

Winter 2007

Richmond Law Magazine: Winter 2007

Follow this and additional works at: <http://scholarship.richmond.edu/law-magazine>

 Part of the [Other Law Commons](#)

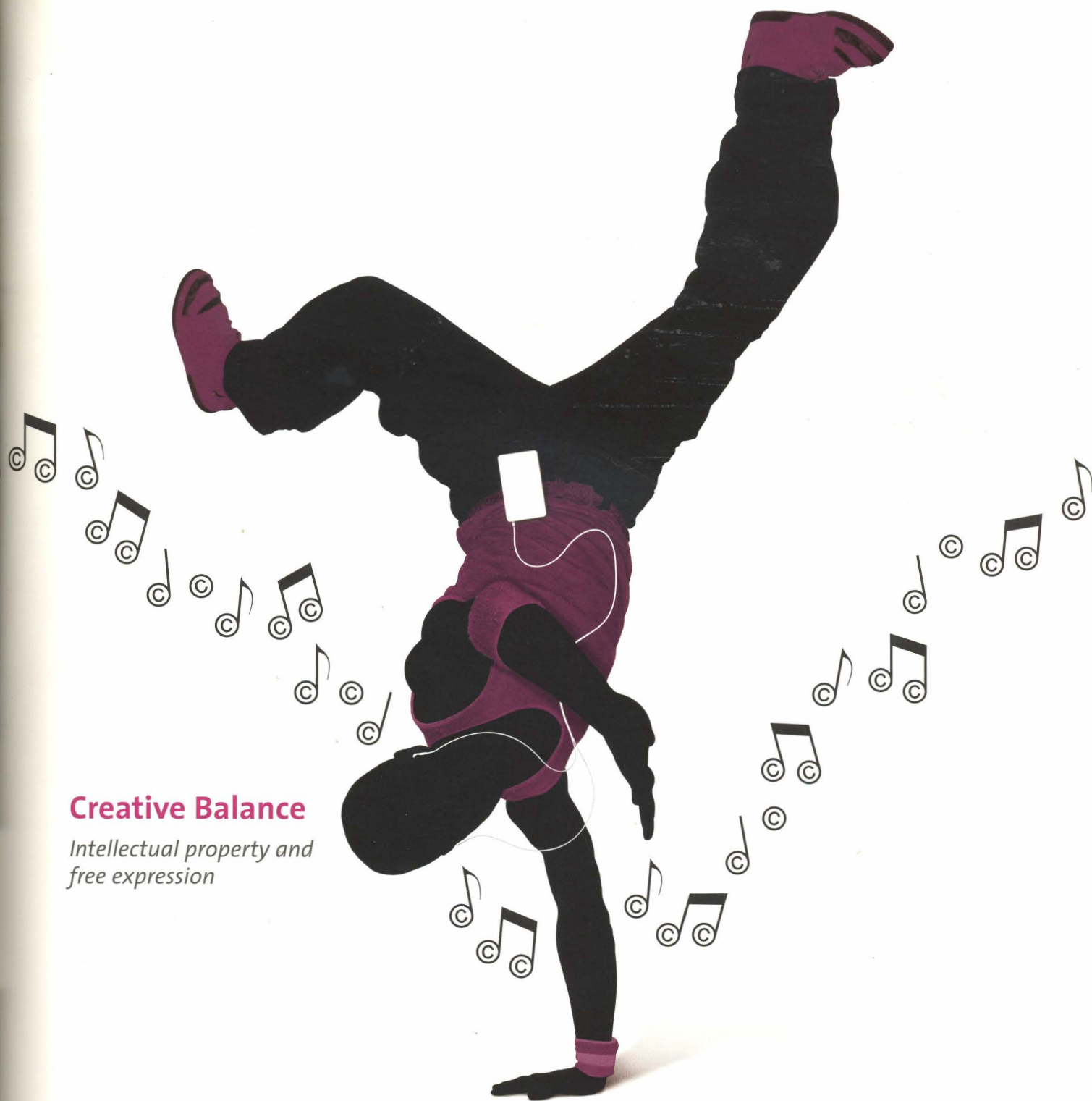
Recommended Citation

<http://scholarship.richmond.edu/law-magazine/50>

This Magazine is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Richmond Law Magazine by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

RICHMOND LAW

Magazine of the University of Richmond School of Law • Winter 2007, Vol. 19, No. 2



Creative Balance

*Intellectual property and
free expression*

Dean's letter

Centers of excellence



Dean Smolla with former Virginia Gov. Gerald L. Baliles at the Chesapeake Bay Conference in October.

One of the exciting new developments at the Law School is our increasing emphasis on specialized centers of excellence that allow us to concentrate faculty and student resources on particular issues of importance to society and our system of justice.

This issue of *Richmond Law* features on its cover our exciting and creative new efforts in intellectual property, and our new Intellectual Property Institute. There are also stories about our recent blockbuster Chesapeake Bay Conference, put on by our Merhige Center for Environmental Studies. The last issue of the magazine featured our new Richmond Institute for Actual Innocence. We are moving forward apace with plans for our new National Center for Family Law, and new pro bono initiatives. This issue talks about a generous gift in honor of Walter Regier, L'49,

to establish an international law center at the Law School, and we continue to explore possible new programs in law and medicine.

We believe that these focused efforts are wise strategic investments, calculated to propel us to excellence in identified areas of concentration. At the same time, we are constantly attentive to our broad mission as legal educators, and the importance of a well-rounded and comprehensive curriculum with genuine depth in all the classic curricular fields that are essential to the training of lawyers. We strive to strike a proper balance between breadth and concentration in our hiring of new faculty, our allocation of resources, and our recruitment of new students.

I hope that you will find the efforts of our new centers and institutes exciting and worthy of your enthusiastic support, as they add complexity and texture to our strong and proud tradition of excellence in legal education.

A handwritten signature in cursive script that reads "Rod Smolla".

Rodney A. Smolla
Dean, School of Law



Law School to host Rule of Law Conference

As part of the national commemoration of the 400th anniversary of the founding of the first permanent English settlement in Jamestown, Va., the Law School is hosting the Rule of Law Conference April 11-14.

Former Presidents George H. W. Bush and Bill Clinton, and former British Prime Minister Margaret Thatcher are the honorary chairs of the Democracy Conference Series. Justice Sandra Day O'Connor is the honorary chair of America's 400th anniversary commemoration. Justice O'Connor will speak at events associated with the conference.

The Law School is co-sponsoring the conference with the American Inns of Court, the British Inns of Court, the American Arbitration Association, the John Marshall Foundation, the Virginia Bar Association, the Federal Jamestown Commission, and others.

The conference will bring together prominent British and American jurists, legal scholars and practitioners to address how rule of law applies to religious freedom, due process, free speech, international dispute resolu-

tion and cultural differences.

Panelists and speakers include: U.S. Supreme Court Chief Justice John Roberts; U.S. Supreme Court Justice Stephen Breyer; Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales; Elaine Jones, former director, NAACP Legal Defense Fund; Dr. Joe Shirley Jr., president of the Navajo nation; Kenneth Starr, dean of the Pepperdine University School of Law; Judge J. Harvie Wilkinson III; Ambassador Robert Seiple, president, council for America's First Freedom; and Xu Wenli, Chinese dissident and pro-democracy advocate.

Chief Justice Roberts will be presented the William Green Award for Professional Excellence, the Law School's highest honor.

The conference is part of a series hosted by Virginia colleges and universities entitled "Foundations and Future of Democracies." Its purpose is to illuminate the elements of successful democratic systems, and to consider how democracies can survive and flourish in the future.

Dean Rodney A. Smolla and Justice Donald W. Lemons of the Supreme Court of Virginia are co-chairs for the Law School.

For further information, see: www.ruleoflaw.richmond.edu.

Ayers named ninth Richmond president

The dean of the University of Virginia's largest college and a nationally acclaimed scholar of Southern history will become the next president of the University of Richmond.

The Board of Trustees elected Edward L. Ayers, Buckner W. Clay Dean of Arts & Sciences and Hugh P. Kelly Professor of History at Virginia, to be president, effective July 1.

"Ed Ayers is an outstanding teacher, a distinguished scholar and a proven leader with a vision and passion for making the University of Richmond the best it can be," said George W. Wellde Jr., rector of the University.



Dr. Edward L. Ayers, president-elect

Ayers earned his undergraduate degree at the University of Tennessee and his master's degree and Ph.D. in American Studies at Yale. One of the nation's leading scholars on the American Civil War, Ayers has authored or edited nine books, one of which, *The Promise of the New South: Life after Reconstruction*, was a finalist for both the Pulitzer Prize and the National Book Award. He has served as dean of arts and sciences at Virginia since 2001, and has been on the faculty there since 1980.

"I am both honored and thrilled to have been selected as the University of Richmond's next president," said Ayers. "I have long admired the University of Richmond's traditions, its unique mix of academic programs, and its superb faculty, staff, student body and alumni. I look forward to being part of an ambitious future of quality, distinctiveness and purpose."

Ayers said he was attracted to Richmond because it has "all the ingredients to offer one of the finest educations in America."

At a welcoming ceremony Nov. 14, he said he comes to the job with "great enthusiasm and determination." He cited the ongoing diversity initiative, generous financial aid and the University-wide commitment to volunteerism as some of Richmond's many strengths.

The range of schools at Richmond is "just right for what this place is all

about," he said. "All the schools, undergraduate and professional, maintain an intimate scale and put the student-faculty relationship first."

At Virginia, Ayers leads a school with 25 departments, more than 50 majors, 10,000 undergraduates and 575 tenured and tenure-track professors. As dean, Ayers raised more than \$110 million for the College of Arts & Sciences.

Ayers' book, *In the Presence of Mine Enemies, War in the Heart of America 1859-1863*, received the 2004 Bancroft Prize for a distinguished book in American history, and the American Historical Association's Albert J. Beveridge Award for the best English-language book on the history of the United States, Canada or Latin America.

A pioneer in digital media, he produced "The Valley of the Shadow: Two Communities in the American Civil War," which won the first Lincoln Prize for best digital work on the Civil War era.

Ayers has won several teaching awards, including the U.S. Professor of the Year by the Carnegie Foundation and the Council for the Advancement and Support of Education.

In 2000 President Clinton appointed Ayers to the National Council on the Humanities.

"Dean Ayers has been a visionary leader for the College of Arts & Sciences," said Virginia Rector Thomas F. Farrell II. "He has been a fantastic leader at the university, and the University of Richmond's gain is our loss."

Ayers and his wife, Abby, are parents of two children, a daughter, Hannah, who is currently a student at the College of William and Mary, and a son, Nate, who recently graduated from Virginia Commonwealth University.

For more information on president-elect Ayers, visit www.richmond.edu/president-elect.

DEVELOPMENT

Regirer gift advances international law center



Walter W. Regirer

The late Walter W. Regirer, L'49, and his wife have made a gift from his estate valued at approximately \$1.5 million to establish the Walter W. and Maria Teresa Regirer International Rule of Law Center at the Law School.

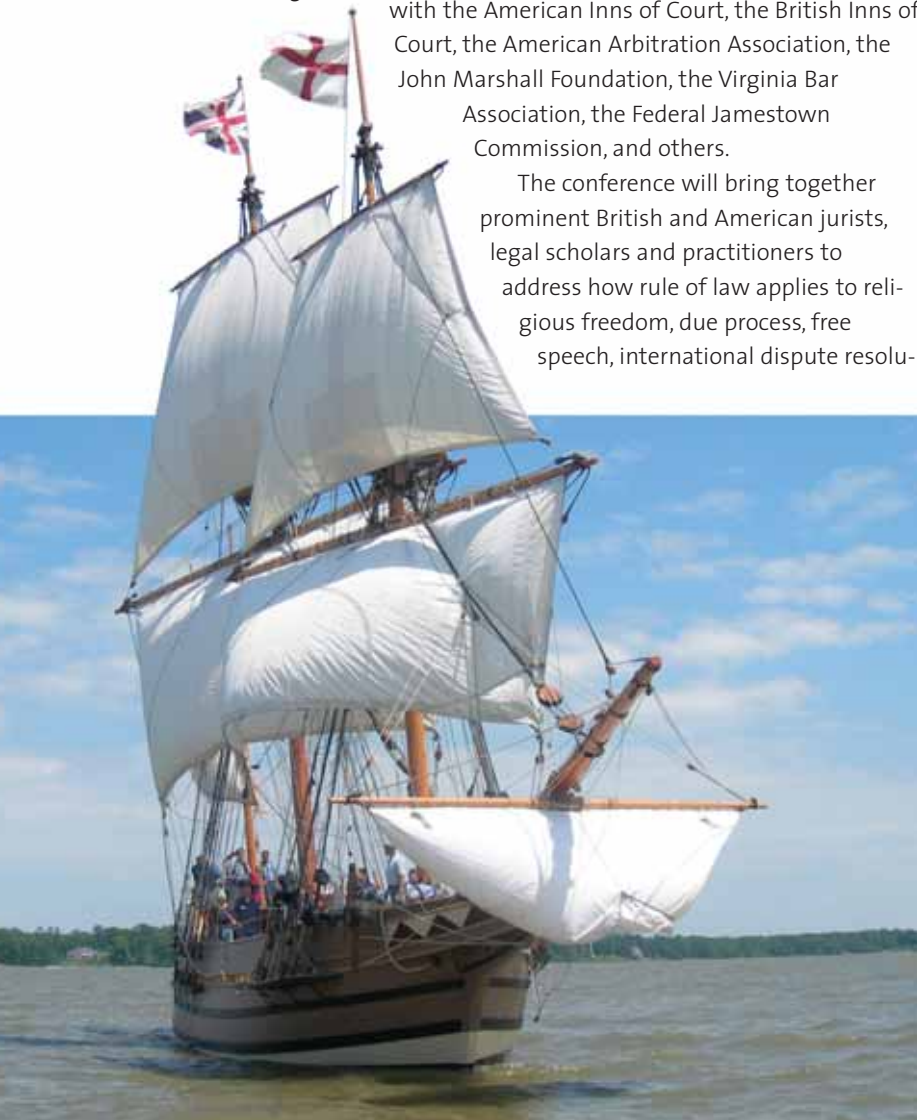
In announcing the gift, Dean Rodney A. Smolla said, "I believe that Mr. Regirer was a true internationalist who appreciated and understood the value of efforts to promote the international rule of law and the potential contributions that his alma mater could make to those efforts."

Born in Poland, Regirer was educated in Poland, France and Switzerland before migrating from war-torn Europe to the United States.

He maintained military connections through much of his career. He served as an instructor in international law with the Judge Advocate General's Corps. He was chair of the military protocol committees for governors Robb, Baliles and Wilder. Wilder promoted him to brigadier general in the Virginia Defense Force.

Regirer was an international trade representative for the U.S. Department of Commerce. Later, he and Teresa operated nursing homes in the Richmond area, and became respected for their expertise on health law and aging.

Replica of the ship Godspeed awaits visitors to Jamestown for the 400th anniversary of the settlement's founding.



Courtesy of APVA Preservation, Virginia

CENTER DIRECTOR

Noah M. Sachs leads Merhige center



Noah M. Sachs

Noah Sachs' path to the Law School has included visits to environmental hotspots from Chernobyl to the Himalayas to China's Three Gorges Dam.

"I have been passionate about environmental law since I took my first course on it in law school," Sachs says. "It's incredibly complex, involves all levels of government, and tackles fundamental questions about how we live in an advanced society with a fragile ecology."

Sachs came to Richmond from Harvard Law School to teach and become faculty director of the Robert R. Merhige Jr. Center for Environmental Studies. He received his JD from Stanford Law School, holds a master's in public affairs from the Woodrow Wilson School at Princeton University, and a bachelor's degree from Brown University.

Prior to his teaching career, Sachs practiced at Foley Hoag LLP in Boston and at Carter, Ledyard and Milburn in New York.

Sachs says environmental law is a fascinating field due in part to the fact that "the framers never envisioned a need" for it. As a result, "It is constantly being made and remade by the courts, Congress and agencies."

The Merhige center will become a resource for students, government decision-makers and scholars, Sachs says.

Bay conference explores Chesapeake Bay's past and future

Virginia and the nation "have prospered greatly" from the Chesapeake Bay's riches, but the federal government and the states must expand their preservation efforts for this great resource to survive, former Virginia Gov. Gerald L. Baliles said recently at the Law School.

Speaking at a full-day conference about the bay on Oct. 20, Baliles said,



(Left) Keynote speaker L. Preston Bryant Jr. (Below, left to right) Gerald McCarthy, former Gov. Gerald L. Baliles, Erin Ryan, Jonathan Z. Cannon.



"Time is running out on this treasure. This is our last best chance to save it."

Baliles, director of the Miller Center for Public Affairs at the University of Virginia, shared the podium with experts from state and federal agencies, environmental groups, and lawyers who have devoted their careers to saving the bay.

The conference, called "Preserving the Chesapeake: Law, Ecology, and the Bay," was sponsored by the Robert R. Merhige Center for Environmental Studies and the Allen Chair at the Law School, along with the Virginia State Bar and the Miller Center. More than 100, including many

alumni, attended.

Noah M. Sachs, faculty director of the Merhige Center, opened the conference with a warning that despite years of work and billions of dollars, "urgent problems remain. Rather than get discouraged," Sachs said, "innovative policies must be implemented to achieve the long-awaited goal of restoring the bay and removing it from the federal list of impaired waters."

"If we don't do the impossible, we will be faced with the unthinkable," Sachs said.

From the first settlers clearing forest-

land to the explosive population growth in the watershed that began after World War II, the biologically diverse Chesapeake estuary has been under ecological stress. Oxygen levels in the bay are now so depleted that there is a "dead zone" of over 250 square miles that cannot support aquatic life. Speakers outlined past attempts to address massive ecological problems with a series of mostly informal compacts and agreements, negotiated over the past 20 years.

Looking to the future, the presenters agreed that fully restoring the bay will require billions of additional dollars.

Many called for the establishment of a source of funding more permanent than annual appropriations.

The most effective, cost-efficient steps will be those "that help nature work for us," said L. Preston Bryant Jr., Virginia secretary of natural resources, who was the keynote speaker at the conference. Incentives that encourage sensible agricultural practices, reforestation, planting of cover crops, and fencing streams to keep livestock out are among the most cost-efficient steps toward saving the bay, he said.

Protecting farmland and slowing suburban sprawl are also essential, said Timothy G. Hayes, a partner with Hunton & Williams and a longtime bay advocate who owns a farm in King and Queen County. "We need to preserve as much farmland as we can." Hayes warned that too much environmental regulation of farms could backfire, forcing farmers, who already operate on slim profit margins, to sell their land to real estate developers.

In response to questions about the federal role in the bay's restoration, many experts agreed the government should play a coordinating role because the bay is a national, not just a regional treasure. The federal Environmental Protection Agency "is the glue that holds the effort together," Baliles, the former governor, said.

But centralized bureaucracies are slow and inefficient, some scholars warned. Instead, they recommended continuing coordination among government entities at all levels, and among businesses and nonprofits.

The Chesapeake Bay Program "is a model for the world," said Jonathan Z. Cannon, director of the Center for Environmental and Land Use Law at the University of Virginia. Cannon applauded the existing coordination among multiple jurisdictions, a dance of bureaucracies that he called "an art of government."

Cannon and others pointed to progress on several fronts, and Sachs

noted that the condition of the bay would be far worse without the governmental efforts and substantial funding of the past two decades.

Providing a historical perspective, Gerald McCarthy, executive director of the Virginia Environmental Endowment, explained that the focus of bay programs has shifted from single species to multiple species and from single habitats to the total ecosystem. These represent "remarkable shifts in public policy" and recognition by government that "the economy and ecology are interconnected," McCarthy said.

According to Sachs, the Merhige Center and the Law School will continue to serve as an information resource for the bay community as preservation work continues in the future.

"The cost is large," Baliles said, "but the price of inaction is larger and greater each year."

Award-winning film deals with rape's complexities

With stark archival film and photos, and evocative interviews, the award-winning film "Rape is ..." prompted a lengthy discussion of rape as a historic, legal, cultural and personal force.

A hushed audience of more than 90 people watched the half-hour ▶▶



Scene from the documentary film "Rape is ..."

AWARD

Lain honored as 'distinguished educator'



Corinna Barrett Lain

Corinna Barrett Lain, a former prosecutor who joined the Law School faculty in 2001, has been honored with a 2006 University Distinguished Educator Award.

An associate professor, Lain was recognized by the University for integrating her experience in practice with legal doctrine and scholarship. The result is a classroom approach that is described by students as energetic, creative and intellectually challenging.

Law Dean Rodney A. Smolla says, "Corinna is an example of a young professor who can do it all: She is a terrific scholar and teacher, and is dedicated to service to the University, the community and the legal profession."

Lain, who was a prosecuting attorney in Henrico County before joining the faculty, has taught at all levels while at the Law School in large enrollment classes and intensive seminars.

She has been recognized for her scholarship on critical issues in criminal procedure and constitutional law. Lain's current work focuses on hot-button issues like the death penalty.

AWARD

Federalist Society chapter honors Judge Bork



Judge Robert Bork

The University of Richmond Federalist Society chapter presented the first annual Joseph Story Award for Constitutional Scholarship to Judge Robert Bork at a banquet in Washington, D.C., this fall.

Bork, who served as a distinguished visiting professor at the Law School in 2004, is former U.S. solicitor general and former judge for the U.S. Court of Appeals for the District of Columbia. He has been a prominent voice in the debate on culture, the Constitution and the law.

With the award, Bork was recognized for his impact on our understanding of the Constitution, and as "a model for future generations of lawyers, judges and Constitutional scholars."

The award is named for Joseph Story, who was appointed associate justice to the U.S. Supreme Court in 1811 by President James Madison. He went on to teach at Harvard Law School.

The Federalist Society is made up of conservatives and libertarians. It promotes principles of limited government and the rule of law.

documentary Oct. 26 before joining the wide-ranging discussion with Harvard law professor Diane Rosenfeld, co-producer of the film, and Duncan P. Reid, L'75, deputy commonwealth's attorney for Henrico County, Va.

Topics included gender roles, pornography and imagery in media, prison culture, prostitution, the Duke lacrosse case, evolution of the law, and how the legal system handles rape cases.

"A human rights violation and crime of war throughout history, rape has continued to be a tool of war from Bosnia to the Sudan. It is used by men in cultures today to control women, and it remains the most underreported crime in America," Rosenfeld said.

Reid, who has prosecuted rape suspects for 30 years, described how these cases are often tough to prosecute. There are assumptions in law and in the culture that help defendants, he said, and victims "are full of fear."

He emphasized the importance of strong victim/witness programs and of prosecutors in developing the trust necessary for a successful prosecution.

But the struggle to recover takes a lifetime, victims in the film made clear.

Rosenfeld pointed out that more than 80 percent of rapes are committed by acquaintances, and she said college students are often in situations with drugs and alcohol that can make them vulnerable to acquaintance rape. She emphasized the importance of developing a culture among students that openly discourages dangerous behavior.

Jan Schlichtmann's experiences are the basis for a book and movie.

"Guys need to step in to prevent this where they see a dangerous situation developing," Rosenfeld said. "We all must be active participants in this culture."

The program was sponsored by the *Richmond Journal of Law and Public Interest*. For additional information, see www.rapeis.org.

'Civil Action' attorney relates experiences

Jan Schlichtmann, one of the country's top plaintiffs' attorneys, spoke at the Law School in November about his legal career, including a Massachusetts case that became a novel and movie.

The Boston litigator represented eight families from Woburn, Mass., in a toxic tort claim in which they accused two corporations of dumping toxins into the town's wells, polluting drinking water

and ultimately causing leukemia in area children.

The book *A Civil Action* by Jonathan Harr and movie by the same title turned Schlichtmann into a legal celebrity beyond the courtroom. John Travolta played him in the film.

The trial was a "Cuisinart experience," Schlichtmann said in a lecture titled "Civil Actions and Environmental Justice," which drew more than 75 students, faculty and others from the community. It turned his career upside down for nine years and changed his perspective on the law, he said.

Schlichtmann, who has used mediation and settlements in recent cases, encouraged the audience to view lawyers as "healers of the law" and referred to conflict as a "legal pathology" that lawyers must seek to cure.

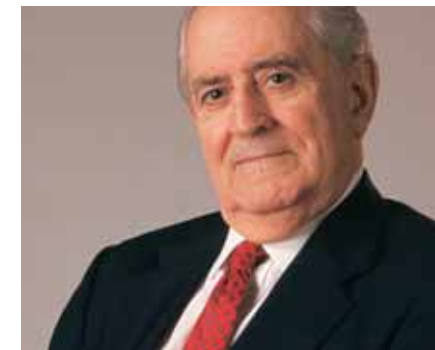
Noah Sachs, faculty director of the Merhige Center for Environmental Studies, which sponsored the talk, said, "Law students around the country and at Richmond still read about the Woburn case from the 1980s to learn about the American legal system in action."

Schlichtmann also addressed students in torts and civil procedure classes.

Courthouse may bear Judge Merhige's name

Virginia's U.S. Senators are backing a bill that would name the new federal courthouse in Richmond for the late judges Robert R. Merhige Jr., L'42 and H'76, and Spottswood W. Robinson III.

Both judges were prominent in the nation's civil rights struggle. Merhige may have been best known for ordering busing to desegregate



Judge Robert Merhige

the Richmond schools. He also ordered the University of Virginia to admit women. He served as judge for the U.S. District Court for the Eastern District of Virginia from 1967-1998.

Robinson was Southeast regional counsel for the NAACP from 1951-1960. He went on to be a law professor, and judge for the U.S. Court of Appeals for the District of Columbia from 1966-1998.

The courts building in downtown Richmond is scheduled to be completed in 2008.

Manual on nonprofits available online

A manual on legal issues involved in starting a nonprofit organization is now available online at www.law.richmond.edu/nonprofit.

Starting a Nonprofit: What You Need To Know is divided into five chapters that help guide readers through a needs assessment, forming the organization, tax matters, lobbying and fundraising, operating the organization, and recognizing legal obligations and duties.

The manual was written by students in a class on nonprofit organizations taught by professor Ann C. Hodges and adjunct professor Phyllis C. Katz, L'82.

DEBATE

Mattox Debate hits hot buttons



Robert Marshall (left) and John Edwards.

An emotionally charged audience turned out in October for the eighth annual Mattox Debate over Virginia's constitutional amendment dealing with same-sex marriage.

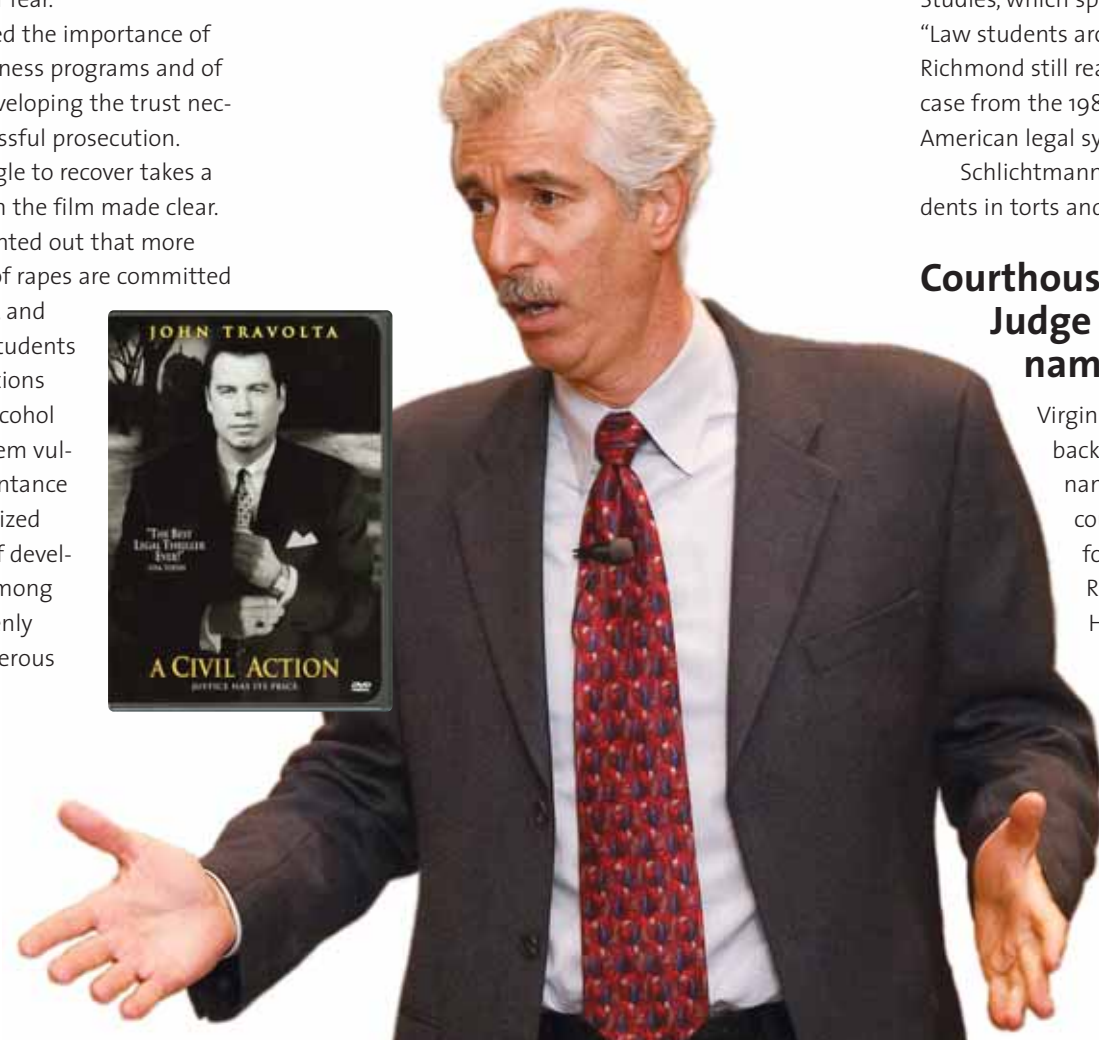
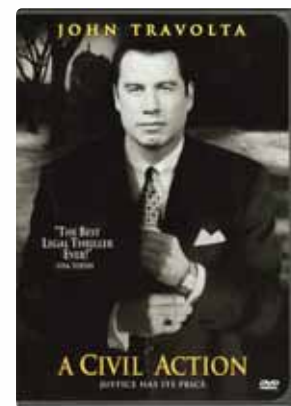
The event, which was moderated by Dean Rodney A. Smolla, featured two state legislators, Del. Robert G. Marshall, R-Prince William, one of the co-sponsors of the amendment, and Sen. John S. Edwards, D-Roanoke, who twice voted against the amendment in the state senate. More than 175 people from the community, Law School and University attended.

Several times during the debate speakers were interrupted by audience members who challenged their statements.

The two men held markedly different views on the amendment's potential impact. Edwards argued that the amendment could have "unintended consequences" on Virginia businesses, while Marshall countered that no such consequences have materialized in the 20 states that have passed similar amendments. The real purpose behind the amendment, Marshall said, is to confront the "gay agenda."

In November, voters passed the amendment.

The debate was co-sponsored by the Law School, the Equality Alliance and the Virginia Bar Association.



Action-packed semester at the Law School

By Roberta Oster Sachs



The University of Richmond School of Law is committed to the principles of civic engagement and to providing a community forum for discussion of public policy issues. As the new associate dean for external relations, it is a pleasure to work with students, faculty, and community members to produce public events that raise the level of discourse and give people a voice in public debate. This fall, the Law School calendar was full. Here are some highlights.

Events

A town hall discussion to commemorate the fifth anniversary of the Sept. 11 terrorist attacks. Dean Rodney A. Smolla moderated an emotional discussion with students and faculty. Presenters included: Muska Assad, UR sophomore from Afghanistan; Imad Damaj, Virginia Commonwealth University pharmacology professor and Richmond interfaith advocate; Bill Harrison, communications director of the Greater Richmond Red Cross, who was in New York and at the Pentagon in the days following Sept. 11; and Sheila Carapico, associate professor of political science and Middle East scholar.

Professor Erwin Chemerinsky spoke in September on abortion law to a crowd of more than 50 students and faculty from across the University in anticipation of abortion cases on the Supreme Court's docket. The talk was followed by a lively discussion.

The U.S. Court of Appeals for the Federal Circuit heard three cases at the Law School Oct. 5. The same day, the **Intellectual Property Institute** hosted a judicial panel discussion on "Specialized Jurisdiction in the Federal Courts: Patent Law and Beyond."

A debate on religion in the public schools drew over 150 students, faculty and community members to the Moot Court Room in October to hear Jeremy Gunn, director of the ACLU Program on Freedom of Religion, debate Kevin Hasson, president of the Beckett Fund for Religious Liberty, about the constitutional issues and policy implications of this highly controversial subject. These nationally known experts spoke with passion and answered many compelling

questions from the audience. The debate was co-sponsored by the Council for American's First Freedom.

Chesapeake Bay Conference—More than 100 people attended the October conference: "Preserving the Chesapeake: Law, Ecology, and the Bay." L. Preston Bryant Jr., Virginia secretary of natural resources, was the keynote speaker.

A debate about Virginia's "marriage amendment." Over 175 people attended a heated debate for the 8th Annual Mattox Debate with State Sen. John S. Edwards (D), and Del. Robert G. Marshall (R). Dean Smolla moderated the debate that included members of the community, activists, politicians, and students from across the University. Smolla also refereed a vibrant audience Q & A after the debate.

"Rape Is ..." film screening and discussion with Harvard law professor Diane Rosenfeld and Duncan P. Reid, chief deputy commonwealth's attorney for Henrico County.

"A Civil Action" comes to Richmond—Jan Schlichtmann, a nationally-recognized environmental lawyer, discussed the challenges communities face in seeking environmental justice when fighting large corporations.

In the news

Faculty in the national media—We have been successful at raising the national media profile of the Law School. From election night analysis, to debates over terrorism and civil liberties, to environmental issues in the Chesapeake Bay, to high profile death penalty cases, our faculty are sought after for insightful commentary.

Faculty members wrote articles or were quoted in media outlets including: the BBC, CBS, NBC and CNN Radio, National Public Radio, local ABC, NBC and CBS affiliates, The Associated Press, *The Baltimore Sun*, *The Boston Globe*, *The Christian Science Monitor*, *The Chronicle of Higher Education*, *The Economist*, *The Denver Post*, *The Financial Times*, *Forbes*, *The Legal Times*, *The London Times*, the *Los Angeles Times*, *The Miami Herald*, *The National Journal*, *The National Law Journal*, *New Orleans Times-Picayune*, *Newsweek*, *Newsday*, *The New York Daily News*, *The New York Times*, *The Norfolk Virginian-Pilot*, *The Philadelphia Inquirer*, *The Recorder*, the *Richmond Times-Dispatch*, *The San Francisco Chronicle*, *The Wall Street Journal*, *The Washington Post*, *The Washington Times* and *Law.com*.

FACULTY BRIEFS

Faculty achievements, publications and appearances



On election night in November, a close race for the swing seat in the U.S. Senate brought attention to Virginia's vote. Television viewers looking for election analysis were likely to see and hear commentary from Law School faculty. Among those interviewed during the night were **Dean Rodney A. Smolla**, and professors **Peter Swisher**, **Henry L. Chambers Jr.**, **Carl Tobias**, and **John Pagan**.

John R. Barden, head of reference and research services in the law library, published "Legal History Resources for Colonial Virginia, 1607-1776," in *Pre-statehood Legal Materials: A Fifty State Research Guide*, Howorth Information Press.

Timothy L. Coggins, associate dean for library and information services and professor, received the Distinguished Alumni Award from North Carolina Wesleyan College in October. In July, he received a Presidential Certificate of Merit from the American Association of Law Libraries for work with the association's government relations program. He published "Legal, Factual and Other Internet Sites for Attorneys and Others" in *Richmond Journal of Law and Technology*. (See

<http://law.richmond.edu/jolt/v12i4/article17.pdf>.) He also conducted a statewide seminar on Internet research for the Virginia Alliance of Paralegal Associations.

David Frisch spent last summer as a visiting professor at the University of Montevideo School of Law in Montevideo, Uruguay. He co-authored *The Commercial Law of Intellectual Property* (Aspen 2006). His article "Rational Retroactivity in a Commercial Context" was selected for publication by the *Alabama Law Review*.

James Gibson's article "Risk Aversion and Rights Accretion in Intellectual Property Law," has been selected for publication in the *Yale Law Journal*. Gibson presented a paper at the Berkeley/Stanford 2006 Intellectual Property Scholars Conference. He served on panels at Georgetown and George Mason universities, and presented "Fair Use in the Digital Age" at the annual meeting of the Virginia State Bar's intellectual property section.

Ann C. Hodges has rejoined the board of directors of LINC, the Legal Information Network for Cancer. She published "Fulfilling

the Promise of the National Labor Relations Act: A Review of *Taking Back the Workers' Law*" in the fall 2006 issue of *Labor Law Journal*. Hodges was on a panel at a conference of the Labor Law Group, speaking on "A Comparative Analysis of the Law and Practice of Labor Relations in the Public Sector: The Two Extremes-Illinois and Virginia."

Corinna Barrett Lain presented "Furman Fundamentals" at Wake Forest School of Law. She also presented "Deciding Death" at the Southeastern Association of Law Schools' annual conference. She gave a Continuing Legal Education update on criminal procedure for the Virginia Trial Lawyers Association in Richmond, Norfolk and Fairfax. Lain was moderator for an evidence panel at the annual Bench-Bar Conference in October, and for a panel on hiring good writers for the National Association of Appellate Court Attorneys. She served as consultant on evidence for the National Board of Bar Examiners. Lain was honored last spring with a University Distinguished Educator Award. (See related story, page 5.)

Left to right:
John R. Barden, Timothy L.
Coggins, David Frisch,
James Gibson and
Ann C. Hodges.



Kristen Osenga presented *Trying to Kill an Ant with an Elephant Gun: The Patent Office, Computer Software and Statutory Subject Matter* to a symposium at George Washington University Law School in November. She presented *Rembrandts in the Research Lab: Why Universities Should Take a Lesson from Big Business to Increase Innovation* to a symposium on "Trends in Intellectual Property and Scientific Research" at the University of Maine School of Law in September. She also presented *Mob Mentality and the Federal Circuit* at the Sixth Annual Intellectual Property Scholars Conference at the Berkeley Center for Law and Technology, in August.

Robert E. Shepherd Jr., professor emeritus, published three columns in the ABA's *Criminal Justice* magazine: "Juvenile Justice: What Next After Roper? Part 1," "Juvenile Justice: What Next After Roper? Part 2," and "Juvenile Justice: Advocating for the Juvenile Sex Offender, Part 1." He also spoke at a faculty colloquium at the University of South Carolina School of Law on "Reconceptualizing Due Process in Juvenile Justice."

Rodney A. Smolla edited *First Amendment Law Handbook* (Thomson/West, 2006-2007 edition). He was associate editor of the *Encyclopedia of American Civil Liberties* (Routledge 2006). He also

wrote "Lawyer Advertising and the Dignity of the Profession," 59 *Arkansas Law Review* 437 (2006). Smolla's speeches and presentations included: "The Supreme Court" before the John Marshall Foundation, and "We the People" for the Teachers Program in Richmond. He served as moderator for the Law School's annual Mattox debate, "The Virginia Marriage Amendment," for the conference "Preserving the Chesapeake: Law, Ecology, and the Bay," and for "Religion in Public Schools" co-sponsored by the Council for America's First Freedom. His play "The Trial of Oliver Wendell Holmes," was presented at the Local Government Attorneys conference in October. He presented "Indian Law and Culture Through History" at the educational conference on "Virginia Indians: 400 Years of Survival" in Williamsburg. He also presented "Perspectives on the Marriage Amendment" at the Jewish Community Center of Richmond, and "Prosecution of Journalists for Publication of Classified National Security Information," Washington and Lee University, Commentary on Charles Rowe Lecture. Also, "File Sharing, Downloading, Copyright, and Fair Use" at Virginia Tech, and "Free Speech in Public Schools" as part of the Constitution Day Program at the Maggie L. Walker Governor's School for Government

and International Studies. Smolla moderated the town hall meeting "Reflections: Five Years Since 9-11" sponsored by the University's Center for Civic Engagement. He presented a "Review of Supreme Court Term" to the Southeastern Association of American Law Schools Conference in Palm Beach, Fla. He presented "Protecting Journalists' Sources: United States Lessons for Australia?" at the Centre for Media and Communications Law at the University of Melbourne. Smolla also presented "United States Supreme Court Update" to the joint Federal-State Judicial Conference in Charleston, W.Va.

A. Benjamin Spencer wrote "Due Process and Punitive Damages: The Error of Federal Excessiveness Jurisprudence," 79 *Southern California Law Review* 1085 (2006).

Peter N. Swisher's article "The Insurable Interest Requirement for Life Insurance: A Critical Reappraisal" was reprinted in volume 55 of the *Defense Law Journal* (Fall 2006). It was published previously in the *Drake Law Review* (Winter 2005). Swisher spent last summer on the faculty of a new executive fellowship program in health law at the Williamson Institute at Virginia Commonwealth University. The Law School was co-sponsor. *Principles of Insurance Law* (revised third edition) and the 2006

casebook supplement, published by LexisNexis, co-authored with Jeffrey Stempel, professor, the Boyd School of Law, University of Nevada, Las Vegas.

Carl W. Tobias has published an essay on charitable immunity and a review of a book about the Chesapeake Bay in the *University of Richmond Law Review*. He also published articles on judicial selection in *Findlaw*, the *Richmond Times-Dispatch* and the *Roanoke Times*. He published articles on the Ninth Circuit in the *National Law Journal* and *Legal Times*. He published an article on executive power in the *Providence Journal*, on military tribunals in *Jurist*, and on terrorism litigation in *Findlaw*. Tobias also wrote articles on capital punishment for the *National Law Journal* and the *Roanoke Times*. Tobias' "letters to the editor" appeared in the *New York Times* and the *Los Angeles Times*, the *Economist* and *The Wall Street Journal*. He appeared on National Public Radio, Bloomberg Radio, Marketplace, CBS Radio, and others.

Gail F. Zwirner, head of access services in the law library, received a Presidential Certificate of Merit from the American Association of Law Libraries for activities with the association's publications interest caucus.

Staff news

Joshua Burstein, associate dean for career services, recently announced major changes in the personnel and structure of the Law School's Career Services Office.

M. Denise Melton Carl is the office's new associate director. Carl, L'84, brings to the office more than 20 years of experience in the Richmond legal community, including time spent in private practice and in-house in the legal departments of two companies. Originally from North Carolina, she received her bachelor's degree from the University of North Carolina in 1980. During law school, she served on the Law Review and as a legal writing teaching assistant. Upon graduation, she worked for Browder, Russell, Morris & Butcher in Richmond, at Life Insurance Company of Virginia, and at Trigon Blue Cross Clue.

Katherine Winegar is the new assistant director. She came to Richmond from the University of Utah College of Law, where she worked in career counseling. She earned her B.S. from the University of Utah and will complete her master's degree in public administration at Virginia Commonwealth University in May. She conducts counseling and administers the judicial clerkship program.



The staff of the Career Services Office: (from left) Katherine Winegar, Kym Osterbind, Anne Major, Denise Carl and Joshua Burstein.

Kym Osterbind, recently was promoted to recruiting coordinator for the office. Her duties include managing the Law School's recruitment programs, using online recruitment software to promote job opportunities to students, coordinating the on-campus interview process, and coordinating the Law School's annual off-campus recruitment programs.

Anne Major, a long-time administrative assistant at the Law School, recently became the office's new administrative assistant.



Left to right: Kristen Osenga, Robert E. Shepherd Jr., Rodney A. Smolla and A. Benjamin Spencer.



Left to right: Peter N. Swisher, Carl W. Tobias and Gail F. Zwirner.

Creative balance

Intellectual property and free expression

By Joan Tupponce

Professor James Gibson is in tune with more than just the music on his iPod: he is at the cutting edge of cyberspace law. As director of the Law School's Intellectual Property Institute, Gibson's teaching and research covers a broad range of topics, from blogs, online education, and Internet games to social networking, file sharing, and underground music.

"Digital technology has revolutionized the way in which we work, play, learn, and form communities," he says. "It has had an unprecedented impact on the law—particularly the law that governs innovation and creativity—and the ripple effects are felt throughout our economy and our culture."

Even though it's intangible, like a thought or an idea, intellectual property is a powerful economic force. According to Gibson, 12 percent of U.S. gross domestic product comes from copyright.

"In the Information Age, intellectual property is emerging as one of the most important sources of wealth," says Law School Dean Rodney A. Smolla.

"Conflicts posed by the legal treatment of intellectual property will have a great deal of influence on the prosperity of the country."

One of the key missions of the institute is to educate young people about these critical economic, social and political issues in the digital world. In 2005, Gibson created the National CyberEducation Project, an interdisciplinary grass-roots effort to engage stu-

dents, faculty, and administrators on college campuses in discussion of contemporary intellectual property issues. The project is administered by the institute in collaboration with The Media Institute, a Washington-based nonprofit foundation that promotes freedom of expression.

As part of the project, Gibson created the Copyright Roadshow, a one-hour exercise that teaches copyright basics through

interactive discussion and role-playing. Gibson performs the Roadshow live at public and private universities throughout the country to educate students about the debates that shape their digital world.

"The education college students usually get about intellectual property

rarely involves more than lecturing them as to what is and is not illegal and what their university will do to them if they transgress," Gibson observes. "Students get far too much preaching about these issues from parents and the copyright industry. They don't react that well to hearing the 'rules,' because the university environment trains them to think critically, question the rules and drill down to the underlying premises. Just telling them 'don't do it' doesn't resonate with students or a university's mission."

Technological barriers and threats of punishment might stop file sharing momentarily, but students may see no reason to avoid it when they are away from school. "They will treat

copyright infringement," Gibson says, "like many people treat speeding: It's technically illegal, but it really only matters if you're unlucky enough to get caught."

The key, Gibson emphasizes, is to help students understand the rationale behind the "rules," which is why Gibson

produced a hip, MTV-style documentary on intellectual property and music file-sharing called "What Do You Think?" which he screens as part of his Copyright Roadshow. Emblazoned on the front jacket of the DVD are the words, "Steal this DVD!!" reminding students that this piece of intellectual property can be shared infinitely without payment. Gibson sent free copies of the DVD to over a thousand colleges and universities around the country, and the National CyberEducation Project was featured in a lengthy article in *The Chronicle of Higher Education*. (See http://law.richmond.edu/ipi/pdf/Chronicle_article.pdf.) "We've had interest from schools across the country," Gibson reports.

Established in 2005, the institute does more than engage undergraduate students in intellectual property issues through the National CyberEducation Project. It also offers a scholarly program of conferences and publications about intellectual property issues and—in a move that delights students—has developed a curriculum that gives law students the opportunity to obtain a certificate of concentration in intellectual property law. "The IP Institute allows us to attract superb faculty members

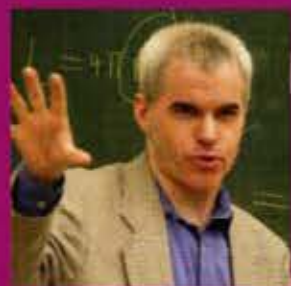
and highly qualified students with expertise in one of the fastest-growing and most significant areas of the law," Smolla says.

Gibson says, "Dean Smolla was the driving force behind establishment of the institute and he continues to support our work, providing essential resources and leadership." For example, this year Smolla and the faculty hired two new IP professors,

Chris Cotropia and Kristen Osenga. Gibson says his new colleagues bring tremendous energy and expertise to the institute. (See related story, next page.)

Gibson has been director of the institute since its inception. His interest in intellectual property law surfaced early in his career. "It wouldn't let go of me," he says. "I find it endlessly fascinating because it deals with intricate policy issues, both economically and culturally. I believe it's important to get it right."

Getting it right is becoming increasingly important to the rest of society, as well. Over the past few years, high-profile cases such as Research in Motion's BlackBerry fiasco concerning licensing rights, and the State Street Bank decision that patented business methods, have raised public awareness of the subject. Last year, Gibson weighed in on the *MGM Studios v. Grokster* case, writing two amicus briefs—one urging the court to take the case and another asking the court to rule in favor of the copyright. On June 27, 2005, the U.S. Supreme Court ruled in favor of the copyright owners, making those who provide peer-to-peer software used to share music and movies, more vulnerable to liability for copyright infringement.



Jim Gibson speaking with students about intellectual property issues.

"Isaac Newton said, 'If I have seen further, it is by standing on the shoulders of giants,'" Gibson recounts. "What he meant is that we owe debts to our predecessors. Each new generation of innovators uses old innovations as raw material for new creativity. So intellectual property law is about striking a balance between protection and freedom, balancing private incentive to create new things against the public benefit that comes from spreading that creative expression and using it to create even more."

Changes in technology and any ensuing conflicts are certain to upset the "great holy balance," Gibson says. "We need well-trained, smart lawyers to pay attention and be there [when this happens]. They will have to figure out what is what."

More of these smart lawyers will need technical skills, so Gibson and Smolla have created a groundbreaking new partnership between the Law School and the College of Science at Virginia Tech that will enable Tech students to earn both a bachelor of science degree and a law degree in approximately six years.

"The partnership with Virginia Tech is one of the more creative and entrepreneurial partnerships that we have ever formed," says Smolla. "It's a perfect marriage of the strengths of our law school with the strengths of a great science and technology university. I think it will benefit both institutions enormously."

Nineteen Virginia Tech sophomores and juniors are now enrolled in the innovative course, "Technology, Law and Society."

Beyond law school, demand is growing for lawyers with backgrounds in technology and engineering.

Patent attorney Brian Teague, L'04, believes his

background in electrical engineering set him apart when he was searching for a job. "I had an edge over other people," he explains. "Lawyers with electrical engineering degrees are rare. My interest in patent law and my degree in electrical engineering opened doors that would not have necessarily opened for me."

But the technology that Teague talks about is a two-sided coin. "Established industries are more concerned about the side that makes piracy easier," Gibson says. "Bloggers [and others who want to share creative expression] think about the side that makes creativity easier."

The words sharing and stealing exemplify the debate. "The younger generation sees it as sharing," observes Gibson. "The older generation sees it as stealing. Neither word is really that accurate. We have to learn a new vocabulary to describe the issues."

Students rationalize illegal downloading in many ways, arguing everything from "I can do what I like with the music once I buy a CD" to "The recording industry won't sell all its songs online, so I'm entitled to my unauthorized downloads."

"Some will say that they wouldn't pay for the music anyway," Gibson says. His answer: "Really? Do you often download and listen to music that you consider absolutely worthless? Surely it has some value to you." This is the type of discussion and debate that Gibson encourages during his Copyright Roadshows and in classes at the institute.

Chris Forstner, president of the Greater Richmond Intellectual Property Law Association, is thrilled that the Law School is helping students delve into these issues. "The fact that Richmond is bringing a highly qualified set of students to the area is exciting," he says. "I'm excited that Richmond is making this a priority. I've met the professors and they are fantastic people. I'm looking forward to working with them and making Richmond a center of intellectual property education and study."

The field is always evolving and Gibson says that is what makes it fascinating.

"You never teach the course the same way twice," he says. "By next year technology has changed, more laws have been passed and more cases have been decided. It's always fun to figure out how to strike that 'great holy balance.'" ■

Joan Tupponce is a freelance writer based in Richmond.

New faculty enhance institute's profile



Chris Cotropia and Kristen Osenga joined the law faculty this year, bringing engineering backgrounds along with law degrees to their posts with the Intellectual Property Institute.

Both came to Richmond with a keen

interest in the interplay between creativity, technology and the law, and with the expectation that the field will grow rapidly.

"Chris and Kristen are exactly what you'd want in IP faculty," says James Gibson, the institute's director. "They combine real-world practical experience and engineering expertise with top-notch scholarship and teaching skills—and the energy to raise our IP program's national profile."

Osenga graduated from the University of Iowa with a degree in biomedical engineering. She received her master's degree in electrical engineering from Southern Illinois University and her J.D. from the University of Illinois College of Law. Prior to coming to Richmond, Osenga served as a visiting assistant professor of law at Chicago-Kent College of Law.

"When I started out in biomedical engineering, I wanted to build artificial legs," Osenga recalls. "I found out it wasn't a practical career field. I learned that patent law was a good field for someone who liked science and had good people skills so I applied to law school."

Cotropia earned his degree in electrical engineering and computer engineering from Northwestern University. He received his J.D. from the University of Texas School of Law, where he served as editor of the *Texas Intellectual Property Law Journal*. Prior to his Richmond appointment, Cotropia was C.J. Morrow Research Professor at Tulane University School of Law for the 2003-06 academic year.

Cotropia had singled out intellectual property law as a focus before entering law school. "I picked a school with a robust intellectual property program," Cotropia says. "I was interested in the area because it was a way for me to stay tied into technological developments."

A prominent legal scholar recently credited an article by Cotropia with convincing him to switch sides in a case before the U.S. Supreme Court.

The fact that the IP institute is adding staff bodes well for future success, Cotropia says. "Having one full-time professor is a luxury. To have two, you are now in the top 30 schools that offer intellectual property programs. If you can have three, as Richmond does, that's amazing."

Both professors see the growth of intellectual property law as inevitable. "It's at the core of most businesses," Cotropia says. "It allows them to compete and be viable."

"Intellectual property is the currency of business now," adds Osenga. "Business is bought, sold and traded based on intellectual property rights. It's becoming a revenue generator. It's a global subject that will continue to grow."

What do you think?

The Intellectual Property Institute has produced the short film "What Do You Think?" to explain the ethics of file sharing and downloading music.

The lively 12-minute DVD, has been sent to college officials across the nation to help them engage students in dialogue over what institute director Jim Gibson calls "the magical world of intellectual property where issues get a little tricky."

The disk's packaging entices: "Steal this DVD!!"

See the film on the Web at <http://law.richmond.edu/ipi/whatdoyouthink.htm>.



Lessons of summer

Law students spend most of their school years in lecture halls, study carrels, seminar rooms and clinics. But summer break is often a critical time for advancing their legal educations.

This fall, *Richmond Law* asked students for 'snapshot' essays revealing where they worked and what they learned over summer 2006. Here are their responses.



Astronauts and administrative law

Charlotte Dauphin

My going-away present from my summer job was an inflatable astronaut and space shuttle set, neither of which was life-sized. I had the privilege of working for NASA's Office of the Chief Counsel at Langley Aeronautical Research Center in Hampton, Va.

I applied for the position at the spring Government and Public Interest Job Fair, and was shocked when I was chosen for an interview. I grew up eating astronaut ice cream and making planet models for science fairs, but there was nothing in my resume to indicate that I had a background in hard science or engineering.

My interview went well, and I had an offer before I even sent a thank-you letter. I was left wondering why they picked me.

As soon as I arrived at Langley, I found that I fit in with the group of 15 attorneys. They were friendly, family-oriented, and quirky, just like me. And they were dedicated to public service.

My legal work amounted to a crash course in administrative and federal agency law. Now I can speak entire sentences in acronyms without batting an eyelash. I worked on government contract disputes, observed depositions, helped draft a collective bargaining agreement, and determined uses for funds.

We all crowded around the TV in the conference room when the shuttle took off and landed. I toured the wind tunnel where scientists test race cars and airplanes. I got a behind-the-scenes look at the high-tech NASA model and machine shop. But most importantly, I felt like I was a part of something bigger than myself.

My inflatable mementos are not hanging from my bedroom ceiling. I don't need them to remind me of the lasting impression that we as lawyers can be part of a system that makes a difference.



Summer on the Chesapeake Bay

Michael J. Clements

I was excited to land an internship with the Chesapeake Bay Foundation in Annapolis, Md. The foundation is a large nonprofit dedicated to the restoration of the Chesapeake Bay. Its building is one of the most environmentally friendly on the planet, the first to receive the platinum award from the U.S. Green Building Council. I worked as a legal intern for Roy Hoagland, executive vice president of Environmental Protection and Restoration.

My first year environmental law course focused almost exclusively on federal regulation, but on the job, I soon realized that like politics, environmental law is local. Land use, real estate and development are a huge part of what environmental law is all about.

My work enabled me to learn about environmental law in a real life context, something I couldn't do in a classroom.

On the legal side, the Chesapeake Bay Foundation is battling a proposed \$1 billion development adjacent to Maryland's Blackwater National Wildlife Refuge. The foundation and many area residents are concerned that the development will forever harm the refuge and negatively affect the area's economy by bringing in part-time and commuter residents who will consume resources and drive up taxes. It was fascinating to be involved in a "local" battle that could have implications for the entire bay watershed.

I enjoyed living on the bay and meeting people whose lives depend on a healthy and vibrant Chesapeake. I went on several field trips to places like Tangier Island, a community of roughly 600 people who fish and harvest the bay as their ancestors have done for more than 300 years. I felt as though I had stepped back in time. Their livelihoods depend on the Maryland blue crab, and the Maryland blue crab

NASA Photos

depends on a healthy bay. Unfortunately, the blue crab, like many other Chesapeake species, is on the decline, largely because of poor resource management in the Bay watershed.

I have never opposed development, but this internship taught me about the negative impact of poor planning and bad development. I learned how the law and the real world intersect, and how that intersection can affect the lives of people.



Long hours in Paris

Sarah Taieb

I am a student from France, and I have worked previous summers with small firms there and in the United States. I spent last summer in the Paris offices of Freshfields Bruckhaus Deringer, a famous European firm. I went to work in the corporate department and didn't have time for the two-day training program they give summer workers. They had something "urgent" for me to do.

I was a little disappointed to learn it was an initial public offering on the French stock exchange, but within a few days I was deeply involved in the effort.

The people I worked with showed me they trusted me, and that gave me confidence.

I never knew when I would be done with work for the day. But when everyone around you works very long hours, you understand this is how big law firms operate.

I was disappointed when the stock exchange refused the offering. I realized you can work days and nights on a project, and in one minute, it is as if it was a dream.

I came to understand the value of my work when I became involved in a global audit. I had to gather corporate information that the whole firm needed. This was not theoretical work or simple research. I drafted documents and tables, and looked for other essential information.



This summer job taught me how a big firm can provide tools you rarely find in small firms. I also learned more about my own strengths and weaknesses. I developed great contacts, and we stay in touch by e-mail. The firm became a second family for me.



The court as social worker

Thomas Strelka

I am a third-year law student and editor-in-chief of the *Richmond Journal of Law and Public Interest*. I worked last summer for a small firm, Stephens, Boatwright, Primeau, Cooper & Coleman in Prince William County, Va., where I regularly advocated on the behalf of juveniles in the county drug court.

Drug court is an interesting and groundbreaking division of Juvenile and Domestic Relations Courts in Virginia, which often takes on a second role as social worker, administering treatments, rewards, and punishments to troubled youth.

While advocating as a guardian ad litem, I worked with prosecutors, judges, and the children's families to find the best solution for the welfare of these young people, some of whom will be in the system for two years.

I saw firsthand the effects of drugs like heroin and methamphetamine, and I dealt with people involved in gangs. I helped keep one youth out of an adult correctional facility by discovering how diabetics may give false positives on urine tests for alcohol. And I was there the next week when the same kid tested positive for drug use because he thought his diabetic condition would mask all drugs.

It was an interesting summer of highs and lows.



Defending the public

Cassandra M. Hausrath

I worked part-time with the Richmond office of the Federal Public Defender for the Eastern District of Virginia. Most of the attorneys there are adjunct faculty at the Law School, which not only demonstrates that they want to work with students, but also has given them experience in teaching and providing useful feedback.

This internship program allows students to do as much or as little as they are comfortable doing, and is flexible enough that students can work with different attorneys, observe different courtroom styles, and work on enhancing skills.

Over the course of the summer, I spent hours in court observing proceedings ranging from jury trials to sentencing.

With my third-year practice certificate, I was able to appear for clients in detention and preliminary hearings, as well as assist an attorney by questioning witnesses in a jury trial. I helped with court preparation by reviewing discovery materials ranging from audio and video recordings of drug deals to photographs of an assault scene, and I met with clients at the court and in jail.

In addition, the public defender's office set up meetings with each of the district and magistrate judges in Richmond, which allowed all of the student interns to interact with judges in an informal setting to hear both their "war stories" and their advice.

Aside from courtroom and client contact opportunities, I was able to develop my research and writing skills. Several times, I was given research projects and wrote up the results in memoranda or for inclusion in motions filed with the court.

All of the attorneys and support staff in this office were talented and dedicated. The quality of representation and advocacy was excellent, and the learning opportunities were immense. Beyond the professional

development opportunities, this was the most fun office I've ever worked in. Everyone had a marvelous sense of humor, which should be a requirement for this sort of work. I would encourage any student with an interest in criminal law or in federal court proceedings to apply to this office. The attorneys are not only outstanding practitioners, they are also enthusiastic teachers and mentors.



'Freedom doesn't defend itself'

Jamie Sasser

I received a Virginia Law Foundation grant to work at the ACLU of Virginia, where I was involved in a number of First Amendment cases that received extensive press in Virginia and nationally.

In one case a student at George Mason University was arrested while protesting the Iraq war. He was handing out pamphlets to those who asked for them while standing next to military recruiters. This incident received national attention and, as the result of the ACLU's intervention on the student's behalf, GMU is revising its procedures on student protests.

I also helped discover a statewide problem with local and regional jails, some of which have been denying access to certain religious groups in violation of federal law. The ACLU is pursuing this discovery.

In my office, I worked underneath a huge banner that read: "The ACLU: Because freedom doesn't defend itself." This, more than anything, sums up my experience this summer.

I learned that the ACLU has to exist because, while we take things such as our right to free speech for granted, these rights are infringed upon every day in many different ways. There are people, like the student at GMU or the prisoners in the jails, who need the ACLU to help fight their battles.



Good work done slowly

Lesley McCall

I spent the summer working for the Environmental Protection Agency in Philadelphia in the Superfund and Resource Conservation and Recovery Act Corrective Action branch of the Office of Regional Counsel. The work included a lot of research and writing, as well as frequent continuing legal education courses and seminars, and field trips to headquarters in Washington, D.C., and Superfund sites.

I learned about the function of the EPA (or dysfunction as it is underfunded under the Bush administration) within the federal government. Government agencies were frequently "potentially responsible parties" in the Superfund cases, and the Bush administration discourages one executive agency from suing another.

My unpaid job carried a relatively light workload. Most attorneys there did not work long hours, and many worked "compressed" schedules so they could take every other Friday off. Many worked some hours from home.

The drawback is that the work proceeds at an exceedingly slow pace, and I did not feel challenged to do things quickly. Most of the cases we were working on this summer will not be resolved for another decade.

The EPA experience showed me that government jobs may be far less demanding than private sector jobs, but the quality of life often is better because of the flexibility in work hours.

The work at EPA is broader than simply enforcing environmental laws. EPA cases involve corporate law, bankruptcy, property, and administrative law. EPA is also responsible for overseeing state implementation of federal statutes. I also learned about real estate land uses and institutional controls.

The work I did was interesting, and I would consider returning, perhaps after several years in private practice. ■

Hanging a shingle in Cairo

Practice among the pyramids brings rewards, challenges

Photos and story
by Laura E. Pinnow Sheehan, L'01

A fleet of felucca (sailboats) on the Nile under downtown Cairo's haze.

When I graduated from law school almost five years ago, I never imagined being where I am now. My husband's employment as a foreign-service officer with the U.S. State Department brought us to Cairo, Egypt, in January 2005.

We live in the almost indescribable chaos of the largest city in the Middle East and Africa. With nearly 23 million people, traffic is a nightmare, pollution can almost block the sun, and getting around is a daily adventure. In recent years, Egyptian society has moved more toward Islamic fundamentalism. More women are completely covered; more men sport long beards. Anti-American sentiment is widespread and visible.

All this said, rare is the experience that can beat the thrill of crossing the blue-green waters of the Nile, seeing the golden glow of the ancient pyramids or hearing the absolute silence of the Egyptian Sahara.

But my most incredible experience began when I hung out my shingle in Cairo.

After graduating from the Law School, I was hired by Odin, Feldman & Pittleman in Fairfax, Va. The firm offered professional autonomy within the support structure of a reputable firm, which gave me the confidence and courage I would need to open my practice in Cairo.

I joined my husband in Tunisia in 2003, my first giant step off a traditional career path. Until we moved to Cairo, I changed jobs whenever we moved, working for international American companies and firms that maintained a presence in the Middle East.

The work opened my eyes to the versatility of a law degree and to the employment opportunities available to attorneys overseas.

With opportunities come risks, especially for Americans who live in countries that disagree with U.S. policy and that are hostile toward Americans and our interests.

In Egypt alone, the American community has dealt with six terrorist attacks in the past two years.

When we moved to Cairo in 2005, we joined a community of more than 30,000 Americans. We met hundreds of expatriates and foreign-service personnel, all of whom had one important thing in common—they did not have access to an American attorney who could handle their legal needs.

That's where the Law Office of Laura E.P. Sheehan is establishing its niche.

The American community's needs fall into four main categories: estate planning, divorce, real estate and general litigation.

Distance and time often create problems and complicate matters. Because of the unusual stresses of the job, the divorce rate is high among foreign-service officers, and restrictions on travel for legal proceedings are not unusual. Many Americans overseas also own property in the United States, and litigation issues related to that property often arise.

That is where I become a valued resource.

As the wife of an American diplomat, I enjoy unique privileges. I have diplomatic immunity and receive preferential treatment in many local establishments. Because we often are required to attend and host social functions, our housing is paid for, and we employ a maid and a driver. This made opening my firm here relatively easy though there was a great deal of legwork up front.

First, I needed to affiliate myself, to be "of counsel," to a law firm in the United States. I needed a mentor, access to LexisNexis and national referrals for clients living outside Virginia. In return, I refer clients exclusively to the U.S.-based firm, and I provide free advertising for that firm.

I contacted Odin, Feldman & Pittleman, my old firm, and presented my business proposal. They accepted.

I do work that can be completed from my overseas location, and the U.S.-based firm performs work, including litigation, that needs to be carried out in the States.

The second major undertaking was securing professional liability insurance. In the end, Lloyds of London was the only firm willing to accept such a risk at a price nearly four times the average annual cost of comparable coverage elsewhere.

Finally, I had to set up my home office. I was required to obtain permission from the U.S. Embassy to use a room in my apartment as a place of business and to equip that office with high-speed Internet lines. Due to my diplomatic status and an all-American clientele, I was not required to obtain any local professional licenses or business permits.

I opened my law office on Jan. 6, 2006, and on the next day, I met with my first client.

There are remarkable differences between my practice overseas and the average sole proprietorship in the United States. First, my clients hail from all over. This geographic diversity means that I must research the law of various states to draft documents. Through my American firm, I hire attorneys in those localities to review documents to ensure they comply with state law.

And I make house calls. By traveling to clients rather than making them come to me, I overcome the informal appearance of a home-based lawyer and I present myself as a professional willing to go the extra distance for her client even when that means battling traffic in city sprawl.

Life as a woman in the Middle East is difficult. Out of respect for the conservative Muslim society, I wear long sleeves and pants even in oppressive desert summers. I carry a scarf to wrap around my head or shoulders. The extra fabric provides protection from harassment. I learned to refrain from making eye contact with men on the street, and I have to ask my husband to handle some negotiations. This has been a challenge to my feminist ego.

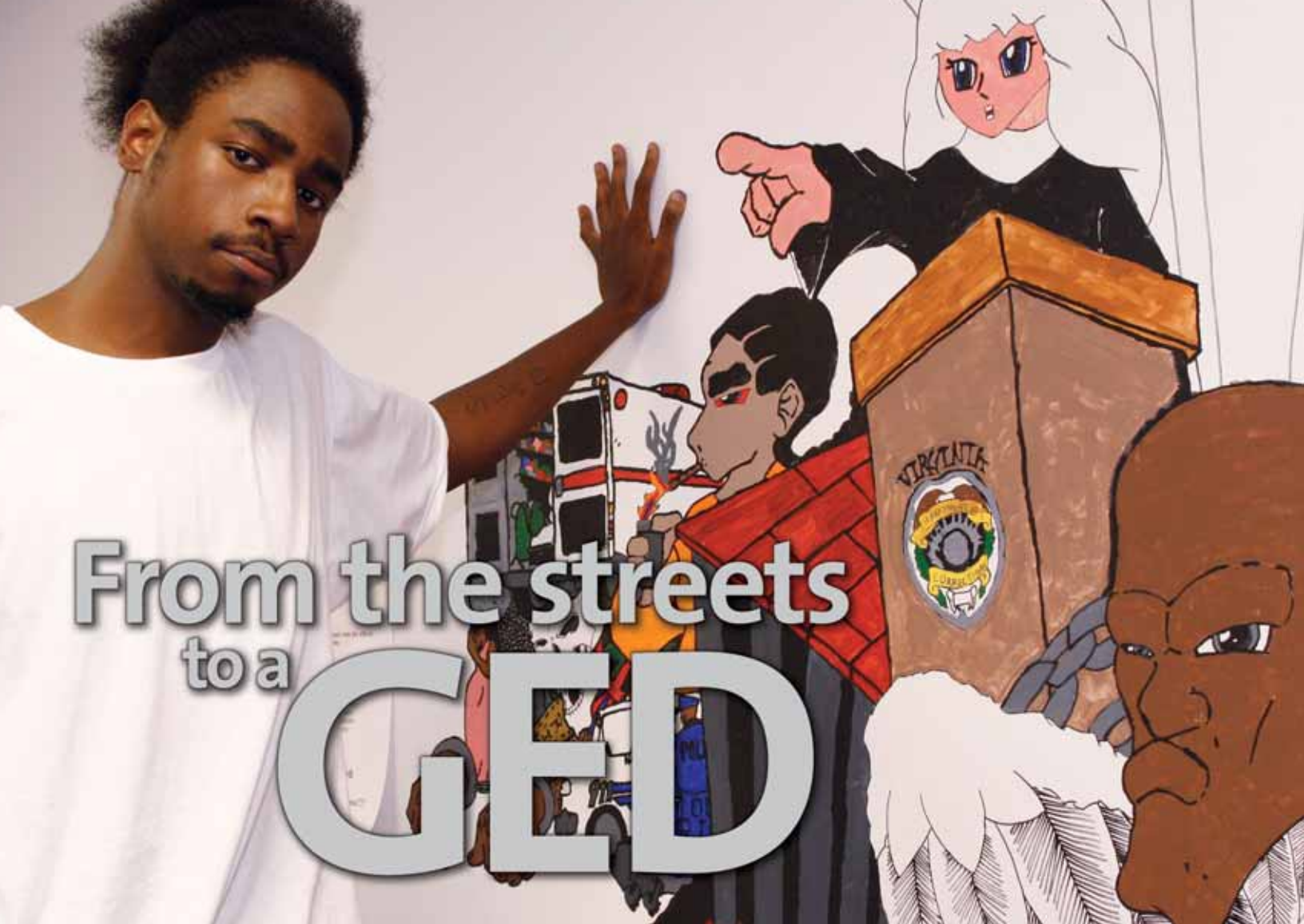
The Egyptian judicial system is male-dominated and closed to foreigners. Their concept of justice is one that revolves around the theory of "wastah" or personal influence. If you are willing to pay the right person the right amount of money, your legal troubles disappear. If your opponent is willing to pay more, there will be no end to your legal woes.

The greatest benefit I've discovered with this venture, beyond providing a needed service, is that it is completely portable. I established my office to provide legal services to the American community not just in Egypt, but all over the world. When I move again, my practice will move with me.

This summer, we plan to move to Riyadh, Saudi Arabia, and I expect to hang my shingle there just as proudly. ■

Sheehan with the "bawwab" of her apartment and his family. The bawwab is in charge of building maintenance and lives in a small room in its garage.





A graduate of the GED program, Dashaun Lipscomb, with the mural he painted showing the life many offenders have come from.

Law students volunteer for offender GED program

By Barbara Fitzgerald

The last time rival gang members from the Crips and Bloods sat down together in the city of Richmond, odds are good there was a Richmond law student in the room.

In fact, six student volunteers from the Law School were at work this fall semester, teaching and tutoring in a GED program in the parole office in Richmond. Most of their students were violent offenders and gang members. Probation and parole officer Valerie Thompson started the program in January 2005, after informally assisting two offenders who were studying for their GED tests. Word of mouth brought other offenders into the program, and Thompson, recognizing the potential, turned the impromptu study sessions into a formal GED preparation program.

With a grant from the Virginia Attorney General's Gang Reduction Intervention Program, donations

from various agencies, and Richmond police, Thompson purchased GED prep books, resource materials and software, and she converted a storage room in the parole offices in Richmond into a GED lab. The Richmond Redevelopment and Housing Authority donated easels, writing pads, bookshelves and file cabinets, and the program now looks and functions very much like a regular GED prep course.

Students from the Law School became involved when Kristi Cahoon, L'06, brought it to the attention of Jennifer Becker, 3L, who spread word of the program among other law students. Becker describes the program as "a great community service opportunity."

Each volunteer conducts a 90-minute tutoring session each week. Thompson encourages them to design their own course of study, make their own lesson plans and use the review and resource materials as they wish.



Matt Parrish, 3L, helps a program participant through some math problems.

Thompson and Tina Bowen, another probation officer, oversee the program in addition to their regular jobs.

The volunteer effort is completely student-run. "We have no faculty advisor," says Becker, "and we get no class credit or payment for our work. This is something we do because we want to."

In fact, Becker continued to teach and tutor in the program during the summer while also working at Hirschler Fleischer, the Richmond law firm where she has accepted a position after graduation. "They totally supported my efforts with the GED program," she says, adding that the continuity of the volunteers is very important to the offenders. "Once they see you're with them for the long haul, they are much more likely to make the commitment, too."

Becker says working with offenders has given her a chance to make connections in the probation office and "to expand my circle of acquaintances, both in my field and among the offender group."

"Since I'll be practicing mainly business law, I don't expect to have clients very much like the people I work with in the program," she says. "It's always helpful to know all kinds of people and to have as wide an exposure to as many groups as possible."

Kimberly Brown, 3L, teaches the popular Thursday evening sessions. Her students range in age from 20 to 44. While participation is court-mandated for some, most attendees, like their teachers, have come voluntarily. Some hear about the program from their probation officer or from someone who is already participating, or else they spy the "FREE GED" sign in the parole office lobby.

Brown says that while she can't relate personally to offenders' problems and their difficult lives, she finds commonality in the fact that everyone has goals. "We speak about their goals and about planning ahead for their lives. And a primary goal for all of them right now is to pass the GED."

Tracey Merchant, one of only a couple of women in the program, took the pre-GED test during her

three years in the penitentiary and failed it, but she tried again through the parole office program.

"I needed to do this," she says. "It's hard to get a job, you know, with my crime on my record." Of the Law School volunteers, Merchant says, "They are very good. I was one who wanted to do it all myself—it's hard for me to ask for help—but I got to a point when I knew I needed help. They work with you one on one, focusing wherever you're weak. There's nothing they won't do to get you ready."

Merchant has passed all the tests except math, and the volunteers are working with her on word problems. "I am very determined," she says.

The Law School volunteers quickly found that

"They don't get mad if it takes you a long time to get something ... They bear with you ... This program has changed me for real, seeing people that care."

—Everette Tyler
GED program graduate

some of the offenders could barely read, and a special group has been established to help them develop reading comprehension skills.

Thompson says the program, with a current roster of about 70 offenders, does include some potentially disruptive participants.

"From 6 to 7:30 p.m., I'm here for them," Brown says. "I tell them they'd better not waste my time or disrupt my class. They do appreciate our being here, and they say 'thank you' all the time."

"It takes special people to work with violent convicted felons, and my first concern is always safety," Thompson says. "All of the individuals in the classes are

on probation or parole, and they tend to be manipulative. So I stress to the volunteers that there is to be no exchange of personal information or phone numbers. It's all handled very professionally—there's no time to chitchat.”

A good many of the offenders are or have been members of gangs—including the notorious Crips and Bloods—and almost all are from environments where

“Once they see you’re with them for the long haul, they are much more likely to make the commitment, too.”

—Jennifer Becker

gangs were a presence. But in the GED lab, gang members are not allowed to wear their colors, and they have to cover their gang-related tattoos.

“The surprising thing is, when they’re all here studying for that same GED goal, they leave their gang-related animosity behind,” Thompson says. “Rival gang members actually talk to each other and try to help each other out in the classroom. Of course, once they go back out on the street, they don’t speak anymore.”

Thompson says this program is the first on-site GED preparation program at a probation office in Virginia. It has caught the attention of local offices in

Henrico County and Richmond, which are starting similar programs and hoping to tap resources at the Law School.

“The offenders like it,” she says, “because it’s free and convenient. They consider it one-stop shopping. They generally come in to meet with their parole officer and maybe their treatment group or to get a urine screening,” she says, “and then they stay to study for their GED. It’s almost impossible for them to find jobs after they complete probation without a GED. If we turn them out without any resources, how can they succeed? My job is to help them become better members of society, so this program ultimately protects the public, too.”

The educational successes have been encouraging. One offender earned his GED in just six weeks, and eight students recently passed parts of the test.

Everette Tyler joined the program in 2005, soon after getting out of the penitentiary. He then helped Thompson plan the curriculum and choose the textbooks. Though there were GED preparatory classes available to him in prison, he says, “People aren’t all that serious about it in the penitentiary. But now that you’re out, these classes get you off the street and get you in another frame of thought.”

Although the GED is generally given as one test, special arrangements have been made for offenders to take the test one subject at a time until they pass them all. Tyler has passed four, admitting that it took him 10 months to pass the math test. But when algebra finally clicked for him, he ended up with a high passing grade. He credits the Law School volunteers for their patience.

“They don’t get mad if it takes you a long time to get something,” he says. “They bear with you.” Tyler says his old life in the Mosby Court housing project “is not a part of me anymore. This program has changed me for real, seeing people that care.”

Roberta Oster Sachs, the associate dean for external relations at the Law School, says the students’ work is being felt far beyond the classroom.

“This program is an impressive example of law students reaching out to disenfranchised and marginalized people in the Richmond community, creating a model for civic engagement and public service that is at the core of the Law School’s mission.”

Valerie Thompson’s mission is also well served. “If we didn’t have these student volunteers,” she says emphatically, “we could not have this program.” ■

Jennifer Becker (left) works with Joyce Turner on a reading comprehension exercise.





Giving something back

I invite you to join me in a moment of reflection about the Law School where I suspect many of you, like me, were transformed. This past year I have joined our nationally renowned dean, Rod Smolla, in a campus-wide celebration of Martin Luther King Jr. Day, and on the platform at graduation. These experiences and others reaffirmed my commitment to our school. Won't you join me?



Under Dean Smolla's visionary plan, we are engaged in our campaign to "Live Greatly in the Law." At the heart of the campaign are academic centers offering opportunities for certification in intellectual property, environmental law and family law.

Plans for additional centers in law and medicine, and international rule of law are underway.

The Judge Robert R. Merhige Jr. Law Pavilion, which will house the five centers, is becoming a reality.

The Law School's strategic plan also calls for doubling financial aid, increasing interdisciplinary partnerships across campus, establishing an energetic pro bono legal services program and promoting "real world" legal education.

Please accept my invitation to visit our redesigned Web site at www.Law.Richmond.edu or come to campus and meet students, faculty, old and new friends. I promise a warm welcome and contagious enthusiasm.

Share my commitment to give back to the Law School. Host or attend an alumni event, serve on the Alumni Board, hire a student as a summer clerk or a recent graduate as an associate, contribute financially to a program you care about, or contact the Development Office for ideas on how you can help.

David W. Shreve, R'74 and L'77
President of the Law School Association
DWSLAW@adelphia.net

Connecting young grads

The Young Graduate Association is about making connections. We connect recent graduates with the Law School's alumni family. We connect current law students to recent graduates. And we connect the community at large to the Law School.



Law School graduates are considered "young grads" for six years following graduation. The association currently has 23 members, with at least two members from each Law School class. Our members are located from Maine to Florida. They represent a cross-section of the Law School's young alumni, and offer the perspectives and talents that are unique to recent graduates.

The association is designed to provide educational, social and networking opportunities for young grads. We support current students by volunteering for many Law School programs, such as moot court, negotiation and client counseling competitions, and mock interviews. We also participate in Web-based dialogue with prospective students.

We organize young grad alumni events in different parts of the country to encourage networking and socializing. Additionally, we co-sponsor a luncheon for new students and host a barbecue for the graduating class.

We encourage support of the annual fund and expanded membership in the de novo 1870 society, and we represent young alumni before the Law School Association Board.

We welcome the opportunity to connect with you, too. Let us know how we can better represent you.

Devon Williams Cushman, L'03
President of the Young Grads Association
dcushman@hf-law.com

Afghanistan 'might as well be on the moon'

When **Elizabeth Smart Borreson, L'90**, entered the JAG Corps in 1991 through the U.S. Army Reserve, she had "a student loan to care for and feed, and I needed the extra money." Her father, John Smart, L'59, was a Korean War combat veteran who had served in the National Guard, so the military was familiar.

In 1996, Lt. Col. Borreson switched to active duty and went to work at the Pentagon where she met her husband, Mark, now an Army colonel. They moved to 15 acres of "beautiful country" in Caroline County, Va., where they have a shooting berm for skeet and target practice. She developed expertise in administrative law.

Then the world changed. About a year ago, an extraordinary opportunity arose in Afghanistan, where the Army, along with NATO, the U.S. State and Justice departments and the United States Agency for International Development (USAID), began working to establish rule of law in that shattered country. Borreson volunteered, with her husband's and parents' support.

"They were totally supportive, and when I wanted to extend beyond my original six months," she says, "they agreed I should stay until the job is done."

But Borreson had no idea how foreign a place could be until she

landed in Kabul, Afghanistan. "It's so radically different from anywhere I can imagine. I might as well be on the moon."

Borreson is U.S. assistant rule of law officer, managing programs designed to help train Afghan police, judges, prosecutors, defense lawyers, and to improve prisons.

"After 30 years of civil war, invasions, rule by religious extremists, endless violence, there is no



Borreson with Afghan friend

real judicial infrastructure left. There's really been no central government for years."

Sharia law, derived from the Quran, has governed most of Afghanistan's provinces. There is no real commercial or civil law, and due to all the upheaval, no one knows who owns what land.

"The concept of the rule of law is pretty new to them," Borreson says. "You cannot imagine a system so broken. Corruption is all-pervasive."

She lives in a "safe house" near the U.S. Embassy and spends most of her time on a U.S. military base. "There are car bombs and suicide bombers. It's never safe to go out. But we do what we need to do."

The goal of Borreson's office is to make incremental changes that establish order and develop some understanding of the rule of law within the government. "We focus on small projects that provide the most immediate return. It's a very complex area, very exciting. But you have to reduce your expectations and take satisfaction from small results. There are so many things that Americans take for granted that don't even exist there.

"If you built a jail to Western standards there, people would be lined up to get in."

Borreson says her Richmond law education "has been invaluable" to her experience.

"A good, broad legal education is absolutely critical," she says. "I got that at Richmond. You learn something new here about every five minutes. Your mind must be trained to handle that."

Borreson credits law professor, mentor and friend J.P. Jones with "encouraging me to stretch myself. He has been there for me for 16 years with legal and career advice."

Borreson will be in Afghanistan into February before this tour ends.

"It's going to take a long time and a lot of money to accomplish what we are trying to do," she says, "but I do believe it is worthwhile."

As for the prospect of facing an Afghan winter, Borreson says she has mixed feelings. "I know it will be hard, but I can't wait to see the terrain—these spectacular mountains and endless rocky deserts—covered with snow. That'll be amazing."

Swisher award cites safety program

The Virginia Department of Health recently established the Karen Swisher Award in recognition of ongoing, pioneering work by **Karen N. Swisher, L'81**, toward eliminating preventable medical errors.

Swisher, professor of health law at Virginia Commonwealth University's Department of Health Administration, established the nation's first executive fellowship program in patient safety, with on-campus and distance-learning components.

The program has enrolled health care professionals from systems around the world.

The award is to be presented to the patient safety fellow who develops the best program for underserved patients in rural or inner city environments.

Young alumna wins fellowship

Kristi Cahoon, L'06, has been awarded a \$10,000 fellowship for her public service work on behalf of cancer patients and their families.

Cahoon, who was honored previously for her public service during Law School, has gone on to establish the Cancer Assistance Network in Washington, D.C.

Modeled after Richmond-based LINC, the Legal Information Network for Cancer, CAN will offer volunteer services to families

faced with legal and financial issues arising from cancer.

The Frederick B. Abramson Memorial Foundation provided the fellowship.

Cahoon says a number of her classmates and professors have volunteered to provide services to CAN, which should begin operating early in 2007. Visit the Web site: www.dccanhelp.org.

Poteat to clerk with appeals court

Kennon Poteat, L'06, will step up from a prestigious clerkship with the U.S. District Court in Norfolk to clerk for Judge Edith Brown Clement of the 5th U.S. Circuit Court of Appeals in New Orleans.

Originally from Danville, Va., Poteat came to the Law School after graduating from the University of Virginia's McIntire School of Commerce. He worked for two years between undergraduate school and law school in state legislative politics in Virginia and North Carolina.

At the Law School, Poteat distinguished himself academically, ranking first in his class after his second and third years and winning the Cudlipp and J. Westwood Smithers medals for his achievements.

He also received the T.C. Williams Law School Scholarship Award at graduation for contributing the most to legal scholarship during his time at the law school.

Beginning next August, Poteat

will join Judge Clement, who was nominated to the bench by President George H.W. Bush.

Hackney honored by women attorneys

The Virginia Women Attorneys Association honored **Virginia Hackney, L'69**, with an award of distinction at its 25th anniversary celebration in October.

A partner with Hunton & Williams, Hackney was recognized for consistently blazing paths for women lawyers in the state. When she began work at Hunton & Williams, she was the only woman lawyer in the firm. She became its first woman partner in 1977.

Hackney also was a founder of the Metropolitan Richmond Women's Bar Association.

Rash wins award in intellectual property

C. Brandon Rash, L'05, has been awarded the American Intellectual Property Law Education Foundation's Past Presidents Award.

The association's president presented the award and a \$2,000 check to Rash during its annual meeting in October in Washington, D.C. More than 1,000 prominent IP attorneys attended.

After graduating magna cum laude, Rash worked at Hunton & Williams before clerking for U.S. District Judge Henry Hudson.



Left to right: Kristi Cahoon, Kennon Poteat, Virginia Hackney and C. Brandon Rash.



Richmond Law magazine is looking for information on alumni to include in Class Notes. If you have news or if you would like to gather and send news of your classmates, please contact us at LawAlumni@Richmond.edu or Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, (804) 289-8028.

1950s

The Hon. Carle F. Germelman Jr., R'53 and L'56, of Berryville, Va., was recognized as a Virginia Bar Association Life Member at the association's 116th summer meeting last July.

James W. Morris, L'57, has been named vice president of the John Marshall Foundation, a non-profit foundation that seeks to educate the public about the life of John Marshall and his role in shaping the nation's judiciary. The foundation also works to foster an understanding of the judicial system.

1960s

The Hon. F. Ward Harkrader Jr., L'60, of Mineral, Va., was recognized as a Virginia Bar Association Life Member at the association's 116th summer meeting last July.

S.D. Roberts Moore, L'61, has been named to *The Best Lawyers in America* list for 2007. He is with the Roanoke, Va., firm Gentry Locke Rakes & Moore.

E. Carter Nettles Jr., L'61, of Wakefield, Va., was recognized as a Virginia Bar Association Life Member at the association's 116th summer meeting last July.

J. Edward Betts, L'65, has been named president of the John Marshall Foundation, a non-profit foundation that seeks to educate the public about the life of John Marshall and his role in shaping the nation's judiciary. The foundation also works to foster an understanding of the judicial system.

Irving M. Blank, L'67, has been re-elected to Bar Council of the Virginia State Bar for another three-year term. He also has been elected to the executive committee of the Bar Council.

1970s

Charles L. Williams Jr., L'70, has been named to *The Best Lawyers in America* list for 2007. He is with the Roanoke, Va., firm Gentry Locke Rakes & Moore.

Key to Abbreviations

School of Arts and Sciences.....	A
Robins School of Business.....	B
School of Continuing Studies.....	C
Graduate School of Arts and Sciences.....	G
Graduate School of Continuing Studies.....	GC
The Richard S. Reynolds Graduate School of the 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

Frank Overton Brown Jr., R'60 and L'76, was the 2006 recipient of the Tradition of Excellence Award from the Virginia State Bar's General Practice Section. The award recognizes a Virginia attorney who has dedicated time and effort to community assistance while improving the standing of the profession in the eyes of the public. Brown founded the bar's Senior Lawyer Conference.

Louis A. Mezzullo, L'76, is a partner in the family wealth and exempt organizations practice group at the Rancho Santa Fe, Calif., office of Luce, Forward, Hamilton & Scripps.

Bruce C. Stockburger, L'76, has been named to *The Best Lawyers in America* list for 2007. He is an attorney at the Roanoke, Va., firm Gentry Locke Rakes & Moore.

Theodore L. Chandler Jr., L'77, president and chief executive officer of LandAmerica Financial Group, has been named chairman and CEO. Chandler joined LandAmerica, a Richmond-based provider of real estate transaction services, in 2001. He previously practiced law with Williams Mullen.

Timothy Barnes, L'78, announced that his firm, Barnes & Barnes, has merged with Porzio, Bromberg & Newman, PC, in Morristown, NJ. The merger enhances the Porzio firm's capacity in personal injury and medical malpractice.

Patsy Anne Bickerstaff Seay, L'78, is retired from the Virginia Employment Commission, where she was an administrative law judge. She was elected president of the Poetry Society of Virginia in May. The organization has a new program called Real Virginia Poets, which will make published poets available as a resource to high school students on a one-to-one basis. She also has written a book of poetry that has been accepted for publication by San Francisco Bay Press.

at Virginia Commonwealth University. She also recently established two distance-learning fellowship programs in patient safety and health law at VCU.

Roger D. Waldron, L'86, of Vienna, Va., is the acting senior procurement executive for the U.S. General Services Administration. Since February 2005, he has served as a member of the Acquisition Advisory Panel, which was established by the Service Acquisition Reform Act. The panel will present a report of findings and recommendations to improve the federal procurement process to Congress and the Office of Management and Budget.

Virginia "Ginny" Hench, L'87, is a professor of law at the University of Hawaii's William S. Richardson School of Law, where she teaches criminal law and procedure. She also directs the Hawaii Innocence Project.

Jim Staab, L'88, published the book *The Political Thought of Justice Antonin Scalia: A Hamiltonian on the Supreme Court* (Rowman & Littlefield, 2006). The book contends that Justice Scalia's jurisprudence is influenced by Hamiltonian political principles and examines Hamilton's and Scalia's views in the areas of separation of powers, executive power, administrative law, judicial power, constitutional interpretation and federalism.

Brian Scott Dietrich, L'89, is a shareholder in the Elliott Greenleaf law firm. He practices in the firm's office in Blue Bell, Penn. He and wife Patricia have a daughter, Jennifer, 8, and a son, Andrew, 3.

Joni Mason, L'89, has been promoted to vice president, AIG Domestic Claims, corporate directors and officers, in New York City.

1990s

Niall A. Paul, L'90, an attorney with Spilman Thomas & Battle of Charleston, W.Va., was named a leading lawyer in West Virginia by Chambers USA. He was recognized for excellence in litigation and employment law.

George Hiller, L'91, an adjunct associate professor at the University's School of Continuing Studies, was elected to the board of governors for North American Small Business International Trade Educators (NASBITE). The international business study in Mexico program he directs at the Southwest Virginia Higher Education Center received NASBITE's 2006 Program Excellence Award at the organization's annual convention.

Mary Painter Opitz, L'91, has formed Mary Painter Opitz PLC in Virginia Beach, Va. Her practice includes contract, business and construction law.

Rebecca Huss, L'92, is a professor of law at Valparaiso University School of Law. She teaches courses in corporate law and animal law.

Christina Kearney Saba, L'92, and her husband, David, have a daughter, Marissa Jean, born March 30, 2006. Their son Matthew is two.

Send your news! Write to LawAlumni@Richmond.edu or Law Alumni, University of Richmond Law School, University of Richmond, VA 23173.

John V. Cogbill III, L'79, has been named to the board of directors of the Virginia War Memorial Educational Foundation.

1980s

Gregory F. Holland, L'80, and C. Stephen Setliff have formed Setliff & Holland in Richmond. Holland's practice will focus on insurance coverage, catastrophic injury cases and FELA litigation. He currently serves as the secretary-treasurer of the Richmond Bar Association.

Karen N. Swisher, L'81, received the Dennis Pointer Award for Excellence in Teaching from her students in the Department of Health Administration

Help secure the Law School's long-term financial health

The University of Richmond offers many gift options to those who want to include the Law School in their long-term philanthropic plans. These options provide both financial and tax rewards while making meaningful contributions to the school.

We are pleased to work with you and your financial advisors to design an appropriate plan.

For additional information, contact Nancy H. Phillips, director of Law Development, at (804) 289-8023 or nphillip@richmond.edu.



Enjoying Fall Gathering were (from left) Tom Bondurant, L'76, Chris Price and Ginnie Bondurant-Price, L'08, Trish McCullagh, L'97, Meg Jolly-Rutkowski, L'96, Jim Rutkowski, Karen Ramsey, L'96 and Mark Rhoads, L'85.



Hugh E. Aaron, L'93, is senior vice president, compliance and regulatory affairs/regulatory counsel, at HCPro Inc. He is based in Richmond.

Lisa D. Barnett, L'94, is a trial lawyer practicing in Virginia and Washington, D.C. She focuses on medical malpractice, personal injury, premises liability and product liability.

Have ideas for your class reunion event?

Law School reunions for classes that graduated in years ending in '2's and '7's will be held October 20. To help, contact Cindy Stubbe at LawAlumni@richmond.edu.

Jennifer McClellan, L'94, has been named to the board of directors at Boaz & Ruth.

Alicia Zatzoff, L'94, is manager of the City of Richmond's community-assisted public safety initiative, where she oversees the efforts of six city agencies to address problems caused by blighted and vacant properties. She also is an adjunct professor in the criminal justice program of the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University.

David J. Walton, L'95, a member of the West Conshohocken, Pa., office of Cozen O'Connor, was a presenter at the firm's recent seminars, "Preparing for and Responding to Natural and Technological Disasters" and "Business Disasters Triggered by a Departing

Employee." His practice in the firm's labor and employment group includes all aspects of employment litigation.

Kimberly Snoko Yates, L'95, and her husband, Thomas, have a son, Henry Storey Yates, who was born Jan. 14, 2006. He joins sister, Caroline, 2. The family lives in Clifton, Va.

Peter S. Duffey, L'96, and his wife Kent Poterfield Duffey, W'92, had a daughter, Elizabeth Clair, on July 26, 2005. She joins sister Ellie, 3. They live in Richmond.

Nicholas J. Pace, L'96, has joined AMERIGROUP as senior vice president, deputy general counsel. He will work in finance, securities, and mergers and acquisitions.

The Hon. Alison Kyler Arce, L'97, was appointed as a magistrate judge in Atlanta. She is specially designated to sit on the family division of the Fulton County Superior Court.

Brian Cummings, L'97, is associate general counsel of the Richmond Police Department. He is a graduate of the Federal Law Enforcement Training Center's police legal advisor training program. He is chair of the Virginia Police Legal Advisors Committee of the Virginia Association of Chiefs of Police.

Jonathan Frieden, L'97, a partner at the Fairfax, Va., firm Odin, Feldman & Pittleman, started an e-commerce law blog in April at www.ecommercelaw.typepad.com. In it he discusses news, trends and legal issues affecting businesses that sell, purchase or transact business over the Internet.

Donald J. Richardson, L'97, has opened the Richardson Law Firm in Richmond.

Wendell L. Taylor, L'98, has joined Hunton & Williams as a partner in the firm's Global Competition Practice Group. He was formerly a special assistant U.S. attorney and counsel to the deputy attorney general at the Department of Justice.

Michelle Lam Harman, C'96 and L'99, is a solo practitioner in Richmond who serves as guardian ad litem for incapacitated adults. She and her husband, Mike, welcomed a daughter, Elizabeth Susanne, on Feb. 2, 2006.

2000s

Terri Cofer Beirne, L'00, was unanimously appointed interim Midlothian District representative to the Chesterfield County, Va., Board of Supervisors. She is an attorney at McCandlish Holton.

Henry M. Kohnlein, L'00, is of counsel at Sagrillo Hammond Dineen & Poskus, where his practice focuses on public benefits and administrative law litigation. He also is the chief operating officer of Protocols, a medical settlement consulting company.

Julia Sexton, L'00, was one of five victims' rights advocates honored last April by the U.S. attorney of the Western District of Virginia, the Jefferson Area Victim Assistance Coalition and the FBI. She was recognized for her work helping victims maneuver through the criminal justice system. Sexton is office administrator and full-time pro bono attorney at Hunton & Williams' pro bono office in Charlottesville, Va.

Justin Davis, L'01, is an attorney in private practice at the Charlotte, N.C., firm of Gurthrie, Davis, Henderson and Staton. He and his wife, Shelton, welcomed a daughter, Avery Frances, on April 3, 2006.

B. Scott McMichael, L'01, is an educational advocate with Adolescent Health Center USA.

Christopher Peace, L'02, is a member of the District of Columbia Bar Association. He recently was hired to be the executive director of the Historic Polegreen Church Foundation, which works to preserve the birthplace of religious and civic liberty.

Kristin Kellam Seabrook, L'02, is working for Butler, Vines and Babb, a civil law firm in Knoxville, Tenn. She practices insurance defense, commercial lending, and banking and finance.

Lisa M. Ashworth, L'03, is assistant county attorney for Roanoke County, Va. Her practice focuses on representing the county Department of Social Services.

Benjamin P. Heidt, L'03, is an associate at Wallace-Pledger.

Tara A. Manson, L'03, is an associate at Seltliff & Holland. Her practice focuses on product liability litigation, toxic torts, FELA litigation and general commercial litigation.

Brent M. Timberlake, L'04, is an associate at Seltliff & Holland, where his practice includes liability litigation, toxic torts, FELA litigation, general appellate matters, judicial misconduct defense and general commercial litigation. He and his wife Carole Yeatts Timberlake, W'90, had a son, Samuel Archer, on May 23, 2006. Samuel is the grandson of Archer L. "Archie" Yeatts III, R'64 and L'67, and Elaine Johnson Yeatts, W'64 and C'89.

Jacklyn E. Bruce, L'05, has spent the past year working for the Hon. Janice Rogers Brown at the U.S. Court of Appeals for the Washington, D.C., Circuit. She launched a publishing company in March called PAWPrint Publications

ALUMNI PROFILE

Pickett Wargaming Center recognizes service



As a 14-year member of the House Armed Services Committee before his retirement from the U.S. Congress in 2001, The Hon. Owen B. Pickett, L'55, was "overwhelmed" when he learned in June 2006 that the new Wargaming Center at the Joint Forces Staff College adjacent to the Norfolk Naval Base was to be named in his honor.

"I certainly didn't expect anything of this magnitude to happen," Pickett says of this recognition on the facility's 60th anniversary. Representing Virginia's 2nd Congressional District, Pickett had worked diligently to keep the former Armed Forces Staff College open.

When he retired, he was the ranking member of the House Subcommittee on Military Research and Development. Pickett also served on the readiness subcommittee and the military wargaming research panel.

The wargaming facility recognizes the shift to computer-based war games that has been underway since the mid-1990s. It is composed of 20 individual wargaming suites designed to give students hands-on experience in realistic situations by utilizing a simulated environment that mirrors those in use by combatant commands.

Now of counsel to the international firm TroutmanSanders LLP, in its Virginia Beach office, Pickett specializes in governmental law. After this fall's elections, he was named to the transition team working on behalf of James Webb, who was elected to the U.S. Senate from Virginia.

A second federal facility, the Owen B. Pickett U.S. Customs House in Norfolk, also is named for him. Pickett spearheaded preservation of the historic structure in downtown Norfolk that survived the city's burning during the Civil War.

Two of Pickett's three years at the Law School were spent at the school's previous location near downtown Richmond. He recalls especially former Dean William Taylor Muse, a teacher of torts and "a great personage in his own right."

"Dean Muse really set the tone for the entire school," Pickett recalls.

His political career in Congress and in the Virginia House of Delegates limited his opportunities to visit the campus, but Pickett has frequently returned for the annual Law Day observance, remaining in close contact with former classmates.

"In fact," he recalls, "it was the late Ernest Consolvo [L'54], a friend, who encouraged me to move from Richmond to the Tidewater area, when a legal opening occurred early in my career." From that point, Pickett worked to become a prominent voice for the region.

By Elizabeth M. van Iersel

(From left) Elizabeth Reid, Peter Baruch, L'92, Peter Duffey, L'96 and Kent Duffey, Dean Dafis, L'96, Bonnie Atwood, L'96 and Abby Baker, L'96.



ALUMNI PROFILE

Using advocacy skills on behalf of children



Nadine Marsh-Carter, W'86 and L'95, can sit in her Richmond office and see the sofa where she waited to meet her two children. She and her husband adopted Kaitlyn, 7, and David, 5, through the organization she now serves as president and chief executive officer—the Children's Home Society of Virginia.

"The advocacy skills I learned at Richmond law honed my ability to make a case," she says. "Now, I use them to support our mission of finding permanent homes for children who need them."

Growing up in Richmond, where her father, state Sen. Henry L. Marsh III, and uncles were prominent attorneys in civil rights cases, Marsh-Carter watched them "making a quiet difference" in the lives of others. She decided she wanted to do the same.

"I loved litigating," she says of the seven years she spent as a senior associate attorney in the history-making Richmond firm Hill, Tucker & Marsh. Part of her practice involved defending underrepresented juveniles entangled with the law—youth whom, she felt, often could have benefited from earlier intervention in their lives.

"I realized then that there is absolutely no substitute for the permanence of a warm, loving family," she said. "I wanted to get involved in child advocacy on the front lines."

A stint as a volunteer board member for the Volunteer Emergency Families for Children led to a five-year post as executive director of that not-for-profit organization. In May 2006, she went to work full-time for the Children's Home Society, where she also served as a volunteer director.

"I'm now using the legal skills I acquired at Richmond law to advance our mission," she says. "A law degree opens doors and creates credibility.

"Telling compelling stories, solving problems, thinking on my feet, anticipating needs, engaging people—these are all skills that I use to strategically position our agency to act in the best interests of both children and their families."

A former member of the Law School Association (2001-2004), Marsh-Carter especially remembers professor Jonathan Stubbs, who "used his faith to guide and shape his teaching of the law."

Marsh-Carter is gratified that her former Law School classmate Sharon England, L'95, legal counsel to the society, and directors Marie Tucker Diveley, L'95, and Patrick J. Sanderson, L'90, are working together, "connected through our love of children and our desire to bring families together. I cannot articulate the joy of what I do."

By Elizabeth M. van Iersel

(Professional, Aspirational Women's Print Publications). Each month her online magazine *Impressions* is published at www.pawprintpubsonline.com. She invites Richmond alumni to contribute articles and features.

Ashley Dobbin, L'05, is an attorney at Bowman & Brooke in Richmond. Her areas of practice include warranty, business and commercial litigation, and products liability.

Sean S. Kumar, L'05, completed a clerkship with the Arlington County Circuit Court. He is an associate with Bean, Kinney & Korman in Arlington.

Halliday Moncure, L'05, is a litigation associate at DurrettBradshaw.

Thomas J. Moran, L'05, is an associate at Wallace-Pledger.

Andrew J. Petesch, L'06, is associated with Poyner & Spruill LLP's Raleigh office.

IN MEMORIAM

Charles A. Blanton II, L'52
October 8, 2006

Richard E. Cornwell, L'50
June 23, 2004

James R. Cox, L'46
September 11, 2006

Robert W. Duling, B'51 and L'63
August 30, 2006

Mandley Ray Johnston Sr., L'57
August 2, 2006

Elizabeth Kesler, L'89
November 5, 2006

John W. Moore III, L'66
October 21, 2006

L. Shields Parsons Jr., L'42
March 4, 2006

Gregory F. Patton, L'83
November 2, 2006

Eric W. Schwartz, L'87
October 29, 2006

James M. Wiltshire Jr., B'48 and L'50
November 1, 2006



RULE OF LAW CONFERENCE

The Law School is co-sponsoring events as part of the national celebration of the 400th anniversary of the founding of Jamestown. They include:

April 11, 2007

Panel—Global Issues and the Rule of Law: Top British and American jurists including U.S. Supreme Court Justice Stephen Breyer discuss legal principles in a global setting. *Modlin Center.*



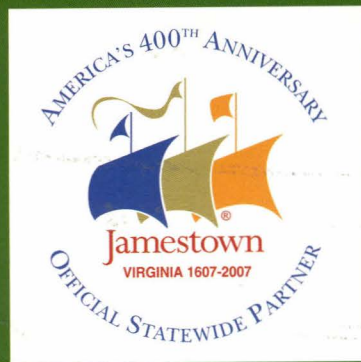
April 12, 2007

Speaker—Xu Wenli: Chinese dissident and pro-democracy advocate speaks. *Law School Moot Court Room.*

Panel—Religious Freedom and the Rule of Law: Discussion features law professors, jurists, government officials. *Moot Court Room.*

Panel—Rule of Law and the Displacement of Native Americans: Panelists Dr. Joe Shirley, Jr., president of the Navajo Nation, and professor Kevin Gover. *Moot Court Room.*

Panel—International Dispute Resolution and Cultural Differences: Including Rory Brady, SC, Attorney General of Ireland. *Moot Court Room.*



This calendar is subject to change. Please check www.ruleoflaw.richmond.edu for details.



University of Richmond, Virginia 23173

JOHN BARDEN
REF/RES SERVICES
LAW LIBRARY
UNIVERSITY OF RICHMOND VA 23173

Non-Profit Organization
U.S. Postage Paid
Permit No. 6
University of Richmond