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DEATH PENALTY DRUGS: A Prescription That’s Getting Harder to Fill
Like the tree planted in her honor (left) at the entrance of Richmond Law in 1986, the impact of former admissions director Jean Tarpley has endured and grown. Tarpley, 87, passed away in February. See story, page 7.
After earning undergraduate and graduate degrees in English from universities beyond the city of Richmond, Kati Kitts, L’13, was not only eager to return home but also considering a career change.

Before jumping into another degree program, Kitts committed a year to AmeriCorps. Her program placed volunteers in Richmond elementary schools as reading tutors. “And that’s really when I became interested in education issues and working with kids,” she said.

She became certain her next step was law school, and staying near home was her preference. She applied to four Virginia universities, and had already heard back from one, when she received notice of her acceptance into Richmond’s John Marshall Scholars program.

“The University of Richmond’s Education Rights and Children’s Defense clinics were a huge draw for me,” she said. “When I got the scholarship offer, I pulled my applications from the other schools and accepted at Richmond.”

The scholarship gave her just what she needed to stay and study locally, while the in-house clinics allowed her to work with kids as she developed her career path. “UR is an amazing school,” she said, “and I absolutely made the right decision.”

By giving to the University of Richmond School of Law’s Annual Fund, you ensure that students like Kati can pursue a comprehensive legal education. These opportunities to experience the legal profession firsthand would not be possible without the generosity of alumni and friends. Your gift is an investment in our students and the law school’s future.

Every gift matters.
Make your gift today.
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Letter from Wendy Perdue

Dear Alumni and Friends,

As you may know, the University has launched a focused, 18-month campaign to raise funds for critical student needs. The Law School is an integral part of this campaign and, like the rest of the University, we are committed to supporting our students. Our fundraising priorities in this campaign include:

- **Scholarships** to help keep Richmond Law an affordable and accessible option for talented students, and to attract the strongest possible entering class.

- **Summer stipends** to make it possible for all students who secure unpaid law-related summer experiences to receive funding that will help them develop legal expertise through hands-on experience as part of their overall legal education.

- **Bridge to Practice fellowships** to help graduates launch their careers while awaiting bar results and compete more effectively for full-time paid positions once they are admitted to the bar.

- **Student-faculty research funding** to support students interested in collaborating with faculty and learning one-on-one about research and writing.

Each of these endeavors benefits our students in a direct and tangible way by making it easier for them to afford law school and expand their professional and practice opportunities. Students are always front and center for us, and we are excited about enhancing the resources available to support them in these critical programs.

Over the course of the last two years, as I have met with many alumni in a variety of settings, I have been struck by how often the conversation turns to our current students. No matter how long ago they graduated, alumni ask about our students’ successes and challenges, and what they can do to help. It is deeply gratifying to be a member of a community that instinctively reaches across generations and seeks to lend a helping hand. Whether it is judging moot court competitions, participating in a career development panel, talking with a prospective student, or mentoring a recent graduate, our alumni are unfailingly generous with their time and resources.

Nothing captures that generosity of spirit more vividly than the class of 1963, which decided to mark its 50th reunion by creating its own endowment to assist in funding students’ needs. A record-breaking 60 percent of the class participated in this effort, raising over $100,000!

I hope your fellow alumni inspire you. I hope our current students inspire you. And I hope you will connect with us and add to the momentum and excitement we all feel here at Richmond Law.

Best wishes for a wonderful summer and fall.

Sincerely,

Wendy Perdue
Dean
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Rising costs and falling supplies are making the death penalty a prescription that’s becoming harder to fill.

By Corinna Barrett Lain

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By Caroline Kettlewell

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Neuroscience is revealing more about how the brain responds to stress, findings that can help attorneys working in one of law’s most stressful specialties: divorce.

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With Fulbright funding, Noah Sachs will assess India’s pioneering, market-based environmental laws

Handled well, India’s booming economy promises to improve living conditions for its citizens in poverty. Factories and power plants will continue to expand and draw workers, and hundreds of millions of Indians will become connected to the power grid.

But there is a downside: India, already near the top of the list of the world’s biggest carbon polluters, is poised for further rises in greenhouse gas emissions as its economy expands and demand for energy surges.

India is distinguishing itself internationally by addressing these concerns with a big bet on a mandatory, market-based emissions trading program called the Perform, Achieve, Trade (PAT) program, launched in 2010. If successful, it will significantly curb emissions from industries that account for more than half of the country’s energy consumption, according to the International Business Times.

Noah Sachs, professor of law and director of the Robert R. Merhige Jr. Center for Environmental Studies at Richmond Law, has received one of five Fulbright-Nehru Environmental Leadership grants to study India’s use of this pioneering, market-based environmental law. He will travel to India in 2013–14 to assess whether this approach is improving India’s energy efficiency, lowering its national energy consumption, and addressing climate change. His project will be the first comprehensive scholarly examination of PAT.

Sachs will be based at the National Law School of India in Bangalore, and he plans to meet with key Indian officials, academics, legal scholars, and business and environmental leaders in cities such as New Delhi, Mumbai, and Hyderabad. In addition to publishing his findings in law journals and book chapters and presenting at academic conferences and industry trade association meetings, he will also blog about his experiences for the Center for Progressive Reform (progressive reform.org), a Washington, D.C.-based organization where he is a member scholar.

Sachs has taught at the law school since 2006 and writes frequently on climate change and energy issues.
Retired Richmond Law professor serves on national detainee task force

Azizah al-Hibri, professor emerita who retired from Richmond Law in 2012, served on a nonpartisan, blue-ribbon panel examining detention and interrogation after the Sept. 11, 2001, terrorist attacks. The panel’s resulting 600-page report, called “sweeping” by The New York Times, was released in April by The Constitution Project, a legal research and advocacy group based in Washington, D.C.

The report prompted national debate because of its main conclusion: “It is indisputable that the United States engaged in the practice of torture.” The use of torture “damaged the standing of our nation, reduced our capacity to convey moral censure when necessary, and potentially increased the danger to U.S. military personnel taken captive,” it concluded.

In addition to al-Hibri, the task force’s 11 members also included former FBI director William Sessions and former U.S. representative and Drug Enforcement Agency administrator Asa Hutchinson.

More information is available at detaineetaskforce.org.

Federal appeals court hears arguments in moot courtroom

On March 20, Richmond Law hosted judges from the 4th U.S. Circuit Court of Appeals as they heard appellate cases in Merhige Moot Courtroom, a rare opportunity for students, faculty, and staff to watch a federal appeals court at work.

Each year just around 10 percent of the more than 5,000 cases the appellate court handles are argued before three-judge panels; most are decided on briefs. A few may make it to the U.S. Supreme Court, but the court is otherwise the last word for federal cases originating in Virginia, Maryland, West Virginia, and North and South Carolina.

After the hearings in the moot courtroom, the judges—Robert King, Henry Floyd, and Albert Diaz—did a question-and-answer session with law students, offering insight on the appellate process, applying for clerkships, and what drives them crazy in briefs.

“It’s wonderful for our students to get that insider’s look,” said Kris Henderson, associate dean for student services and administration. “Even if you were to go to the Court and listen to an argument, you really wouldn’t have that opportunity.”

Decisions in the three cases came over the summer.

The cases they heard:
- **Lembach v. Bierman**, a property and housing law case growing out of a mortgage foreclosure in Maryland.
- **Libertarian Party v. Judd**, a case asking whether a requirement that signatures on Virginia ballot petitions be witnessed by a Virginia resident violates First Amendment rights.
- **U.S. v. Jones**, a case involving evidentiary and criminal procedure questions stemming from the prosecution of a wedding coordinator for phony marriages between U.S. Navy servicemen and women and foreign nationals.

Koh, former U.S. Dept. of State legal adviser, receives William Green Award

Few people have had a better perch than Harold Koh from which to view the ever-changing world of international law.

After four years as legal adviser to the U.S. Department of State, the former Yale law dean returned to New Haven earlier this year as Sterling Professor of International Law. In March, Richmond Law presented him its William Green Award for Professional Excellence.

Students and faculty asked Koh about a wide range of topics while he was on campus to accept the honor—everything from the future of Syria to global public opinion of the International Criminal Court and laws for combating the growing threat of cyber attacks.

On the last, Koh explained his view that the well-established laws of war should apply in cyberspace attacks while acknowledging the dynamic nature of international law.

“This field is changing so fast, no one will have a long-term advantage,” Koh said. “If I just stay focused on it, there is a lot I can do.”
For the Record

Client of Richmond Law’s Institute for Actual Innocence receives writ of actual innocence

In 1977, a court convicted a Woodbridge, Va., defendant of abducting a woman and her two young sons at a rest stop in Prince William County. After some prison time, he left the state to start a new life.

In March, Virginia’s Supreme Court acknowledged what that defendant claimed all along: his innocence. The court issued a writ of actual innocence after investigation and advocacy by Richmond Law’s Institute for Actual Innocence and other partners. The institute’s director, Mary Kelly Tate, was one of his co-counsels of record.

Tate and law students working at the institute review cases for indications of factual innocence, often through new DNA testing, which is what conclusively cleared the Woodbridge man.

“We have reviewed, to varying degrees, hundreds of requests for assistance,” said Tate, who oversees approximately eight law students each spring semester. They investigate further when warranted and have been involved in litigation in three major cases, she said.

“Without the students, this work would not be possible. They make the progress on individual cases and in society as a whole achievable.”

Recent revisions to the law are changing the standards for review in Virginia. The General Assembly amended a section reading “that no rational trier of fact could have found proof of guilt beyond a reasonable doubt” to “would have found,” a revision that Tate says directs the courts to consider the more pragmatic question of “what a rational juror would, in fact, do.” Another change allows evidence of innocence to be brought forth, she added.

Tate worked closely over a period of months with Attorney General Ken Cuccinelli and his team, along with other stakeholders (including the Virginia Bar Association and other innocence projects), to negotiate, craft, and advocate the passage of the new legislation.

Easing the avenues through which claims of actual innocence can be presented makes the justice system fairer and more just, she argues.

“Misdirected punishment poses a threat to the legitimacy of our criminal justice system, which depends on being widely viewed as fair and functional,” Tate said. “Additionally, it is easy to see that when we punish the wrong person, we are often failing to punish the actual perpetrator.”

The rewards of the work come in shaping policy, debate, and reform of the criminal justice system, and in working with law students as they make progress on individual cases with precision and patience. Each fall, 16 students also enroll in the Wrongful Convictions Seminar, a theory- and policy-centered class.

“You must accept that the vast majority of your cases will not succeed. It is not an arena graced with frequent victories,” Tate said. “Knowing this work nudges society toward greater fairness and accuracy in the criminal justice system and clears blameless defendants when appropriate is extremely gratifying.”

It is not an arena graced with frequent victories.”

CAREER DEVELOPMENT

Alumna with public sector experience joins career development office

Valerie L’Herrou

Students who come to Richmond Law to pursue legal careers in the public sector will find yet another strong ally in Valerie L’Herrou, L’06, who joined the career development office this spring.

L’Herrou brings seven years of experience in the Charlottesville public defender’s office to her new role advising students and alumni pursuing careers in government agencies and nonprofits. Before attending Richmond Law, she was projects director for the statewide nonprofit Virginians Aligned Against Sexual Assault and has served on several boards for state and local government and nonprofit groups.

“In my job as a public defender, it was also my responsibility to hire and supervise student interns,” L’Herrou said. “I really enjoyed working with the students, so having the opportunity to do that full time was very appealing.”

In her first few months on the job, she said the most memorable moments have been the positive feedback she’s received from students for whom she’s helped to make a connection or land an interview.

“Other than being in the field,” she added, “there’s nothing quite like it.”
In Memoriam: Jean Tarpley

During a rainy weekend in November 1986, law alumni, in town for a reunion, gathered at the entrance of the law school to witness the planting of a river birch. The tree, and the reception that followed, were in honor of Jean Morris Tarpley, director of law admissions, then in her 35th year with the law school.

Today, the tree planted in Tarpley’s honor towers, fittingly, over the entrance of the school, welcoming visitors as she did during her eventual 39 years of service. The tree’s growth and strength evoke the school’s in the years since her tenure; Tarpley, who died in February, was central to what the law school has become.

Tarpley joined the law school in 1951 as secretary to Dean William T. Muse. In addition to being its sole secretary, the school, then on Lombardy Street in Richmond’s Fan District, asked her to wear many hats: career adviser, registrar, housing coordinator, keeper of student lockers, and staunch supporter of students. She embraced them all, serving as de facto dean twice during illnesses of deans Muse and his successor, M. Ray Doubles, and earning the nickname “Dean Jean.”

In 1972, the school recognized the need for a full-time director of admissions. It recognized in Tarpley the right person for the job. She reviewed the applications of generations of Richmond Law students, leaving a legacy of personal attention and warmth. Legions of alumni considered her their law school mother.

“She’s the reason I went to Richmond,” Lucia Ann “Pia” Trigiani, L’83, told an interviewer in 2010. “She was warm and engaging. She humanized the admission process.”

“Jean fostered the idea that each student was an individual, and we carry that forward,” Michelle Rahman, her successor and the current associate dean for admissions, said last year. “In this office, nobody ever forgets that—each application is important.”

Tarpley received the University’s Outstanding Service Award in 1988 and retired in September 1990, prompting 300 letters of appreciation from alumni, according to the Richmond Times-Dispatch. In 2009, she moved to Jacksonville, Fla., to live with her daughter.

The Class of 1957 established the Jean Tarpley Scholarship Fund in her honor and spirit of devotion to students. Gifts that further Tarpley’s legacy can be made at givenow.richmond.edu. Please include “Jean Morris Tarpley Scholarship Fund” in the “Other Designation” field.

Jean Tarpley, left center, with alumni and law faculty in 2010
Richmond Law’s first female graduate, Jane Brown Ranson, L’23, led the way for approximately 2,500 alumnae, including 45 percent of the Class of 2013. She then promptly sued the faculty for defamation in a dispute over an award (see timeline for details). Progress and false starts have punctuated the history of women in the legal profession. Courage clashed with convention, with each of the stories below carrying us forward.

First woman to enter a law school in the United States
Lemma Barkeloo enrolled at Washington University in St. Louis.

1800

1869

1873
Court of no resort
The U.S. Supreme Court upheld an Illinois ruling that denied Myra C. Bradwell admission to the Illinois Bar because she was a woman. “This is the law of the Creator,” Justice Joseph Bradley wrote in a concurring opinion.

1879

1895
Virginia explicitly excludes women from legal practice
New justices on the Supreme Court reversed Lockwood’s admission. A year later, the General Assembly amended the phrase “any person” to “any male citizen” in laws governing professional licensing.

1900

1909
Equal suffrage movement comes to Virginia
Eighteen women established the Equal Suffrage League of Virginia on West Franklin Street in downtown Richmond. It grew to more than 100 chapters and 30,000 members statewide. ESL later became the League of Women Voters.

1920

Suffrage won
A year after Congress approved the 19th Amendment, a three-fourths majority of states ratified it, ensuring a constitutional right to vote without regard “to sex.” Virginia ratified the amendment in 1952.

Virginia makes progress on two fronts
The University of Virginia ended its ban on female law students. The General Assembly revised statutes governing admission to the Virginia Bar to include “all male and female persons.” Rebecca P. Lovenstein, who attended Richmond Law, and Carrie M. Gregory became the first women “licensed to practice law in all the courts of this State” under the newly revised laws.
First African-American woman licensed to practice law in Virginia
Virginian L. Marian Fleming Poe did what many other aspiring African-American lawyers did at a time when no law schools in the commonwealth would admit them—she studied law at Howard University School of Law in Washington, D.C. She later opened a private practice in Newport News, Va.

First female federal judge
Calvin Coolidge appointed Genevieve Rose Cline to serve on the U.S. Customs Court.

First woman elected to the U.S. Senate
Hattie Wyatt Caraway of Arkansas won a special election early in 1932 to complete her late husband’s unexpired term and then won re-election. “The time has passed when a woman should be placed in a position and kept there only while someone else is being groomed for the job,” she said.

First female judge in Virginia
A 1976 obituary in the Free Lance-Star of Fredericksburg, Va., identified Mary Robertson Painter, a judge in Botetourt County, as Virginia’s first female judge. It noted she was “known for tough penalties she gave to traffic offenders.” She served from 1934–67.

First female assistant commonwealth’s attorney
Lucille Lambert prosecuted cases in Arlington, Va.

First female judge in Virginia
Virginia Women Attorneys Association founded
At the time, three of Virginia’s 277 judgeships were held by women.

First woman appointed to the full-time faculty of Richmond Law
Nina “Ricki” Kestin joined the faculty and taught tax law and professional responsibility principles. Tonita Warren had served the faculty as an adjunct professor in 1973.

First woman appointed to the U.S. Supreme Court
Sandra Day O’Connor filled the seat vacated by Potter Stewart. She remained the Court’s sole female member until the 1993 appointment of Ruth Bader Ginsburg.
Women comprise at least a third of the first-year students at Virginia's five law schools.

First woman elected attorney general of Virginia

Mary Sue Terry, W'69 and H'86, was the first, and so far the only, woman elected to statewide office in Virginia. She also taught at Richmond's Jepson School of Leadership Studies and served on the University's Board of Trustees.

First African-American woman appointed to Richmond Law's full-time faculty

Okianer Christian Dark received the University of Richmond's Distinguished Educator Award in 1990 and 1993 and the Distinguished Faculty Award from the Virginia Women Attorneys Association Foundation in 1991.

First woman sits on the Supreme Court of Virginia

Elizabeth B. Lacy served two 12-year terms on the court and retired to senior status in 2007. She has also served on Richmond Law's faculty.

First woman represents Virginia in the U.S. Congress

Leslie Byrne represented the newly-created 11th Congressional District. Virginia has elected two other women to the House of Representatives, Thelma Drake and Jo Ann Davis, and none to the Senate.

A survey on the retention and promotion of women in the nation's 200 largest law firms reveals that women are underrepresented in the leadership ranks.

First woman serves as U.S. Attorney General

Janet Reno became the nation's second-longest-serving attorney general.

Fourth woman appointed to the nation's highest court

Justice Elena Kagan joined Ginsburg and Sotomayor on the court's highest court. She was Harvard Law's first female dean, the nation's first female solicitor general, and the nation's 112th Supreme Court Justice.

New leadership roles in Virginia

Richmond Law appointed Wendy Perdue dean; she became the first woman to be dean of a Virginia law school. Cynthia First became the first woman to serve as chief justice of the Supreme Court of Virginia. Cleo Powell became the first African-American woman to serve as a justice on the Supreme Court of Virginia.

Still work to do

A survey on the retention and promotion of women in the nation's 200 largest law firms reveals that women are underrepresented in the leadership ranks.
In March 1916, "a young woman," as an official 1977 University history identifies her, applied for admission to Richmond Law. Her application was supported by Walter S. McNeil, dean of the law school, but President Frederic W. Boatwright rebuffed his recommendation, reminding McNeil "that by formal vote the trustees several years ago decided not to admit women."

McNeil recommended a policy change in August and again the next year. Boatwright again demurred. "I am not inclined to think that the trustees would look upon the proposition with favor," he replied. In a 1918 letter, McNeil called the president’s attention to pending legislation in Virginia’s General Assembly that would admit women to the practice of law.

The first woman was admitted to Richmond Law not long after, though the historical record is unclear about exactly when. The 1977 source, Reuben E. Alley’s History of the University of Richmond, states that the first woman was admitted in 1920. However, a 1986 Virginia Bar News article identifies Rebecca P. Lovenstein as the first woman to study law at the University of Richmond, beginning in 1919. She became licensed in the summer of 1920 after attending but, apparently, not graduating. The senior bulletin of that year lists her and a second woman, Florence Elise Minor (above, center), as law students. In 1923, Jane Brown Ranson became Richmond Law’s first female graduate.

Whichever year it took effect, McNeil saw the revised policy as consistent with the adoption of the 19th Amendment and the ideals for which the nation had just fought in Europe. “It is a privilege to offer the facilities to women on equal terms with men,” McNeil said, according to Alley, “thus carrying forward another principle of democracy—just in itself and beneficial to all.”

On Oct. 4, the School of Law will celebrate nine decades of preparing women for careers in law at the Richmond Law Women’s Forum: Celebrating 90 years of Alumnae at the University of Richmond School of Law. More information about the forum will be available at law.richmond.edu/events in August.
Death Penalty Drugs: A Prescription That’s Getting Harder to Fill

By Corinna Barrett Lain
Illustrated by Katie McBride
Six states have abolished the death penalty in the past six years—Illinois, New York, New Jersey, Connecticut, Maryland, and New Mexico. We haven’t seen mass moves like that since the 1960s. What gives?

Part of the answer is that those states weren’t executing anyway. More people in those states were dying on death row waiting to be executed than were actually being executed, and the death penalty is breathtakingly expensive to maintain (a point to which I’ll return in a moment).

So why weren’t the states executing? We tend to hear about innocence claims, trench warfare litigation, official moratoriums, study commissions, and the like. But there’s another phenomenon that has quietly wreaked havoc in the administration of the death penalty in the United States: the dearth of death penalty drugs.

Here’s the backstory.

Until recently, lethal injection was carried out by a three-drug concoction that included a drug called sodium thiopental, which, as it turns out, had just one domestic producer—a company called Hospira. But Hospira didn’t want its product used for executions. It manufactures drugs to “improve or save lives,” not to end them, so it asked states not to use its product for that purpose. But the states didn’t honor its request. So Hospira concluded that the best way to prevent what it termed the “misuse” of its drug in executions was to stop making it altogether. And that’s what Hospira did.

That led to all sorts of problems as death penalty states started looking abroad for alternative suppliers of the drug. Pharmaceuticals in Germany make sodium thiopental, but they refused to sell it for use in lethal injections. A Swiss pharmaceutical company makes sodium thiopental, but it said no, too—and then asked Nebraska for its “wrongfully diverted” supply back.

Great Britain is also a producer of sodium thiopental, but it banned the export of lethal injection drugs to the United States and urged the European Union to do the same, which it did. Under the EU’s new rule, pharmaceutical manufacturers may not export drugs used for executions in the United States unless they have a special permit showing that the export is not for executions. Meanwhile, a prison warden back in the United States told the press, “I am beginning to think drug companies and suppliers are not real happy to have to supply us for this use.”

The result of all this is that nowadays about the only way for death penalty states to get sodium thiopental for executions is to get it on the international black market. India may be involved; an operation running out of a “gritty London neighborhood” may be, too. And because states are getting sodium thiopental on the black market, there are legitimate questions about whether the shipments that make it to the United States meet minimum purity standards—not to mention the fact that most states’ lethal injection statutes assume that the drugs come from some approved, or appropriate, or at least not illegal, source.

Because states are importing the drug, often illegally, the Food and Drug Administration has also become involved. It tried not to be. The FDA first took the position that death penalty drugs weren’t its problem. According to the FDA, it was charged with regulating drugs “to protect public health” and, well, drugs to kill people are definitely not for public health, so the whole enterprise was outside the ambit of its authority.

But a federal judge disagreed, finding that the FDA had “arbitrarily and capriciously” abused its discretion in refusing to review death penalty drug imports. So now the FDA is asking states to turn over their stocks of sodium thiopental for its review and approval. Thus far, South Dakota has refused. California too.

The United States Drug Enforcement Agency has had better luck. Citing “questions about how the drug was imported,” the DEA seized Georgia’s entire supply of sodium thiopental in the spring of 2011, effectively preventing executions in the state. It then seized Kentucky and Tennessee’s supplies too, exacerbating shortages already plaguing states itching to execute but without the drugs to do so.

That’s when the whole thing started to unravel. As it turns out, Kentucky had reached out to more than two dozen states to obtain sodium thiopental before ultimately buying it from Georgia. Tennessee had shared its supply with Georgia and Arkansas, and Arkansas had shared its supply with Oklahoma, Mississippi, and Tennessee.

And then there is California, which reportedly “scoured the nation” for sodium thiopental before finally getting it from Arizona. In brokering the deal, a California prison official actually sent an email to his Arizona counterpart thanking him and adding, completely oblivious to the irony, “You guys in AZ are life savers.” Sometimes truth really is stranger than fiction.
So what can states determined to use the death penalty do? The chief alternative to sodium thiopental is a drug called pentobarbital, and states have increasingly turned to this drug for its executions instead. But here, too, there is a hitch.

The sole supplier of pentobarbital in the United States is a Danish company called Lundbeck, and Lundbeck is likewise strongly opposed to the use of its drug in lethal injections, claiming it is “against everything we’re in business to do.” The drug is intended to treat epilepsy and euthanize animals, Lundbeck maintains, and is not safe for use in untested ways, like human executions. Lundbeck has asked states not to use its drug in lethal injections, to no avail. The company has now turned to end-user clauses to prevent such use.
What does all this mean for death penalty states? One thing it means is that a number of states simply aren’t executing—not because they don’t want to, but because they can’t. It also means that, once again, states are on the hunt for a new paralytic to use in lethal injections.

Missouri recently changed its lethal injection protocol to include a drug called propofol, the drug that caused Michael Jackson’s death. The state will likely have to try again, however, since the second of the only two domestic suppliers of propofol has now said it will not accept orders of the drug from U.S. corrections departments. Virginia has turned to a drug called rocuronium bromide, which 42 states have banned as a paralytic for euthanizing animals because it may cause excruciating pain. Texas, too, has switched its drug protocol due to supply shortages, but it then adopted a non-disclosure
policy for all lethal injection drug information, so we don’t really know what drugs it’s using.

Not only is the search for death penalty drugs gumming up the execution process, but it is also requiring states to rewrite their statutes, which is causing problems of its own. Arkansas, for example, amended its lethal injection statute to allow the department of corrections to choose “one or more chemicals” for use in lethal injection, but its Supreme Court struck down the law, holding that such “unfettered discretion” in the executive branch did not pass constitutional muster.

And then there is California, which cannot seem to get an execution to save its life. Having just revised its three-drug protocol to remedy constitutional deficiencies in its previous lethal injection procedure, California’s Supreme Court has now declared that its protocol is again deficient, in part because it failed to consider a one-drug option. So back to the drawing board California goes.

That brings me back around to cost. As one might imagine, the dearth of death penalty drugs has had a dramatic effect on the cost of lethal injections. In 2012, states paid 15 times more for death penalty drugs than they paid in 2011, and in 2011, they paid 10 times more than they had paid in years past. But more importantly, the dearth of death penalty drugs has thrown a wrench into the states’ ability to carry out the death penalty at all, which has fed into an even larger death penalty debate about cost.

In each of the states that have abolished capital punishment over the past several years, the cost of the death penalty—or more precisely, what the state was getting for that cost—played a critical role in the decision.

Illinois, for example, estimated that it spent some $100 million on the death penalty in the 10 years prior to its abolition, and it had executed no one during that time. New York estimated that it spent $170 million on the death penalty since reinstating it in 1995, while New Jersey’s estimated cost since reinstatement in 1982 was $253 million—and neither of those states had a single execution to show for it. New Mexico’s governor cited economic considerations in signing his state’s abolition bill as well.

In Connecticut, cost does not appear to have been a driving factor in abolition, but the “unworkability” of the death penalty was. The state executed only one person in the last 50 years, and he had volunteered.

In Maryland, the latest state to abolish the death penalty, the governor supported abolition in part because the death penalty cost the state three times more than a sentence of life without the possibility of parole—and there wasn’t much difference in result.

Californians narrowly voted to keep the death penalty this past fall—a referendum proposing to abandon capital punishment was defeated 53 to 47 percent—and cost was a dominant theme in that debate. With the largest death row in the country, California’s death penalty costs are astronomically high. A recent study estimated that the state spends around $137 million a year on its death penalty.
(although other sources have put that figure higher) and that it would cost California around $11.5 million a year to maintain a penal system with a maximum punishment of life without the possibility of parole instead.

Thus far, California has spent around $4 billion on its death penalty since the 1970s and has only 13 executions to show for it—an average cost of more than $300 million per execution. That’s a lot of health care. A lot of education. A lot more police officers on the streets.

The fact is that states are abolishing the death penalty because they don’t get much bang for the buck. Only one in 500 murders results in a death sentence, and those that do rarely lead to an execution. In California and many other death penalty states, more people die on death row of natural causes than by the executioner’s hand. In practice, the death penalty tends to be life without parole—we’re just paying lots more for it.

In these austere times, the fact that the death penalty is so expensive to maintain, and so hard to carry out, is changing the script of the death penalty debate. Demurring on the death penalty is no longer about being “soft on crime.” It is about being “smart on crime.” It makes no sense to have a death penalty that costs millions to maintain but is almost never used.

And that, in turn, has created the political room to abandon death. Voting against the death penalty used to be political suicide. Now it is couched in terms of fiscal responsibility. Because it saves the taxpayers money, it is the right thing to do.

Money is the new morality.

I, for one, view this development with mixed emotions. There are now more than 140 people who have been exonerated while on death row—more than 140 people who the state claimed the right to execute and whose innocence was later proven. By and large, that hasn’t moved us.

Study after study has shown that the death penalty today is as arbitrary and capricious—and, let’s face it, racially discriminatory—as it was in 1972, when the Supreme Court in Furman v. Georgia temporarily abolished it. Death today turns more on the victim’s race, the quality of appointed counsel, and random factors like the county where the crime was committed, than it turns on the severity of the crime or the dangerousness of the criminal. But none of those arguments has moved us.

In the end, I suspect abolitionists will take a money argument that works over a moral argument that doesn’t. What most people don’t know is the backstory of how Big Pharma is helping them do it.

Corinna Barrett Lain is professor of law and associate dean of faculty development. This article derives from “On the Virtues of Thinking Small,” which appeared in the Winter 2013 issue of University of Miami Law Review.
THE DIVORCING BRAIN

By Caroline Kettlewell
Illustrations by Robert Meganck
Divorce messes with your head.

If that point seems obvious—after all, even the most amicable splits involve some pain, loss, and cost—it hasn’t been one that family law professionals have traditionally been trained to consider. Yet the stress and emotional toll that accompany divorce can have significant impacts on the process and long-lasting repercussions thereafter, not only for clients and their families but for attorneys as well.

This fall, the National Center for Family Law at the School of Law will focus on this cognitive and emotional side of divorce through a two-day conference, “The Divorcing Brain,” the latest in the Center’s “State of the Family” symposium series. Through a look at the latest neuroscientific research, the symposium will help participants better understand how stress affects decision-making and problem-solving skills.

“There are a lot of emotional and psychological components to the divorce process, not only for clients but also for lawyers and mental health counselors.”

Presentations will also place contemporary marriage and divorce within a larger historical and sociocultural context, dispelling what even professionals in the field may not be aware are common myths and misperceptions. Finally, the symposium will offer tools and strategies to help divorce professionals work more effectively toward achieving the best possible outcomes for clients and their families.

The mission of National Center for Family Law is to “enhance the quality of the American legal system in matters relating to families and children,” and the Center’s “State of the Family” symposia are designed to explore new, innovative, and even controversial topics concerning families and the law, according to attorney Ron Tweel, who serves as chair of the symposium committee.

“We get a variety of nationally respected speakers on our topics, and we try to present issues that might be new or novel or open to question, and we encourage participants to express their opinions and even disagree with our speakers,” says Tweel. “We want much more of a symposium approach, not just a continuing legal education workshop.”

This year’s symposium, says Tweel, will look at what recent research in the field of neuroscience is revealing about how people respond to and behave under stress.

“There are a lot of emotional and psychological components to the divorce process, not only for clients but also for lawyers and mental health counselors who are working with those clients,” says Tweel. “The symposium will help participants understand the neurochemical factors in stress and explain why people behave in certain ways while under stress. We’ll have interdisciplinary conversations between lawyers and mental health professionals discussing how to communicate effectively with people who are under stress and how best to serve clients given the emotional strains everyone is going through in the divorce process.”

The symposium will begin with a broad overview through a keynote address from Stephanie Coontz, director of research and public education at the Council on Contemporary Families. An author, teacher, researcher, and frequent contributor to The New York Times, among other publications, Coontz is a nationally recognized authority on the cultural history of marriage and the family. At the symposium, she will offer some historical and sociological perspectives on shifting roles and fortunes of marriage in Western culture, including facts that some may find surprising—for example, that divorce was much more common in some societies in the past than it is even today.

She will also talk about new research on the changing reasons for and outcomes of divorce. The research, says Coontz, indicates a reality far more nuanced and complicated than is often portrayed. Off-cited statistics, for example, such as the commonly repeated figure that 50 percent of marriages end in divorce, do not represent an entirely accurate picture of divorce in America, where the divorce rate varies across a range of demographic groups.

This contextual information provides an important framework for the symposium, explains Ron Tweel, because while divorce is a legal process, everyone involved, including the professionals, brings a range of very human emotions, experiences, and beliefs to the process, all of which can affect—and interfere with—effective communication and problem-solving. One goal of the symposium, therefore, is to make participants more conscious of how their own preconceived
The symposium will also consider in some depth the cognitive-emotional toll of the divorce process and suggest a changing vision for the role of the family law professional, from litigator to facilitator, that has been inspired by the growing movement toward a more collaborative, less adversarial model of divorce.

“Collaborative process is a movement that was started in 1994 by a few attorneys and now has grown worldwide,” explains psychotherapist Lisa Herrick, whose practice includes collaborative divorce work, and who will be one of the symposium speakers. “While the symposium isn’t focused on collaborative process, it draws from the emotional and cognitive model that collaboration is based on. What we’ve seen is that when you create a process in which the clients have a real voice and make active choices and have the opportunity to look at different options and focus on the ones that make the most sense to both parties, then you achieve deep and durable agreements that the clients are happy with. It is a really thoughtful process, and it is much better for the family and for everyone involved.”

Ideas drawn from the collaborative model that will be presented at the symposium begin with the importance of understanding how stress works on the brain. Anxiety, grief, fear, anger, hopelessness—divorce can trigger a very wide range of negative and highly stressful emotions. At the symposium, clinical neuropsychologist Angelo Bolea will discuss how these emotions can make it difficult for clients to process information, remember details, consider options, or make decisions.

Yet traditionally, notes Lisa Herrick, it is exactly these cognitive skills that have been called upon in the first interview between attorney and client. “In family law, those initial contacts have tended to be very focused on fact gathering and legal advising,” she says.

The symposium will instead offer strategies for a different, and arguably more effective, approach to the initial interview, one in which the focus is placed on “creating a real emotional connection with the client, developing what we call a ‘safe container,’ a place where the client begins to feel more safe and secure,” says Herrick. “When the body calms down, when the client can relax, then that in turn helps the brain begin to function better. The person begins to feel like they are in a place where they will have room to sort things out, where they can function and make decisions and get through this.”

Establishing this connection is the first step, Herrick says, in building a strong relationship with the client, one in which the family law attorney now serves not simply as legal counsel but more broadly as an advocate and a facilitator helping guide the client towards a lasting, successful divorce agreement.

Much of the symposium will be dedicated to looking at this evolving role for the family law professional, a role that can benefit not only clients and their families but also attorneys themselves, who, as one presentation in the symposium will demonstrate, can also be subject to considerable stress in family law cases.

“Family law and criminal law are the two most stressful areas of practice in law,” notes Ron Tweel. “Collaborative process is a movement that was started in 1994 by a few attorneys and now has grown worldwide,” explains psychotherapist Lisa Herrick, whose practice includes collaborative divorce work, and who will be one of the symposium speakers. “While the symposium isn’t focused on collaborative process, it draws from the emotional and cognitive model that collaboration is based on. What we’ve seen is that when you create a process in which the clients have a real voice and make active choices and have the opportunity to look at different options and focus on the ones that make the most sense to both parties, then you achieve deep and durable agreements that the clients are happy with. It is a really thoughtful process, and it is much better for the family and for everyone involved.”

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Ron Bacigal’s article “Watching the Watchers” was published in the Mississippi Law Journal.

The Virginia Supreme Court appointed Tara Casey to serve on a committee studying whether Virginia should create an Access to Justice Commission and, if so, how it should function.

NPR’s “Talk of the Nation” featured Dale Margolin Cecka in a discussion about foster care. “If we address some of the inequality in the society,” she told host Celeste Headlee, “we could [keep] a lot of kids and families from being involved with foster care.” In June, Cecka took part in the ABA’s Fostering Justice Third National Conference on the Right to Counsel for Abused and Neglected Children at the University of Washington School of Law.

Henry L. Chambers Jr. was one of five featured debaters in a February New York Times discussion that asked, “Could the framers of the Constitution have avoided the three-fifths compromise that accepted the continuation of slavery?”

In July, Tim Coggins was awarded the Robert L. Oakley Advocacy Award by the American Association of Law Libraries for his leadership on policy issues affecting libraries.

Chris Cotropia was named an Austin Owen Research Fellow. His recent study “Patent Applications and the Performance of the U.S. Patent and Trademark Office” was the subject of articles on CBS News’ MoneyWatch.com and the technology website Ars Technica.

John Douglass published “Tribute to Chief Justice Harry L. Carrico” in University of Richmond Law Review in March.

Joel Eisen was named an Austin Owen Research Fellow. Eisen was one of two academics invited to participate in a project of the Aspen Institute on “Developing a Smart Energy Network.” Other participants included a former FCC chair and the chief technology officer of Google. Eisen’s chapter on energy and environmental law was published in Perspectives on American Law by Peking University Press in Beijing. The Tyee quoted Eisen in an article about green and renewable energy in China. “They are truly the elephant in the room,” he said.

David Epstein traveled to 17 law schools—including Vanderbilt, University of Florida, University of Minnesota, and Washington University in St. Louis—to talk with first-year law students. He also recorded five lectures for Thomson West’s audio study guide series and prepared reports for the National Bankruptcy Conference and for the American Bankruptcy Institute’s Commission on Chapter 11.

William Fisher’s article “When the Government Attempts to Change the Board, Investors Should Know” was published in Pepperdine Law Review.


Chiara Giorgetti presented “Vertical and Horizontal Connections in International Courts and Tribunals” at the World Bank. In February, she discussed the politics of international investment arbitrators as a panelist during The Law and Politics of International Investment Symposium at Santa Clara Law.

The Daily Press in Newport News, Va., quoted Meredith Harbach in a story about same-sex marriage cases then before the
Supreme Court. In April, she led a lunchtime “Take 30” discussion at UR Downtown entitled “Is Our Childcare Market Failing?”

The Royal Islamic Strategic Studies Centre in Jordan included Azizah al-Hibri on its annual list of the world’s 500 most influential Muslims. She co-authored a commentary, “Western Europe vs. Religious Freedom,” that appeared in The National Interest and served on The Constitution Project’s Task Force on Detainee Treatment. The task force’s April report received widespread national media coverage for its finding that “U.S. forces, in many instances, used interrogation techniques on detainees that constitute torture.”


American Maritime Cases described John Paul Jones as a “world-renowned maritime scholar” and dedicated its 2012 bound volumes to him.

Richmond’s NBC12 interviewed Corinna Lain on the increasing frequency of plea bargains for its “12 Investigates” series. “Juries are risky,” she told reporter Rachel DePompa. Lain analyzed executive branch reluctance to enforce some laws in a presentation called “Passive-Aggressive Executive Power” at the 2013 Constitutional Law Schmooze.

Julie McConnell published “Five Devastating Collateral Consequences of Juvenile Delinquency Adjudications You Should Know Before You Represent a Child” in the December 2012 issue of Virginia Lawyer. The Bristol (Va.) Herald Courier quoted her in an article about a judge’s apparent decision to allow three Castlewood, Va., teens accused of sexual assault to be tried as adults.

Kristen Osenga moderated a panel comprising a federal judge, an FTC commissioner, and a deputy director at the U.S. Patent and Trademark Office for a conference at Santa Clara Law entitled “Solutions to the Software Patent Problem.” She received a Thomas Edison Innovation Fellowship from the Center for the Protection of Intellectual Property at George Mason University School of Law.

Noah Sachs received one of five Fulbright-Nehru Environmental Leadership grants to conduct research in India in 2013–14. He will study India’s pioneering use of market-based environmental law and assess whether it is improving India’s energy efficiency, lowering its national energy consumption, and addressing climate change.


Virginia Lawyers Weekly quoted Mary Kelly Tate in a story about reforms to Virginia’s actual innocence process. In February, she wrote a guest piece in Richmond
Times-Dispatch about the death of her infant son in 1997. “His hair was a rust-blonde, the color of his father’s beard,” she wrote. “Even now, when I see boys or young men with that improbably beautiful hue to their hair, I pause and gaze just a little too long while I take in that special, uncommon color.”


ABC News quoted Kevin Walsh during its coverage of the presidential inauguration. He co-wrote an amicus brief filed in the 10th Circuit on behalf of 14 members of Congress in the case of Hobby Lobby Stores v. Sebelius. The brief addressed the scope of the Right to Religious Freedom Act as it applies to corporations.

Sally Wambold received the Renee D. Chapman Memorial Award for Outstanding Contributions in Technical Service Law Librarianship from the American Association of Law Libraries.

**Faculty promotions**

Jessica Erickson and Jack Price received tenure and were promoted to professor. Meredith Harbach was promoted to associate professor.

**New professors**

Jacqueline Lainez joined the faculty as director of the Intellectual Property and Transactional Law Clinic. She was most recently visiting associate professor of clinical law at George Washington University Law School, where she received her J.D. and L.L.M. She has also been on the faculties of the law schools at University of Memphis and the University of the District of Columbia.

Five faculty, three of them new to the school, form a new team that will strengthen the law school’s legal writing program. Christopher Corts, a graduate of University of Virginia School of Law, was an associate at Carlton Fields in Miami. Doron Samuel-Siegel, a 2001 Richmond Law graduate, was a senior associate at Tucker Griffin Barnes. Rachel Suddarth was a member of the legal writing faculty at William and Mary Law School, where she earned her J.D. Also part of the new legal writing program’s team are Tamar Schwartz Eisen, director of Richmond’s first-year lawyering skills program, and Laura Katcheressian, formerly an adjunct associate professor at Richmond Law.

**Cleaning up greasy palms**

Andy Spalding

When German engineering firm Siemens paid $1.6 billion in 2008, it was the largest fine for bribery in modern history. The case opened Germany’s eyes to the need to address international bribery, and today the country is a leader among European nations in anti-bribery enforcement.

The case proved a useful example when law professor Andy Spalding traveled to Germany in March to teach an anti-bribery seminar at Mannheim Law School, a partner institution.

“The professors were generally aware of this trend, but the students were not,” Spalding said. “I had the unique opportunity to pique their interest.”

The most dynamic area involves the interplay between the private and public sectors when private companies pay bribes to foreign governments. Companies facing this temptation originate all over the world, and not all countries enforce anti-bribery prohibitions, adding to the complexity.

“These multinational companies are all competing for business across the developing world but are playing by different rules,” he said.

Some progress has been demonstrated. After major scandals in the late 1990s, the U.S. began requiring greater transparency from large corporations and lobbied other capital-exporting countries to do the same. As U.S.-led enforcement actions cut across boundaries, other governments responded.

“There can be little doubt that anti-bribery enforcement has led to a sea change in attitudes,” he said. “Companies subject to U.S. jurisdiction now take anti-bribery laws very seriously, paying big law firms top dollar to assist with compliance. And governments around the world are at least talking about the need to reduce domestic corruption.”

Spalding is a leading voice in the conversation about anti-bribery law as a senior editor for the Foreign Corrupt Practices Act blog (fcpablog.com), which offers commentary and news about anti-corruption compliance and enforcement.

“I take the ideas I’ve developed in my research and repackaging them for a larger audience,” he said. “This keeps me honest—it helps me ensure that my ideas have actual relevance to the world.”

—Sabrina Islam, ’14
Restoring rights
Virginia is one of four states that permanently strip civil rights from people convicted of felonies, including their right to vote. Only executive action by the governor can restore them and, until July, that process required a waiting period and an application.

This hurdle led four students to volunteer their spring breaks at the Richmond Law pro bono clinic to help eligible non-violent ex-offenders petition for their civil rights.

“Too often, I think, as students we’re trapped in the world of the theoretical and don’t spend enough time in the practical world,” said Nikita Wolf, L’13. “The Restoration of Rights Clinic is an excellent way to put those skills into practice and help people at the same time.”

The Carrico Center—through a partnership with Williams Mullen and Offender Aid and Restoration—developed and hosted the clinic for a second time. Wolf and her fellow students met with clients and helped navigate the paperwork and process.

“For many ex-offenders, the application process can be intimidating, and it’s rewarding to work closely with applicants as they work to rejoin society fully,” said Steven Gould, an associate at Clement & Wheatley who helped organize the clinic while working for Williams Mullen. “I won’t forget the first client I worked with whose rights were restored. I called him as soon as I heard the good news from the governor’s office.

He had worked for years to put his mistakes behind him, and to have that commitment recognized was a powerful moment for him.”

The Harry L. Carrico Center for Pro Bono Service is located at the School of Law’s Clinical Law Center and at University of Richmond Downtown (626 East Broad Street).

Outstanding students recognized
Graduates received a number of awards during the 2013 commencement exercises:
• Jessica Stuart, the Public Interest Law Association Pro Bono Award for extraordinary commitment to public interest work.
• Matt Stewart, the Student Trial Advocate Award, given by the Virginia Trial Lawyers Association for excellence in demonstrating the talent and attributes of a trial advocate.
• Kelly Bundy, the Student Advocacy Award from the International Academy of Trial Lawyers, for distinction in trial advocacy.
• Laura Boorman, the Charles T. Norman Award, given by the faculty to the best all-around graduate.
• Rebecca Anderson, the National Association of Women Lawyers Award for academic achievement, professionalism, and potential to contribute to the advancement of women in society.
• Kati Kitts, Rachel Logan, and Catherine Gill, the Orrell-Brown Award for Clinical Excellence in the Children’s Law Center.

• Simone Raess, the Cudlipp Medal for achieving the highest grade point average through the end of her 2L and the J. Westwood Smithers Medal for earning the highest cumulative grade point average in her class.

BLSA honors
Richmond Law’s Black Law Student Association ended William and Mary’s three-year streak when it received the regional chapter of the year award from the Mid-Atlantic Region of the National Black Law Students Association. The group’s events examined topics including juvenile justice sentencing and Fisher v. University of Texas, a Supreme Court case about affirmative action in college admissions.

The executive board’s director of programming, Latosha Ellis, L’14, was elected as one of six regional chairs for the national association for 2013–14.

“Being in BLSA really helps me hone my professional skills,” Ellis said, “but it’s also inspiring to see people who were in my shoes who are now successful and are giving back.”

Latosha Ellis, L’14
Anonymous confessions
Faculty and students came together for a night of laughter at the annual Law Revue variety show. During the evening, organizers displayed law school confessions submitted anonymously by students. A sampling:

“Sometimes I agree with Scalia’s dissent just so I can sit back and watch the class implode on itself.”

“I will feign interest in anything for free lunch.”

“We’ve taken abandoned professors’ nametags from law school events and role-played entire lectures.”

“I dreamt I was Luke Skywalker and Professor Preis was Darth Vader. When he told me he was my father, instead of screaming ‘Nooo!’ I gave him a hug and thanked him. Together we organized a coup against the Emperor and became new rulers of the Galactic Empire. Space law or bust!”
We want to hear from you. Send us your note via the “Submit a Class Note” link at lawmagazine.richmond.edu, email us at lawalumni@richmond.edu, or contact us by mail at Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, or at 804-289-8028.

1950s
We extend our sympathy to Clifford “Gene” White, L’52, whose wife, Nancy Johnson White, W’55, passed away May 22.

1960s
Ebb Williams III, R’61 and L’64, was selected for inclusion in the 2012 edition of Virginia Super Lawyers in the category of personal injury plaintiff: general.

The Hon. James A. Cales Jr., R’65 and L’68, retired in December after 30 years as judge in Portsmouth’s general district and circuit courts. In May, he ruled unconstitutional a state plan to impose tolls on tunnels in Hampton Roads. The ruling was a setback for the state’s plans for funding a new tunnel project.

1970s
The Hon. Robert “Pat” Doherty Jr., L’72, retired after 18 years as a circuit court judge in Salem and Roanoke counties in Virginia. He has practiced law for 40 years. He and his wife, Shirley, have been married for 46 years and plan to travel. Their son Adam is a project coordinator for TMEIC and their son Mike Doherty, L’99, is an attorney with Brumberg, Mackey & Wall in Roanoke. The couple also has two grandsons, 3-year-old Teddy and 7-year-old Alex.

David S. Mercer, L’73, is a principal of MercerTrigiani in Richmond and Alexandria, Va. He was named to the Best Lawyers in America for the ninth consecutive year in the area of real estate; as a 2013 Super Lawyer in both Virginia and Washington, D.C.; and as a member of the 2012 class of “Virginia’s Legal Elite” for legal services/pro bono by Virginia Business. His firm was also designated as a “2013 Best Work Place” in the magazine’s small business category and as a Tier 1 Best Law Firm by U.S. News & World Report. In May, Mercer was appointed to a three-year term as real estate section liaison from the board of the Virginia State Bar Association.

Stan L. Trout, R’71 and L’74, was appointed by Virginia Gov. Bob McDonnell for a three-year term on the Virginia Racing Commission. He has been active in the New Kent County government and, in 2010, was awarded the Planning Leadership Award from the Virginia Chapter of the American Planning Association.

John W. Daniel II, L’75, is a partner and member of the environmental law practice group at Williams Mullen in Richmond. He has served in a number of state positions, including as assistant attorney general, deputy secretary of commerce and trade, and secretary of natural resources.

The Hon. Jonathan Appgar, R’72 and L’76, retired as a circuit court judge in Roanoke, Va. Last year he was recognized for his role in producing an award-winning film promoting awareness of Virginia’s drug courts.

Gregory Robertson, L’76, a labor and employment partner at Hunton & Williams, was inducted as a fellow of the Virginia Law Foundation in January.

Ted Chandler, L’77, and his wife, Laura Lee Hankins Chandler, W’74, volunteer through Ted’s business, New Richmond Ventures, and through nonprofit board work. They traveled to Israel in February for business meetings and several days of touring.

The Hon. Karen A. Henenberg, L’77, retired in March after 18 years as a judge of the 17th Judicial District. She and her husband, David Lasso, L’77, the former city manager for Falls Church, Va., plan to spend time supporting their sons Kenneth, a guitarist for the band Rites of Ash, and Benjamin, a
professional golfer. Henenberg will continue to teach law at area schools and will substitute on the bench.

Chambers USA recognized Womble Carlyle attorney Bill Matthews, L'77, for his work in real estate law.

J. Gaston B. Williams, R'73 and L'77, was presented a Commendation for Outstanding Performance and Invaluable Assistance on behalf of the U.S. Department of Justice’s environment and natural resources division, environmental crimes section. The commendation was related to the prosecution of U.S. v. Freedman Farms Inc., et al.

As deputy general counsel of the U.S. Government Accountability Office, Tom Armstrong, L'78, helps manage the office’s 126 attorneys. He has worked with the GAO for 36 years and the office’s comptroller general has called him an “expert on appropriations law” who has made “significant contributions to a wide range of GAO products and engagements.”

Steve Deaton, L’79, is running in the November election for commonwealth’s attorney in Charlottesville, Va. He has worked as an assistant commonwealth’s attorney in the past and held the post in the 1990s before starting his private practice.

Richard Fowler, R’76 and L’79, and his wife, Pamela Proffitt, W’74, GB’77 and L’82, celebrated their daughter Elizabeth Kate’s graduation from medical school. Their son Richard Patrick continues to pursue a doctorate in mechanical engineering. Pam enjoys homeschooling their 13-year-old twins, Maggie and Thomas. Pam and Richard celebrated their 40th wedding anniversary in May.

The Hon. William Heatwole, L’79, retired Jan. 1 after nearly 20 years as a district court judge for the 25th Judicial District and, by special designation, the 26th Judicial District. He plans to travel and do more upland game hunting and fly-fishing. He and his wife, Kathleen Heatwole, enjoy traveling and spending time at their camp, Bear Haven.

The Hon. Keith Phillips, L’79, was named a federal bankruptcy judge by the 4th U.S. Circuit Court of Appeals in Richmond. His 14-year term began this fall. He had been a bankruptcy attorney and served as a mediator, a trustee, and state court receiver.

1980s

Richard L. Sisisky, L’80, was selected by the Jacksonville University Public Policy Institute as its first chair. He is president and CEO of Shircliff & Sisisky Co., a management consulting firm.

Mary Commander, L’81, was selected a member of the “Legal Elite” by Virginia Business in the area of alternative dispute resolution.

Janine Sneed Hiller, L’81, has been named the Richard E. Sorensen Professor of Finance by the Virginia Tech board of visitors. She is a professor of finance, insurance, and business law in the Pamplin College of Business at Virginia Tech. She served as associate dean of the college from 1997–98, and was the Fulbright-Lund Distinguished Chair of Public International Law at Lund University in Sweden in 2010. She has published 36 journal articles, including five in the American Business Law Journal.

Steve Farrar, L’82, has been named to the “Top 25” list of 2013 South Carolina Super Lawyers. He is an attorney at Smith Moore Leatherwood in Greenville, S.C., and was recognized for his business litigation practice. He is heavily involved in community organizations, including Project Host Soup Kitchen and the South Carolina Special Olympics.

Pamela Proffitt, W’74, GB’77, and L’82, and her husband, Richard Fowler, R’76 and L’79, celebrated their daughter Elizabeth Kate’s graduation from medical school. Their son Richard Patrick continues to pursue a doctorate in mechanical engineering. Pam enjoys homeschooling their 13-year-old twins, Maggie and Thomas. Pam and Richard celebrated their 40th wedding anniversary in May.

Bill McAlindin, L’83, has been recognized as a certified civil trial attorney by the Supreme Court of New Jersey. He is a partner at Bathgate, Wegener & Wolk in Lakewood, N.J., and specializes in personal injury and insurance litigation.

Lucia Anna “Pia” Trigiani, L’83, is a principal of MercerTrigiani in Richmond and Alexandria, Va. She was named to the Best Lawyers in America for the ninth consecutive year in the area of real
estate; as a 2013 Super Lawyer in both Virginia and Washington, D.C.; and as a member of the 2012 class of “Virginia’s Legal Elite” for real estate/land use by Virginia Business magazine. Her firm was also designated as a “2013 Best Work Place” in the magazine’s small business category and as a Tier 1 Best Law Firm by U.S. News & World Report. In April, she was inducted as a fellow of the Virginia Law Foundation.

Richmond criminal defense lawyer Claire G. Cardwell, L’84, was awarded the 2013 Harry L. Carrico Professionalism Award at the Virginia State Bar’s Criminal Law Section annual seminar in Charlottesville, Va. She is a former chief deputy commonwealth’s attorney in Richmond and has taught as an adjunct professor at the School of Law since 1989. She serves as a substitute judge for the 14th Judicial District.

Margaret Nelson, L’87, was appointed to a two-year term on the board of directors of the Virginia Blue Ridge affiliate of Susan G. Komen for the Cure.

James H. Wilson Jr., L’87, practices bankruptcy and family law in the Greater Richmond metropolitan area. He also writes and publishes “Between the Sheets: Adultery in Divorce Cases in Virginia,” a blog about adultery and divorce found at jameshwilsonjr.com.

Deborah Singleton Tinsley, W’85 and L’88, has been in private practice in Louisa, Va., since 1995 and has served as a substitute judge.

Julie Schrank Luhrsen, L’89, was recognized with an AV Preeminent Peer Review Rating from LexisNexis Martindale-Hubbell. With her husband, she is founding partner in the Luhrsen Law Group, a personal injury law firm in Sarasota, Fla.

1990s

Mark Herring, L’90, a state senator representing Loudoun County, Va., won a June statewide primary to become the Democratic nominee for Virginia attorney general in November’s election.

ALUMNI PROFILE

Power Broker

Bill Bradley, L’89

Except for the rioting and advice from the U.S. embassy to evacuate, Indonesia was just another business trip for Bill Bradley. He was working on behalf of a client helping to restructure the country’s independent power program in the aftermath of the 1997 Asian financial crisis.

“I was in Jakarta when Suharto—who was president of Indonesia—fell,” he said. “There was widespread rioting in the streets. It was quite a memorable time. I was a long way from Richmond.”

Bradley’s journey to energy investment and transaction law began while working at Hunton & Williams in Richmond after graduation. In 1995, the firm began expanding into Asia, and Bradley was asked to join one of the partners in opening an office in Hong Kong, the firm’s first on the continent. Having spent most of his life in the Richmond area, he jumped at the chance to go overseas. He and his wife, Michelle, packed their bags and spent the next nine years in Asia.

“When we first opened our office in Hong Kong in the mid-’90s, the world of international project development and finance was relatively new for that part of the world,” he says. By 1997, he had made partner and was opening the firm’s new office in Bangkok.

At that time, many countries were selling off state-owned utilities, like large power stations, in order to modernize infrastructure and attract foreign investment. Bradley’s role was to help international clients navigate the local and transnational legal issues of developing and financing in Asia. Bradley advised on some of the region’s largest transactions accounting for billions of investment and worked on projects in Singapore, Thailand, Indonesia, Malaysia, and the Philippines, to name a few.

“Asia was an extraordinary experience,” he says. “Being in Asia at that time was very exciting because it was a hot market. Everything was go-go. Everything was red hot.”

Bradley, his wife, and two children, moved back to the United States in 2005, when he joined General Electric Energy Financial Services, which is GE’s energy investment business. Based out of Stamford, Conn., Bradley is now managing director and associate general counsel for the business, which invests in everything from power projects to oil and gas and renewable energy.

—Rich Griset
Randy Kranz, L’90, was the special guest speaker at a Leadership Law and Ethics Level II class in March at the White County Firefighters Association in Sparta, Tenn. He is the commonwealth’s attorney for Bedford, Va.

Michael V. Beall, L’91, is president and CEO of the National Cooperative Business Association. He was formerly president and CEO of the Missouri Credit Union Association.

Andrea Hall, L’93, is the Maryland death penalty abolition coordinator for Amnesty International and worked on the successful campaign to repeal Maryland’s death penalty.

Vishwa Bhargava Link, L’93, is a partner with McGuireWoods in Richmond. She and her husband have three children.

Carl W. Nelson, L’93, opened a law office in Newton, N.J. He is past president of the Sussex County Bar Association and of the Wallkill Valley Rotary and has been active in coaching the Little League in Sparta, N.J.

Carol Lynn Kendall, L’96, an attorney in Hollywood, Fla., ran for commissioner of Hollywood’s second district in November’s elections.

Nicholas J. Pace II, GB and L’96, is executive vice president of compliance and regulatory operations at Health Diagnostic Laboratory Inc. in Richmond.

Andrea Weckerle, L’96, is an attorney and the founder and president of CiviliNation, a nonprofit organization established to take a stand against hostility, character assassination, and adult cyberbullying. She recently published Civility in the Digital Age: How Companies and People Can Triumph over Haters, Trolls, Bullies and Other Jerks.

David DeFazio, L’96, established a family law practice, the DeFazio Law Firm, in Richmond. He is on the executive committee of the Chesterfield Bar Association and is its immediate past president. Virginia Lawyers Weekly named him a “Leader of the Law” in 2012.

Kevin Lilly, L’97, and his wife, Jacqui, welcomed their first child, a son named Holt, on the 47th wedding anniversary of Kevin’s parents, Ed and Linda Holt Lilly, W’65.

Jeffrey Selser, L’98, is a partner at Verrill Dana in South Portland, Maine. He received recognition from Chambers and Partners as a leading lawyer in timberland and conservation real estate law.

Chatham, Va., attorney Les Adams, L’99, won the Republican nomination during a June primary for the 16th House of Delegates district seat representing Pittsylvania County, Va.


2000s

Amy Karch Traub, L’00, is a partner in the employment and labor group at the New York office of BakerHostetler.

David Freedman, L’01, is a partner at Barley Snyder in Lancaster and York, Pa. He concentrates his practice in the area of labor and employment and provides employee training on these topics in English and Spanish. He is working toward his LL.M. in taxation at Villanova University School of Law.

Todd Henningsen, L and GB’02, is an attorney at Henningsen Injury Attorneys in Atlanta. He appeared last spring on “Atlanta & Company,” a live, studio-based weekday television show featuring Atlanta businesses, food, arts, news, and events.

Stay in touch online! Update your contact information, including email address, online at lawmagazine.richmond.edu. Go to Change Address. It’s the best way to stay connected!

Penelope Thornton Tally, L’92, is chief performance officer for the Maryland State Department of Education. She had been the interim chief of staff/deputy chief of staff at the deputy mayor for education’s office in Washington, D.C. Prior to that she spent a decade at AARP, serving as senior vice president for operations and support services. She is also an adjunct faculty member at the University of Maryland.

James Wilson, L’92, an attorney with expertise in small businesses, was a featured guest on host Eric Dye’s Enterprise Radio show.

Standish Alexander, L’93, is a personal injury lawyer at the Alexander Law Office in Richmond.

From left, from the Class of ’03, Tara Manson Calkins, Laurin Lucas, Laurel McClead, Greg Pimentel, Dean Wendy Perdue, Karla Eaves, and Michael Plotkin. From the Class of ‘08, Bobbi Brown Graves, Tracey Evans, Morgan Meador, Lauren Hill, Alysha Fulkerson, and Kristin Watts Collins.
Taming trolls and other online jerks

Andrea Weckerle, L’96

The anonymity of the Internet opens the floodgates to new levels of brazen and aggressive dialogue between friends and strangers alike. For evidence, simply look at the comments section of almost any online news story.

“There always seems to be a group of people that wreak havoc online,” says Andrea Weckerle, “whether it’s for professional gain, to put someone else down, or some sort of twisted, psychological enjoyment.”

Fighting against this tide, Weckerle founded a nonprofit called CivilNation in 2010. Earlier this year she published Civility in the Digital Age: How Companies and People Can Triumph over Haters, Trolls, Bullies, and Other Jerks, a guide she hopes will help people and organizations deal with online hostility, character assassination, and adult cyber-bullying.

“The basic question is: What kind of online culture do you want to have?” Weckerle says. “Do you want to have a culture where the loudest and most aggressive voice sets the tone of the day? or do you want to have a culture where people can come together and share ideas and work through some of the challenging issues we’re facing, both on a social level and a global level?”

While her legal background is helpful when counseling clients dealing with online attacks, she says a systemic and social tack is really the way to go when it comes to societal change. “The law provides a basic structure around behaviors,” she says, “but we can’t legislate good behavior.”

Weckerle suggests some basic tactics that people can use to manage conflict and protect their reputation—both on and offline—such as recognizing anger trigger points, knowing the conflict styles of yourself and your opponent, and using anger productively instead of being emotionally hijacked by it.

She also makes the case that online civility isn’t just for individuals. In her book, Weckerle outlines a 30-day plan for businesses and organizations to master conflict management and brand protection in a digital world. In particular, Weckerle stresses the need for communications and legal teams to work together.

“There are so many moving parts in social media and Internet communications,” she says. “Knowing the legal parameters is critical to positioning the organization and protecting it, but ... an organization can be dragged down—even if they’re in the right—simply because they’ve taken a communications misstep.”

—Kim Catley

Krista Matthis Samuels, L’03, and her husband, Charles Samuels, L’03, practice at the Samuels Law Firm in Richmond. Krista’s practice focuses on civil litigation in the areas of land use, special education, family law matters, and small business representation. Charles focuses on criminal, family, trusts and estates, veterans’ benefits, and Social Security law. He is president of the Richmond City Council. They both serve as guardians ad litem.

Jason L. Scarberry, L’03, is an associate at Marshal Dennehy Warner Coleman & Goggin in Fort Lauderdale, Fla. He is a member of the firm’s professional liability department and focuses his practice on the defense of claims made and suits brought against professionals, including attorneys, accountants, and corporate directors and officers.

Andrew J. Cornick, L’04, coordinated the move of his firm to a new location in Fredericksburg, Va. Cornick is managing partner at Spencer, Mayors, Cornick and Meyer, where he practices as a criminal defense attorney.

Christopher Gill, L’04, is a partner at Christian & Barton, where he practices in commercial real estate, finance, and environmental matters.

Brian Chase, L’05, is a director at Spotts Fain in the firm’s business section, where he focuses on commercial real estate transactions and general corporate and environmental matters.

Ashley R. Dobbs, L’05, was named a shareholder at Bean, Kinney & Korman, where she handles intellectual property and business transaction cases.

Joe Rezabek, L’05, and Kate Materna Rezabek, ’02, welcomed a son, Ryan Michael, in April 2012. They live in Richmond.

Stephanie Brinegar Vipperman, L’05, and her husband, Jason, have a daughter, Kendra Michelle, who was born Jan. 25. The family lives in Stuart, Va. Stephanie was re-elected to her second term as commonwealth’s attorney for Patrick County in 2011.

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**In Memoriam**

Ellen Leonard “Bessie” Omohundro, W’38 and L’54
Richmond

She was a member of the Tuckahoe Women’s Club.

Joseph Luther Lewis, B’61 and L’64
Midlothian, Va.

March 3, 2013
He practiced law independently until he passed.

W. Douglas Call, L’65
Stafford, N.Y.
April 14, 2013
He served seven years in the Judge Advocate General Corps of the U.S. Air Force.

Kaity Kransdorf Kasper, L’06, wrote an editorial in the Richmond Times-Dispatch in January about her journey with cancer and involvement as a fundraiser for VCU’s Massey Cancer Center. Diagnosed in 2002 with stage IIIB Hodgkin’s lymphoma, she has competed since 2006 in the Massey Challenge portion of the Ukrop’s Monument Avenue 10K and was this year’s chairperson. She is an attorney at Hancock Daniel Johnson & Nagle in Glen Allen, Va.

Donny Knepper, L’06, married Vlatka Tomazic July 7, 2012, in Silver Spring, Md. Donny is in private practice in Rockville, Md.

Valerie L’Herrou, L’06, is director of public sector careers in the Career Development Office at the School of Law. She advises students and alumni pursuing positions in government agencies and nonprofit organizations and is the office’s expert on judicial clerkships. She previously served as an assistant public defender in Charlottesville, Va.

Stephen Murray, L’06, is assistant county attorney in Coos County, N.H.

Clay Campbell, L’08, is an attorney at Dean Gibson Hofer & Nance in Charlotte, N.C. His practice focuses on general civil litigation, auto accidents, construction defects, premises liability, and products liability. He also teaches legal research and writing in the para-legal technology program at Central Piedmont Community College.

Amanda Graham Magill, L’08, married Clinton Lukhard in November 2012 in High Point, N.C.

Michelle Statz, L’08, was named vice president and senior claims counsel for Fidelity National Title Group in Jacksonville, Fla.

Devin Pope, L’09, is an attorney at BrownGreer in Richmond, where she is responsible for supervising and training claims reviewers, serving as a liaison to other law firms, and designing and implementing processes for claims documentation for a significant class action settlement.

**2010s**

Erica L. Giovannii, L’10, is an associate at Owen & Owens in Richmond, where she focuses on family law. She previously clerked for the Hon. Harold Burgess Jr., judge of the 12th Judicial Circuit of Virginia.

Andy Boran, L’11, was promoted to partner at TaylorWalker PC, where he represents individuals and businesses in civil lawsuits.

Wesley M. Charlton, L’12, joined the Irvington, Va., firm of Hubbard, Terry & Britt as an associate.

Alexandria Cuff, L’12, is an associate in the commercial litigation group at Reed Smith in Richmond.

Danielle Sneed, L’12, is an attorney at Livesay & Myers in the firm’s office in Fredericksburg, Va. She practices family law, including representing clients in separation, divorce, custody, visitation, and support cases.

**STAFF**

Jean M. Tarpley
Richmond
Feb. 21, 2013
She joined the law school as secretary to the dean in 1951 and was named director of admission in 1972, a position she held until her retirement in 1990.

**Kaity Kransdorf Kasper, L’06** wrote an editorial in the Richmond Times-Dispatch in January about her journey with cancer and involvement as a fundraiser for VCU’s Massey Cancer Center. Diagnosed in 2002 with stage IIIB Hodgkin’s lymphoma, she has competed since 2006 in the Massey Challenge portion of the Ukrop’s Monument Avenue 10K and was this year’s chairperson. She is an attorney at Hancock Daniel Johnson & Nagle in Glen Allen, Va.

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Day of celebration

Nearly 150 graduates of the School of Law and their families convened at the Robins Center for Commencement May 11.