uniform Commercial Code that would permit content providers to impose shrink-wrap or "click-wrap" license conditions granting them protections far exceeding those afforded under copyright law.

The real impact of the complex provisions of the DMCA will be revealed only over time as the Librarian of Congress parses rights to fair use, and as the full panoply of copyright protection technologies comes into general commerce. Works which are commonly available in multiple media, such as novels or news articles, may remain more readily available for fair uses than works like software or sound recordings,

which are purveyed exclusively or primarily in digital format.

However, the economies of digital dissemination — cheap copying and transmission — bolstered by the new protective technologies, may portend an Information Age in which nondigital works are increasingly rare. Unless the DMCA's anti-circumvention provisions are tempered by reasonable allowances for fair use, the new millennium may dawn on a brave new world in which every use is a licensed use — monitored, metered and microcharged. Fair use may confer no real access where information is locked behind technological barriers, the keys to which are denied by force of law.

Deborah S. Tussey, a visiting assistant professor at the University of Richmond School of Law, teaches Computer Law and Intellectual Property. From 1978 to 1997 she worked at The Michie Co. in Charlottesville, Va., where she was editor-in-chief of primary law publications in print and electronic media.

1 Pub. L. No. 105-304 (codified in scattered sections of 17 U.S.C.).

2 17 U.S.C. §§ 1201 - 1205.

3 464 U.S. 417 (1984).

4 See Mark Stefik, *Trusted Systems*, SCIENTIFIC AMERICAN (March 1997), available at <<http://www.sciam.com/0397issue/0397stefik.html>> (visited Jan. 14, 1999).

5 The Sonny Bono Copyright Term Extension Act, Pub. L. No. 105-298. The relevant provisions amend 17 U.S.C. §§ 102-104.

6 H.R. 2652, 105th Cong. (1997).

JUVENILE JUSTICE: A Birthday Cake or a Funeral Pyre— The Juvenile Court at 100 Years

By Robert E. Shepherd Jr.

One hundred years ago, in 1899, the Illinois legislature enacted a juvenile court act creating the first completely independent juvenile court in the world; this is its centennial year.

In the 19th century, juveniles were tried in criminal courts like everyone else, with their youth being most relevant on the question of criminal responsibility. In spite of the law's effort to temper the harshness of trying and punishing children as adults through the infancy defense, young children were still at times sentenced to prison and occasionally to death.

Victor Streib has pointed out that at least 10 children were executed in this country prior to 1900 for crimes committed before their 14th birthdays.¹ Virginia penitentiary records from 1876 reflect that a prisoner died from being scalded in a tub of boiling coffee: he was 10 years old. These excesses shocked the pub-

lic conscience, and many Americans sought some more pervasive reform than just the infancy defense to address the growing recognition of the distinctive nature of children and youth.

Meanwhile, Quakers in New York founded the first House of Refuge in 1825, with the expressed purpose "to receive and take . . . all such children as shall be taken up or committed as vagrants, or convicted of criminal offenses."² As the House of Refuge movement evolved into the slightly more punitive reformatory approach later in the century, an occasional legal attack on the incarceration of a child in such an institution was successful.³

The 1899 Illinois Juvenile Court Act was in part a response to growing jury nullification in cases involving children, to concerns about sectarian institutions in a Chicago filling with immigrants, and to the reform-based opposition to the placement of

FACULTY BRIEFS

youths in facilities with adults. Although the act did not radically change procedures in the courts, it did reintroduce *parens patriae* to govern such cases.

The juvenile court idea spread very rapidly across the country. In Colorado, a parallel movement took place under the leadership of Judge Ben B. Lindsey, who was to sit on the bench in Denver from 1901 until 1927, when he was defeated in a political campaign spearheaded by the Ku Klux Klan. A story about his actions as he left the juvenile court upon his defeat illustrates the degree of Lindsey's commitment. He had removed the court's records and stored them in his home to keep them from his more punitive successors. Finally, one night he and Mrs. Lindsey, accompanied by friends and reporters, went to a vacant lot and burned them.⁴

In Virginia, juvenile courts came about through the efforts of a group of prominent Richmond citizens interested in seeing a juvenile court in the city. They took advantage of a national convention in Richmond in 1908 to invite several of the speakers to address them in a meeting.

Shortly after that meeting, a smaller gathering was held to pursue the establishment of a juvenile court in Richmond. At that meeting former Gov. Andrew J. Montague, a Richmond College alumnus then serving as dean of the college's law department, presented a draft charter for a Juvenile Protective Society of Virginia, and a committee including Montague was appointed to complete the charter.⁵ In June, the organizational meeting of the society was held; the charter was approved, a board was selected, and 150 of the leading citizens of Richmond became charter members.

Gov. Montague and the society drafted two bills which the Virginia General Assembly enacted in 1910, authorizing courts to commit certain children to

separate juvenile facilities. The children covered by the legislation were first offenders charged with felonies and children charged with misdemeanors, as well as any child who was "vicious, depraved, a persistent truant, destitute, exposed to immoral or vicious influence or who is generally ill-treated or neglected by his parents, guardian, custodian or declared by such to be incorrigible."⁶

Subsequently, the Richmond City Council created a juvenile section of the police court. In April 1912, Judge John Jeter Crutchfield of the Richmond Police Court began hearing juvenile cases in a room in the basement of the City Hall three afternoons a week, after he completed his docket.

Judge Crutchfield's first probation officer and clerk was a young lawyer, J. Hoge Ricks, a 1908 graduate of the T.C. Williams School of Law at Richmond College. The judge was also aided in his work by a "steering committee" that included Dr. H.D.C. MacLachlen and Dr. Ryland Knight, both recognized by Richmond College with honorary degrees. Dr. Knight later resigned and was replaced by Dr. Douglas Southall Freeman, R'04, H'23 and later rector of the University of Richmond Board of Trustees. Committee members regularly came to court to sit in and advise the judge on the disposition of the cases they heard.

By 1914, the General Assembly recognized that the 1910 Act was not sufficient to bring about total juvenile justice reform in Virginia. At the instance of the Richmond reformers again, the legislature provided for separate juvenile courts in any city with a population greater than 50,000.⁷ The new court, like the Illinois and Denver courts before it, was grounded on *parens patriae* and was given broad, chancery-like powers to save children from delinquency.

The first court under the act began functioning in Richmond

"TODAY, THE REFORM MOVEMENT OF A CENTURY AGO IS UNDER MORE ATTACK THAN EVER BEFORE, BOTH IN WASHINGTON AND IN THE STATES."

—Professor Robert E. Shepherd Jr.

on Jan. 1, 1916, with J. Hoge Ricks, the young probation officer and clerk for Judge Crutchfield, as its initial judge. Richmond was followed in 1919 by the City of Norfolk. These courts operated under vastly different procedures from adult criminal courts. Judges seldom wore robes, and cases were heard in chambers with the judge seated at a desk and the youth in a chair on the other side of the desk. The new courts had the authority to place juveniles on probation as an alternative to confinement, and their judges had vast discretionary powers.

Judge Ricks was one of the giants of the progressive era in Virginia. A Quaker from Caroline County, Va., he was the dominant figure in the juvenile justice movement in Virginia for more than 40 years. Also influential on the national level, he was a founder of the National Council of Juvenile Court Judges, president of the National Probation Association, and a member of the Executive Committee of the National Conference of Social Work. In addition, he was a member of the League for the Abolition of Capital Punishment and a member of the executive committee of the Commission on Interracial Cooperation.

Juvenile courts began to develop in other parts of the state as the result of the report of the Children's Code Commission appointed by the governor in 1921 and chaired by Judge Ricks. The commission recommended adoption of a number of bills improving the welfare of children in Virginia, including the expansion of juvenile and domestic relations courts to more cities, and allowing appointment of a special juvenile justice for smaller cities and counties by the judge of the circuit court. Such legisla-

tion was enacted in 1922.⁸ Further action in 1936 extended the system and provided more state resources. Judge Ricks served until 1956; upon his retirement, the University of Richmond awarded him an honorary degree.

Nationally, the post-World War II period witnessed a further development in juvenile justice. The jurisdictional categories for "status offenders" were separated from the definitions of delinquency in New York with the creation of a new jurisdictional category — Persons in Need of Supervision — for runaways, truants and other youth who had committed acts that would not be criminal if committed by an adult.

In the 1960s, the courts had to deal with growing questions about the continued validity of the juvenile court's informality and treatment focus without full regard for due process. Other critics complained that the court was not capable of dealing with the "new" delinquent youth of that era. Finally, in 1966 the United States Supreme Court addressed the fundamental fairness of the court process in *Kent v. United States*.⁹ The Court concluded there that Morris Kent was denied his due process rights by the failure of the trial judge to hold a hearing prior to transferring the 16-year-old to the adult court for trial, and without giving Kent's lawyer access to the social information relied on by the court.

In 1967, a year after the decision in *Kent*, the President's Commission on Law Enforcement and the Administration of Justice issued its report on *Juvenile Delinquency and Youth Crime*, expressing serious reservations about many of the fundamental premises of the juvenile justice system, its effectiveness and its lack of procedural safeguards.¹⁰

The same year, many of the questions raised by *Kent* and the commission were addressed by the Supreme Court in the historic decision of *In re Gault*.¹¹ The court there ruled, surprisingly for the first time, that juveniles are persons within the meaning of the 14th Amendment.

They went on to state that Gault's constitutional rights had been violated in several important respects. First, juveniles and their parents are entitled to constitutionally adequate notice of the precise nature of the charges; second, a youth charged with delinquency must be advised of the right to the assistance of counsel; third, the juvenile has the right to confront the witnesses against him or her and to cross-examine those witnesses; and fourth, the privilege against self-incrimination applies to juvenile proceedings and the child must be informed of that right. Justice Fortas, for the Court, said that "Under our Constitution, the condition of being a boy does not justify a kangaroo court."¹²

In subsequent cases, the Court concluded that juveniles must be proven guilty beyond a reasonable doubt (*In re Winship*),¹³ that the right to a jury trial is not required by the Constitution in delinquency cases (*McKeiver v. Pennsylvania*),¹⁴ and that the Double Jeopardy Clause of the Constitution prevents a juvenile court from transferring a juvenile to the adult court after finding him delinquent (*Breed v. Jones*¹⁵; *Swisher v. Brady*)¹⁶.

The high court also decided that a juvenile's self-incrimination *Miranda* rights are not invoked by his request to see his probation officer during custodial interrogation by the police (*Fare v. Michael C.*),¹⁷ and that a juvenile can be subjected to "preventive detention" awaiting trial (*Schall v. Martin*).¹⁸

Thus, there is a schizophrenic aspect to the juvenile court's appearance after almost two decades of seemingly conflicting

decisions about the parameters of due process in juvenile court. Dean Roscoe Pound has been quoted as saying that the juvenile court has become "the illegitimate issue of an illicit relationship between the legal profession and the social work profession, and now no one wants to claim the little bastard."¹⁹

Today, the reform movement of a century ago is under more attack than ever before, both in Washington and in the states. However, lighting a funeral pyre would be foolish since this uniquely American institution has been duplicated all over the world as the best model possible for the humane and innovative handling of juveniles who commit crimes. We should instead be lighting 100 candles on the juvenile court's birthday cake to celebrate its contributions to the just handling of children and families in the courts.

Robert E. Shepherd Jr. is a professor of law at the University of Richmond School of Law and a former chair of the Juvenile Justice Committee of the American Bar Association. He recently received the 1998 Outstanding Child Advocacy Award from the National Association of Counsel for Children. This article is excerpted from his remarks at the 1999 symposia series, "Centennial of the Juvenile Court."

Endnotes

¹ Victor Streib, DEATH PENALTY FOR JUVENILES (1978).

² Robert Pickett, HOUSE OF REFUGE (1969).

³ See, e.g., *People ex rel. O'Connell v. Turner*, 55 Ill. 280 (1870).

⁴ Charles Larsen, THE GOOD FIGHT (1972).

⁵ James Hoge Ricks, *A Review and a Forecast*, TWENTY-FIFTH ANNUAL REPORT, JUVENILE AND DOMESTIC RELATIONS COURT, RICHMOND, VIRGINIA (1940); William Larsen, MONTAGUE OF VIRGINIA: THE MAKING OF A SOUTHERN PROGRESSIVE (1965).

⁶ 1910 Va. Acts 434.

⁷ 1914 Va. Acts 696.

⁸ 1922 Va. Acts 819.

⁹ 383 U.S. 541 (1966).

¹⁰ TASK FORCE: JUVENILE DELINQUENCY AND YOUTH CRIME (1967).

¹¹ 387 U.S. 1 (1967).

¹² *Id.* at 27-28.

¹³ 397 U.S. 385 (1970).

¹⁴ 403 U.S. 528 (1971).

¹⁵ 421 U.S. 519 (1975).

¹⁶ 438 U.S. 204 (1978).

¹⁷ 442 U.S. 707 (1979).

¹⁸ 467 U.S. 253 (1984).

¹⁹ Hon. W. Don Reader, *The Laws of Unintended Results*, 29 AKRON L. REV. 477 (1996).

1999 JUVENILE COURT CENTENNIAL SYMPOSIA

The University of Richmond School of Law, the Richmond Juvenile and Domestic Relations District Court and the Richmond Juvenile Court Citizens Advisory Council are co-sponsoring a series of symposia this spring celebrating establishment of the first juvenile court in America.

Each symposium will take place in the law school's Moot Court Room at 7 p.m. on the date noted, with a reception to follow.

The Hon. J. Dean Lewis

Judge of the Juvenile and Domestic Relations District Court for the 15th District of Virginia
President of the National Council of Juvenile and Family Court Judges

Tuesday, Jan. 26

"Significance of Juvenile Courts in the American Court System"

Professor Robert E. Shepherd Jr.

Professor of law at the University of Richmond School of Law
Former chair of the Juvenile Justice Committee of the American Bar Association

Tuesday, Feb. 23

"First 100 Years of Juvenile Courts in Virginia and the United States"

Hunter Hurst III

Director of the National Center for Juvenile Justice in Pittsburgh

Tuesday, March 16

"Reflecting on Reforms of the Last Decade"

The Hon. Ernestine S. Gray

Judge of the Orleans Parish Juvenile Court in New Orleans
Co-chair of the Juvenile Justice Committee of the American Bar Association
Second vice president of the National Council of Juvenile and Family Court Judges

Tuesday, April 20

"Juvenile Court System as It Enters the 21st Century: What Should It Look Like?"

The text of symposia addresses will be published in the summer of 1999 by the National Council of Juvenile and Family Court Judges in a special centennial issue of its journal. The symposia are financially assisted by the Virginia Law Foundation and the Robins Foundation.

FACULTY ACCOMPLISHMENTS

Margaret I. Bacigal, associate clinical professor of law, was elected to the ABA's board of governors for the Section on the Education of Lawyers.

Professor **Ronald J. Bacigal** was appointed reporter for the Virginia Supreme Court's jury reform task force, which will study Virginia's jury system in 1999. His recent publications include the 1998 supplements to *Virginia Criminal Procedure* and to the *Trial of Capital Cases in Virginia*, and an article, "Choosing Perspectives in Criminal Procedure," published in 6 *Wm. & Mary Bill Rts. J.* 677 (1998).

Kelley H. Bartges, associate clinical professor and director of the Youth Advocacy Clinic, was elected to serve a three-year term on the board of directors of the Virginia affiliate of the American Civil Liberties Union. She also lectured about ethical legal representation of juveniles at the Virginia Trial Lawyers Association's 1998 Annual Criminal Law Seminar held in Richmond, Tyson's Corner, Norfolk and Roanoke, Va.

Recent publications of Professor **W. Hamilton Bryson** include *Essays on Legal Education in Nineteenth Century Virginia* (William S. Hein & Co., 1998), and Vol. 45 of *Virginia Circuit Court Opinions*.

Timothy L. Coggins, director of the law library and associate professor of law, received a presidential certificate of merit from the American Association of Law Libraries for his work as co-chair of the AALL's Information Technology & Implementation Working Group, which analyzes sites for access to electronic legal information and makes recommendations to courts, legislatures and others on how to design effective legal information sites. In October he presented "Censorship Issues Facing Librarians" at the 1998 meeting of the Kentucky Library Association.

Assistant Professor **John Douglass'** "Beyond Admissibility: Real Confrontation, Virtual Cross-Examination and the Right to Confront Hearsay" was scheduled to be published in the January 1999 issue of the *George Washington Law Review*.

Associate Professor **Joel Eisen's** "Are We Ready for Mediation in

Cyberspace?" on experiments aiming to use online means such as electronic mail for resolving disputes, was published in the final 1998 issue of the *Brigham Young University Law Review*.

Eisen also contributed articles to two symposium issues: "From Stockholm to Kyoto and Back to the U.S.: International Environmental Law's Effect on Domestic Law" in the *University of Richmond Law Review's* Allen Chair issue, and "Brownfields Policies for Sustainable Cities" in a special issue of the *Duke Environmental Law and Policy Forum* on sustainable development and environmental justice.

Eisen's other recent publications include the 1998 supplement to *Structuring Commercial Real Estate Workouts: Alternatives to Foreclosure* (Aspen Law and Business) with professors **W. Wade Berryhill** and **Michael J. Herbert**.

Mary L. Heen, professor of law, was awarded a 1998 University of Richmond Distinguished Educator Award in recognition of her "outstanding achievement and excellence of leadership in teaching and learning." Heen served as an important developments editor for the annual report of the ABA Section of Taxation Committee on Standards of Tax Practice, published in 51 *Tax Law*, 1119 (Summer 1998).

Professor **Michael J. Herbert** has published *Property Interests in Bankruptcy 1999 Supplement* (West Group) and, with Thomas D. Crandall and Lary Lawrence, the *Uniform Commercial Code 1998 Supplement* (Aspen Law & Business). Also with Crandall, Herbert published *Secured Transactions: Problems, Materials, and Cases* (West Group, 1999), and he and **Ronald J. Bacigal** published the third edition of *Virginia Jury Instructions* (West Group, 1998).

In January 1998, Associate Professor **Azizah Y. al-Hibri** lectured on Islamic jurisprudence and women's rights at the Royal Tropical Institute, Soeterijn, in Amsterdam, Netherlands. Her numerous lectures in 1998 also included several presentations at Fordham Law School's December conference, "Rediscovering the Role of Religion in the Life of Lawyers and Those They Represent."

She also lectured on "Islam, Democracy and Human Rights" at the Chautauqua Institution and on similar topics at Hamline University Law School, Middlebury College, University of Pennsylvania Law School and Emory University Law School.

Dr. al-Hibri's recent publications include "Legal Reform: Reviving Human Rights in the Muslim World," 20 *Harvard International Review* 50 (Summer 1998). In May, she traveled to Hollywood, Calif., to review the Dreamworks Studios film *The Prince of Egypt*.

Professor **Ann C. Hodges** spoke on sexual harassment in education under Title IX at the "Symposium on Sexual Harassment in the Nineties: The Issue That Won't Go Away," held in November at the law school. At the symposium, Hodges also moderated a panel of attorneys addressing the Supreme Court's recent decisions on sexual harassment in education and employment.

Hodges' article, "Protecting Unionized Employees Against Discrimination: The Fourth Circuit's Misinterpretation of Supreme Court Precedent," was published in 2 *Employee Rights & Employment Policy Journal* 123 (1998). Hodges serves as co-president of the board of directors for the Legal Information Network for Cancer, which provides counseling and legal assistance to individuals with cancer and their families.

"Reforming Virginia's Pour-Over Rules — Three Proposals," by Professor **J. Rodney Johnson**, was published in the Fall/Winter 1998 *Trusts and Estates Newsletter of the Virginia State Bar* (Vol. 15, No. 1). He also authored "Wills, Trusts and Estates (Annual Survey of Virginia Law, 1997-98)," which was published in 32 *University of Richmond Law Review* 1405 (1998).

Last August, Professor **John Paul Jones** presented a paper, "Treasure Salvage and the United States Supreme Court" at the 1998 Maritime Law Symposium in Newport, R.I. In November, Jones traveled to Albania, where he witnessed the promulgation of a new constitution. It was his fourth such trip since 1992.

Leslie M. Kelleher, associate professor of law, wrote an article, "Taking 'Substantive Rights' (in the Rules Enabling Act) More Seriously," published in 74 *Notre Dame Law Review* 47 (1998).

Professor **Robert E. Shepherd Jr.** received the Pro Bono Publico Award from the VBA in recognition of exceptional public service. Shepherd served on several legislative studies for the Virginia General Assembly, including the joint subcommittee on young African-American males in the legal system, the Commission on Youth's juvenile competency work group, and the Virginia Commission on Domestic Violence's task force on the effects of domestic violence on children. He also served on the VBA coalition committee on family law legislation, and as co-chair of the Richmond Juvenile Court's centennial celebration committee.

Rodney A. Smolla, the Allen Professor in Law, had 1998 supplements published for *Smolla and Nimmer on Freedom of Speech; Federal Civil Rights Act; Constitutional Law: Structure and Rights in our Federal System*; and *Rights and Liabilities of Publishers*.

Professor **Peter Swisher** recently completed the second edition of *Family Law: Cases, Materials, and Problems* (Matthew Bender Co., 1998) with Anthony Miller and Jana Singer. Swisher also served as coordinator and author of a symposium in Vol. 5 of the *Connecticut Insurance Law Journal*. In January Swisher completed his term as chair of the Association of American Law Schools Insurance Law Section.

Visiting Assistant Professor **Deborah Tussey** presented "Copyright in Codes" at the Southern Legislative Conference last August.

Professor **Paul J. Zwier** received the Prentice Marshall Award in July 1998. Given by the National Institute for Trial Advocacy, the award recognized Zwier for his excellence in teaching and his creativity in program and material design. In addition, Zwier published *Expert Rules, 100 and More Things You Need to Know about Dealing with Experts* (NITA, 1998) with David M. Malone.

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Individualized instruction and a committed, accessible faculty — hallmarks of legal education at the University of Richmond Law School — are central to Dean John R. Pagan's ambitious plan for the next four years. The goal: to achieve national ranking as one of the top 50 law schools in the country. Gifts and support from loyal alumni and friends will help make this happen.

The July 1997-June 1998 fiscal year was a success, thanks to those listed on the following pages who contributed directly to law school programs, and to Law Fund Chair Anthony F. Troy, L'66, for his leadership. Alumni and friends contributed \$2,377,391, including a \$1.7 million bequest from Joseph B. Dickerson Jr., L'32, and a \$167,500 bequest from Harry Lantz, L'43.

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 Becky J. Moore '85

Participation

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

Rank	Year	Percent participation
1	1933	75
2	1958	61
3	1939	60
4	1951	56
5	1941	55
6	1960	52
7	1959	50
8	1947	50
9	1937	50
10	1938	50

James T. Moore, III '71
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 Michael Morchowar '65
 R. Glen Morgan '83
 Norman deVere Morrison '73
 Adriaen Meredith Morse, Jr. '95
 Roger L. Morton '69
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 William F. Neely '81
 L. Harvey Neff, Jr. '50
 John Randolph Nelson '76
 William E. Phillips, 85 and Margaret A. Nelson '87
 John A. Nere, Jr. '75
 Mr. and Mrs. N. André Nielsen '58
 Mr. and Mrs. C. Willard Norwood '52
 Raul Novo '97
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 Robert G. O'Hara, Jr. '67
 Deborah S. O'Toole '76
 Mr. and Mrs. Matthew N. Ott, Jr.
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 John B. Palochak '67
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Number of Contributors

Ten best University of Richmond School of Law classes by number of contributors

Rank	Year	Number
1	1976	54
2	1980	51
3	1977	49
4	1982	46
5	1981	45
6	1979	44
7	1983	40
8	1986	39
9	1985	38
10	1978	37

Hazel E. Davenport '90
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 Mr. and Mrs. George B. Hefferan '89 and '89
 Amy B. Heinrich '85
 Carol S. Henderson
 William C. Herbert, III '83
 John H. Herbig '75
 Janine S. Hiller '81
 Stephanie Lindsey Hiss '97
 Kelly Sweeney Hite '90
 Jan F. Hoen '89
 Mr. and Mrs. Philip C. Hogue
 Shelly Sveta Holt '81
 Joseph W. Hood, Jr. '84
 Susan J. Hoof
 Mr. and Mrs. William H. Houchin
 Mr. and Mrs. William J. Howell
 Vernon C. Howerton, Jr. '92
 Harrison Hubard, Jr. '71
 J. B. Hudson, Jr. '49

Beverly M. Huley '88
 James G. Hunter, III '86
 Keith N. Hurley '92
 J. Clifford Hutt '41
 Mr. and Mrs. Kenneth J. Hynes
 James F. Ingram '66
 John M. Ivan '82
 A. Lynn Ivey, III '78
 Gaynelle M. Jackson '94
 Stephen R. Jackson '87
 Lynn F. Jacob '82
 Ronald K. Jaicks '86
 Christopher D. Janelle '92
 Gail D. Jaspens '81
 Mr. and Mrs. Herndon P. Jeffreys, Jr. '53
 Janet Stuart Jenness '95
 Gregory M. Johnson '84
 Mr. and Mrs. Robert G. Johnson
 Sarah C. Johnson '94
 Stephen L. Johnson '84
 Mr. and Mrs. M. Ray Johnston, Sr. '57
 Hamill D. Jones, Jr. '72
 Linda Schorsch Jones '89
 Robert Randolph Jones '33
 J. Thompson Shrader & Associates
 William B. Judkins '76
 Susan L. Morris Kachel '94
 Mr. and Mrs. William F. Karn '93 and '95
 Richard Crosswell Kast '73
 Fredrick S. Kaufman '89
 Mr. and Mrs. W. Richard Kay, Jr. '74
 Daryl B. Keeling '79
 Gary W. Keener '84
 A. Bartlett Keil '77
 India Early Keith '81
 A. S. Kellam, Jr.
 Mary M. Kellam '83
 Mary-Ellen Alexander Kendall, Esq. '85
 Richard D. Kennedy '91
 Anne Abbitt Kerr
 William S. Kerr '65
 Harold L. Kestenbaum '75
 Margaret Branham Kimmel '88
 Brent Allen King '94
 Andrew P. Kline '76
 Mr. & Mrs. John Lewis Knight '73
 Jack E. Kotvas '89
 Julia Krebs-Markrich '77
 Richard E. Kurtz '90
 John Gregory LaFratta '94
 Florence C. Lahy
 LCDR and Mrs. Thomas J. Lambert '90 and '91
 The Hon. and Mrs. R. Steven Landes '83
 Lisa M. Landry '91
 Clinton W. Lanier '79
 George E. Lawrence, Jr. '79
 Victor M. Lawrence '93
 T. Rodman Layman '63
 William H. Ledbetter, Jr. '66
 Mark F. Leep '93
 Mr. and Mrs. Jay J. Levit '58
 Stefanie Sanders Levy '87
 Joseph L. Lewis '65
 Wilbur M. Lewis '39
 Michael Liberman '95

Garrison D. Lickle '80
 Leslie L. Lilley '78
 Vincent A. Lilley '81
 William T. Linka '81
 Karen Lado Loftin '88
 James A. Lofton '82
 George Manoli Loupassi '92
 Diane Miller Lowder '87
 Salvatore Lupica '86
 F. Edmund Lynch '65
 Cheryl Ann Maccaroni '84
 Milton E. Maddox '58
 Joseph E. Mains '71
 Curtis G. Manchester '91
 Vincent J. Mangini '95
 Elizabeth Kam Manley '82
 George W. Marget, III '87
 Wirt Peebles Marks, IV '94
 Howard S. Marley '68
 Irene Taylor Martin
 Stewart J. Martin '85
 Maureen Riley Matsen '89
 Richard D. Mattox, Jr. '81
 Richard C. Maxwell '84
 Keith Allen May '95
 Robin J. Mayer '90
 Robert M. McAdam '85
 Reuben H. McBrayer, Jr. *
 Sarah Coles McBrayer
 Leslie M. McCann '76
 Jack C. McClung '64
 Michael P. McCready '92
 Janet Farquharson McCurdy '83
 Walter A. McFarlane '66
 R. Michael McKenney '90
 James L. McLemore, Jr. '40
 Dennis J. McLoughlin '75
 Andrew R. McRoberts '90
 W. Edward Meeks, III '74
 Kathleen Shepherd Mehfood '79
 Cathleen Cori Memmer '92
 David Storey Mercer '73
 Harriett Yeamans Mercer
 Lois Lyle Mercer
 Norval G. Metcalf '69
 Mark B. Michelsen '89
 Teresa M. Miguel '94
 Teri C. Miles '87
 Mr. and Mrs. Lowry J. Miller '67
 H. Franklin Minor '59
 John G. Mizell, Jr. '76
 Charles B. Molster, III '83
 E. Conway Moncure, Jr. '75
 George W. Moore '77
 Michael A. Moore '86
 R. Webb Moore '87
 Robin M. Morgan '80
 Mr. and Mrs. R. J. Morris, Jr. '85
 Judy Witcher Motley '88
 Janet Selph Moyers '86
 Jon A. Mueller '82
 Jean D'Ovidio Mumm '85
 Zenji Nakazawa '93
 Thomas W. Nalls '66
 Kelly Combs Necessary '94
 Chandler A. Nelson '67
 Dean M. Nichols '85
 D. Adele Nighman '95
 Susan Ibrahim Noll '94
 James J. O'Connell, III '88
 Kevin P. Oddo '87
 Michael Jackson Oglesby '76



Marks & Harrison gives scholarship

The Richmond-area law firm of Marks & Harrison has established a scholarship at the University of Richmond School of Law for a student committed to a future in the practice of personal injury law. The student chosen to receive the scholarship must have completed his or her first year at the law school with high academic achievement.

"We are truly pleased to associate with the law school by setting up this fine scholarship. We look forward to helping students interested in pursuing a career in personal injury law," says Peter D. Eliades, L'84, attorney with Marks & Harrison and president of the Richmond Law School Association. He is shown with John C. Shea, L'77, president of Marks & Harrison, and Nancy L. LeCuyer, director of law development and alumni programs.

With offices in Richmond, Petersburg and Hopewell, Marks & Harrison has 14 attorneys and a staff of more than 50. The firm has specialized in the practice of personal injury, workers' compensation and social security disability for more than 85 years.



Jacobson is director of major gifts

Anne Du Bois Jacobson has been selected to fill the University of Richmond Law School's newly created position of director of major campaign gifts.

Her primary responsibilities will be with the law school campaign now underway. She will work closely with Nancy LeCuyer, director of development and alumni, and Mary Grace Greer, who continue their work with alumni, law firms and annual giving.

Jacobson comes to the law school after eight years as director of major gifts and development at the Science Museum of Virginia Foundation, where she was instrumental in the recent \$36 million campaign. During her time at the Science Museum, total annual giving increased more than 600 percent and the number of major donors grew from 15 to 110.

Earlier, she worked for four years in the University of Virginia's development office and for four years as a fund-raising consultant in Washington, D.C. She holds a degree in foreign relations from the University of Virginia.

A member of the National Society of Fund Raising Executives and the Virginia Planned Giving Study Group, Jacobson frequently serves as a seminar panelist on institutional advancement, major gifts and planned giving.

William J. Olson '76
Carrie Hallberg O'Malley '96
Leslie M. Osborn '78
Mary Burkey Owens '86
Michael R. Packer '74
Eric M. Page '78
Mr. and Mrs. Thomas T. Palmer '74
L. Allan Parrott, Jr. '93
John W. Parsons '92
Gary B. Patterson '78
Richard Carter Patterson '95
Nina Kilian Peace '75
Mr. and Mrs. G. Bradstreet Peaseley '83
Jane Lawrence Peeples '91
John T. Pendleton '93
Henry P. Perciballi '58
The Hon. and Mrs. Charles Perkinson, Jr. '65
Harry J. Perrin, Jr. '52
Robert M. Pfeifer '85
Mr. and Mrs. J. Sydnor Phillips, Jr.
David L. Pillsbury '85
Kimberly A. Pinchbeck '88
Dale W. Pittman '76
Michael R. Pohl '71
Mr. and Mrs. James L. Polley '72
Barrett E. Pope '81
Lynne T. Porfiri '85
Jonathan H. Poston '81
Mr. and Mrs. E. Wayne Powell '80
Todd J. Preti '92
Mr. and Mrs. Jay A. Price '61
Peter N. Pross '82
Andrew A. Protogyrov '87
Iva R. Purdy
Frank B. Pyott '91
Arthur K. Radin '61
Ann L. Ramsey '81
J. P. Rapisarda '50
Deborah L. Rawls '83
Nanci W. Reaves '91
Carter M. Reid '93
Terrence E. Reideler '71
Mark B. Rhoads '85
Paula Van Horn Rhoads
James R. Richards '84
Donald Jay Richardson '97
V. Britt Richardson, Jr. '76
Neil Edward Richman '97
Roseleen P. Rick '80
C. Allen Riggins '69
George T. Rison, III '55
Carl Marion Rizzo '77
Michael C. Roach '90
Elizabeth S. Byrd-Roberts '95
Thomas E. Roberts '76
James Bailey Robeson '66
Stephen G. Robinson '82
Edward F. Rockwell '93
Susan K. Rohde '82
Judith L. Rosenblatt '85
Charles H. Rothenberg '87
Mr. and Mrs. David R. Ruby '83 and '86
John B. Russell, Jr. '78
Zachary C. Salmon '74

Total Dollars Contributed

Ten best University of Richmond School of Law Classes by total dollars contributed

Rank	Year	Amount
1	1959	\$34,727
2	1939	\$30,050
3	1952	\$27,350
4	1965	\$20,960
5	1984	\$18,767
6	1964	\$15,725
7	1961	\$13,603
8	1963	\$12,870
9	1972	\$10,290
10	1968	\$9,857

Alan M. Salsbury '76
Kristi Todd Sansonetti '90
Elizabeth Dashiell Scher '85
Albert W. Schlim '93
Dana G. Schrad '88
Eric W. Schwartz '87
Anne W. Scott '91
Sandra Karison Scott '94
David W. Seitz '75
Michael S. Shelton '76
Mr. and Mrs. James H. Shoemaker '91 and '91
Stuart A. Simon '75
Mr. and Mrs. Alexander F. Skirpan '93
Mr. and Mrs. Thomas G. Slater, Jr.
Kimberly Friend Smith '91
Steven S. Smith '79
William W. Smith '81
Margaret H. Smither '93
Jeremy Sohn '93
Lenora Hoffer Solodar '77
Scott J. Sorkin '94
Melinda H. South '87
Rhysa Griffith South '86
Gary J. Spahn '75
Warwick F. M. Spencer '90
Nicholas A. Spinella '50
J. Brooke Spotswood, II '76
Wayne A. Stahlmann '83
Moody E. Stallings, Jr. '77
Harold E. Starke, Jr. '71
Michael A. Starr '71

Mr. and Mrs. John W. Steele '85
Mr. and Mrs. C. Daniel Stevens '66
L. Neil Stevenson '73
M. Lee Stilwell, Jr. '72
Wallace B. Stockdon '50
Christopher A. Stump '86
C. Randolph Sullivan '93
Randolph P. Tabb, Jr. '77
Tracy Lee Taliaferro '96
Glenn R. Tankersley '76
Gwen Schockemoehl Taylor '82
Shannon Leigh Taylor '95
John R. Teare, Jr. '90
Sharon B. Ten '94
Roy M. Terry, Jr. '78
Catherine Power Teti '79
Mr. and Mrs. James A. Thomhill '87
Roma A. Thurin '93
Kevin Drake Tiller '95
Jeffrey Towers '85
Philip R. Trapani, Jr. '89
Evelyn Small Traub '80
Robert M. Tuck '86
Bruce E. Tucker '94
Mr. and Mrs. Sandy T. Tucker '78 and '70
Mr. and Mrs. John T. Tucker, III '85 and '85

Edward M. Turner, III '75
Julia Davis Tye '80
Donald B. Vaden '60
R. Leonard Vance '75
Laurie West Van Hook '93
Murray M. Van Lear, II '68
John Willis Vaughan, Jr. '76
Martha H. Vaughan
Susan F. Vaughan '90
Mr. and Mrs. William R. Vaughan, III
Bernard S. Via, III '81
Virginia Sheriffs' Association
Mr. and Mrs. Anthony F. Vittone '93
W. Charles Waddell, III '80
John L. Walker, III '89
Charles E. Wall '89
James Withers Waller
Earle R. Ware II
Joseph G. Washko '86
G. William Watkins '93
Jeter M. Watson '79
John Gregory Webb '95
Michael O. Wells '85
G. Thomas West, Jr. '87
Richard Wright West '63
Robert B. West '71
Samuel H. West
A. Ellen W. White '83
Bruce W. White '80
Carolyn A. White '93
Eric D. White '80
John M. White-Hurst '72
Eric D. Whitesell '77
Edward S. Whitlock, III '87
James L. Whitlock '64
Mary Lyndon Whitmore '86
Robert H. Whitt, Jr. '81
Richard W. Whitemore '81
F. Dixon Whitworth, Jr. '74
James C. Wicker, Jr. '58
Valerie Jane Wickersham '95
Preston Douglas Wigner '97
Mark S. Williams '81
Stuart L. Williams, Jr. '80
Thomas F. Williams, Jr. '65
Vanessa Lynette Williamson '97
Mr. and Mrs. Andrew H. Wilson '92
Kurt Winstead '88
Jay W. Withrow '85
Brock R. Wood '89
Mr. and Mrs. Arnold D. Wood '93
The Hon. and Mrs. Clifton Woodrum
Robert G. Woodson, Jr. '76
Rebecca L. Woody '88
Thomas S. Word, Jr. '61
Jerry M. Wright '91
Edwin B. Yost '85
Linda M. Ziegler '92
Goldie S. Zimberg '80
Matthew Jordan Zwerdling '97

* Deceased

LAW SCHOOL ASSOCIATION

New president asks alumni to strengthen ties with students

I am pleased to provide you with the Law School Association's first progress report since I became president in September.

One of the goals for my term is to build on the foundations set in place by our immediate past president, Ken Alcott, B'77 and L'83. He challenged the organization to reexamine its mission while fostering creative thinking with his leadership. I would also like to recognize the enthusiasm and hard work of George Varoutsos, R'70 and

L'73, as he rotates off the board. Learning from these gentlemen, and working with our new vice president, Olin Melchionna Jr., L'74, I look forward to continuing to develop the initiatives they put in place.

In 1997, the association board identified several goals. Chief among them was the fostering of stronger relations with current students and recent graduates of the University of Richmond School of Law. I am happy to report specifically on two flourishing initiatives.

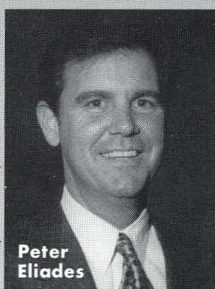


Photo by Thomas Kojvstich

Peter Eliades

The mentor program

The project kicked off in 1997 with 166 alumni mentors responding to the association's request to participate. I am thrilled to announce that we have enlisted more than 226 mentors in 11 states, as well as in the Virgin Islands. And with your involvement, these numbers will continue to grow.

As mentors, law school alumni work with students after their first semester, demonstrating real-life ethical and legal dilemmas from a practitioner's point of view. Mentors offer students tips for success both in school and in law practice by including them in actual days on the job. In turn, students have extra guidance with their personal and professional decisions through this community connection. Students and mentors maintain the relationship

through periodic phone calls, meetings and e-mails.

A "Welcome to the Alumni Association" gathering

Mingling with law alumni, third-year students learned about the numerous ways to stay connected to the law school after graduation, at a recent gathering sponsored by the Law School Association and the Young Grads Council. The association enjoyed the opportunity to cultivate our future leadership.

As I look toward the next two years as president, I am particularly interested to learn how the association can be of greater value to you. Please feel free to e-mail me your thoughts at petereliades@hotmail.com.

— Peter D. Eliades, L'84
President, Law School Association

HOW TO MENTOR A STUDENT

So far, more than 226 mentors have enlisted.

The Law School Association has set guidelines for its mentoring program matching alumni practitioners and students.

Mentors and students should attend the introductory reception, which will be scheduled in the spring in conjunction with another law school event. The reception is sponsored by the dean's office, the office of development and alumni programs, and the alumni affairs committee.

There should be one contact a month between mentors and students. Suggested activities:

- Have the student shadow you for a day
- Go to court, depositions, closings, mediations and so forth, with your student
- Go to lunch with your student
- Talk with your student about your area of practice, and about the practice of law in general
- Give tips on how to be successful in law school and in the profession
- Help the student learn about real-life ethical and legal dilemmas from a practitioner's point of view.

To enlist as a mentor, contact Nancy LeCuyer in the office of development and alumni programs with the following information:

Name and class year
Firm name and address
Work phone, fax number and e-mail address
Area of specialty
Any other comments

LeCuyer may be reached by fax at (804) 287-6516 or by e-mail at: nlecuyer@richmond.edu.

Six are elected to terms on alumni association board

Elected in September, six alumni began their three-year terms on the Law School Association board of directors with the winter Law School Association meeting in February. They joined 16 others under the leadership of Peter D. Eliades, L'84, president; and Olin Melchionna Jr., L'74, vice president.

Timothy L. Barnes, L'78, specializes in complex medical malpractice cases and other personal-injury litigation with his New Jersey-based firm, Barnes & Barnes. (His brother, Jeff, L'87, also is with the firm.)

He is a member of the New Jersey Bar, New York Bar, Certified Trial Attorneys, the National Board of the American Board of Trial Advocates, and the District X, Morris County Ethics committee. He also is a former president of the Trial Attorneys of New Jersey as well as the Northern New Jersey chapter of the American Board of Trial Advocates.

His professional activities have included lecturing in the field of medical malpractice, and co-writing an article on AIDS-contaminated blood for *The New Jersey Law Journal*. He is president of the board of education in New Providence, N.J., where he lives with his wife, Ginny, and two sons.

David C. Bowen, L'86, is a partner with Willcox & Savage in Norfolk, Va. His practice areas include products liability defense, railroad litigation defense, transportation law, medical malpractice defense and environmental litigation. Previously, he was a federal law clerk with the U.S. District Court, Eastern District of Virginia, Norfolk.

He is a member of the Defense Research Institute and the National Association of Railroad Trial Counsel, and recently com-

pleted a four-year term as chairman of the Virginia Bar Association's Transportation Law Section Rail Transportation Committee. He has lectured on various continuing legal education topics as well as on catastrophic train accidents and mass tort litigation. His wife, Valerie Havard Bowen, L'86, is assistant commonwealth's attorney for the City of Norfolk. They have two children.

George A. Christie, L'67, practices family and personal injury law at his Virginia Beach, Va.-based firm, Christie, Held & Kantor. (His brother Christopher, L'68, also is a member of the firm.) He is a substitute judge, general district court, for the City of Virginia Beach.

Christie is a former president of the Family Law Organization of Greater Hampton Roads, and served as chair, vice chair and secretary of the board of governors of the Family Law Section of the Virginia State Bar. He is a Fellow of the American Academy of Matrimonial Lawyers, and a member of the Norfolk-Portsmouth Bar Association, Virginia State Bar and Virginia Trial Lawyers Association. He and his wife, Stella, have two children.

Burton F. Dodd, L'78, is a partner with Fisher & Phillips in Atlanta. He represents independent secondary schools as well as private universities and employers in the telecommunications, hospital, construction, and international high-tech manufac-

turing industries. He is a former clerk for U.S. District Court Judge Glen M. Williams in Abingdon, Va. His affiliations include the Atlanta Bar Association, American Bar Association, State Bar of Georgia, Virginia State Bar and South Carolina Bar. He and his wife, the former Susan Bowers, L'78, have three sons.

W. Scott Johnson, R'88 and L'91, is a member of the litigation department of Crews & Hancock in Richmond, where he worked throughout law school. His practice focuses on medical-malpractice defense and legislative lobbying at the Virginia General Assembly. He is a former legislative aide to the Virginia House of Delegates, and frequently lectures to hospitals and physicians on legal issues affecting them.

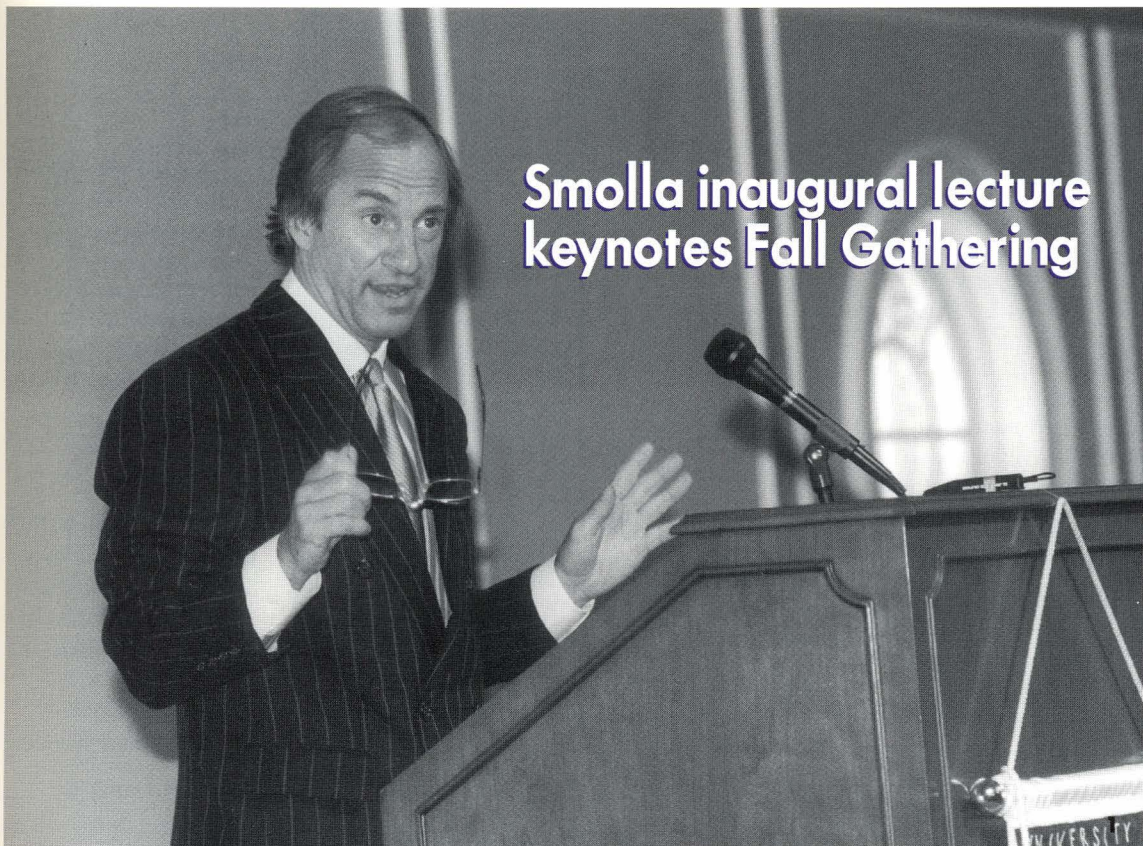
Johnson is a member of the Virginia State Bar, Virginia Association of Defense Attorneys,

Defense Research Institute and Virginia Trial Lawyers Association. He and his wife, Sharon Romaine, B'89, have two daughters.

Janice R. Moore, L'81, is assistant general counsel with Enron Corp. of Houston. Enron is the world's largest supplier of natural gas, and also provides electric utility service. She previously was senior counsel, employee relations, for Mobil Oil Corp., and was employed with Hunton & Williams on two occasions in the 1980s. From 1983 to 1986, she was an assistant professor at the University of Richmond School of Law. Her affiliations include chairman, vice chair and secretary of the Virginia State Bar; and board of governors, Corporate Counsel Section of the bar. She has a daughter.



Smolla inaugural lecture keynotes Fall Gathering



Rodney A. Smolla delivered his inaugural lecture as the George E. Allen Professor of Law on Sept. 11 to begin Fall Gathering. Before a crowd of about 200, he discussed "Paparazzi, Privacy and Celebrity: The First Amendment and Tabloid Culture," on the very day that special prosecutor Kenneth Starr had delivered his report to the U.S. House of Representatives.

Held in the Jepson Alumni Center on Sept. 11-12, Fall Gathering and reunions brought together alumni, faculty and friends. Some of those who visited together were:

1 Professor Rodney Smolla

2 Timothy L. Barnes, L'78, with Hiroko and Eugene W. "Bud" McCaul, R'38 and L'41

3 Dean John Pagan, left, with Katherine Benson, L'99, and John E. McIntosh Jr., L'81



4 The Hon. and Mrs. Marvin Cole, R'43 and L'48, with Robert R. Jones, L'33

5 Gathering of the Class of 1958

6 Glenn W. Pulley, R'73 and L'76, left, with J. Waverly Pulley III, R'68 and L'72, and Anthony F. Troy, L'66

Photos by Thomas Kojstich

CLASS

Actions

'40s

Russell B. Harris, L'49, a lawyer in Charles City, Va., was named a life member of the Virginia Bar Association at its 108th summer meeting in July.

J.B. Hudson Jr., L'49, of Culpeper, Va., a former B-29 veteran of combat missions over Japan in World War II and a present-day member of the crew of the only B-29 bomber still flying in the world, directed a flight of that plane over Richmond and the campus in May as a tribute to his deceased law school classmates, Jack Garrett, Clint Moore and Paul Byrne.

'50s

Harvey C. Lutins, L'54, of Roanoke, Va., has opened his own firm, Harvey S. Lutins & Associates. He was recognized as a life member by the Virginia Bar Association at its 108th summer meeting in July. A

former partner at Lutins & Shapiro, he has been a member of the VBA for more than 40 years.

William J. Williams, L'55, of Naples, Fla., was recognized as a life member by the Virginia Bar Association at its 108th summer meeting in July. He is chairman of Huntington National Bank.

The Hon. James C. Roberts, L'57, was elected to Richmond's Board of Trustees. He is a senior partner at the Richmond-based law firm of Mays & Valentine, where he has worked for more than 40 years. Recently he was honored by the firm's partnership when it dedicated the Virginia Collection Room of the William Muse Law Library at the University of Richmond School of Law to him. A portrait of Roberts will hang outside the room, which will be called the James C. Roberts Room.

'60s

The Hon. E. Preston Grissom, L'60, the retired judge of the 1st Judicial Circuit Court of Chesapeake, Va., has joined McCammon Mediation Group and its new division, Access Family Mediation. He will provide mediation and arbitration services throughout Virginia for disputes ranging from simple personal injury to complex commercial and domestic relations cases.

Thomas Frank Betz Jr., L'63, a partner with the Richmond law firm of Mays & Valentine, was awarded one of the firm's Mays & Valentine Founders Awards. He was the recipient of the David Mays Award for Legal Scholarship.

Paul S. Berbery, L'64, of Mooresville, N.C., is an attorney in a private practice in Charlotte, N.C., and is vice president and general counsel for American Metals & Coal International.

Roderick Mathews, L'66, serves as president-elect of the board of directors of Children's Hospital in Richmond. He is senior counsel at the law firm of Hazel & Thomas.

William C. Wood, L'66, has joined Access Family Mediation, a division of McCammon Mediation Group. He continues to practice law with the Richmond firm of Rawlings & Wood.

Irving Blank, L'67, was elected to the board of directors of the Jewish Community Federation of Richmond. He is a partner in the Richmond law firm of Blank & Brown.

John Rocovich Jr., L'67, a partner in the law firm of Moss & Rocovich in Roanoke, Va., was appointed to Gov. Gilmore's Blue Ribbon Commission on Higher Education.

Ralph L. "Bill" Axselle, L'68, was elected vice chairman, government relations, of the board of directors of the greater Richmond Chamber of Commerce. A partner in the law firm of Williams, Mullen, Christian & Dobbins, he also is a member of the Leadership Metro Richmond Class of 1999.

'70s

Donald K. Butler, L'70, has joined Access Family Mediation, a division of McCammon Mediation Group. He continues to practice law with the Richmond firm of Morano, Colan & Butler.

The Hon. Frank J. Ceresi, L'74, retired chief judge of the Arlington, Va., Juvenile & Domestic Relations Court, has joined Access Family Mediation, a division of McCammon Mediation Group. He continues to serve as director of the MCI National Sports Gallery in Arlington.

Terrence R. Batzli, L'75, has joined Access Family Mediation, a division of McCammon Mediation Group. He continues to practice law with the Richmond firm of Barnes & Batzli.

William G. Hancock, L'75, serves as president of the board of directors of the Richmond Ballet. He is an attorney with the law firm of Mays & Valentine.

John R. Marks, L'75, of Franklin, Va., works as a first vice president, investments, at Davenport & Co.

William M. Baskin, L'76, of Dunn Loring, Va., was recognized as a life member of the Virginia Bar Association at its 108th summer meeting in July. He is a principal of the law firm of Baskin, Jackson & Hansbarger in Falls Church, Va.

Dennis I. Belcher, L'76, was named one of the premier estate planning attorneys in America in the August issue of *Town & Country* magazine. He is a partner in the Richmond firm of McGuire, Woods, Battle & Boothe, specializing in estate planning and estate administration. A fellow of the American College of Trust and Estate Counsel, he is a frequent lecturer at tax and estate planning seminars.

Katrin Belenky Colamarino, L'76. See profile, opposite.

E. Baxter Lemmond, L'76, has retired from the practice of law on St. George Island, Fla. In Florida and earlier in Virginia, he had worked with the bars of both states as a volunteer who helped lawyers and judges with alcohol and dependency problems. He received a master's degree in alcohol and drug rehabilitative counseling from VCU in 1991. Since retirement, he has moved to Santa Ana, Costa Rica, near the capital of San José. He enjoyed seeing John A. Heilig, L'74, of Virginia



ALUMNI PROFILE

ON THE FRONT LINES OF TECHNOLOGY AND THE LAW

Most people think of intellectual property and technology law as relatively new fields born of the computer and Internet explosion of the 1990s. But to Katrin Belenky Colamarino, L'76, these areas of the law are old hat. Since 1977 when she accepted her first law job with office machines manufacturer

AM International, Colamarino has been on the front lines of these emerging fields.

Today, as a vice president and assistant general counsel for the Chase Manhattan Bank in New York, Colamarino deals with strategic technology issues such as Internet banking, electronic commerce, outsourcing, computer security and the year 2000 computer bug.

"We are seeing extremely rapid change," she says. "Banks are transitioning from solely traditional bricks-and-mortar branches to online providers of financial services. When I started my career, the only electronic banking service I used was an ATM machine. Now, for the past four years, I've probably interacted with a teller once."

Colamarino, who did not major in the sciences as an undergraduate at Vassar, says keeping up with changes in the computer law field is what keeps her going. "You have to be able to follow the changes in the law and be a creative thinker," she says.

Colamarino's career path closely follows the trajectory of the computer industry. Just as personal computers were being introduced in the early '80s, she took a job with Docutel/Olivetti Corp., an Italian typewriter and office equipment manufacturer that was branching out into the personal computer market.

"I started working on hardware contracts, but then Olivetti moved into software development and licensing for PCs," she says. "My career just flowed with the business. That's when I delved more deeply into intellectual property law."

Next, immediately following the divestiture of the Bell System, she worked for NYNEX Business Information Systems Co., negotiating the sales of business telecommunications equipment and expanding her background in software licensing. This led to a job as general counsel at Logica Data Architects, an American subsidiary of a British software company, and then to a head legal position at SEER Technologies, a start-up financial software and services company.

Finally, Colamarino combined her experiences to serve as vice president and chief technology counsel for the corporate sector of Citibank from 1991 to 1997, before joining Chase Manhattan Bank.

"Being an in-house lawyer at corporations whose business is driven by technological advances has kept me on the cutting edge," she says. "You're right on the front lines because you're advising the people who are developing these innovative products."

Colamarino also has lectured at seminars on electronic financial services presented in Silicon Valley by the Computer Law Association.

While personal computers had not even been invented when Colamarino attended law school, she says her classes in contracts and corporate law have been invaluable foundations for her career. She recommends that anyone interested in working in the field today take classes in intellectual property and Internet law, be computer literate and most importantly, possess a lot of natural curiosity.

"If lawyers want to make a contribution in a field that's rapidly changing, this is the one," she says.

— Jessica Ronky Haddad, AW'93

CLASS ACTIONS

Beach, Va., and he is interested in hearing from other Richmond Law alumni in Central America or those interested in visiting Costa Rica.

Louis Mezzullo, L'76, was named one of the premier estate planning attorneys in America in the August issue of *Town & Country* magazine. Mezzullo is a director of the Richmond law firm Mezzullo & McCandlish and is an adjunct professor at the University of Richmond School of Law. He is the author of numerous articles on tax and estate planning as well as a number of books, including *An Estate Planner's Guide to Qualified Retirement Plan Benefits* and *Limited Liability Companies in Virginia*.

James F. Stutts, L'77, was elected executive vice president of Dominion Resources. He was formerly a partner in the Richmond law firm of McGuire Woods Battle & Boothe.

Theodore L. Chandler Jr., L'77, of Midlothian, Va., was named a member and secretary of the board of the Richmond chapter of the Association for Corporate Growth. He is a partner with the law firm of Williams, Mullen, Christian & Dobbins.

Rick Chess, L'77, is the director of institutional service at GVA/Goodman Segar in Richmond. He also serves as editor of *Transaction Catalyst*, a publication designed to help acquisitions, mergers and sales personnel of real estate investment trusts and other commercial real estate institutions.

Lucretia A. Carrico, W'76 and L'78, was named to the board of trustees of Children At Risk Today. She is with the Richmond law firm of Hayes & Carrico.

Thomas R. Klein, L'78, was elected to serve a two-year term as chairman of the board of Special Olympics Virginia. He also was appointed vice president/national agents & affiliates for LandAmerica Financial Group Inc. at the company's new national headquarters in Chesterfield County, Va.

John V. Cogbill, L'79, was elected to the board of directors of the Greater Richmond Chamber of Commerce. He is a partner in the law firm of McGuire, Woods, Battle & Boothe.

Richard Holcomb, L'79, was reappointed commissioner for the Department of Motor Vehicles by Virginia Gov. James Gilmore.

Craig L. Rascoe, B'78 and L'79, was named a 1998-99 trustee of the

Robert E. Lee Council of the Boy Scouts of America. He is an attorney with the Richmond law firm of Williams, Mullen, Christian & Dobbins.



Robert Chambliss "Cham" Light Jr., L'80, has been appointed by Gov. James S. Gilmore III to the board of the Library of Virginia for a five-year term. He is a field director/officer of claims with Nationwide Mutual Insurance.

Stephanie "Stevie" Wishnack, L'80, serves as a 1998-99 trustee of the Carpenter Center for the Performing Arts in Richmond.

Herbert A. Claiborne III, L'81, was elected a director of Leadership Metro Richmond. He is with Carpenter & Co.

Frank D. Hargrove Jr., L'81, of Ashland, Va., is a member of the Leadership Metro Richmond Class of 1999. He is general manager of A.W. Hargrove Insurance Agency.

Stuart Blain, L'82, serves as a 1998-99 trustee of the Robert E. Lee Council of the Boy Scouts of America.

Phyllis C. Katz, L'82, joined the law firm of Sands Anderson Marks & Miller as counsel in the firm's employment practice group, where she will focus on providing

training and preventive employment counseling to businesses, local governments and nonprofit organizations.

John D. Whitlock, L'82, was a finalist for the Small Business Person of the Year Award sponsored by the Greater Richmond Chamber of Commerce. He is with the Whitlock Group.

Benjamin W. Emerson, R'73 and L'83, a shareholder at Sands Anderson Marks & Miller, has been elected president of the Downtown Club of Richmond.

Patrick J. Kiernan, L'84, of Dumfries, Va., was promoted to supervisory special agent in the FBI. He works as an instructor in the office of law enforcement ethics at the FBI Academy in Quantico, Va.

Robert M. Marshall, L'84, and his wife, Amy, have a daughter, Jacklyn Elyssa Marshall, born Oct. 3, 1998. She joins brother Harris, 3.

Catherine E. Nash, L'85, is client services director for the Legal Information Network for Cancer.

Rhysa Griffith South, L'86, an assistant county attorney in the Henrico County attorney's office, completed a term as president of the Henrico County Bar Association and as chair of the 3rd District Committee.

Steven M. Kramer, L'87, of Potomac, Md.,

joined the international law firm of Fulbright & Jaworski. He practices in the fields of energy law and regulation.

Teri C. Miles, L'87, serves as president-elect of the Metro Richmond Women's Bar Association. She is senior corporate counsel for Circuit City Foundation.

Edward S. Whitlock III, L'87, with the Richmond firm of Dankos, Gordon & Whitlock, was elected vice president of the Henrico County Bar Association.

William J. Benos, L'88, was promoted to adjunct associate professor of law at the University of Richmond School of Law, where he and **George L. Hiller, L'91**, co-direct the International Business Practice Seminar.

Susan Childers North, L'88, of Williamsburg, Va., is an attorney at LeClair Ryan in Richmond.

Cheryl Watson Smith, L'88, has joined Access Family Mediation, a division of McCammon Mediation Group. She continues to practice law with the Roanoke, Va., firm of Mundy, Rogers & Frith.

Sharon K. Eimer, L'89, was appointed public defender for the City of Lynchburg, Va.

Joel Friedman, L'89, and his wife, Michelle, have a son, Michael Brett, born April 7, 1998. He joins a sister Jody, 3.

'90s

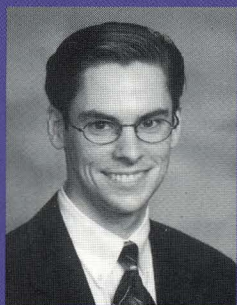
D. Wood Aldredge, R'86, GB'90 and L'90, of Richmond, joined Matrix Capital Markets Group as an associate. He was formerly a senior financial analyst for Flagstar Corp.

Sherri Eliades Barrow, L'90, has joined Access Family Mediation, a division of McCammon Mediation Group. She continues to practice law in Charlottesville, Va., with Eliades & Eliades.

T. Michael Blanks Jr., L'90, of Richmond, joined the law office of Barnes & Batzli in its Innsbrook office. He specializes in family law, estate planning and civil litigation.

Thomas J. Dillon III, R'87 and L'90, was promoted to shareholder of the Richmond law firm of Hirschler, Fleischer, Weinberg, Cox & Allen. He and his wife, Anne, are members of the Lake Society at Richmond, and he remains active with the housing corps for the Kappa Alpha chapter. They have a daughter, Eleanor Catherine, 1.

Gerald C. "Jerry" Canaan II, L'91, has left the practice of law and moved to Augusta, Ga., where he is a sportscaster for the Augusta Lynx professional hockey team.



ALUMNI PROFILE

HELPING LAW FIRMS USE THE INTERNET

From the very first time Richard P. Klau, L'96, logged onto a computer, he recognized the power of technology. In 1989, years before the Internet was even a blip on most people's radar screens, Klau had mastered the art of communicating online as a freshman at

Lafayette College. When applying to law schools, he chose the University of Richmond School of Law for its emphasis on technology. "I knew that technology was going to be significantly changing the way people did business," he says.

As a second-year law student in 1995, Klau co-founded the *Richmond Journal of Law & Technology*, the first student-edited law publication in the world to be published exclusively online. Although nothing like it existed at the time, the forward-thinking Klau was sure there was an audience for an online law journal.

"We realized that with the growing number of issues relating to how technology would be used and the impact it was having on the legal and business worlds, there would be an audience for a publication like this," he says. "Here was an opportunity to do something different."

Just eight months after the idea for JOLT was formulated, the first issue was published online, beating out law students from other schools who were working on similar projects. "In the first week we had people from Microsoft, Apple, the Department of Justice and *The New York Times*

visit the site," Klau remembers. "It was remarkable how far it had penetrated in just a matter of days."

Klau's involvement with JOLT earned him the T.C. Williams Law School Scholarship Award at graduation for the most significant contribution to legal scholarship. JOLT also "gave me the name recognition within the world I wanted to get into," he says.

Today, Klau continues to meld his interests in law and technology while working from his Boston-area home. In 1997, he and business partner Erik Heels founded Red Street Consulting (<http://www.redstreet.com>), a marketing consulting firm that works with law firm marketing directors and partners to help them better understand how to market themselves on the Internet.

He also is vice president of marketing for TrialNet Inc., a Richmond-based company that develops private computer networks for litigation management. And last March, he and Heels — whom he met over the Internet while in law school — co-authored *Law Law Law on the Internet: The Best Legal Web Sites and More*, a book published by the American Bar Association.

"I never intended to practice [law] once I graduated," he says. "But I plan to work to make the technology beneficial to those who do practice."

"I think it's entirely possible to benefit from using the technology not just because it's cool, but because it will make practicing law a more efficient endeavor and give lawyers the time they need to really be lawyers," he says. "If the technology allows you to store and retrieve information in an intelligent, efficient way, you can better represent your client."

— Jessica Ronky Haddad, AW'93

In Memoriam

E. Ralph James, L'24
Sept. 16, 1998

**Watkins M. Abbitt,
R'29 and L'31**
July 13, 1998

Melvin B. Gaskins, L'41
Jan. 14, 1999

**James W. Gordon Jr.,
L'41**
Jan. 10, 1999

Ligon J. Jones, L'42
May 30, 1998

**William J. Mears,
R'44 and L'45**
March 24, 1998

Samuel Feinberg, L'46
May 28, 1997

Roger T. Williams, L'50
May 9, 1998

**James H. Barnes,
R'46 and L'52**
Oct. 13, 1998

C.B. Neblett Jr. L'61
July 18, 1998

John M. Folkes, L'64
June 16, 1998

**Woodie Marshall Tuck,
B'55 and L'67**
Nov. 17, 1998

**Wilhelm Hans den Hartog,
R'73 and L'77**
Nov. 16, 1998

**Harris Frank Trestman,
B'74 and L'77**
Nov. 8, 1998

**Lynda Louise Nersesian,
L'80**
Dec. 19, 1998

David C. Gardiner Jr., L'91
Sept. 4, 1998

George L. Hiller, L'91, of Richmond, is the international trade manager for the Virginia Economic Development Partnership. He was promoted to adjunct associate professor of law at the University of Richmond School of Law, where he and **William J. Benos, L'88**, co-direct the International Business Practice Seminar.

Sharon Horner, L'91, opened a law practice in Henrico County, Va. She specializes in collections, real estate and personal injury.

Nancy E. Ingram, L'91, was elected president of the Virginia Women Attorneys Association. She is with the Richmond law firm of Sands Anderson Marks & Miller.

Victor Narro, L'91, was presented with the Equal Employment Opportunity Commission's District Director's Award for his contributions as a member of the Los Angeles District Advisory Council. A project he worked on as worker's rights project coordinator for the Coalition for Humane Immigrant Rights of Los Angeles was recognized by the L.A.

Commission on Human Relations as the best project in L.A. for its unique approach to resolving intergroup conflict and reconciling differences within the community. His service to the community includes membership on the board of directors of Sweatshop Watch, an organization that advocates for the rights of garment workers nationwide, and serving a second term on the board of directors of the L.A. Center for Law and Justice, where he is on the center's planning and outreach committee.

Nancy L. Quinn, L'91, was elected president of Henrico Court-Appointed Special Advocates. She is with the Richmond law firm of Barnes & Batzli.

W. Edward Riley IV, L'91, has been elected partner in the Richmond law firm of Boone, Beale, Cosby & Long. He joined the firm as an associate in 1991.

Bill Truban, L'91, is an attorney with the firm of Owen & Truban in Winchester, Va.

Dana J. Finberg, L'92, has been named a director of Mezzullo & McCandish. He is a member of the litigation department.

M. Chris Floyd, L'92, of Goodview, Va., was elected treasurer of the Virginia Women Attorneys Association. She is with the law firm of Gentry, Locke, Rakes & Moore.

Christina E. Kearney, L'92, serves as a director of the Metro Richmond Women's Bar Association. She works for the Virginia Department of Labor.

Peter Vieth, L'92, works in the law firm of Wooten & Hart in Roanoke, Va.

John Weber III, L'92, has a son, John Weber IV, born Sept. 30, 1998.

William G. Atkinson, L'93, is the chief deputy director of the Virginia Department of Employee Relations Counselors.

Keisha Dawn Bell, L'93, was promoted to senior litigation counsel with the United States Department of Justice, Civil Division, Office of Immigration Litigation.

Stephanie E. Grana, W'90 and L'93, serves as a director and secretary of the Metro Richmond Women's Bar Association. She is a partner in the law firm of Bemberis & Grana.

William F. Karn, L'93, of Mechanicsville, Va., works for the law offices of Roya, Palmer & Wing.

Mark F. Leep, GB and L'93, was appointed vice president, Bon Secours Health Partners Regional Laboratories in Richmond. He and his wife, Marsha, have two sons, Parker, 4, and Clayton, 1 1/2.

G. Wythe Michael Jr., L'93, joined the Richmond law firm of Hirschler, Fleischer, Weinberg, Cox & Allen as an associate and works in the firm's business section.

Jeremiah I. Rupert, L'93, a major in the U.S. Marines, is with the 22nd Marine Expeditionary Unit in the Mediterranean Sea and Arabian Gulf.

Cullen D. Seltzer, L'93, joined the Richmond law firm of Rawlings & Wood as an associate. He specializes in general civil and criminal law. He was formerly a clerk to Judge James W. Benton of the Virginia Court of Appeals.

Carolyn A. White, L'93, of Powhatan, Va., serves as a director and treasurer of the Metro Richmond Women's Bar Association. She works at the firm of House and Davidson.

Charles A. Banks, L'94, president of Ferguson Enterprises Inc. based in Newport News, Va., has integrated his company with Familian Corp. based in Los Angeles.

Kelly Combs Necessary, L'94, is an attorney at Dudley, Galumbeck & Necessary in Tazewell, Va.

John K. Byrum Jr., L'95, joined the Richmond law firm of Hirschler, Fleischer, Weinberg, Cox & Allen as an associate. He practices in the firm's litigation section.

Victoria Barnes Carrington, L'95, was married to Charles Langhorne Carrington on Oct. 11, 1998. She lives in Los Angeles, where she is an attorney specializing in health care with the law firm of Miller and Holguin.

MARK YOUR CALENDAR

George E. Allen Chair Symposium "Aggressive Newsgathering and the First Amendment" <i>Rodney A. Smolla, Richmond's George E. Allen Professor of Law, and other scholars</i>	March 19
Barnett Moot Court Finals	April 9
Seventh Annual Austin Owen Lecture "Litigating the Holocaust," <i>Michael J. Bazylar, professor of international law, Whittier Law School</i>	April 12
1870 Dinner <i>Richmond Mayor Timothy Kaine, speaking</i>	April 14
Investiture of Dr. William E. Cooper as eighth president, University of Richmond	April 16
Commencement	May 8
Law Weekend: Fall Gathering and reunions	Sept. 17-18

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Stephanie Ploszay Karn, L'95, of Mechanicsville, Va., is an attorney with Harman, Claytor, Corrigan & Wellman in Richmond.

Ephfrom R. Walker III, L'95, and **Ruth Valerie Stephens Robinson, L'98**, have opened their own law practice, Walker Robinson, in Richmond.

Lucy Gardner Davis, L'96, joined the U.S. Small Business Administration in Richmond as assistant district counsel.

Robert M. Himmel, L'96, joined the Richmond law firm of Sands Anderson Marks & Miller in the firm's employment law practice group.

Richard P. Klau, L'96. See profile, p. 27.

Michael A. Montgomery, L'96, joined the Richmond-based law firm of Mays & Valentine. He specializes in product liability, personal injury and insurance defense work in the firm's litigation department.

Tracy L. Taliaferro, L'96, has opened his own law practice in Colonial Heights, Va.

M. Alicia Finley, L'97, of Richmond, joined the Chesterfield office of Barnes & Batzli. She specializes in family law and civil litigation. She was formerly a staff attorney to the Hon. William R. Shelton, L'59, in the Chesterfield County Circuit Court.

Katrina Clark Forrest, L'97 and G'97, joined Hunton & Williams last September. Previously she clerked for the Hon. Douglas O. Tice

Jr. in the United States Bankruptcy Court in the Eastern District of Virginia.

Timothy D. Freshly, L'97, is an attorney practicing residential real estate and estate planning at Shaheen & Shaheen in Richmond.

R. Braxton Hill IV, L'97, is an associate with the Richmond firm of Christian & Barton.

Alan J. Lee, L'97, joined the law firm of Jones, Blechman, Woltz & Kelly based in Newport News, Va., and is a member of the firm's estate planning and taxation practice group.

Jeffrey W. Saunders, L'97, joined the Richmond law firm of Sands Anderson Marks & Miller in the firm's employment law practice group.

Chyrrea J. Sebree, L'97, is an attorney with DuPont in Wilmington, Del., where her practice focuses on intellectual property law. In August 1998, she completed a judicial clerkship in the Superior Court of the State of Delaware.

Robert W. Shinn, L'97, vice president of CSX in Richmond, was profiled in an article in the June 23, 1998, edition of the *Richmond Times-Dispatch*.

Nicole Luvica Wagner, L'97, works for the Southern States Farmers Cooperative in Richmond.

Churchill G. Bowles, L'98, has joined the law firm of Sands Anderson Marks & Miller, where his practice will concentrate in construction and business litigation.

Melissa Wolf Riley, L'98, married Garnett C. Riley IV on Oct. 3, 1998, in Charlottesville, Va. She and her husband live in Roanoke, Va., where she is an associate with Gentry Locke Rakes & Moore.

Ruth Valerie Stephens Robinson, L'98, and **Ephfrom Walker III, L'95**, have opened their own law practice, Walker Robinson, in Richmond.

Stephen E. Scarce, L'98, is an associate with the law firm of Parker, Pollard & Brown in Richmond. He specializes in the areas of business law, real estate law and commercial litigation.

J. David Taranto, L'98, joined the law firm of Sinnott, Nuckols & Logan in Richmond.



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RECOGNITION FOR JUDGE MERHIGE

Oliver W. Hill, H'94, greets the Hon. Robert R. Merhige Jr., L'42 and H'76, in September after Judge Merhige gives his papers to the law school. See article on p. 2.