

Winter 1998

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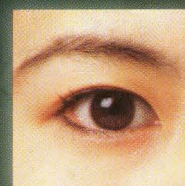
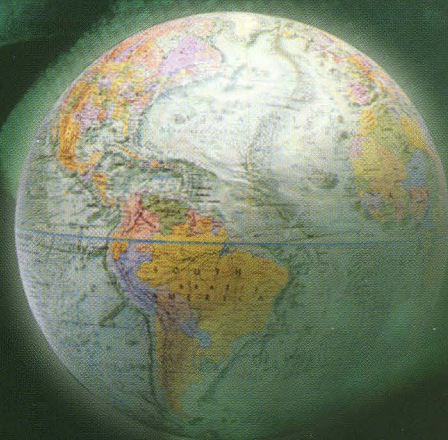
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Magazine of the T.C. Williams School of Law
University of Richmond Winter 1998, Vol. 11, No. 1

RICHMOND LAW

CREATING GLOBAL CONNECTIONS

New interdisciplinary professorship
will bring faculty expert in
international law and business



Ideal of the statesman-lawyer • Faculty essays by Eisen, Al-Hibri



JOINT PURSUITS

With a love of the law and a passion for teaching, faculty at the T.C. Williams School of Law focus on students. Professor Azizah al-Hibri, shown above with Nancy Jensen, L'97, is one of the law school's 25 full-time faculty who, along with 65 adjunct faculty, play key roles in creating the supportive environment for which the law school is known.

T.C. Williams faculty treat students as full partners in the learning process, working with them on special projects and publications, helping them arrange clerkships and seek job opportunities, and remaining accessible beyond the classroom. The ratio of full-time faculty to students is 18 to 1.

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KEY TO ABBREVIATIONS
School of Arts
and Sciences A

The E. Claiborne Robins
School of Business B

School of
Continuing Studies C

Graduate School
of Arts and Sciences G

The Richard S. Reynolds
Graduate School of
The E. Claiborne Robins
School of Business GB

Honorary degree H

Jepson School
of Leadership Studies J

The T.C. Williams
School of Law L

Richmond College R

Westhampton College W

Cover illustration
by Susan Sawyer

Photo opposite
by Doug Buerlein

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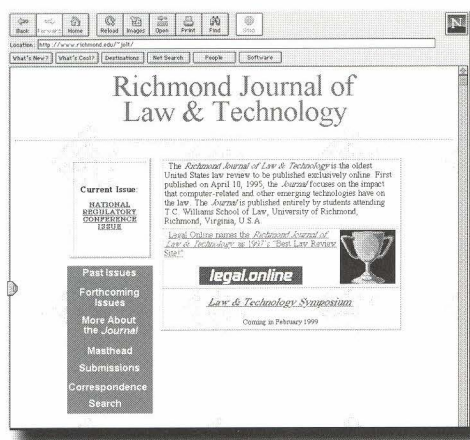
National recognition comes to online technology journal

The *Richmond Journal of Law & Technology*, the online law review published by students at the T.C. Williams School of Law, was named the Best Law Review Web Site for 1997 by *legal.online*, a monthly Internet periodical for lawyers.

"This national recognition of excellence shows that we are on the cutting edge, we are leaders in the area of technology," says Dr. John R. Pagan, law school dean. "It reflects our successful efforts to train lawyers to practice in the 21st century."

The first law review to publish exclusively online, the *Richmond Journal of Law & Technology* was chosen by the edi-

tors of *legal.online* and by legal practitioners for its design, content and usefulness to lawyers. It was selected for the top honor from among many other online



law reviews, including *Duke Law Journal* and *Florida State Law Review*, which each received an honorable mention.

Dedicated to the impact computer-related and emerging

technologies have upon the law, the *Journal* has published seminal articles in the field, including Dan L. Burk's "Trade-marks Along the Infobahn: A First Look at the Emerging Law of Cybermarks" and I. Trotter Hardy's "Contracts, Copyright and Preemption in a Digital World."

"Considered a leader in this developing area of legal scholarship, the *Journal* is revolutionary in that it integrates hypertext links to related sources of information for every article published in it," says Jennifer Hawkins, L'98, the *Journal's* editor-in-chief. "The links bring the reader to related browsing for each article consisting of sites containing texts of cases, statutes and other related articles on the Web."

Because the journal is published online, there is an immediate forum for scholarly discussions of technology and how it affects the legal community, Hawkins says. Response to the *Journal* has come from all over

the United States and the world, including Japan, Belgium, the United Kingdom, the Netherlands, Australia, Germany and Spain.

In a recent issue, the *Journal* published proceedings from the 1997 National Regulatory Conference, held at William & Mary's Marshall-Wythe College of Law. The conference addressed the international trend toward deregulating telecommunications and attracted corporate and government leaders from across the country and overseas. Publishing the proceedings brought the *Journal* to the attention of an important national and international legal community, says John Paul Jones, professor of law and faculty adviser to the *Journal*.

The National Regulatory Conference issue and archived issues of the *Journal of Law & Technology* can be found online at <http://www.richmond.edu/~jolt/>

— Mary Fehm Gravely, W'88

Green Award presented

Timothy J. Sullivan, president of the College of William and Mary, was the 1997 recipient of the William Green Award for Professional Excellence from T.C. Williams at the annual Scholarship Luncheon in December. Excerpts from the text of his address at the luncheon appear on pp. 8-9 of this issue.

The William Green Award, established in 1987, is awarded each year to someone who has brought distinction to the legal profession. The award is named for one of the first two faculty members of the law school in 1870.

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



1997 Green Award recipient Sullivan, second from right, with previous recipients Chief Justice of the Virginia Supreme Court Harry L. Carrico, H'73; Oliver W. Hill, H'94; and W. Taylor Reveley III

Photo by Thomas Kopsich

Legal Forum series brings variety of speakers

What do the clerk of the U.S. Supreme Court, one of the country's leading authorities on the First Amendment and the inspector general of the U.S. Department of Justice have in common?

They are all part of the 1997-98 Legal Forum speaker series at the T.C. Williams School of Law. The Legal Forum is a committee of the Student Bar Association that brings speakers of general interest in the legal community to the law school, says Robert Doherty, L'99 and chair of the forum.

The speakers and panels brought in by the Legal Forum give the students a stronger sense of the dynamic nature of the law and how it is constantly changing, says Dean John R. Pagan. "The Legal Forum gives students the opportunity to hear from the people who are involved with the stories on the front page and to ask them questions."

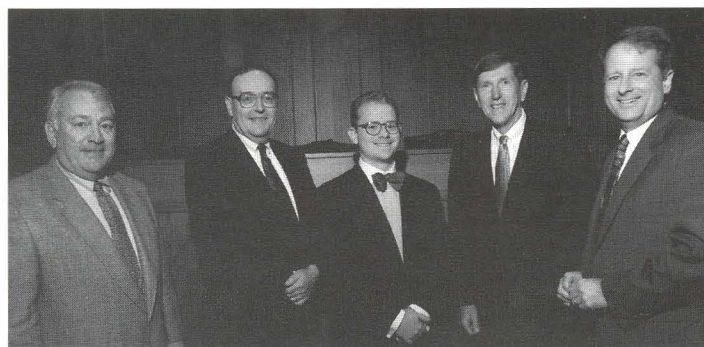
Mike Bromwich, inspector general of the U.S. Department of Justice, will speak March 19 on how Washington, D.C., investigates itself — from in-house counsels to independent counsels and inspectors general.

Christopher Wolf, the attorney for Navy midshipman Timothy McVeigh, also is scheduled to speak this spring. He will be discussing the military's "don't ask, don't tell" policy.

Already featured this year were Ret. Gen. William Suter,

clerk of the Supreme Court, whose talk presented an insiders' view of how the Supreme Court operates; a panel of law school alumni, including attorneys in private practice, a circuit court judge and a Virginia Supreme Court judge offering tips for young lawyers and answering students' questions; and Carl McAfee, L'53, who was involved in the trial of Francis Gary Powers, a U-2 pilot shot down over the Soviet Union in 1960.

— Mary Fehm Gravely, W'88



Addressing "Practicing Law in Virginia" in October were, from left, Justice Lawrence L. Koontz Jr., L'65, of the Virginia Supreme Court; the Hon. Robert P. Doherty Jr., L'72, judge in the 23rd Judicial Circuit Court, Roanoke, Va.; Robert Doherty, L'99 and forum chair; Charles B. Phillips, L'63, attorney in private practice in Salem, Va.; and M. Frederick King, L'73, commonwealth's attorney for Salem, Va.

Photo by Jay Paul

Muse Law Library resources available online

The William Taylor Muse Law Library is available to students, faculty, alumni and members of the bar 24 hours a day through its home page on the World Wide Web.

The library home page provides electronic links to numerous categories of information useful to the legal researcher. Among them are Web sites for federal and state government; legal and law-related Web sites; academic sites; Internet indexes and search aids; and a virtual reference collection.

Also included are international Web sites and resources for comparative law research;

electronic newspapers with national and international news; and links relevant to computers and technology in the legal profession. Legal researchers also may access catalogs and resources through the University of Richmond's Boatwright Library.

These resources are one of the law school's best-kept secrets, according to Timothy L. Coggins, director of the Muse Law Library and associate professor of law.

The Muse Law Library's home page can be found at
<http://law.richmond.edu/library/musehome.htm>

"Recently we received a call from a local attorney who had just discovered our law school's home page and the large volume of materials and links to other research sources available

through the library portion of the home page," Coggins says. "He called to compliment us on the home

page, to explain how valuable it was to him and to other attorneys, and to thank us for performing such a wonderful service for members of the bar."

Recent student accomplishments

Client counseling competition

David Buckley, L'99, and Patrick Vaccarino, L'99, champions in winter competition sponsored by the Client Counseling and Negotiation Board, Feb. 2-6, 1998

Heather Stevenson, L'99, and Dana Traynham, L'99, champions in fall competition sponsored by the Client Counseling and Negotiation Board, Oct. 20-24, 1997

1997 Moot Court Competition

Jonathan Muenkel, L'99, and Solette Tiscornia, L'98, champions in the Carrico Appellate Advocacy moot court competition, Nov. 10, 1997

Awards for Phi Alpha Delta

Outstanding Chapter in District 24 and Designation of Merit for outstanding chapter out of 174 chapters in the United States for 1996-97, to the Patrick Henry Chapter of Phi Alpha Delta law fraternity

Service Scholarship certificate for service to students, the law school, the profession and the community; the Frank E. Gray award for Most Outstanding Law School Chapter Clerk to Donna Harwell, L'98

Payne addresses problems of judiciary

The federal judiciary is currently plagued by a number of internal and external troubles, and the way that judges confront them will determine the system's future effectiveness.

These difficulties were the subject of the Hon. Robert E. Payne's speech, "Difficulties, Dangers & Challenges Facing the Judiciary Today." Judge Payne, United States District Court Judge for the Eastern District of Virginia since 1992, was guest speaker at the Sixth Annual Austin Owen Lecture at the T.C. Williams School of Law last November.

According to Judge Payne, one of the most significant problems is "an increasing tendency to look to the federal judicial structure to solve a great many of society's problems." Payne analyzed this trend to achieve and secure more severe

takes from them the important job of local law enforcement of largely local crimes," he added. Federalization also strains the limited resources available to the federal judiciary, placing unrealistic expectations on the federal system. To avoid potential negative consequences, Payne stressed the need for balance between state and federal systems.

Another problem facing the federal judiciary is attacks on its independence. "We judges should be criticized when we are wrong, but that criticism should not be designed to strike at the heart of independence, which is the linchpin of the ability of the judiciary to do its job," he said.

He cited several examples of congressional proposals to provide for impeachment of judges for specific decisions, and also mentioned proposals to eliminate life tenure for federal judges, which Payne identified as necessary for the preserving the federal judiciary's integrity.

Judge Payne also spoke of internal trouble facing the federal judiciary: "Federal judges have to be careful because their power is great, and that power must be circumscribed by self-discipline." He added that judges must take into account practicality and legality in deciding cases.

Acknowledging that judges will always be called upon to

make difficult decisions that are sometimes on the cutting edge, Payne said difficult decisions can't be made by trying to satisfy the public. However, he suggested, the exercise of self-restraint can make it easier for the public to accept those decisions which challenge tradition.

Next, Judge Payne discussed the problems posed by the media. "Judges must be cognizant of the risks imposed by the media, because the media does its job without concern for whether what it has said is right," he cautioned.

He also mentioned the specific problems caused by cameras in the courtroom. "When you put trial lawyers with large egos together in a courtroom with cameras, they are going to 'perform,'" he said, referring to the attorneys in the O.J. Simpson murder trial. Payne said he believes that cameras and the media in general can be successfully integrated into the courtroom in most instances, but that judges should have the ultimate power to determine the media's role.

The final problem discussed by Judge Payne is the increasing lack of civility in the courtroom, embodied in interaction between lawyers, and the "poison pen" of judges at work in the forms of dissents and concurrences. In concluding his remarks, Payne appealed to the future lawyers and judges in the audience to do their part to restore civility to the profession by handling themselves responsibly.

— Michael E. Parham II, L'98



Hon. Robert E. Payne

"Federal judges have to be careful because their power is great, and that power must be circumscribed by self-discipline."

THE HON. ROBERT E. PAYNE

B.A. magna cum laude in political science, Washington and Lee University, 1963

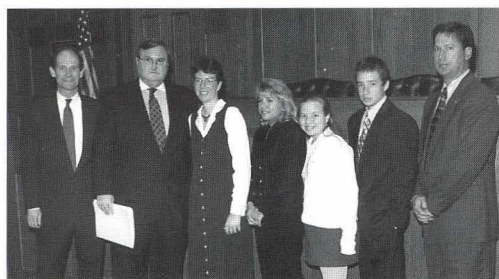
J.D., Washington and Lee University, 1967

Comments editor of *The Washington and Lee Law Review*, member of Order of the Coif, Robert E. Lee Scholar

Served in the Judge Advocate General's Corps, U.S. Army, retiring in 1971 with the rank of captain

Practiced with the firm of McGuire, Woods, Battle & Boothe, where he became a partner in 1975

Appointed United States District Court Judge for the Eastern District of Virginia, 1992



With Dean John Pagan and Judge Payne are members of the Owen family: Dr. Judith Owen Hopkins, W'74; Martha Owen Hershey, center, and Andrew Hershey, right, with their children Berkley and Trey.

federal penalties, and stated that many of the crimes at the heart of federalization movements are of a local nature, such as death father laws and laws to curb violence against women.

"Federalization of criminal law intrudes upon the powers and duties of the state, by allowing states to escape their rightful responsibilities, and

Photos by Thomas Kojewich

HAYNES PROFESSORSHIP OF INTERDISCIPLINARY STUDIES

CREATING GLOBAL CONNECTIONS

THE CLICHE ABOUT the shrinking globe is true, says Dean John R. Pagan of the T.C. Williams School of Law.

To practice law or do business successfully today, lawyers and businessmen must be able to operate on international stages, among different cultures and amid legal systems that may seem foreign to their own.

To better prepare students here for that reality, a chair has been established at the law school to develop through interdisciplinary study an understanding of the impact of globalization on laws, especially those governing economic enterprise.

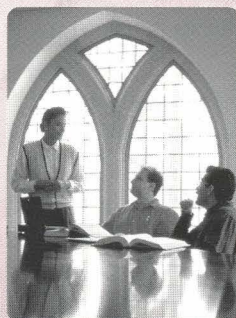
The Tyler Haynes Interdisciplinary Chair in Global Law and Business will bring to campus an internationally recognized expert on globalization. It is one of the first major initiatives brought about under Dean Pagan, who became head of the law school last year.

The professorship will be unusual if not unique in that it will be truly interdisciplinary. The professor will be charged with demonstrating relationships between different fields of knowledge, and with creating new, stronger connections among the University's different schools.

"Globalization is the quintessential interdisciplinary topic," Pagan says. "Everybody is familiar now with the phenomenon of globalization of capital markets, telecommunications, trade and economic enterprise. We are looking for someone who can help us develop programs in these areas."

Business majors are going to come into contact with legal issues that are unique to the various cultures they will encounter in the marketplace, and lawyers inevitably are going to encounter multicultural issues in their practice, Pagan says.

**New
interdisciplinary
professorship
will bring
faculty expert in
international law
and business**



BY ROB WALKER

Walker, a Richmond freelance writer, covered the courts and law-related issues for the Richmond Times-Dispatch for five years.

The Haynes Chair also will strengthen academic learning to complement the practical experience graduate business and law students earn by working with Virginia companies through the International Business Practice seminar, according to William J. Benos, L'88, a Richmond lawyer who co-developed and co-directs the seminar along with George L. Hiller, L'91. Both Benos and Hiller are adjunct associate professors of law at T.C. Williams.

The chair will expand the University's curriculum in the critical area of international law beyond the basics, while placing legal education among rather than distinct from other disciplines, says Daniel T. Murphy, professor of law and director of international studies.

"It will give us a dimension and depth in our international law curriculum that we have not had before," Murphy says.

And it will enable undergraduate students as well as graduate students in different fields to study under the distinguished professor, Pagan says.

"This person will be drawing from all the resources of the University and the community, encouraging students from all the disciplines to look beyond their disciplines," Pagan says. "It's very exciting."

A search committee has been formed to fill the chair with a visiting professor for the 1998-99 academic year. A permanent chairholder should be appointed in 1999-2000, for a renewable six-year term.

"Wherever we can add something to our programs in the international business arena, we strengthen the University," says Dr. John Daniels, E. Claiborne Robins Professor of International Business and a search committee member. "The legal area is one where we have had something of

New series to bring foreign legal scholars



Photo by Thomas Kojetsch

a gap. This will go a long way toward filling the gap.”

In addition to Dr. Daniels, the search committee includes law faculty Paul Zwier, Jonathan Stubbs, Dr. Azizah al-Hibri, Peter Swisher and Clark Williams.

The chair is named in honor of the late Dr. Tyler Haynes, who graduated from Richmond College in 1922, and whose bequest to the University is the primary source of funds for the chair.

After his graduation, Dr. Haynes earned his Doctor of Dental Science degree. A prominent

Richmond orthodontist, he taught at the Medical College of Virginia for more than 40 years.

Dr. Haynes also served as a member of the University of Richmond's Board of Trustees from 1963 to 1972, was given an honorary doctor of science degree by the University in 1972, and was trustee emeritus until his death in 1991.

Through their gifts, Dr. Haynes and his wife, Alice, have touched the University in a variety of ways. Most visibly, the Tyler Haynes Commons bears his name. The couple's gifts also have reached across many disciplines, which makes this

THE HAYNES PROFESSORSHIP of Interdisciplinary Studies is not the only new component of the emerging global emphasis in the T.C. Williams School of Law.

Beginning in the fall of 1998, the law school will employ a series of distinguished foreign legal scholars as visiting international professors who will bring a variety of world views to the campus.

The first of these visiting professors will be Hamid G. Gharavi, an Iranian by birth who has been admitted to the New York State Bar. He also is a member of the International Bar Association and the American Bar Association, and he has practiced law in the U.S. and France.

Gharavi has worked since 1996 as an associate in the international arbitration and litigation practice group with the New York firm Skadden, Arps, Slate, Meagher & Flom LLP. Previously he worked for the firm Goldsmith & Associates in Paris.

He holds degrees from the New York University School of Law, the University of Paris I Pantheon-Sorbonne, the University of Paris V Rene Descartes, and the University of Paris II Pantheon-Assas.

Gharavi's work has been published internationally. He speaks English, French and Persian fluently.

A specialist in international business law and arbitration, Gharavi won a full scholarship to NYU based on academic merit. The award was made by an international committee chaired by the president of the International Court of Justice, a former prime minister of Italy, and the Japanese ambassador to the United Nations.

The visiting professor position at the law school will be made possible by the retirement next year of a senior professor. Law school faculty voted to con-

vert that position into a rotating visitorship for foreign professors, according to Dean John R. Pagan.

With foreign professors coming to campus for appointments that usually will not exceed one semester and which may be of even briefer duration, students should be exposed over their years in law school to a variety of teachers from around the world.

“Right here in Richmond we have multinational corporations — such as Motorola, Reynolds Metals and Philip Morris — that do business all over the world and will be hiring our graduates,” he says.

“They are going to want people who understand different legal systems and processes like international arbitration, which are becoming increasingly important.

“We will try our best to get top people from different parts of the world, so you may see a professor from France one semester, then someone from Argentina, then Japan. We have some good prospects in China,” Pagan says. “Preferably we'll be getting people who understand our culture as well as their own so they can help our students draw comparisons.”

Maintaining a steady flow of foreign talent through the school will be a challenge initially, Pagan says. “Richmond is not as well known as New York, but we believe that once we get this going, word will get around and people will be aware that this is a great opportunity for them to come teach here.

“It will be great advertising for the University.”

Pagan says he expects Gharavi to teach an introduction to the continental legal system as well as international arbitration, an area in which he is an expert.

Where business and legal disputes cross borders, jurisdictional problems will arise, Pagan says. Increasingly, arbitration through organizations like the International Chamber of Commerce in Paris is the route lawyers are following to resolve issues.

— Rob Walker

unique professorship an appropriate added legacy.

President Richard L. Morrill has made available and the Board of Trustees has approved "a substantial amount of money" for the chair, Pagan says. There will be private fund raising to supplement that endowment "so that we can really leverage this person."

The Haynes Professor will teach courses on subjects such as the legal and business aspects of international trade, finance and economic development; multinational business organizations and their work forces; technological change in a global economy; and the cultural and ethical dimensions of doing business abroad.

One unusual aspect of the professor's mission will be that at least one course he or she teaches will be designed for undergraduates, particularly those majoring in business, economics, political science, international studies and leadership. MBA and law students also will be eligible to take the professor's interdisciplinary courses, "and we will encourage students in the arts and sciences to take these courses, as well," Pagan says.

"The business school and the law school aren't 100 yards apart" on campus, says Hiller. "Increasingly, the reality is that there is no bright line between legal and business issues. This is an excellent opportunity to have graduate law and business students work together and learn from each other."

In addition to teaching, the Haynes Professor will organize an annual conference on a topic related to global law and business. He or she will engage in significant scholarly research and publication, and will conduct faculty development colloquia designed to enhance the teaching and research skills of colleagues.

A new Center for Global Law and Business will be created and headed by the Haynes Professor, as well. Through the center and other programs, the chair will play an important role in heightening the awareness of the importance of studying international and comparative law, and it will reach out to the business community to forge stronger ties to the many multinational corporations here, Pagan says.

Benos, through his law practice with Williams, Mullen, Christian & Dobbins, and Hiller, who is an international marketing manager for the Virginia Economic Development Partnership, say they see the value of what the Haynes Professor will bring to students every day in their dealings with international businesses.

"Each year our firm is seeing an increasing demand for international legal services," Benos says. "This, in turn, is creating more opportunities for lawyers with international business law training."

The expansion of international and interdisciplinary programs through the Haynes Chair "will give our students another set of arrows in their quivers to help develop and advance their careers," Hiller says.

Furthermore, more lawyers are finding work in business, outside the traditional "Main Street" law firms. Expertise in international trade, customs, legal and ethical issues helps open those doors, Hiller says.

"People may not realize the depth of international business activity that is now taking place among smaller and middle-sized businesses in Virginia and elsewhere," he says.

Pagan also emphasizes that the University's international and interdisciplinary initiatives are not in place of traditional legal education. "We still are going to be very aware of bar exam passage rates, and our students will know Virginia law."

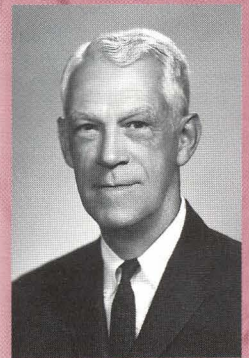
But, "it would be malpractice to send out lawyers to handle even domestic matters today if they are ignorant of international treaties, U.N. conventions, international arbitration and foreign perspectives," Pagan says.

And learning about other legal systems enables lawyers to understand better our own system, he says.

"It gives you a basis for comparison," Pagan says. "It gives you room for thought when, for example, a German company is reluctant to put a plant in the U.S. because they are fearful of what a jury might do with a complex civil issue. We are about the only country left that uses the jury system regularly in civil cases, and things like punitive damages can be a worry."

Pagan says that international law should be considered "meat and potatoes" education for today's law students, and at T.C. Williams, "I anticipate that every student will be exposed to international courses."

"We also are fortunate to be part of a university that is rich in resources and we are making an effort in the law school to take the fullest advantage of these resources," he says. "We want to make our law school available to the rest of the University and we want to do some things in the area of global studies that will help all our students to see things from broad perspectives."



The chair is named in honor of the late Dr. Tyler Haynes, R'22 and H'72, whose bequest to the University is the primary source of funds for the chair.

THE ANIMATING IDEAL OF THE STATESMAN-LAWYER

Remarks by Timothy J. Sullivan, recipient of the 1997 William Green Award for Professional Excellence

My subject is our profession and its future, a future measured not by the condition of its bottom line but by the state of its soul.

More than a decade ago the late Dean William B. Spong Jr. of the William and Mary Law School described with apprehension the transformation of the practice of law from a learned profession to a business enterprise. He warned gently but clearly against the danger of treating clients not as individuals but as disembodied problems passing through a bloodless bureaucratic process. Finally, he said to those about to begin their professional lives:

"You should try to avoid awakening in your middle years, after the coveted partnership is obtained, to discover that a life of billable hours, club memberships and foreign automobiles is not enough; that professional success and happiness are not always the same."

Dean Spong's words touched the truth; the professional world whose advent he feared has come. And the question for today is whether we are willing to be passive observers of our profession's continuing decline, or whether we are prepared to act in defense of critical values that have for more than 200 years defined what it means to be a lawyer in this country.

Before attempting my own answer, let me render in shorthand the sum of what I think we have lost. What is gone is the animating ideal that Dean Anthony Kronman of Yale has described as "the statesman-lawyer," long a figure of powerful historical importance in our profession. The highest ambition of the statesman-lawyer, in Dean Kronman's own words, "was the attainment of wisdom that lies beyond technique — a wisdom about human beings and their tangled affairs that anyone who wishes to provide real deliberative counsel must possess."

THE INSPIRATIONAL IMAGE of the statesman-lawyer required a supportive culture that strongly affirmed the value of certain virtues, virtues without which the lawyer-statesman cannot survive. These essential virtues are perhaps best expressed in three complementary roles — roles that together capture the essence of what it meant to be a statesman-lawyer.

- *The lawyer as a learned person.* To be learned means to be broadly and to be deeply educated — not just in techniques, but in values; not just in the narrow knowledge of high specialization, but in the powerful forces that shape civilization and govern human conduct. To be a

learned lawyer is to be at home with art, to know history, to be moved by great literature. To be a learned lawyer means to *feel* the truth in Justice Holmes' suggestion that in law one hears an "echo of the infinite — a hint of the universal."

- *The lawyer as a helping person.* By this I mean the lawyer's function as a counselor to the heart as well as to the head. This role requires learning of the kind I have just described, but it requires more: a capacity for sympathy, an aptitude for decoding the complexity of human motivation, and a gift both for feeling and for thinking deeply.

- *The lawyer as civic leader.* Here I mean the beneficial use of lawyerly skills in service to the larger community, whether that larger community is a legislative body, a civic group, or a religious organization. Our professional training uniquely encourages what Dean Acheson called a talent "for practical statesmanship," and lawyers have heretofore been generous in the use of that talent in the building of our country's civic culture.

The lawyer as a learned person; the lawyer as a helping person; the lawyer as a civic leader; these were the roles that

gave life to the statesman-lawyer. And these roles are of diminishing significance both in the way the modern lawyer imagines himself and in the way the profession today conducts its own affairs. Why this is so is a subject of great complexity. Even if I had the ability and the wisdom to provide a full explanation, this is not the right occasion for it.

YET A PART of the explanation — the part I do understand — is money: the nearly single-minded, ferocious pursuit of greater wealth. That pursuit has driven the statesman-lawyer from a central place in our professional culture. That pursuit and its symptoms are in no small part responsible for the disaffection many lawyers feel for their own profession. That pursuit tells much about why the public's esteem for lawyers has sunk to such dismal levels.

Do not mistake my meaning. I know that a comfortable income is an honorable ambition that gives well-earned personal satisfaction and provides a good life for one's family. What I do say is that too many lawyers — and too many law firms — have ceased to regard as nearly sacred the line that separates them from the businesses they represent.

I yield to no one in my admiration for the liberating power of free market, but the practice of law is not the same thing as

the practice of capitalism. Capital seeks perfect liberty — for itself. Upon capital's powerful acquisitive impulse the law imposes wise restraint so that there is liberty for all.

A lawyer who practices in the relentless pursuit of the last billable hour demeans the spirit which defines a learned calling, and traduces the values which gave life to the ideal of the lawyer-statesman.

WHERE DO WE GO from here? Can we build a new profession for a new century on the foundation of old values, values that will permit us to recall the statesman-lawyer from ignoble exile?

If our profession's plight mattered only to its members, I would be tempted to join the pessimists who say that reform is doomed. But it is not our profession alone that is at risk; it is our system of justice, the very idea of the rule of law. In singular ways lawyers are guarantors of the success of the American experiment. The fate of our nation's freedom is linked to the future of our profession. With so much at risk we must be prepared to battle hard to restore the reality of the law as a learned profession and to make a new and compelling case for the education of statesman-lawyers.

But where to begin?

Why not here at the Univer-

sity of Richmond, with the leadership of a learned and decisive dean, a fine faculty and close connections to professional leaders in our Commonwealth and in the country. I can think of no better place. And for inspiration, I offer familiar words from one of the greatest figures in American law. Judge Holmes — as he then was — speaking a century ago to the members of the Harvard Law School Association said this:

"The business of a law school is not sufficiently described when you merely say it is to teach law or to make lawyers. It is to teach law in the grand manner and to make great lawyers."

Holmes then described what he called "the golden light" of legal learning and concluded: "He who has once seen it becomes other than he was forever more. I have said that the best part of education is moral. It is the crowning glory of this law school that it has kindled in many a heart an inextinguishable fire."

"To kindle in many a heart an inextinguishable fire." Do that here and see your success replicated elsewhere, and you will have helped restore our profession to its proper greatness and made real — for a new generation and a new time — the glory of the lawyer-statesman.

International Environmental Law: From Stockholm to Richmond

By Joel B. Eisen

POLLUTION does not respect international boundaries, and scarcity of natural resources is a worldwide concern. Therefore, protecting the environment is a global responsibility.

Multilateral efforts to address issues such as ozone depletion, biodiversity, and climate change have attracted considerable worldwide attention. This winter, representatives from over 150 nations negotiated the Kyoto Protocol, which binds its signatories to curb greenhouse gases thought to contribute to global warming.¹ Front-page news stories around the world followed every twist and turn of the negotiators' deliberations.

How have nations responded to global environmental problems? What are the emerging trends in international environmental law and regulation? The Spring 1998 Visiting Scholars series of the George E. Allen Chair in Law, titled "Resolving In-

ternational Environmental Disputes in the 1990s and Beyond," offers the law school community a unique opportunity to examine these and other important questions related to efforts to protect the global environment. This article provides a brief introduction to modern international environmental law and the Allen Chair Professors.

Environmental law takes prominence on the world stage

Twenty-five years ago an observer of international environmental law would probably have concluded, to paraphrase Gertrude Stein, that there was no there there.² The modern era in international environmental law began at the 1972 United Nations Conference on the Human Environment in Stockholm, which resulted in a declaration of environmental principles and the establishment of the U.N. Environment Programme.³

Since then the body of international environmental law has proliferated. Hundreds of documents — by one estimate as many as 900 — contain provisions aimed at safeguarding natural resources or curbing pollution.⁴ Among the best-known agreements are the "Montreal Protocol" agreement phasing

"TWENTY-FIVE YEARS AGO, AN OBSERVER OF INTERNATIONAL ENVIRONMENTAL LAW WOULD PROBABLY HAVE CONCLUDED... THAT THERE WAS NO THERE THERE."

— Professor Joel B. Eisen

For a footnoted version of these remarks, watch for the Winter 1998 issue of the *University of Richmond Law Review*, Vol. 32, No. 2.



Timothy J. Sullivan was elected president of the College of William and Mary in 1992. Earlier, he taught at the Marshall-Wythe School of Law, becoming dean of the law school in 1985. Active in public service, Sullivan has served as executive director of the Governor's Commission on Virginia's Future, as counsel for the Commission on the Future of the Virginia Judicial System and as chair of the

Governor's Task Force on Intercollegiate and Interscholastic Athletics. He holds a bachelor's degree in government from William and Mary and a law degree from Harvard University.

Environmental dispute resolution mechanisms in trade treaties:

The example of NAFTA

The North American Free Trade Agreement is a prominent example of a trade treaty that incorporates mechanisms for resolving environmental disputes.¹ The "Environmental Side Agreement" to NAFTA established the North American Commission for Environmental Cooperation (CEC) and two separate dispute resolution systems.² Article 14 of the ESA authorizes any citizen to submit a claim that a party to NAFTA is "failing to effectively enforce its environmental law."³ This process culminates in the development of a "factual record" in appropriate cases.⁴

The CEC issued its first factual record on Oct. 24, 1997, in a case involving a complaint lodged by three Mexican environmental groups about the construction and operation of a new harbor terminal in Cozumel, Mexico.⁵ The factual record makes no enforcement recommendations, leaving no

additional recourse under the ESA for the environmentalists.⁶

A party to NAFTA may also claim that another party is displaying a "persistent pattern of failure to effectively enforce its environmental law," and request consultations with that party.⁷ This option is available only to parties, not to citizens. If consultations fail, the next step is a special session of the CEC, followed by arbitration and implementation of the arbitration panel's report.⁸ The process has a built-in enforcement mechanism: the adversely affected party may suspend trade benefits if the offending country does not implement the action plan resulting from the dispute resolution process.⁹

(Note: Professor Beatriz Bugada, a 1998 Allen Chair Professor, served as the head of the Mexico liaison office and as legal adviser to the CEC in the Cozumel Pier dispute mentioned above.)

Notes

¹ There is an extensive body of literature on the NAFTA dispute resolution process. Recent articles include Michael J. Kelly, *Bringing a Complaint Under the NAFTA Environmental Side Accord: Difficult Steps Under a Procedural Paper Tiger, But Movement in the Right Direction*, 24 *PEPP. L. REV.* 71 (1996); David Lopez, *Dispute Resolution Under NAFTA: Lessons from the Early Experience*, 32 *TEX. INT'L L.J.* 163 (1997); Kal Raustiala, *Recent Development: International "Enforcement of Enforcement" Under the North American Agreement on Environmental Cooperation*, 36 *V.A. J. INT'L L.* 721 (1996); and Richard H. Steinberg, *Trade-Environment Negotiations in the EU, NAFTA, and WTO: Regional Trajectories of Rule Development*, 91 *AM. J. INT'L L.* 231 (1997).

² NAFTA Environmental Side Agreement, *supra* endnote 9; see generally Lopez, *supra* note 1 (describing the early experience under NAFTA's dispute resolution processes).

³ NAFTA Environmental Side Agreement, *supra* endnote 9, art. 14, 32 I.L.M. at 1488; see also *Submissions on Enforcement Matters - Articles 14 & 15 of the North American Agreement on Environmental Cooperation (NAAEC)*, <<http://www.cec.org/english/citizen/index.cfm?format=1>> (description of the citizen submission process available on the CEC's Web site).

⁴ NAFTA Environmental Side Agreement, *supra* endnote 9, art. 15, 32 I.L.M. at 1488-89.

⁵ See *Final Factual Record of the Cruise Ship Pier Project in Cozumel, Quintana Roo*, <<http://www.cec.org/templates/registrytext.cfm?&varlan=english&documentid=126&format=1>>.

⁶ See Mary Sutter, *Pull Pier Permits, "Green" Groups Urge Mexico Ministries*, J. COMM., Nov. 6, 1997, at 3B (noting that "environmentalists complain that, with no enforcement recommendations, the [factual record] does little to help the environment in NAFTA countries").

⁷ NAFTA Environmental Side Agreement, *supra* endnote 9, art. 22(1), 32 I.L.M. at 1490.

⁸ Articles 22 through 36 of the Environmental Side Agreement describe the complicated process for resolution of the dispute if consultations fail. NAFTA Environmental Side Agreement, *supra* endnote 9, art. 22-36, 32 I.L.M. at 1490-93.

⁹ NAFTA Environmental Side Agreement, *supra* endnote 9, art. 36(1), 32 I.L.M. at 1493.

out ozone-depleting chemicals such as chlorofluorocarbons (CFCs)⁵ and the conventions on global climate change and biodiversity opened for signature at the 1992 U.N. Conference on Environment and Development (the "Rio Conference").⁶ International environmental agreements include both binding and nonbinding instruments; the latter are popularly known as "soft law."⁷

Many questions remain

In this promising new era of international environmental law, nations are entering into bold and increasingly more sophisticated initiatives to reduce environmental risks and safeguard natural resources. As this body of law expands and matures, the time has come to evaluate its achievements and potential. A long list of questions remains about international agreements designed to safeguard the environment.

■ How do we implement these agreements and ensure compliance with them?

It is one thing to marshal the political will to negotiate an international agreement, but another altogether to make the agreement effective at the national level.

This step often requires nations to adopt implementing legislation or regulations. The Kyoto Protocol, for example, would force the United States to develop energy conservation strategies and other emissions-reducing measures. Beyond implementing an agreement, nations must comply with it. As 1998 Allen Chair Professor Edith Brown Weiss observes, compliance is difficult to assess be-

cause we simply do not know whether "nations observe... almost all of their obligations almost all of the time."⁸

Many factors make the issue of compliance difficult, and identifying means of ensuring compliance with multilateral environmental agreements is a considerable challenge for the future.

■ Should aggrieved parties have recourse to litigation or some other form of dispute resolution?

Nations rarely use official dispute resolution mechanisms to address environmental conflicts. In the 1990s, however, the international community is adopting more formal approaches and procedures for dispute resolution. In one prominent trend, concerns over environmental impacts of free trade have prompted the incorporation of dispute resolution systems in the North American Free Trade Agreement⁹ (see sidebar) and the General Agreement on Tariffs and Trade.¹⁰ We are likely to see the increasing use of consultations, litigation¹¹ and arbitration in international environmental disputes.

■ Should citizens and nongovernmental organizations have access to the decision-making process?

Until recently, citizens and nongovernmental organizations (NGOs) such as Greenpeace had few legal rights to participate in international environmental decision-making. As the example of the NAFTA citizen submission process illustrates (see sidebar), public participation will play an increasingly important role in the future of international environmental law. All stages of the process

"IN THIS PROMISING NEW ERA OF INTERNATIONAL ENVIRONMENTAL LAW, NATIONS ARE ENTERING INTO BOLD AND INCREASINGLY MORE SOPHISTICATED INITIATIVES..."

— Professor Eisen

are likely to become more inclusive. Citizens and NGOs already are taking a more active role in the negotiation of agreements and the compliance process.¹² The appropriate role of public participation will continue to be refined over time.

■ **What is the appropriate relationship between environmental protection and economic development? How should we account for national sovereignty and respect differences among nations?**

There are pronounced rifts between nations over schemes for protecting the global environment. Developing nations often believe that developed countries are impeding their development in the name of environmental protection. At the Kyoto conference, develop-

ing nations objected to proposals to curb their greenhouse gas emissions. This lack of consensus on equity and fairness issues is a troublesome problem in international environmental law.

Another set of controversial issues involves the relationship between nations and international environmental bodies. At present, for example, there is no central regulatory body for international environmental law that is the equivalent of the U.S. Environmental Protection Agency. While some argue in favor of creating such an organization,¹³ many nations would oppose any centralization of regulatory authority. Equity and national sovereignty issues could cloud the future of international environmental law.

While these complex questions must be addressed, international environmental law continues to develop and expand as nations strive to protect the integrity of the planet. The law school is pleased to welcome four distinguished scholars, hailing from Australia, Great Britain, Mexico and the United States, to examine the future of international environmental law. All members of the law school community are encouraged and welcomed to attend their public lectures and share their unique perspectives on protecting the global environment.

Joel B. Eisen is an associate professor of law at the T.C. Williams School of Law and the director of the law school's Robert R. Merbige Jr. Center of Environmental Law. Professor Eisen is the faculty leader for the Spring 1998 Visiting Scholars series of the George E. Allen Chair in Law.

Endnotes

¹ These nations are the parties to the United Nations Framework Convention on Climate Change, opened for signature at the 1992 U.N. Conference on Environment and Development. U.N. Conference on Environment and Development, Framework Convention on Climate Change, U.N. Doc. A/AC.237/18 pt.II/Add.1 (1992), reprinted in 31 I.L.M. 849 (1992) (entered into force Mar. 21, 1994). Nations' efforts to reduce greenhouse gases have been modest at best. See generally John Dernbach, *U.S. Adherence to Its Agenda 21 Commitments: A Five-Year Review*, 27 ENVTL. L. RPT. 10504 (1997) (discussing U.S. efforts). As a result, the parties met at the Third Conference of the Parties Meeting in late 1997 in Kyoto, Japan to decide whether more rigorous measures were necessary. The resulting agreement binds nations to reduce emissions of greenhouse gases, mainly carbon dioxide. As this article went to press, the Kyoto Protocol had not been submitted to the U.S. Senate for approval, where prospects for ratification were uncertain. See William K. Stevens, *Meeting Reaches Accord To Reduce Greenhouse Gases*, N.Y. TIMES, Dec. 11, 1997, at A1.

² See GERTRUDE STEIN, EVERYBODY'S AUTOBIOGRAPHY 289 (1937). As 1998 Allen Chair Professor Edith Brown Weiss observes, there were multilateral environmental agreements as far back as the early 1900s, designed to protect species of wildlife. One example of such an agreement was the International Convention for the Regulation of Whaling, Convention for the Regulation of Whaling, Sept. 24, 1931, 49 Stat. 3079, 155 L.N.T.S. 349; see also Edith Brown Weiss, *International Environmental Law: Contemporary Issues and the Emergence of a New World Order*, 81 GEO. L.J. 675, 676 (1993).

³ See, e.g., Ben Boer, *Institutionalizing Ecologically Sustainable Development: The Roles of National, State, and Local Governments in Translating Grand Strategy Into Action*, 31 WILLAMETTE L. REV. 307, 307 (1995). Professor Boer, a 1998 Allen Chair Professor, notes that the Stockholm Conference "placed global environmental issues firmly on the international government agenda for the first time." *Id.*

⁴ See Brown Weiss, *supra* note 2, at 679. The many books on international environmental law by 1998 Allen Chair Professors include PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW (Philippe Sands et al. eds., 1995) and INTERNATIONAL ENVIRONMENTAL LAW: BASIC INSTRUMENTS AND REFERENCES (Edith Brown Weiss et al. eds., 1992).

⁵ Montreal Protocol on Substances that Deplete the Ozone Layer, Sept. 16, 1987, S. Treaty Doc. No. 100-10 (1987), adjusted and amended, June 29, 1990, S. Treaty Doc. No. 102-4 (1991), adjusted and amended, Nov. 25, 1992, S. Treaty Doc. No. 103-9 (1993).

⁶ The biodiversity convention is U.N. Conference on Environment and Development, Convention on Biological Diversity, U.N. Doc. DPI/1307 (1992), reprinted in 31 I.L.M. 818 (1992); the climate change convention is discussed at *supra* note 1. See generally Boer, *supra* note 3 (discussing the Rio Conference and legal instruments adopted at the Conference).

⁷ See generally Pierre-Marie Dupuy, *Soft Law and the International Law of the Environment*, 12 MICH. J. INT'L L. 420 (1991).

⁸ See Brown Weiss, *supra* note 2, at 696-97 (quoting Prof. Louis Henkin).

⁹ See North American Free Trade Agreement between the Government of the United States of America, the Government of Canada, and the United Mexican States (1993), reprinted in 32 I.L.M. 289 (1993); North American Agreement on Environmental Cooperation Between the Government of Canada, the Government of the United States of America, and the Government of the United Mexican States (1993), reprinted in 32 I.L.M. 1480 (hereinafter NAFTA Environmental Side Agreement). The CEC's Web site may be found at <<http://www.cec.org>>.

¹⁰ See generally John H. Jackson, *World Trade Rules and Environmental Policies: Congruence or Conflict?*, 49 WASH. & LEE L. REV. 1227 (1992).

¹¹ International courts play an important role in environmental conflicts. Several environmental disputes have been litigated in the World Court (International Court of Justice). A recent case between Slovakia and Hungary concerned the construction of the Gabčíkovo/Nagymaros project on the Danube River; 1998 Allen Chair Professor Philippe Sands served as a counsel for Hungary. See *Justice For All From A Global Courtroom*, THE LAW., Mar. 19, 1996, at 9 (describing the World Court's recent activities and Mr. Sands' involvement).

¹² See Brown Weiss, *supra* note 2, at 708-09; see generally Susan Casey-Lefkowitz, *A Comparative Look at the Role of Citizens in Environmental Enforcement*, 12 NAT'L ENVTL. ENFORC. J., June 1997, at 29.

¹³ See generally Geoffrey Palmer, *New Ways to Make International Environmental Law*, 86 AM. J. INT'L L. 259 (1992) (proposing the creation of an "International Environmental Organization").

SPRING 1998
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Each address will take place in the law school's Moot Court Room at 5:30 p.m. on the date noted, with a reception to follow in the Law School Atrium.

Professor Beatriz Bugeda
Universidad Iberoamericana
Mexico City, Mexico

Tuesday, March 3
"Dispute Resolution Under
NAFTA's Environmental Side
Agreement"

Professor Edith Brown Weiss
Georgetown University
Law Center
Washington, D.C.

Thursday, March 19
"Ensuring Compliance With
International Environmental
Agreements"

Professor Ben Boer
University of Sydney
Sydney, Australia

Thursday, March 26
"Implementation of Interna-
tional Environmental Law in
the Asia Pacific Region"

Mr. Philippe Sands
Reader in International Law
University of London
London, England

Tuesday, April 7
"Resolution of International
Environmental Disputes:
Litigation and Its Alternatives"

Law, Morality and the New World Order

By Azizah Y. al-Hibri

IN THE 1970s, the United States actively supported cross-border free flow of information in the international arena.¹ Other countries, such as Canada, shrank from that position partly because they feared that it might result in an unhealthy increase of American dominance over other nations.²

That struggle has now become moot. The new information revolution finally exploded upon the international stage in the '90s in full splendor. Today, faxes and cellular telephones have become cheaper and more common even in some Third World countries than they are in these United States. Web cafes, providing temporary Internet addresses for those who want to talk to the world (while sipping coffee), have proliferated, and TV dishes have lined distant skylines.

These new technologies have sprouted a new world order. This is not the one announced by President George Bush on the eve of the Gulf War. Rather, it is an *informational* order which has finally fulfilled the prophecy of Marshall McLuhan, the '60s guru, of a Global Village.³

In this new village, corporate executives in Silicon Valley are hiring computer engineers in places as far as Bangalore, India, to join engineering teams in the United States.⁴ Because of the significant difference in time zones between the two

countries, this arrangement works very well. When American engineers finish their work at the end of the day, they transmit the files they were working on to Bangalore. There, Indian engineers work on these files during their regular work hours. At the end of the Indian workday, the files are re-transmitted to Silicon Valley, in time for the American engineers to start their day.

In the New Information Age, there is no downtime, and no borders. The question is: how will such new facts affect the international economic and legal order?

Recent economic upheavals in Southeast Asia have shown that no economy is an island.⁵ Stock markets, trade, industry and banking have become so intertwined that a shock to the system in one place has had ripple effects in other places. New arrangements made possible by the New Information Age will only exacerbate this situation.

The world is fast becoming one large bazaar. Today, an American citizen can review for investment purposes, in the privacy of her own living room, a securities offering in Hong Kong, or a proposal for a new venture in Singapore, neither of which may conform to American laws.⁶ Our securities laws were developed to protect our citizens from fraud and misinformation.⁷ But these laws have

limited jurisdictional coverage. The information flowing into our living rooms does not!

This state of affairs indicates that new laws need to be devised to take into account new facts. The question therefore becomes, what kind of laws

"IF AMERICAN MEDIA CONTINUE THEIR PRESENT COURSE OF IGNORING THE VALUES OF THE AMERICAN MAINSTREAM, THEY WILL ALIENATE AN INCREASING NUMBER OF THE WORLD POPULATION."

— Professor Azizah Y. al-Hibri

should be developed for this brave new world? An imaginative answer is required. Clearly, domestic laws need to be revised to make room for new concepts, such as that of jurisdiction in cyberspace.⁸

This approach, however, responds to only part of the challenge. The more significant challenge is that of helping develop similar laws in other countries, as well as international laws, that deal with multinational issues. The problem with developing these laws is that different cultures have developed over time different approaches and solutions.

This was evident for awhile in the area of securities regulation. Insider trading is not regarded as a legal offense in many countries.⁹ The United States made a focused effort over the last few decades to help some countries, such as

Switzerland and Japan, see the evils of insider trading and cooperate with the U.S. in its international enforcement activity.¹⁰ In fact, Japan passed a set of securities laws modeled after the American ones.¹¹

This is an impressive accomplishment on its face, but it does need to be examined more critically. For one, where laws do not take into account the local culture or circumstances, they may be ineffective. In one country I visited, an official of the stock exchange scoffed at the

thought of instituting American-style legal arrangements. He pointed out that in his small country, they would be impossible to enforce. Instead, his exchange devised a more Draconian solution that worked well with local conditions.

But these kinds of issues address only one part of the problem. The other important part concerns the international political/legal regime that will emerge in the next few decades. The United States has been actively promoting American-style democratic institutions abroad.¹² It is not clear however, how successful these efforts were or whether the international regime will ultimately favor the American model.

Different scholars have predicted different outcomes. Harvard's Samuel Huntington, for example, has predicted a

bifurcated international regime in which two blocks re-emerge and engage in hot confrontation.¹³ These blocks are briefly described by him as "the West versus the Rest."¹⁴

The problem with such a view of the international order is that it clings to pre-Information Age facts. Under the new facts, the lines between "the West and the Rest" have paled next to the common and similar needs of the world. The coming age is one of reconciliation and co-operation, not confrontation.

Furthermore, the U.S. itself has become a microcosm of the world's cultural, ethnic, racial and religious diversity. Consequently, the U.S. is in a position to lead the world by listening to its own internal voices in devising domestic solutions and helping devise international ones. So far, this domestic fine-tuning has not taken place, and many religious and other voices in the U.S. are still struggling to be heard.

As a result, the U.S. is often perceived abroad as intensely secular and morally lax. These

conditions also have been associated consciously or subconsciously with the specific American political/legal system and the American society itself. This is a sad situation, given the intent of the Founding Fathers, the fact that the predominant majority of Americans believe in God,¹⁵ and that a significant majority subscribes to traditional values.

This serious misconception about American beliefs and values creates in many countries a deep-seated aversion to the American Way. Unfortunately, these countries are often ones that can benefit greatly from our constitutional democratic experience, technological know-how, and business and financial expertise.

But for people in these countries, there is often no clear dividing line between personal morality/faith and public behavior/ethic; the one directly reflects on the other. Thus, by espousing the American Way, these people fear that they would be exchanging their political, financial and business

problems with spiritual and moral ones. They fear that Americanization will ultimately mean the ushering in of a Godless and valueless society.

American programming received by the world's "dishes" has been primarily responsible for this false perception of the U.S. and its civilization. It has also sprouted adverse local consequences among the youth, such as the emergence of a devil worship cult in Egypt and live talk shows about premarital sex and incest on Lebanese television.¹⁶ The latter situation prompted the formation of a Christian-Muslim religious delegation which demanded that the government protect public morality. As the leader of a democratic country, the Lebanese prime minister was cognizant of free speech issues. He agreed, however, with the religious leaders' concerns and asked television stations to exhibit greater moral sensitivity.¹⁷

If American media continue their present course of ignoring the values of the American mainstream, they will alienate

an increasing number of the world population. This will then result in undeserved ill will toward our country, and the rejection of the American political/legal system as a model worthy of globalization.

Given the reach of the American media in the New Information Age, Americans must address what was once considered a set of domestic (or even local) problems, with new urgency.¹⁸ These problems have acquired added international significance. Without a better attempt at reflecting true American values (or at least their full diversity) in the American media and other areas of our life, our country will lose its moral credibility and leadership role in the new world. Yet, both are urgently needed for us to play a major part in developing the New World Order.

Dr. Azizah Y. al-Hibri is an associate professor in the T.C. Williams School of Law. She teaches corporate law and finance, securities regulation and Islamic jurisprudence. She is president of Karamah: Muslim Women Lawyers for Human Rights.

Endnotes

¹ For an overall view of this issue during the 1970s and '80s, see D. Seidman, *Transborder Data Flow: Regulation of International Information Flow and the Brazilian Example*, 1 J.L. & Tech. 31, *passim*, esp. 34, 45-48 (1986).

² *Id.* at 46.

³ This term was first introduced into the literature by Marshall McLuhan in *THE MEDIUM IS THE MESSAGE* (1967). It was also discussed in a later book co-authored by McLuhan and Bruce R. Powers, entitled *THE GLOBAL VILLAGE* (1989).

⁴ See Hewlett Packard's BUSINESS AND TECHNICAL COMPUTING (visited Jan. 15, 1998) <<http://www.hp.com/ibp/progress/csy/advisor/may96/features/taj.html>>; Land of Taj Mahal is New Mecca of High Tech. See also Josh Clark, *Brave New World: Experts Agree: Stable Jobs Are Giving Way to a Free-Agent System*, MOTHER JONES, July 17, 1997, available in 1997 WL 12778653; *Great Unknown Companies . . . And Why You Should Know Them*, INFORMATIONWEEK, Sept. 16, 1996, available in 1996 WL 12494727.

⁵ See, e.g., Reuters (visited Jan. 15, 1998) <<http://www.pathfinder.com/money/latest/rbus/RB/1997Dec23/639.html>>; J. Schoolman, *Stocks, Dollar Fall Amid Concern for Asian Economies*. See also Reuters (visited Jan. 15, 1998) <<http://www.pathfinder.com/money/latest/rbus/RB/>

1997Dec23/617.html>; R. Jacobsen, *Wall Street Stocks Shaken Again by Asian Market*.

⁶ For more about the concerns of the Securities and Exchange Commission on this matter, see the statement of Chairman Arthur Levitt at an open meeting, May 23, 1997 <<http://www.sec.gov/news/speeches/spch161.txt>>. Also see the remarks of Former Commissioner Wallman, before the Institute of International bankers, March 4, 1996 <<http://www.sec.gov/news/speeches/spch087.txt>>.

⁷ See, e.g., The Securities Act of 1933, 17 C.F.R. §240.2(B) & 3(C); The Securities Exchange Act of 1934, 17 C.F.R. §240.10b-5.

⁸ See, e.g., *Personal Jurisdiction through Internet Activity Confirmed*, COMPUTER LAW, (May 1997); R. Timothy Muth, *Old Doctrines on a New Frontier: Defamation and Jurisdiction in Cyberspace*, WIS. LAW. (Sept. 1995).

⁹ This state of affairs has understandably caused problems for the SEC. See Concept Release No. 34-38672, by the Securities and Exchange Commission (1998), pp. 177-79 <<http://www.sec.gov/rules/concept/3438672.txt>>.

¹⁰ For more on the SEC international enforcement efforts and its attempts to help other countries style their securities laws after ours. See report by the Office of International Affairs, Securities and Ex-

change Commission, *The SEC International Enforcement Program and Bilateral and Multilateral Initiatives*, 3 THE SEC SPEAKS IN 1996, PRACTICING LAW INSTITUTE 127154. For information on Japanese anti-fraud provisions and the American influence on its development, see Misao Tatsuta, *Insider Trading By An Issuer Under Japanese Law*, 4 PAC. RIM L. & POL'Y J. 633, *passim*, esp. 634-35, 647 n. 1 (July 1995); and SECURITIES REGULATION IN JAPAN 10 (1970). For more on past American efforts with Switzerland, see Ellen R. Levin, *The Conflict Between United States Securities Laws on Insider Trading and Swiss Bank Secrecy Laws*, 7 NW. J. INT'L L. & BUS. 318, 340-41 (Fall/Winter, 1985).

¹¹ Misao Tatsuta, *Insider Trading by an Issuer Under Japanese Law*, 4 PAC. RIM L. & POL'Y J. 633, 647 n.1 (July 1995); SECURITIES REGULATION IN JAPAN 10 (1970).

¹² I have been actively involved in these efforts through my repeated participation in USIA lecture programs overseas. These lectures focused primarily on American constitutional democracy and its consistency with the local customs and beliefs of host countries.

¹³ Samuel P. Huntington, *The Clash of Civilizations?* in 72 FOREIGN AFFAIRS 22. The ideas in this article, which received a great deal of international attention, were restated in a book recently published by HUNTINGTON, entitled *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996).

¹⁴ Samuel P. Huntington, *The Clash of Civilizations?*, 72 FOREIGN AFFAIRS 22, 39.

¹⁵ Russell Shorto, *Belief by the Numbers*, N.Y. TIMES MAG., Dec. 7, 1997, at 60, citing research by The Gallup Organization for CNN/USA TODAY and LADIES' HOME J.

¹⁶ Earlier in the year, I read a report in a Kuwaiti magazine about an Egyptian Satanic worship cult. During a visit to Lebanon, I attended a university lecture. While appreciating the technological innovations of the U.S., the lecturer discussed the negative impact of the secular American culture on his region, which he said gave rise to such phenomena as Satanic cults, drugs and lax sexual morality.

¹⁷ During the same visit to Lebanon, I watched a televised session of the Lebanese Parliament, in which the Prime Minister delivered an address. In that address, the Prime Minister mentioned the offensive television shows, and the visit paid by the delegation of Christian and Muslim religious leaders to his office. He then summarized his position on the matter.

¹⁸ Many American jurists who are also persons of faith have been actively involved in reassessing recent developments in American law, and raising important questions about them. See, e.g., FAITH AND THE LAW SYMPOSIUM, 27 TEX. TECH. L. REV. 947 (1996), and THE RELEVANCE OF RELIGION TO A LAWYER'S WORK: AN INTERFAITH CONFERENCE, FORDHAM L. REV. (forthcoming).

FACULTY ACCOMPLISHMENTS

Noted here are some of the recent professional and academic accomplishments of the T.C. Williams School of Law faculty.

Professor **Robert E. Shepherd Jr.** has been involved with the Janiculum Project, a group of juvenile justice scholars, judges, prosecutors, court services professionals and others who are examining the strengths and weaknesses of the juvenile court system in the U.S. In addition to participating in a working conference this past fall, Shepherd has been a member of the project's planning and editorial committees and editorial board.

Adrienne Volenik, assistant clinical professor and director of the Mental Disabilities Law Clinic, spoke to the Louisiana Criminal Defense Lawyers Association on the "Competency of Juveniles to Stand Trial" in October 1997. Together with co-authors Patricia Hoff and Linda Girdner, Volenik published "Jurisdiction in Child Custody and Abduction Cases: A Judge's Guide to the UCCJA, PKPA, and the Hague Child Abduction Convention," in Vol. 48, Spring 1997, of the *Juvenile and Family Court Journal*.

Last May associate clinical professor and director of clinical placement **Margaret I. Bacigal** was appointed to the Richmond Juvenile and Domestic Relations District Court Citizens Advisory Council by the judges of the court. Most recently she became a member of the board of directors at the Virginia Poverty Law Center.

During the media blitz surrounding the Marv Albert case, professor **Ronald J. Bacigal** was interviewed by the Associ-

ated Press, *The New York Times*, *USA Today* and Fox Network News. Bacigal has published the second edition of his text, *The Admissibility of Evidence in Virginia* (Harrison Co.), and the sixth edition of *Criminal Law Cases and Comments* (Foundation Press).

Also interviewed by the Associated Press was assistant professor **John Douglass**. He was quoted in an AP story about independent prosecutor Kenneth Starr and the Bill Clinton-Monica Lewinsky scandal. On Jan. 30 *USA Today* quoted Douglass in a similar article. He was questioned whether federal prosecutors typically pursue perjury charges relating to testimony in civil depositions.

New law library director and associate professor **Timothy L. Coggins** published "Bringing the 'Real World' to Advanced Legal Research" in the fall 1997 issue of *Perspectives: Teaching Legal Research and Writing*. He serves as co-chair of the American Association of Law Libraries' Information Technology and Implementation Working Group, which has developed a Web site (<http://www.bc.edu/aallwg>) providing guidance and criteria on creating Web sites for electronic legal information. In September he demonstrated the site to the annual meeting of the National Association of State Information Resource Executives in Williamsburg.

In her article "Child Care, Welfare Reform, and Taxes," published in *The Community Tax Law Report*, Vol. 2, No. 4 (October 1997), associate professor **Mary L. Heen** discusses the need for increased work-related child care assistance as

states implement welfare reform and the impact of new and existing tax credits on low-income families. She also prepared a submission on the child tax credit for inclusion in ALI-ABA materials on the Taxpayer Relief Act of 1997 on behalf of the ABA Section of Taxation Committee on Low Income Taxpayers.

In November, director of law admissions **Michelle Rahman** spoke about the admissions process at the Law Forum in Los Angeles sponsored by the Law Services Admission Council. As a member of a subcommittee of the Law School Admission Council (LSAC) board of trustees, Rahman is working on LSAC's educational programs and professional development activities.

Dr. W. Hamilton Bryson, professor of law, gave a paper, "English Ideas on Legal Education in Virginia," to the British Legal History Conference in Cambridge, England, in July 1997. He published *Bryson on Virginia Civil Procedure* (Charlottesville: Michie, 1997); *Virginia Circuit Court Opinions* (Charlottesville: Michie, Vols. 41 and 42, 1997); and two essays, "Equity Reports and Records in Early Modern England" and "Virginia Law Reports and Records, 1776-1800" in *Case Law in the Making*, ed. A. Wijffels (Berlin: Duncker & Humblot, 1997).

Professor **Peter N. Swisher's** article, "Reassessing Fault Factors in No-Fault Divorce," was published in 31 *Family Law Quarterly* 269 (1997). The article resulted from a 1997 Hunton & Williams summer research grant.

Last September Swisher was invited by the Virginia General Assembly subcommittee study-

ing products liability law under House Joint Resolution 523 to testify on the Virginia products liability law tort reform. That hearing was reported in the *Virginia Lawyers' Weekly*, Sept. 8, 1997, at page A-3. In January 1998, Swisher served as section chair and moderator for an AALS Insurance Law Section Program in San Francisco titled "The Insurance Law Doctrine of Reasonable Expectations after Three Decades."

Professor **Ann C. Hodges** continues as president-elect of the legal Information Network for Cancer (LINC) and in October conducted training for new volunteer counselors who will assist cancer patients and their families with maintaining income and ensuring access to necessary medical treatment. Hodges also serves as the faculty liaison for the Virginia Bar Association Labor and Employment Law Section Council. In September she served as a moderator of two sessions at the 27th annual Conference on Labor Relations and Employment Law. And in December, she spoke on labor and employment law at the MCV/VCU Asbestos Annual Refresher Course for Contractors and Supervisors.

Professor **Paul Zwier** and his coauthor, Dr. Ann B. Hamrick, recently published "The Ethics of Care and ReImaging the Lawyer/Client Relationship," in Vol. 22 of the *Journal of Contemporary Law*. Zwier and Hamrick argue that the "ethics of care" should shape attorney/client relations; they critique the prevailing rights-based model of client counseling and propose an alternative ethical model.



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HONOR ROLL OF GIFTS

Last year was a good year for the Law Annual Fund. Through the leadership of Law Annual Fund Chair Charles F. "Rick" Witthoeft, L'72, and Vice Chair Anthony F. Troy, L'66, the law school raised more than \$560,000 and the Law School Annual Fund represented more than \$248,000 of that total. Making it all possible were numerous volunteers who provided significant leadership on the Young Grads Council, the Firm Agent Program, the Law School Association and the Annual Fund Committee for the law school.

On the following pages are listed the alumni, law firms and other friends of the law school who gave their support during 1996-97.

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6	1963	61%
7	1933	60%
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8	1957	58%
9	1947	57%

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1975

Participation - 38%
Total Dollars - \$1,710

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1977

Participation - 39%

Total Dollars - \$6,567

Planned Gift Donors - 1

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1978

Participation - 32%

Total Dollars - \$3,172

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Rank	Class	Amount
1	1965	\$16,835
2	1961	\$13,288
3	1976	\$7,252
4	1977	\$6,567
5	1980	\$5,979
6	1959	\$5,733
7	1967	\$5,225
8	1979	\$4,665
9	1957	\$4,194
10	1985	\$3,887

1979

Participation - 38%

Total Dollars - \$4,665

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1980

Participation - 42%

Total Dollars - \$5,979

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1983

Participation - 30%
Total Dollars - \$2,830

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1984

Participation - 23%
Total Dollars - \$2,045

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1985

Participation - 36%
Total Dollars - \$3,887

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1986

10th Reunion
Participation - 32%
Total Dollars - \$2,010

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1987

Participation - 30%
Total Dollars - \$2,949

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A substantial portion of a \$2.2 million bequest from Mr. Dickerson's estate to the University of Richmond and the law school will be used to establish the Joseph and Jean Dickerson Scholarship Fund for law students.

The fund will provide several \$10,000 scholarships for law students every year. A selective application process will determine the recipients, whose scholarships will be renewed automatically each year provided they rank in the top one-third of their classes.

Mr. Dickerson's bequest forms the foundation for the law school's new merit-based John Marshall Scholars program. Recipients of the Dickerson scholarships also will be invited to participate in special seminars and in receptions enabling them to meet judges and prominent lawyers.

A native of South Boston, Va., Mr. Dickerson accepted a scholarship to play football at the University of Richmond and then continued his studies at the law school. After graduating, he worked in a Richmond law firm established by the former Virginia governor, William M. Tuck. He left the practice of law during the Depression and joined the FBI, where he worked until his retirement.

While at the FBI, Mr. Dickerson was assigned to a number of notorious cases, including the Lindbergh kidnapping and the John Dillinger shooting in Chicago. He worked in the espionage and organized crime units, investigated the Communist Party and was personally acquainted with J. Edgar Hoover.

Mr. Dickerson made his bequest in part because of what he said was a debt of gratitude he felt he owed to the University and the law school. The scholarships will bear his name and the name of his late wife, Jean.

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Virginia Gunst
Hanover Shoe Farms Foundation, Inc.
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Linda Kent
Hiroko McCaul
Judith Mezzullo
David E. Morewitz
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Caroline Smithers
Southeastern Admiralty
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LAW SCHOOL ASSOCIATION

Student mentoring program sponsored by association

The Law School Association recently held its winter meeting in Crystal City in the first of what we hope will be annual winter meetings "on the road."

By necessity, our spring and fall meetings are held in Richmond. Last year we decided to hold a third meeting during the winter and to try to rotate it among various venues outside Richmond. The purpose of rotating locations is two-fold. First, we hope it will be less burdensome on our non-Richmond directors; secondly, and more importantly, it is an opportunity to meet and spend time with more non-Richmond alumni.

In Crystal City we welcomed the new members of the board who were elected at the annual meeting during Law Weekend (see p. 22-23). As a result of a bylaw amendment approved during Law Weekend, we also welcomed a new ex-officio member of the board representing the law school faculty. The faculty has designated Dan Murphy to fill that spot and we are very pleased to have Dan join us.

In partnership with the Student Bar Association and the administration, we are now preparing to launch a new expanded Law Student Mentoring Program during the spring semester that will match participating law students with practitioners both in and outside the Richmond area. While the format is flexible, the program is intended to afford current law students an opportunity to spend time with and get to know practicing attorneys, and to learn more about their areas of practice, their day-to-day activities, and the real-life ethical and legal challenges they face.

This is a great opportunity for alumni to become more involved with the law school and our current students in a very real and hands-on way. As someone who has served as a mentor to a T.C. Williams student, I can tell you that the experience is likely to be at least as rewarding for the lawyer as I expect it is for the student. We currently have more than 100 alumni volunteers and 78 students in the program.

Among those who have helped bring about the mentoring program are former board member Kevette Elliott, L'89; Donna Harwell, L'98; Kristine Marzolf, associate dean; and Nancy LeCuyer, director of development and alumni programs. To those of you who have already volunteered to participate, I am confident that you will enjoy the experience. For those of you who haven't, I encourage you to contact Nancy LeCuyer at (804) 289-8029 to put your name on the list.

— Kenneth J. Alcott, B'77 and L'83
President, Law School Association

LAW NOTABLES

Deborah Fletcher, L'82, was honored last fall as one of the Top 25 Women in Business in Charlotte, N.C. An attorney at Womble Carlyle Sandridge & Rice in Charlotte, Fletcher was recognized for her exceptional professional accomplishments and community projects.

The co-author of *Bankruptcy: A Survival Guide for Lenders*, Fletcher practices in the areas of bankruptcy and creditors' rights law. She is a national director and founder of the Carolinas Chapter of the Turnaround Management Association, a national organization that brings

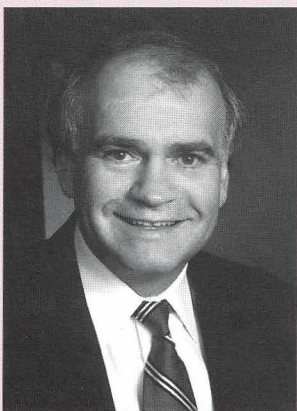
together corporate restructuring professionals. She also serves as president-elect of North Carolina's oldest community theatre, Theatre Charlotte.



DEBORAH FLETCHER, L'82

Richard Cullen, L'77, was appointed Virginia's 39th attorney general in June 1997 by Gov. George Allen to fill the vacancy left following the resignation of James S. Gilmore III, who left to campaign for governor. He served until Jan. 17, 1998, when he returned to McGuire, Woods, Battle & Boothe, where he is a partner in the litigation department.

An active voice in state government, Cullen also was appointed to the Juvenile Criminal Commission, the Virginia Criminal Sentencing Commission and as co-chair of the Governor's Commission on Parole Abolition and Sentencing Reform. At the national level, Cullen served as special counsel to the Senate Iran-Contra investigation in 1987 and in 1991 President George Bush appointed him U.S. Attorney for the District of Virginia, a post he held until 1993.



RICHARD CULLEN, L'77

New board members elected

Sarah Hopkins Finley, W'74 and L'82, who has already served a year on the board when she was appointed earlier to fill an unexpired term, has been elected to a full term. She is a partner at Williams, Mullen, Christian & Dobbins in Richmond, where her practice focuses on government and administrative law with particular emphasis on local government law. She is secretary of the local government section of the Virginia State Bar.

Louis A. Mezzullo, L'76, is director of the firm of Mezzullo & McCandlish. His principal areas of practice include taxation, estate planning and employee benefits. He is an adjunct professor of law at T.C. Williams and lectures for the CLE committee of the Virginia Bar Foundation and the Virginia Society of CPAs.

Listed in *Who's Who in American Law*, *Who's Who in Emerging Leaders* and *The Best Lawyers in America*, Mezzullo is a member of numerous professional organizations. He is a fellow and regent of the American College of Tax Counsel; a fellow of the American Bar Association; a fellow of the Virginia Law Foundation; and a fellow and regent of the American College of Trust and Estate Counsel. He also serves as vice-chair of the ABA Section of Real Property, Probate and Trust Law, and he is a member of the University of Richmond's Board of Associates.

Daniel T. Murphy is a professor of law and the director of international studies at the T.C. Williams School of Law. He has taught at the law school since 1976, and served as interim dean from July 1995 to July

1997. His courses include comparative law, international law, international business transactions and the law of the European Union.

Murphy is an elected member of the American Law Institute and is a member of the VBA committee on legal education. In the mid-1980s he served as the reporter for a joint bar study committee on the revision of the Virginia corporation statute.

Pamela Goldstein Sauber, L'85, began her law career by clerking two years for Judge Robert R. Merhige Jr., L'42. She worked for five years at the firm of Fried, Frank, Harris, Shriver & Jacobson in Washington, D.C., and then joined AT&T as counsel with their federal market group. She now is staying at home with her daughters Jessica, 22 months, and Elyse Madeline, born Jan. 12, 1998.

Bruce Calvin Stockburger, L'76, is a partner at Gentry, Locke, Rakes & Moore in Roanoke, Va., where he serves as chair of the firm's commercial practice section. His practice focuses on tax planning for businesses and individuals; wealth preservation, gifts and estate planning; representing health providers; and representing businesses and business owners. He holds a master's degree in taxation from New York University.

A fellow of the American College of Trust and Estate Council, Stockburger's professional activities include membership in both the Virginia State Bar and the Virginia Bar Association, and serving as director of the Virginia Tax Foundation. He has served as chair of the tax sections for both the VSB and the VBA.

Alexander L. Taylor Jr., L'87, assistant attorney general for the Commonwealth of Virginia, represents state employees in civil actions in federal and state courts and advises the superintendant for the Department of Correctional Education.

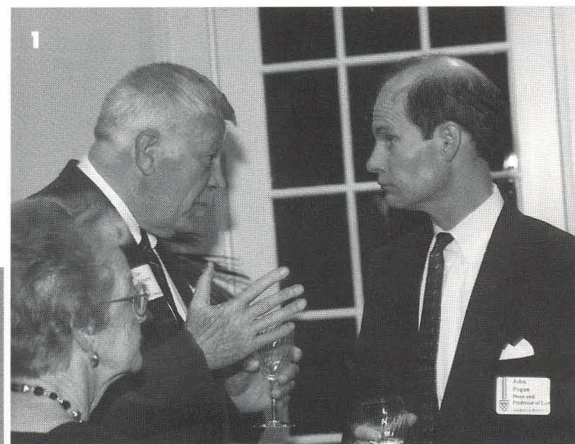
An adjunct professor at the T.C. Williams School of Law, he also has taught at the Army Logistic Management College at Fort Lee, Va. He has served as a trial defense attorney at Fort Lee and as senior legal assistance attorney at Fort Clayton, Panama, and he is now a major in the U.S. Army Reserve. He also is chair of the board of directors of the Richmond chapter of the March of Dimes.

Anthony F. Vittone, R'90 and L'93, is an attorney at the Richmond firm of Mezzullo & McCandlish, where his practice concentrates in the areas of intellectual property law and general corporate law. He formerly was with McGuire, Woods, Battle & Boothe.

An amateur artist himself, Vittone serves on the board of the 1708 Gallery in Richmond. He is active on the corporate counsel and intellectual property sections of the American Bar and Virginia Bar associations, and is a former member of the Richmond College alumni board.

Fall Gathering, reunions celebrated

The Oct. 17-18 weekend brought law alumni back to campus for Fall Gathering at the T.C. Williams School of Law on Friday evening, and reunions and a dinner on Saturday evening in the new Jepson Alumni Center. Visiting together were:



1 James C. Roberts, L'57, and Charlotte Roberts with Dean John Pagan

2 Members of the Class of 1972, chaired by J. Waverly Pulley III

3 Professor Robert E. Shepherd Jr. with Judy Lin, L'97

4 Mark Lambert; Brice Lambert, L'97; Lisa Greenfield, L'99; and Greg Sheldon, L'99

Photos by Thomas Kojtsch

Smart receives medal from JAG staff

Capt. Elizabeth B. "Beth" Smart, L'90, received an Army Commendation Medal last August for her superb work in the administrative law section of the Judge Advocate General's staff. It was presented by Major General John D. Altenburg Jr., Assistant Judge Advocate General of the Army. Also present was Smart's father, John S. Smart, L'59. Beth Smart is now enrolled in the LLM program at the Judge Advocate General's School at the University of Virginia, the only applicant from either the National Guard or the Army Reserve to have been selected in 1997 for the program.



CLASS

Actions

'40s

James M. Minor Jr., L'49, of Richmond, was recognized as a life member of the Virginia Bar Association at its 107th summer meeting on July 18, 1997.

Thomas H. Tullidge, L'49, of Tappahannock, Va., was recognized as a life member of the Virginia Bar Association at its 107th summer meeting on July 18, 1997.

'50s

Gordon P. Williams Jr., L'50, is assistant general counsel, director of network and business development, at IXC Communications Inc. in Austin, Texas.

Willard J. Moody Sr., L'52, of Portsmouth, Va., was recognized as a life member of the Virginia Bar Association at its 107th summer meeting on July 18, 1997.

James C. Roberts, L'57, was invited to serve a two-year term on the University of Virginia's Health Sciences Leadership Council.

The Hon. Frederick P. Stamp Jr., L'59, is serving a four-year term on the University of Richmond's Board of Trustees.

'60s

The Hon. Donald H. Kent, R'60 and L'63, of Richmond, is counsel for the Judicial Inquiry and Review Commission of Virginia, which is responsible for investigating and prosecuting ethical complaints against judges in the state. For 23 years, he has served as a judge on the Circuit Court of Alexandria, Va., and has served as chief judge for the past 10 years.

S.D. Roberts Moore, L'61, is a partner at Gentry, Locke, Rakes & Moore in Roanoke, Va.

Robert F. Brooks Sr., R'61, L'64 and G'93, of Hunton & Williams, is serving a four-year term on the University of Richmond's Board of Trustees.

Walter Griggs, R'63, L'66 and G'71, is the assistant director of VCU's honors program.

Roderick B. Matthews, L'66, has joined the Richmond office of Hazel & Thomas as senior counsel. He is a member of the National Commission of Alternate Dispute Resolution in the Health Care Industry. He also is a member of the executive committee of the board of trustees of Children's Hospital.

Anthony F. Troy, L'66, serves on the policy committee at the law firm of Mays & Valentine in Richmond.

Ralph L. "Bill" Axselle, L'68, was elected business council forum chairman for the Greater Richmond Chamber of Commerce executive committee. He is with the Richmond law firm of Williams, Mullen, Christian & Dobbins.

William L. Dudley Jr., L'68, was appointed last summer to fill an unexpired term as a commissioner at the Virginia Workers Compensation Commission. The Hon. Theodore J. Markow, L'68 and 13th Richmond Circuit Court judge, swore him in.

Charles H. Gardner, L'68, of Richmond, joined Anderson & Strudwick Inc. as an account executive. He formerly worked with the Southern Farm Bureau.

Eugene M. Desvernine, L'69, of Richmond, was named senior vice president of transportation at Reynolds Metals Co., where he has worked since 1994.

Michael L. Rigsby, L'69, of Richmond, was elected chairman of the board of trustees of Commonwealth Catholic Charities for 1997. He is with the Virginia State Bar.

'70s

John S. Barr, L'70, has joined McGuire, Woods, Battle & Boothe as a partner in its Richmond Office. His practice will focus primarily on labor and employment litigation, construction law, and securities defense litigation and enforcement.

Virginia Howitz Hackney, L'70, of Hunton & Williams, was elected to the board of the Virginia Blood Services.

Laurens Sartoris, L'70, with Virginia Hospital & Healthcare Association in Richmond, was elected to the board of Virginia Blood Services.

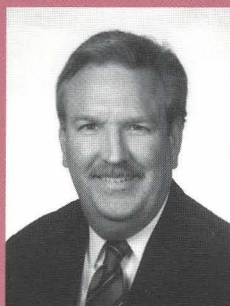
Edward D. Barnes, L'72, of Chester, Va., was elected secretary-treasurer of the Metro Family Law Bar Association. He is a partner in the law firm of Barnes & Batzli.

Charles F. Witthoefft, L'72, was elected executive vice president of the Richmond law firm of Hirschler, Fleischer, Weinberg, Cox & Allen.

The Hon. Harry L. Carrico, H'73, chief justice of the Virginia Supreme Court, received the VADA Award for Excellence in Civil Litigation from the Virginia Association of Defense Attorneys.

John Knight, L'73, was elected secretary-treasurer of the Local Government Attorneys of Virginia Inc. He serves as deputy county attorney for the county of Henrico, Va.

William G. Hancock, L'75, a partner with the Richmond-based law



ALUMNI PROFILE

DIRECTING
GLOBAL
CORPORATE
LEGAL
AFFAIRS

It could have been his interest in current events or world affairs. Or maybe it was his realization while living in Florida during the Cuban missile crisis that "we were part of a very small world, and it made me curious about what existed beyond." Whatever the reason, Bruce Dozier, R'70 and L'73, always knew he wanted to pursue an international career.

What he did not know was that he also wanted to study law. That interest developed during his undergraduate years after UR history professor Dr. Joseph Robert advised Dozier that a law degree would open more doors for him professionally.

Looking back, Dozier agrees.

After graduating from law school, he worked with the U.S. State Department in the Bureau of Consular Affairs, supervising divisions responsible for Africa, Eastern Europe, Asia, and North and South America. His duties included prosecuting nationality cases, participating in talks with the former Soviet Union, and serving as the press spokesman and legal representative after the Jonestown, Guyana, cult mass suicide in 1978.

Dozier spent nearly seven years in Washington, D.C., gaining public international law experience. To gain knowledge of private international law, he enrolled in Georgetown University's Law Center, graduating with a master of law degree with a concentration in international/corporate law. This background led him in 1980 to Wilmington, Del., and American Life Insurance Co., a subsidiary of the global insurance and financial services giant American International Group Inc.

Beginning as an international corporate attorney, Dozier was promoted through the law department and now serves as ALICO's vice president and general counsel. He is responsible for directing the daily legal affairs of ALICO, a company with over \$15 billion in assets and business ventures in more than 50 countries. Additionally, he serves or has served on the boards of directors of ALICO and its subsidiaries in Italy, Kenya, Pakistan, Trinidad and Turkey.

His job, an international corporate legal practice, often requires him to travel abroad on trips that can last one week to three months. These long absences can be difficult on his wife, Suzy, and 14-year-old son, Doug, but he says his wife is very supportive and his son, who was adopted from Chile, is captivated by his father's stories and mementos from foreign trips.

Although Dozier speaks some French and Spanish, he wishes he had placed more emphasis on languages in school. With the globalization of the world economy, however, he says today's students must focus on international issues to succeed.

"Anyone going to law school now, whether they intend to make international law their primary focus or not, has to have some background," says Dozier.

— Alissa A. Mancuso, AW'94

firm of Mays & Valentine, is president-elect of the Richmond Ballet, the state ballet of Virginia. He is responsible for fund-raising activities and has served on the ballet's board of trustees for the past seven years.

Harold L. Kestenbaum, L'75, has become counsel to the firm of Hollenberg Levin Solomon Ross Belsky & Daniels in Garden City, N.Y. Since 1977 his practice has concentrated exclusively in the field of franchise law.

Dennis I. Belcher, L'76, was elected a director of the Virginia Public Safety Foundation. He is with McGuire, Woods, Battle & Boothe.

Andrew Jaxa-Debicki, L'76, joined the St. Louis-based law firm of Thompson Coburn as a partner in the firm's international practice in Washington, D.C. He had worked on Capitol Hill in the U.S. Senate as counsel and as assistant for policy to the assistant secretary of commerce.

Timothy A. Chenault, R'75 and L'77, works as an attorney with the U.S. Coast Guard in Washington, D.C. He and his wife, Susan, live in Woodbridge, Va., with their children: Daniel, 10; Melissa, 5; and William Benjamin, born Oct. 17, 1996.

Richard B. Chess, L'77, of Midlothian, Va., established a real estate investment trust consulting firm in Richmond. He was a candidate for the James River Soil & Water Conservation Commission in Chesterfield County.

Richard Cullen, L'77, see p.22.

John C. Shea, L'77, with the Richmond law firm of Marks & Harrison, was elected a vice president of the Virginia Trial Lawyers Association.

Thomas R. Klein, L'78, of Midlothian, Va., was elected vice president, business development, at the Richmond corporate headquarters of Lawyers Title Insurance Corp. He was formerly vice president and area manager for the firm's Northern Virginia-Washington, D.C., operations.

CLASS ACTIONS

Brian E. Moran, L'78, is a partner with the Stamford, Conn., office of Robinson & Cole, the oldest law firm in Connecticut. He heads the firm's intellectual property and high technology practice group.

Kenneth E. Powell, L'78, with Legg Mason Wood Walker Inc. in Richmond, is a director of the Virginia Public Safety Foundation.

Charles L. Ricketts III, L'78, was elected in May 1996 to the city council of Waynesboro, Va. In June 1997, he was elected mayor of the city for a two-year term.

Edward Starr, L'79, is serving a two-year term as president of the board of trustees of the Lewis Ginter Botanical Gardens in Richmond.

Robin Robertson Starr, L'79, was elected executive director of the Richmond Society for the Prevention of Cruelty to Animals. She was formerly a partner at the law firm of Williams, Mullen, Christian & Dobbins.

'80s

The Hon. Bonnie Davis, L'80, was elected to the board of governors in the family law section of the Virginia State Bar.

John D. Epps, L'80, was elected trustee of the

Central Virginia chapter of the National Multiple Sclerosis Society. He also is president-elect of the Virginia Association of Defense Attorneys. He is with the Richmond-based law firm of Hunton & Williams.

Roseleen P. Rick, L'80, was elected a partner at Mays & Valentine. She practices commercial real estate law, concentrating on leasing, financing, workouts and foreclosures. She is a former president and founding member of the Richmond chapter of Commercial Real Estate Women and chair of the specialized leases committee of the ABA's real property, probate & trust section.

John R. Walk, L'80, was elected secretary of the Richmond law firm of Hirschler, Fleischer, Weinberg, Cox & Allen.

Roger L. Williams, L'80, is a principal in the Richmond law firm of Williams & Lynch, which specializes in civil litigation with an emphasis on workers' compensation and liability claims.

Martha Post Baxter, L'81, a partner in the law firm of Bricker & Eckler in Columbus, Ohio, was named to *The Best Lawyers in America, 1997-1998*. The lawyers must be voted onto the list by their peers.

John M. Carter Jr., L'81, of Midlothian, Va., was elected to the board of

the Virginia Council on Economic Education, a state council of EconomicsAmerica. He also was elected a senior vice president in law and employee relations at Lawyer's Title Insurance Corp.

Paul G. Izzo, L'81, has become associated with Thompson & McMullan in Richmond.

Deborah Fletcher, L'82, see p. 22.

Michael HuYoung, L'82, of Glen Allen, Va., is chairman of the criminal litigation section at Barnes & Batzli where he is a partner. He works in the firm's Innsbrook office.

Peter N. Pross, G'78 and L'82, is an attorney with Plummer & Beaman in Pittsburgh, Pa.

Kimberly S. Ritchie, L'82, of Blacksburg, Va., joined the law firm of Sands Anderson Marks & Miller. She specializes in education law and continues to represent the Montgomery County School System.

Richard Thorsey, L'82, recently published an article, "A Question of Trust," in the newsletter of the Virginia State Bar real property section.

Ken Alcott, B'77 and L'83, and his wife, Jean Baskerville Alcott, B'77, are the parents of John Eagles III, born Sept. 9, 1996.

G. Bradstreet Peaseley VI, L'83, is counsel in the Richmond office of Mays & Valentine. His practice concentrates on multi-family, nursing home and residential real estate finance.

Michael D. Ward, L'83, was elected vice president of the National Federation of Independent Business. He is with the Virginia Petroleum Council.

Joseph D. McCluskey, C'81 and L'84, of Mechanicsville, Va., joined the Richmond law firm of LeClair Ryan as an officer. He practices management-risk, employment counseling, discrimination and labor law. He was formerly with Virginia Power and Hunton & Williams.

Capt. Kathryn R. Sommerkamp, L'84, is a professor and vice chair of the contract law department at the Army's Judge Advocate General's School in Charlottesville, Va.

Carolyn Lavecchia, L'85, of Chesterfield, Va., was elected vice chairman of the advisory council of the Virginia Treatment Center for Children. She is with the firm of Williamson and Lavecchia.

Richard Tyler McGrath, L'85, works at Kane, Jeffries, Foreman & Gayle.

David Bowen, L'86, and Valerie Havard Bowen, L'87, have a son, Charlie, 5, and a daughter, Grace, 1 1/2. Valerie is prosecuting violent criminals in Norfolk, Va., and David is a partner at Willcox & Savage in Norfolk.

Karen M. Gard, L'86, is a deputy attorney general in the Pennsylvania office of the attorney general in Harrisonburg.

Ronald K. Jaicks, L'86, has left private practice to accept a position as trial attorney in the prosecution division of the U.S. Office of Special Counsel in Washington, D.C. He and his wife Patty had a son, Christopher McGuire, on July 27, 1997.

Karen Lebo, L'86, was elected chairman of the advisory council of the Virginia Treatment Center for Children. She is with the office of the attorney general in Richmond.

Valerie Havard Bowen, L'87, and David Bowen, L'86, have a son, Charlie, 5, and a daughter, Grace, 1 1/2. Valerie is prosecuting violent criminals in Norfolk, Va., and David is a partner at Willcox & Savage in Norfolk.

Michael Condyles, L'87, has been elected treasurer at the firm of Maloney, Barr & Huennekens. His practice concentrates on bankruptcy and creditors' rights law.

David E. Durrett, L'87, joined Jay Tronfield & Associates in Richmond. He specializes in plaintiff's personal injury law. He formerly was with the public defender's office.

Daniel E. Lynch, L'87, is a principal in the Richmond law firm of Williams & Lynch, which specializes in civil litigation with an emphasis on workers' compensation and liability claims. He was elected to the James Madison U. alumni board.

Malcolm P. McConnell III, R'84 and L'87, joined the Richmond law firm of Shewmake, Baronian & Parkinson. He specializes in medical malpractice litigation. He was formerly the senior staff trial attorney for the St. Paul Fire & Marine Insurance Co.

Thamer E. "Chip" Temple III, L'87, a principal in the Richmond law firm of McSweeney, Burtch & Crump, received a special recognition award from the American Heart Association for his volunteer work as legal counsel and as a member of its board of directors.

William J. Benos, L'88, was elected a vice chairman of the Central Virginia chapter of the National Multiple Sclerosis Society. He is with the Richmond law firm of Williams, Mullen, Christian & Dobbins.

Kimberly A. Pinchbeck, B'85, L'88 and GB'88, a CPA and partner in the Richmond law firm of Taylor, Hazen & Kauffman, was appointed by the Richmond Circuit Court as deputy commissioner of accounts for Richmond's Manchester Division.

Stephen G. Reardon, L'88, joined the Richmond law firm of Spotts, Smith, Fain & Buis. He practices corporate, trusts and estates, and real estate law.

Lt. Col. D.J. Thornley, L'88, was transferred from the department of the Navy's general litigation division to Iwakuni, Japan, where he is the staff judge advocate for the Marine Corps air station.

Judith Barrow Witcher, L'88, married Curry Mountcastle Motley III, on April 5, 1997, at Historic Christ Church in Irvington, Va. Included in the wedding party were the groom's father, Charles Gayle Motley, R'45, as best man, and bridesmaids Cyndi Nahorney and Teri Miles, both L'87. The couple lives in Richmond.

John G. Apostle II, R'84 and L'89, is vice president and legal counsel for Crestar Bank's consumer finance group. He formerly was with Signet Bank. He and his wife live in Richmond with their son G.J., 2.



ALUMNI PROFILE

FIGHTING
FOR RIGHTS
OF WORLD'S
CHILDREN

"In my mind I'm a citizen of the world," says Rebeca Rios-Kohn, L'81. The daughter of a Nicaraguan mother and Uruguayan father, she has studied in South America, Madrid, France — and Richmond. Still a citizen of Uruguay, she lives in Westchester County, N.Y., with her husband, a French citizen, and their two daughters, ages 10 and seven.

Rios-Kohn did not plan to be a lawyer. But a year after graduating from Virginia Commonwealth University with a theatre degree, she says she "realized that I wanted to do something more in my studies."

Her interest in law and public speaking brought her to T.C. Williams, but her desire to live in a more "international" city eventually relocated her to New York, where she relied on her fluency in French and Spanish to secure a job at a Wall Street law firm. Eighteen

months later she joined the International Planned Parenthood Federation as a Spanish-speaking lawyer.

During her six years at IPPF, Rios-Kohn traveled through Latin and South America, using the experience she gained as a legislative aide in Richmond's General Assembly and advocating for the reproductive rights of women.

In 1989, Rios-Kohn was recruited by UNICEF as a public affairs officer, responsible for addressing international issues for children. Five years later she was named chief of the Child Rights and Public Policy Division, in charge of promoting the UN Convention on the Rights of the Child worldwide and providing technical assistance and advice on human rights and relevant international laws.

Although she attempts to limit her travel, her duties demand at least six major trips a year to persuade top government officials to sanction stronger legislation for children, to increase national budgets for social programs which benefit children, and to undertake measures to combat the gross violations of children's rights which occur daily. The United States is one of only two countries that has not yet ratified UNICEF's Convention on the Rights of the Child, but Rios-Kohn is hopeful that recent support from Hillary Clinton and Madeleine Albright will help.

"The perception of children as human beings with their own rights is dramatically changing," says Rios-Kohn, who addresses child abuse, children affected by armed conflict, exploitation, trafficking and child labor on a daily basis.

Through her international travels, where she is frequently invited as a guest speaker, Rios-Kohn hopes to raise awareness of these issues and others. And even though she does not expect to see these problems erased during her lifetime, Rios-Kohn says she is seeing great progress.

"You can make a difference," she says. "I'm very committed to my work. I hope my children will be proud."

— Alissa A. Mancuso, AW'94

CLASS ACTIONS

Lisa Comber Hall, L'89, and her husband, John, welcomed daughter Natalie, born June 6, 1997. Natalie joins brother Jack, 3, and sister Emily, 1 1/2. Lisa works part time at Gawthrop, Greenwood and Halsted in West Chester, Pa.

Sallie H. Hunt, L'89, is the director of the Child Advocate Office in Charlestown, W.Va.

Margaret Emanuele Napier, L'89, and her husband, John, announce the arrival of their third child, John Riley Napier, born July 27, 1997. He joins sisters Devon, 4, and Hayley, 2.

David L. Parker, L'89, left the Army JAG Corps in January to become an associate with Chandler, Franklin & O'Bryan in Harrisonburg, Va.

John L. Walker III, L'89, became a shareholder in the Richmond law firm of Williams, Mullen, Christian & Dobbins.



Laurie Goode Ward, L'90, and her husband, Ed, have two children: a son, Benjamin Michael; and a daughter, Caroline, born Jan. 25, 1997.

Russell R. Johnson III, L'90, a Richmond lawyer, was admitted into membership in the Commercial Law League of America, an organization of bankruptcy and commercial law professionals. As a member, he provides expert testimony before congressional committees and other agencies for fair and equitable adminis-

tration of bankruptcy and commercial laws.

Anthony A. Damiani, R'88 and L'91, and his brother, David A. Damiani, L'94, opened Damiani & Damiani, a law firm in Old Town, Alexandria, Va. They concentrate on personal injury, malpractice, commercial and criminal litigation and corporate representation. Anthony and his wife, Patty, have two children: Lindsay, 6, and Anthony, 3.

Caroline L. Osborne, L'91, is an associate with the firm of Kennedy Covington Lobdell & Hickman in its Charlotte, N.C., office.

Karen M. Somors, L'91, the chief trial counsel in the Trial Service Office-East in Norfolk, Va., was recently promoted to lieutenant commander, JAGC, USN.

Charles H. Crowder III, L'92, with Harris, Matthews & Warren in South Hill, Va., recently played in the Bud Light Pro Am Volleyball Tournament in Virginia Beach, Va.

Penny A. Land, L'92, is an associate with the Chicago firm Righeimer, Martin & Cinquino. Her practice concentrates on mortgage foreclosure, creditors' rights and bankruptcy.

David N. Payne, L'92, is an associate practicing litigation at Kaufman & Canoles in Newport News, Va.

Todd J. Preti, L'92, is a partner at Payne, Gates, Farthing & Radd in Norfolk, Va. He and his wife, Patricia, welcomed twin girls, Emily and Merrick, last summer. They joined a brother and sister.

William G. Atkinson and Susan Wood Atkinson, both L'93, announce the birth of their son, Steven Henry, born June 9, 1997. They both work at the Office of the Attorney General in Richmond.

Katharine Salmon Cary and Brian Keith Cary, both L'93, announce the birth of their daughter, Caroline Bowman, June 10, 1997. Katharine is a staff attorney at the Virginia Workers' Compensation Commission. Brian is an associate in the commercial real estate group at McGuire, Woods, Battle & Boothe.

Stephanie Grana, W'90 and L'93, and her husband, **Scott Bemberis, R'89 and L'93**, opened their own law firm, Bemberis & Grana.

John T. Pendleton, L'93, is an associate in general practice at Gleason Law Office in Henninger, N.H.

Margaret Smither, L'93, of Mechanicsville, Va., was elected vice chair of Commonwealth Catholic Charities board of directors. She is with James River Corp.

Haywood A. Thornton, L'93, is an associate at Mays & Valentine. He practices general corporate law in the firm's Richmond office.

Anthony Vittone, R'90 and L'93, and his wife, Elizabeth Salley Vittone, B'91, became parents with the birth of Anthony "Fauster" Jr., born Jan. 12, 1997. See p. 23.

Elizabeth Babb Wood, L'93, works for the Commission on Family Violence Prevention in the office of the executive secretary of the Virginia Supreme Court.

Mark M. Caldwell III, L'94, is an associate at the Radford, Va., office of Sands, Anderson, Marks & Miller. He is a member of the firm's workers' compensation defense team.

David A. Damiani, L'94, and his brother, Anthony A. Damiani, R'88 and L'91, opened Damiani & Damiani, a law firm in Old Town, Alexandria, Va. They concentrate on personal injury, malpractice, commercial and criminal litigation and corporate representation.

Vasiliki "Betty" Moudilos, W'91 and L'94, is an associate with the Richmond law firm of Williams & Lynch, which specializes in civil litigation with an emphasis on workers' compensation and liability claims.

In Memoriam

William S. Cudlipp Jr., L'31

Feb. 4, 1998

Martha B. Conway, L'39

Nov. 9, 1997

David Arenstein, L'47

Dec. 21, 1997

Solomon Goodman, L'48

April 6, 1997

Thomas E. Collins, L'55

July 6, 1997

Kenneth Irvin Devore, L'55

Aug. 13, 1997

William Augustus Julius, R'57 and L'60

Jan. 1, 1998

Matthew G. Cunningham, L'93

Jan. 14, 1998

MARK YOUR CALENDAR

George E. Allen Chair in Law, Spring 1998
Visiting Scholars Series (*see p. 11*)

March 3 - April 7

1870 Dinner

April 23

Law School Association board meeting

May 9

Commencement

May 9

*Address by Judge Richard S. Arnold,
U.S. Court of Appeals for the Eighth Circuit*

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James M. Villani, L'94, joined the firm of Bellavia & Kassel in Mineola, N.Y.

Julie P. Carbonell, L'95, works in the Newtown Square, Pa., office of Marshall, Dennehey, Warner, Coleman & Goggin.

Olga S. Elyea, L'95, joined Akin, Gump, Strauss, Hauer & Feld in their Washington, D.C., office. Her practice will focus on international business transactions with an emphasis on the former Soviet Union.

Stephanie Ploszay Karn, L'95, is an attorney at Harman, Claytor, Corrigan & Wellman in Richmond.

D. Adele Nighman, L'95, will be listed in the 31st edition of *Outstanding Young Women In America*.

Karen L. Bleattler, L'96, is working in litigation for the firm of Robinson and McElwee in Charleston, W.Va.

Bill Boger, L'96, of Glen Allen, Va., joined the Richmond advertising agency of Barber Martin & Associates Inc. He works as an account service assistant.

Carrie Hallberg, B'91, GB'96 and L'96, was elected to the alumni board of the E. Claiborne Robins School of Business. She is an associate in the real estate law section of Hirschler, Fleischer, Weinberg & Cox in Richmond.

Greg Golden, L'96, joined the law firm of Baker & Botts in Washington, D.C.

Tracy L. Hamilton, L'96, of Midlothian, Va., joined the Richmond law firm of Dankos, Gordon & Whitlock as an associate.

Benjamin D. Leigh and Laura F. Dering, both **L'96**, were married in Wilmington, Del., Sept. 27, 1997.

Philip J. Markert Jr., L'96, is an unemployment insurance hearings officer for the Winchester office of the Virginia Employment Commission.

Mark E. Murray, L'96, joined the Richmond-based law firm of Mays & Valentine. He works in the firm's corporate tax and securities practice group.

Alissa J. Altongy, AW'94 and L'97, of Richmond, is a judicial clerk for Chief Justice Carrico of the Supreme Court of Virginia.

Alison Arce, L'97, works at Mitchell & Associates in Atlanta.

Kristine Dalaker, W'92 and L'97, is an associate with the Richmond law firm of Mezzullo & McCandlish.

Anna Hughes, L'97, and **Joe Myers, L'96**, were married on Aug. 31, 1997. In the wedding party were Kristie Kane, L'97, and Stephen Coren, L'96.



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RECOGNITION FOR JOURNAL

The *Richmond Journal of Law & Technology* has been named "Best of the Web" in the law review category by *legal.online*, an electronic newsletter covering the Internet for lawyers and legal professionals. See article on p. 2.